

Wednesday 23 April 2025 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

- 3. MINUTE** - Minute of the meeting of the West and Central Planning Committee of 26 March 2025. 4 -6

- 4. 22/04086/PPP - PRESTONHILL QUARRY PRESTON CRESCENT INVERKEITHING** 7 - 82

Proposed redevelopment of former Prestonhill Quarry, Inverkeithing to create a mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, cafe/bistro, associated access, open space, landscaping, SuDS and other infrastructure.

- 5. 24/01380/EIA - BALBIE FARM ORROCK AUCHTERTOOL** 83 - 108

Change of use of agricultural land and landfill restoration to form an energy crop facility, with provision of ancillary infrastructure (alterations to site access and hardstanding) and landscaping

- 6. 24/02548/FULL - CRAIGLUSCAR CRAIGLUSCAR ROAD MILESMARK** 109 - 148

Installation of 40MW solar PV array with 9.9MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development

- 7. 24/00732/PPP - LAND AT GRANGE FARM STEADING BURNTISLAND FIFE** 149 - 170

Planning permission in principle for the erection of 8 dwellinghouses and formation of access

- 8. 24/01338/FULL - WEE CAUSEWAY HOUSE LITTLE CAUSEWAY CULROSS** 171 - 188

Change of use from domestic outbuilding to dwellinghouse (Class 9) and external alterations including installation of replacement windows and doors, alterations to boundary wall to form new vehicular access, and formation of parking area

9. **24/01301/LBC - WEE CAUSEWAY HOUSE LITTLE CAUSEWAY CULROSS** 189 - 195
- Listed building consent for internal and external alterations including the installation of new windows, replacement doors and part demolition of boundary wall
10. **24/01954/FULL - 2 EAST FERGUS PLACE KIRKCALDY FIFE** 196 - 202
- External alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows (retrospective) and doors, removal of rendering of exterior walls and formation of hardstanding (amendment to 22/00518/FULL)
11. **24/01955/LBC - 2 EAST FERGUS PLACE KIRKCALDY FIFE** 203 - 209
- Listed building consent for external alteration to dwellinghouse including installation of windows, doors, re-location of heat pump, removal of existing side extension, removal of rendering, and formation of hardstanding. Alteration to previous application (22/00528/LBC)
12. **APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**
- <https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

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

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

Fife House
North Street
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Fife, KY7 5LT

16 April, 2025

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

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

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

26 March 2025

2.00 pm – 3.15 pm

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

ATTENDING: Mary Stewart, Service Manager, Major Business and Customer Service, Scott Simpson, Planner, Planning Services; Gemma Hardie, Solicitor and Elona Thomson, Committee Officer, Finance and Corporate Services.

APOLOGIES FOR ABSENCE: Councillors James Calder, Ian Cameron, Altany Craik and Andrew Verrecchia.

235. DECLARATIONS OF INTEREST

Councilor Pryde declared an interest in para. no. 238 - 24/02980/FULL – Pilmuir Works, Pilmuir Street, Dunfermline and para. no. 239 - 24/01943/FULL – 73A – 73B Campbell Street, Dunfermline - as he had previously met residents onsite to discuss parking.

236. MINUTE

The committee considered the minute of the meeting of the West and Central Planning Committee of 26 February 2025.

Decision

The committee approved the minute.

237. 24/00394/FULL - LAND TO NORTH OF MANSE ROAD CROSSGATES

The committee considered a report by the Head of Planning Services relating to an application for a residential development (191 dwellings) with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works.

Members were advised of the following amendments: -

Section 2.4.3 of report of handling states “(to be updated)”, this is deleted from the report.

Plan References included in conditions 2 (Active Travel Route), 7 (Tree Protection) and 12 (windows) updated to Plan References 003E, 085B, 086B and 087B.

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Strategic Transport Infrastructure contribution was shown as £434,468 in report, however this was amended to £439,468.

Decision

The committee agreed to: -

- (1) approve the application subject to the 25 conditions and reasons detailed in the report, with the following revised wording to Condition 18:-

“The sole means of vehicular access to and from the site for all construction traffic (including site staff vehicles), shall be via the proposed vehicular accesses from Main Street. FOR THE AVOIDANCE OF DOUBT; the developer shall take all reasonable steps to ensure that construction traffic associated with the approved development, shall avoid accessing the site through the existing housing development via Manse Road, except for works directly relating to the construction of any dwellings fronting Manse Road (plots 46 to 51 and 55 to 66).

Reasonable steps shall include (but not be limited to) including this requirement within contractual arrangements for sub-contractors engaged in the construction, providing temporary signage indicating the approved access routes, briefing all staff engaged in construction activities on the site and specifying the access route to be used for deliveries when ordering materials.”

- (2) the conclusion of a legal agreement to secure the necessary planning obligations, namely: -
- 5% of the total units on site be provided as affordable housing as per the definition contained within Fife Council's Affordable Housing Supplementary Guidance (2018). This would equate to 10 units out of the total 191 units;
 - £439,468 towards strategic transport intervention measures within Dunfermline Intermediate Zone as set out in Fife Council's Planning Obligation Framework;
 - £74,400 towards the Manse Road open space/play park area to the south-west.
- (3) that authority be delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement; and
- (4) that should no agreement be reached within 6 months of the Committees decision, authority be delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

Councillor Pryde left the meeting prior to consideration of the following items having earlier declared an interest.

238. 24/02980/FULL - PILMUIR WORKS PILMUIR STREET DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to an application for the erection of new buildings and conversion, part demolition,

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extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1,2 sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access (Section 42 application to amend Condition 21 of 20/00916/FULL relating to car parking).

Decision

The committee agreed to approve the application subject to the 11 conditions and for the reasons detailed in the report.

239. 24/01943/FULL - 73A - 73B CAMPBELL STREET, DUNFERMLINE, FIFE.

The committee considered a report by the Head of Planning Services relating to an application for the erection of a security fence, gates and bollards.

Decision

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

240. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

Committee Date: 23/04/2025

Agenda Item No. 4

Application for Planning Permission in Principle **Ref: 22/04086/PPP**

Site Address: **Prestonhill Quarry Preston Crescent Inverkeithing**

Proposal: **Proposed redevelopment of former Prestonhill Quarry, Inverkeithing to create a mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, cafe/bistro, associated access, open space, landscaping, SuDS and other infrastructure.**

Applicant: **DDR (UK) Ltd, c/o Herbert House 22 Herbert Street**

Date Registered: **14 December 2022**

Case Officer: **Natasha Cockburn**

Wards Affected: **W5R06: Inverkeithing And Dalgety Bay**

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval subject to Legal Agreement

1.0 Background

1.1 The Site

1.1.1 The application site extends to approximately 18 hectares, comprising land associated with the former Prestonhill Quarry and an area known as "Old Cricket", which lies east of Preston Crescent and south of Fraser Avenue. The site would be accessed from Preston Terrace to the west and Fraser Avenue to the north. The Fife Coastal Footpath runs to the west and south of the quarry void and associated despoiled land, with the shoreline of the Forth beyond to the south and Stone Marine industrial facility beyond the Coastal Footpath to the west. There is currently no formal vehicular access into the site, although informal vehicular access is taken on occasion along the route of the coastal footpath. Quarrying of hard rock has taken place at the site, intermittently, between 1896 and the 1980s, with up to 2 million square metres of material having been taken from the quarry over that timeframe.

1.1.2 The former dolerite quarry lies adjacent to the eastern edge of the town of Inverkeithing and represents a major cut into the hillside, with a deep water-filled void on the quarry floor. The site

itself is partly naturally regenerated and is used as informal recreation space by the residents of both Inverkeithing and Dalgety Bay, being located adjacent to the route of the Coastal Footpath. The water-filled void has also been used over a number of years by divers, both local and from further afield, as a diver training venue. Bathymetry data from a local diving website suggests the pond is 11m deep. There have been four fatalities in the quarry pond between 1973 and 2017, 3 resulting from misadventure by under-19s and the other a 36-year old diver engaged in an organised diving activity, all of which were the cause of local concern and wider press/media interest at the time. Videos taken by divers show the extent of the dumping that has taken place in the quarry pond over the years, in which there are sunken boats and a number of vehicles (understood to have been pushed in off the high faces) as well as smaller items of debris such as old tyres.

1.1.3 As well as the safety issues presented by the water-filled quarry void, there are safety concerns related to the angle and integrity of the quarry faces themselves, with many of the quarry faces rising almost vertically to a height of around 30m. There is no record or evidence of any slope stability work having been carried out on completion of quarrying at the site and, over the years since then, there has been extensive weathering leading to concerns about further uncontrolled rock fall at the site, presenting a significant potential hazard to anyone below the site of the fall. It is likely that past quarrying operations, erosion over time, and the lack of any maintenance regime has led to a weakening of the rock mass. There are existing large blocks at height which are considered to pose a particular risk due to the nature of their physical connection to the main rock mass. The risk of continued rock fall is significant and will continue to increase should no remedial action be taken.

1.1.4 Despite the potential dangers of the quarry in its current condition, the site is open to the public and is being used as an informal recreation area. The site has been fenced off in the past, but the fencing has been continually breached to allow access to be gained. The complex ownership situation has led to difficulties in applying and maintaining security measures at the site.

1.1.5 In 2016, Fife Council funded the erection of fencing around the quarry, and signage warning of the dangers of the site. The cost of these works was in excess of £20,000. The fence was vandalised during construction, meaning repairs were required even before completion. Once the fencing was complete it was very quickly vandalised again to allow access. A Notice served on the owner of the site under the Environmental Protection Act 1990, advising that the owner should erect fencing and signage went unheeded, and a subsequent report to the Procurator Fiscal by Fife Council's Environmental Health Team for failure to comply with the Notice did not result in legal action being taken against the owner of the site.

1.1.6 The topography of the site is complicated by the presence of the former quarry with the outer edges of the developable area closest to the Firth of Forth being generally flat. A large area of deep water is present centrally within the site, with steep cliff edges surrounding the water pool on three sides. A smaller excavated area is located towards the western portion of the site and as such these areas are well screened from the industrial/commercial premises to the west and the metal recycling facility across the inner bay.

1.1.7 The site lies to the north of the Firth of Forth and south of the settlement boundary of Inverkeithing within the adopted 2017 FIFEplan. The eastern part of the application site lies within the Letham Hill local landscape area. Vehicular access to the site is from Preston Crescent, which is subject to a 20mph speed limit. The Fife Coastal Path and National Cycle Route 76 pass through the southern part of the site. Core path P631 passes through the northern part of the site.

1.1.8 The site is defined by the existing Prestonhill Quarry and associated historical quarrying activities. The main part of the quarry is irregular in shape and is approximately 330m long by 100m wide in size. Located within the north central part of the quarry is a flooded basin, approximately 50m long by x 70m wide, that holds a consistent 10 metres depth of water. The

remainder of the quarry floor is level and extends to the south and south-west towards the banks of the Firth of Forth. Here, the site slopes very gently up from the estuary, starting at an elevation of about 6m above Ordnance Datum. The defining features of the site are the main rock faces surrounding the inner quarry which are near vertical and measure up to 30m in height. The existing rock faces appear unstable in places and there are signs of the rock being fractured near the top. The condition of the rock faces is detailed in the Quarry Rock Face Inspection Report and Desktop Study prepared by Bayne Stevenson Associates, included with this application. To the west of the quarry is an undeveloped grass and heathland area, that slopes up from the western boundary. Historical evidence suggests that this area was once part of the quarry floor with current ground profile a result of made ground or spoil from the quarry. This raised area then extends around the north-west and north of the quarry continuing into a larger undeveloped expanse of land forming the eastern third of the proposed development site.

1.1.9 Quarrying of dolerite at the site commenced in the 1890s and continued through the early and mid 20th century, with operations having ceased by 1980. The majority of the equipment associated with the quarry operations has since been removed from the site. Despite being accessible to the public, the site presents a dangerous environment due to the vertical and unstable quarry walls. The flooded basin is also regularly used as a dumping area. The site is currently listed on the Scottish Vacant and Derelict Land Survey register. It is widely known in the local area that the neglected site poses a risk to members of the public entering the former quarry areas. There have been four recorded fatalities in the flooded portion of the quarry. During the resulting investigations into these fatal accidents, no party could be found to be held accountable for the condition of the site. Due to the danger to the public, Fife Council acted and made attempts to seal off the inner quarry area and cliff edges with substantial fencing, however, the fencing was vandalised after erection and has not been maintained since. Access to the quarry cliffs and flooded basin is currently unrestricted. The history of fatal accidents within the quarry has resulted in significant community pressure and support for addressing the safety issues associated with the disused quarry and surrounding land. The key of controlling Standard Security over the site was obtained in June 2017. A legal agreement has been put in place with the applicant, DDR (UK) Ltd, allowing redevelopment proposals for the quarry site to be progressed.

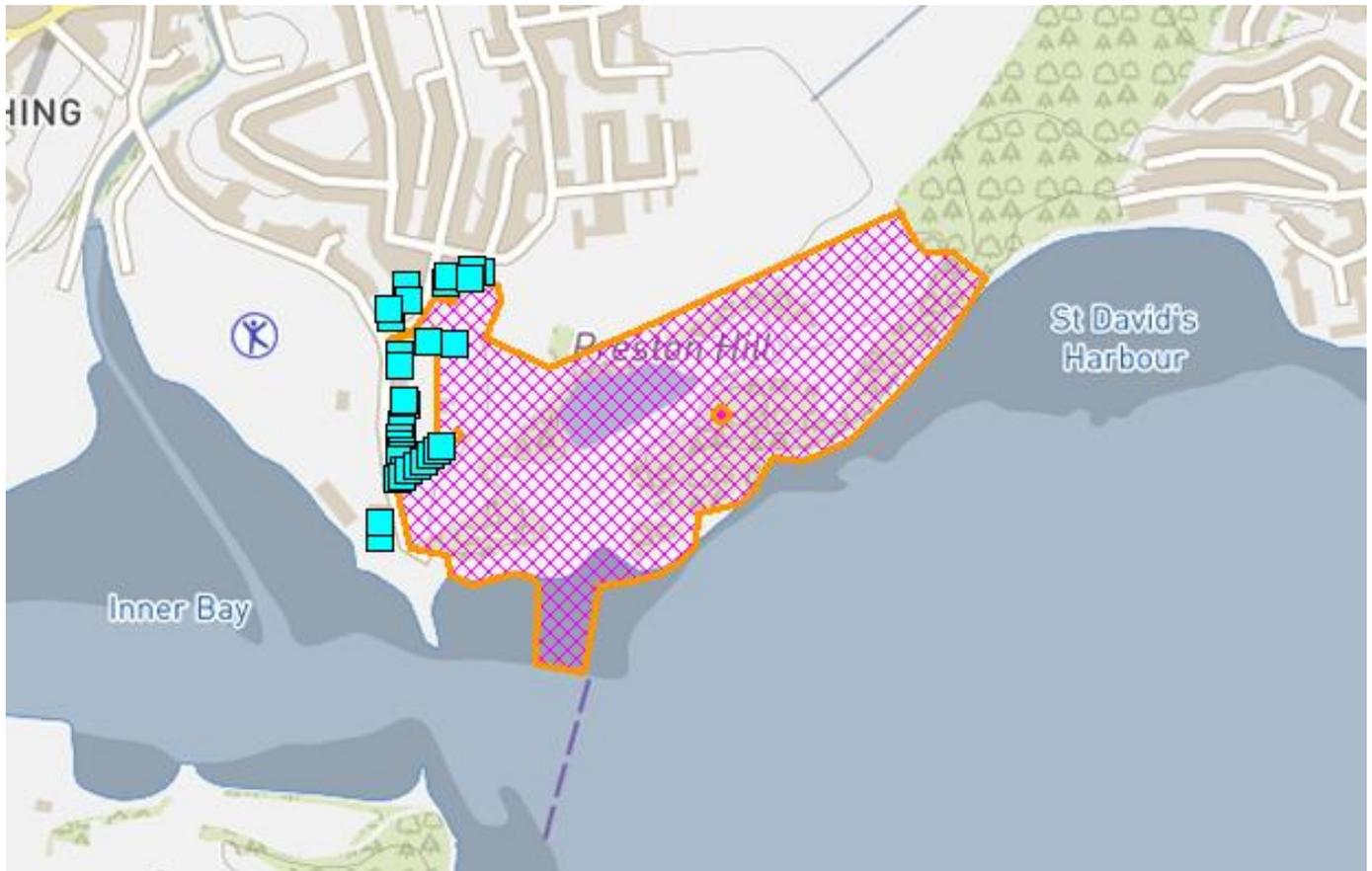
1.1.10 The overall site lies mainly outwith, but adjacent to, the settlement boundary of Inverkeithing as identified in the FIFEplan Local Development Plan 2017. Letham Hill Wood separates the site from the Dalgety Bay settlement boundary. The 'Old Cricket' area is within Inverkeithing's settlement boundary. A small area occupied by a garage/shed lying opposite Preston Terrace, at its south end, is also included in the settlement boundary. The site is therefore predominantly 'countryside' in terms of its planning policy consideration but is integrated with the adjacent settlement.

1.1.11 Prestonhill Quarry is included in Fife Council's most recent 'Vacant and Derelict Land Audit 2024' (February 2025) as Prestonhill Quarry, Inverkeithing (Site Reference DC070). The site is recorded as being 8.14ha, a derelict site in countryside. The Audit records that ownership is unknown, that the site has been recorded in the Audit since 2001-2004 with its previous use being mineral activity. This survey collects data on the extent and state of vacant and derelict land in Scotland with the purpose of informing the programming of rehabilitation, reuse and future planning. Derelict land is defined by the Scottish Government as 'land which has been so damaged by development, that it is incapable of development for beneficial use without rehabilitation. In addition, the land must currently not be used for the purpose for which it is held or a use acceptable in the local plan. Land also qualifies as derelict if it has an un-remedied previous use which could constrain future development. For both vacant and derelict land records must be at least 0.1ha in size to be included.

1.1.12 The topography of the site is complicated by the presence of the former quarry with the outer edges of the developable area closest to the Firth of Forth being generally flat. A large area of deep water is present centrally within the site, with steep cliff edges surrounding the water pool on three sides. A smaller excavated area is located towards the western portion of the site and

as such these areas are well screened from the industrial/commercial premises to the west and the metal recycling facility across the inner bay.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The application seeks planning permission in principle for a mixed-use development incorporating approximately 180 residential units (including affordable housing units), holiday lodges, café/bistro, associated access, open space, landscaping, SuDS, and other infrastructure. The quarry pond would be infilled as part of the proposal.

1.2.2 Objection comments, including comments from the Community Council, have raised concern that the submitted application does not contain any new or amended information compared to the previously refused application. A planning application (reference 21/01842/PPP) for a similar mixed-use development was refused in 2022. The previously refused planning proposal was for approximately 123 private dwellinghouses, 12 private flatted dwellings and 45 affordable dwellings. The current proposals are for approximately 100 private dwellinghouses, 35 flatted dwellings and 45 affordable dwellings. The provision of the 45 affordable homes previously showed affordable housing on land to the northwest of the site, part of the original Fraser Avenue redevelopment approval and further affordable housing was indicated in the southwest of the site. The land to the northwest of the site which previously contained proposed affordable housing has now been removed from the proposals and all affordable housing is proposed to be located within the main part of the site along the north within four pockets. The affordable housing to the northern section, which has been removed from the proposal, has planning permission for affordable homes as part of the Fraser Avenue redevelopment by Campion Homes so is no longer part of

the proposals for this site. A larger buffer zone is now proposed to the west, adjacent to the Stone Marine Services and Preston Terrace. A large area of the hill to the east of Preston Terrace and facing the frontage of the Terrace, rising from the access road as it joins with Preston Crescent, will not be developed and will be retained as existing, providing open space with opportunity for recreational use and biodiversity benefits. The remainder of the proposals remain the same as planning application reference 21/01842/PPP, which was refused.

1.2.3 The submitted Concept Plan and Design and Access Statement illustrate the proposals indicatively, in principle. The concept plan includes an area of open space to the north west, intended to contribute to green and blue infrastructure, providing safe public recreational space and biodiversity enhancements along with sustainable drainage provision. A buffer zone is indicated to the west, separating the site from Preston Terrace and the Stone Marine Services, in the form of a mound/embankment providing noise mitigation from the existing industrial sources of noise. The plan includes an area of stone walling along the coastal path, made from recycled quarry stone, along the southern boundary of the site. A small number of holiday lodges would be located on the higher ground between the quarry and Letham Hill Wood to the eastern side of the site. Four pockets of affordable housing are proposed along the northern part of the site, and six pockets of private housing are proposed in the remainder of the centre of the site. In the middle, a central public landscape area is proposed, with a SUDS pond and a feature bridge with footpaths, picnic areas and a playground. To the south west of the site, at the coastal edge, a viewpoint and drinking fountain is proposed alongside the Beamer Rock Lighthouse which is proposed to be relocated and reassembled as a landscape feature. A high level viewpoint is indicated to the north west of the site, connecting to a footpath network to the north. The disused conveyor structure stretching out into Inverkeithing Bay would be re-purposed to provide a pier for leisure boat access.

1.2.4 A new road link is proposed from the site into Fraser Avenue, connecting to the new approved development to the north (planning reference: 24/01407/FULL) and to Preston Crescent to the northwest. The proposals also include the relocation and realignment of the Fife Coastal Path within the site boundary, which would be located along the southern boundary of the site at the coastal edge. Pedestrian routes are indicated along the northern boundary of the site, connecting to the core path to Spencerfield to the northeast, and further west to Letham Woods, through the proposed holiday lodge development, extending south connecting into the coastal path. Footpath connections are indicated to the west, also connecting to the coastal path.

1.2.5 It is advised that it would be necessary to excavate stone from the quarry to regrade the existing steep quarry faces, infill the water-filled quarry void and provide materials for construction of the development platforms and for the new buildings. This would involve blasting, which would require no more than 8 blasts over the lifetime of the project. The development is expected to be a 6-year project, estimated to commence in 2025 and complete in 2031. These timescales would be updated depending on whether the application is approved by Planning Committee.

1.2.6 There is a row of individual lock up garages located to the northwest of the site, used by the properties on Preston Terrace. Part of the application site is also currently being used as garden ground by some of the properties. The submission advises that the undeveloped portion of land to the west of the site would allow some visitor parking to be incorporated and for land to be gifted to the properties of Preston Terrace for private gardens due to the limited garden space available to these properties.

1.2.7 Three Character Areas are indicated within the Design and Access Statement: Character Area 1 is located at the west of the site, adjoining Preston Crescent and Preston Terrace. This area is proposed to provide one of two gateways into the site, and it is where the Fife Coastal Path enters the site from the west. Character Area 2 forms the southern edge of the site that

adjoins the Fife Coastal Path and will sit below the level of the housing, incorporating reused quarry materials and native planting. The housing in this area would consist of larger, 1.5 and 2 storey detached units located to maximise views out to sea. Character Area 3 provides a transition from the denser character of the northern part of the site through to the housing at the southern coastal edge. It is envisaged that housing in this area would be organised to frame views south to the sea with narrow lanes and mews type houses forming the character.

1.2.8 Objection comments have raised concern that this application does not contain additional information or amendments above what was submitted with the previously refused application. The additional information submitted with this application which did not form part of the previously refused application is as follows, amongst other additional details provided throughout the assessment of this application:

- Amended Landscape and Visual Impact Assessment
- Amended Design and Access Statement including a Character Plan
- Amended Planning Statement
- Economic Assessment Report
- Rock Removal Method Statement
- Bat Activity Report
- Amended Concept Plan as described above
- Drainage Strategy
- Additional Cross Sections

1.3 Relevant Planning History

1.3.1 The Prestonhill Quarry site has considerable planning application history, relating both to its former use as a quarry and thereafter in terms of its redevelopment for residential development.

1.3.2 Various Minerals related applications date from the 1960s, with the concluding mineral related application for an Interim Development Order registration in 1992:

65/00001/HIST (65/1153) - Winning and working of minerals at Spencerfield, Inverkeithing (APPROVED 2.11.65)

66/00002/HIST (66/318) - Winning and working of minerals at Spencerfield, Inverkeithing (APPROVED 10.6.66)

72/00001/HIST (72/714) - Extension of Jetty at Prestonhill Quarry, Inverkeithing (APPROVED 16.6.72)

72/00002/HIST (72/1163) - Extension of Prestonhill Quarry, Inverkeithing (APPROVED 16.10.72)

77/00001/HIST (77/0064) - Construction of new access road at Prestonhill Quarry, Inverkeithing (APPROVED 17.3.77)

92/00003/HIST (CN/LT/IDO/DDC/001) - Interim Development Order registration in respect of the winning and working of minerals at Prestonhill Quarry, Inverkeithing (APPROVED 4.12.92)

1.3.3 In the early 2000s applications were submitted to Fife Council for residential development along with recontouring of the quarry and formation of an access road, and were refused:

00/03085/WFULL - Recontouring of quarry by extraction and placement of rock, and formation of an access road at and adjacent to Prestonhill Quarry, Inverkeithing (REFUSED 24.5.02)

00/03093/WOPP - Outline planning application for a residential development with associated road access, footpath and landscaping at Prestonhill Quarry, Inverkeithing (REFUSED 24.5.02)

The proposal for the residential development (initially 350 units and reduced to 280 units during the application process) was outline/in principle only. A difficulty with achieving the proposal at the time was that the potential access from Fraser Avenue was not in the control of the applicant (now resolved in this current application).

The assessment of the proposal at that time did include discussion of the quarry Interim Development Order which potentially allowed the quarry to continue extraction. At the time of these applications the Council concluded that it was unlikely that future extraction would take place given previous difficulties in the working of the quarry and the proximity of residential properties. At that time, the Council considered that it would be difficult to conclude whether conditions could be agreed with the Council to restart extraction, given the environmental implications and the difficulty in any future quarrying being possible in an environmentally acceptable manner.

The two applications below were ultimately refused by Committee with 7 votes against and 6 votes for approval. The public safety issue associated with the water and quarry walls, although given some recognition at the time, did not appear to be the high-profile issue that has subsequently become the case with more recent losses of life. Subsequent applications were made in 2002, reducing the number of houses, and these were also refused/withdrawn:

02/02285/WOPP - Outline application for the erection of 280 residential units with associated vehicular accesses; footpaths and landscaping at Prestonhill Quarry, Inverkeithing (REFUSED 16.1.03). The land within the site to the northwest of the quarry area, known as 'Old Cricket,' has planning approval, in principle, as part of the Fraser Avenue redevelopment (15/03844/PPP). The area was identified as Phase 5, the final phase, of the scheme.

02/02286/WFULL - Recontouring of quarry by extraction and placement of rock; and formation of an access road at and adjacent to Prestonhill Quarry, Inverkeithing (WITHDRAWN 18.10.05)

21/01842/PPP - Redevelopment of former Prestonhill Quarry, Inverkeithing to create a mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, cafe/bistro, associated access, open space, landscaping, SuDS and other infrastructure. Recommended for approval by Council Officers, Refused by Members and appeal dismissed by Reporter (REFUSED 22.02.22). The committee's reason for refusal was that there would be an impact on the character of historic Inverkeithing and its surrounding

natural heritage assets and that this was not outweighed by the safety advantages offered by the proposal.

The Environmental Impact Assessment (EIA) Screening and Proposal of Application Notice (PAN) associated with application reference 21/01842/PPP are below:

20/02468/SCR - Request for Screening Opinion for mixed use development including approximately 180 residential units (including affordable housing), holiday lodges, associated access, open space, landscaping, SUDs and other infrastructure (EIA NOT REQUIRED 6.11.20)

20/03263/PAN - Proposal of application notice for mixed use development including approximately 180 residential units, holiday lodges, access, open space, landscaping, SUDs and associated infrastructure (PAN AGREED 16.12.20).

1.4 Application Procedures

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

1.4.2 The proposed development is over 2 hectares in site area and comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public information events (ref: 20/03263/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application.

1.4.3 Objection comments have raised concern that the applicant has not been in discussion with the community since the previous application was refused. The Planning Application was submitted on 14th December 2022 and the Proposal of Application Notice (PAN) was submitted on 8th December 2020, making the PAN almost 2 years old when the amended application was submitted. However, The Town and Country Planning (Scotland) Act (1997) (as amended) sets out exemptions to the requirement for further Pre-Application Consultation (PAC) to be carried out for an amended application. PAC exemptions under section 35A(1A)(b) were introduced on 1 October 2022 and an exemption under section 35A(1A)(b) applies where:

- (a) the application for planning permission relates to proposed development—
 - (i) of the same character or description as development (or part of the development) in respect of which an earlier application for planning permission was made (“the earlier application”),
 - (ii) comprised within the description of the development contained in the proposal of application notice for PAC given to the planning authority under section 35B(2) in respect of the earlier application, and
 - (iii) to be situated on or within the same site as the development to which the earlier application related and on no other land except land which is solely for the purpose of providing a different means of access to the site of the proposed development,

(b) there has been compliance with the PAC requirements in respect of the earlier application, (c) the planning authority has not exercised their power under section 39 to decline to determine the earlier application, and

(d) the application for planning permission is made no later than 18 months after the validation date of the earlier application.

1.4.4 As the new application meets the criteria under the above listed exemptions, and the application was submitted 12 months after the validation of the original application so was within the 18-month timescale requirement, the original PAC could therefore be relied upon for the amended submission and no further PAC was required in this instance. It is set out within the Development Management Procedures Circular (2022) that the exemption provided for by section 35A(1A)(b) and regulation 4A is intended to allow, for example: applicants to address grounds for refusal of permission; make amendments to address practical considerations that arise in the wake of planning permission being granted; or, where an application has to be withdrawn and a fresh one submitted, to address some aspect of the development without having to start PAC again.

1.4.5 Objectors have raised concerns that the neighbour notification process was not carried out correctly because the application was submitted before the festive break and during a postal strike. Neighbour Notification was carried out on 14th December 2022 and the application was advertised in the local press as a Schedule 3 "Bad Neighbour" development on 29th December 2022. The Neighbour Notification process was carried out as per the Town and Country Planning (Scotland) Act 1997 (as amended) with letters sent out to neighbours within 20 metres of the boundary of the application site and given a minimum of 21 days to make representations. The Planning Authority cannot control matters such as postal strikes, or when a planning application is submitted to them. It is also noted that the application attracted 119 responses from the public.

1.4.6 Fife Council had previously been asked by the applicant to adopt a Screening Opinion under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Following a review of the submitted documents, and an assessment of the extent and significance of the potential impacts of the development proposal on the natural environment, built heritage and residential amenity, the Planning Authority concluded that the development did not create a significant effect in environmental impact assessment (EIA) terms and therefore an Environmental Statement was not required (reference: 20/02468/SCR).

1.4.7 As detailed in the Pre-Application Consultation (PAC) Report submitted with this application, consultation measures included two, 3-hour, online public consultation events held on 21st January 2021 and 18th February 2021. The first event was advertised in both The Courier and the Dunfermline Press on 7th December 2020, with the public notice of the 1st event also published on the Dunfermline Press Facebook page on 6th January 2021. The second event was advertised in both The Courier and the Dunfermline Press on 4th February 2021. A total of 59 attendees took part in the first event and 37 attendees participated in the second event.

1.4.8 The applicant's initial proposal, promoted during the Pre-Application Consultation, included Letham Hill Wood within the application site. The applicant's intention in including the Wood within the site was to support the community's existing recreational use of this area, improving paths and accessibility, and to gauge opinion in relation to any additional proposals for recreation. Facilities such as zip wires had been an early suggestion. However, the feedback during public consultation made it clear that there was a preference that there should be no additional

recreational provision in Letham Hill Wood. The Wood was therefore removed from the site in the submitted application. In addition, further to initial public consultation, a café/bistro has been included in the proposal, located on the higher ground to the east of the site.

1.4.9 A physical site visit was carried out on 13th November 2024. Drone footage of the site is also available.

1.4.10 Objection comments raise concern that no fee was taken for this application. In accordance with the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, revised or fresh applications for development or advertisements of the same character or description within 12 months of refusal, or within 12 months of expiry of the statutory 2 months period where the applicant has appealed to the Secretary of State on the grounds of non-determination occur no fee. This application was submitted within the timescale for re-submission and was of the same character and description as previously refused, therefore no fee was required to be paid.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

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

Policy 31: Culture and creativity

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

Policy 4: Planning Obligations

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

National Guidance and Legislation

Historic Environment Scotland Policy Statement (2019)

This policy statement advises that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2016)

This guidance sets out the general principles that should apply to developments affecting the setting of historic assets or places including listed buildings. The guidance advises that it is important to identify the historic assets that may be affected, define the setting of each asset and assess the impact any new development may have on this.

PAN (Planning Advice Note) 1/2011

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

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

Planning Customer Guidelines

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

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

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

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

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

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space. This does not include space for garages, parking or manoeuvring vehicles. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. This guidance also advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

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

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

Other Relevant Guidance

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

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

2.0 Assessment

2.1 Relevant Matters

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

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

- Sustainability
- Developer Contributions
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Strategic Transport Interventions
- Other Infrastructure Considerations
- Community Plans

2.2 Principle of Development

2.2.1 Policies 1, 16, 17, 23 and 9 of NPF4 and Policies 1 and 2 of FIFEplan Local Development Plan (LDP) apply. Planning application reference 21/01842/PPP and subsequent appeal reference PPA-250-2377 is also a material consideration.

2.2.2 Planning application 21/01842/PPP was recommended for approval by Council Officers and was subsequently refused by Members at Central and West Planning Committee. The applicant appealed the decision to the Scottish Government and the Reporter dismissed the appeal. Fife Council Officer's recommendation for approval cited that: '...whilst the application is considered to be contrary in principle to the Adopted FIFEplan (2017), in that it does not meet the terms of Policies 8 and 2, it is not considered significantly contrary as it would not conflict with the strategy of the Development Plan...the impacts are not so severe as to warrant refusal of the application, can be mitigated to some degree and are justified by the end result of creating a new development on a site with significant public safety concerns'. Significant weight was placed on the public safety concerns and the benefits of developing the site to address these concerns.

2.2.3 Fife Council Central and West Planning Committee Members refused the application for the following reason: 'the nature and scale of the application proposal would detrimentally impact upon the character of the historic town of Inverkeithing and the surrounding natural heritage assets (including the coastal plain), contrary to Policies 1, 7, 8, 13 and 14 of the Adopted FIFEplan (2017), and this impact is not outweighed by the safety advantages offered in terms of the application proposal'.

2.2.4 The Reporter, in deciding the Appeal (PPA-250-2377), refused the application because:

- 'Insufficient detail has been provided...to fully assess the landscape and visual impact of the proposal in relation to LDP policy 13'
- 'Significant concerns regarding the landscape and visual impact from the Fife Coastal Path and the upper parts of Inverkeithing, in particular'
- 'The outcome of the ecological assessment, in relation to the impact on bats, to be inconclusive'
- 'The proposal has not demonstrated how it would meet the six qualities of successful places.'
- 'Insufficient information has been provided in relation to quarrying and site engineering works to allow an assessment of likely impacts on residential amenity.'

The Reporter did not place significant weight on the public safety concerns of the site, stating: 'I have not been directed to any policy which indicates that public safety should be the paramount consideration in the determination of this appeal, and no evidence has been provided to

demonstrate that the appeal proposal represents the only opportunity to address the public safety issues on the site. I conclude that the public safety benefits associated with the proposal are a material consideration to be assessed alongside other benefits and adverse impacts. I do not underestimate the importance of making the site safe or the serious consequences of not doing so. However, I do not consider that this matter in itself would justify the approval of the appeal proposal'.

2.2.5 Planning application reference 21/01842/PPP and the appeal (PPA-250-2377) were both determined prior to the adoption of NPF4, therefore the decisions were both based on FIFEplan Local Development Plan (2017) and SESplan Strategic Development Plan (2013). SESplan is now out of date and has been superseded by NPF4 (2023) so the current proposal must be assessed against NPF4 (2023) and FIFEplan (2017) where relevant.

2.2.6 Objection comments raise concern that the proposal does not comply with FIFEplan (2017) Policies 7 and 8 for development in the countryside. Objection comments also raise concern that there is no housing shortfall. Support comments state that they would like to see the site developed, that redeveloping brownfield land is more preferable than developing on greenfield sites, and that they would like to see this proposed development in the area. The site is not allocated for development and lies immediately adjacent to, but predominantly outside of, the settlement boundary of Inverkeithing. The area to the northwest end of the site, lying behind Preston Crescent and to the south of Fraser Avenue, and a small area fronting the south end of Preston Terrace are within the Inverkeithing settlement boundary. The site is therefore predominantly outside of the settlement boundary and therefore classed as 'countryside' in terms of relevant policies. The entire site is identified as an existing Green Network Asset, with specific Green Network Opportunities identified within FIFEplan. The Letham Hill Local Landscape Area extends from Letham Hill across the eastern part of the site to its west, terminating around the eastern quarry wall. The site is included in the Council's Vacant and Derelict Land Audit (Site Reference: DC070) and given its quarrying history, it is predominantly brownfield land, a matter which was agreed by the Reporter in the Appeal decision.

2.2.7 NPF4 Policy 1 sets out that when considering all development proposals significant weight will be given to the global climate and nature crises. This is the overarching aim of NP4, which has a focus on tackling the climate and nature crisis. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) states that proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. This site is included in the Council's Vacant and Derelict Land Audit and so is 'vacant and derelict land' in this context, so the re-use of this land is supported by NPF4. The principle of the re-use of this site is therefore supported, however it must also be considered whether the proposed use for housing is acceptable. An assessment of the existing biodiversity value of the site has been carried out and compared with the projected biodiversity value of the site once developed as per the proposed plans. It has been established that the quarry site has been disturbed by previous industrial activity, so the environmental baseline is different from a greenfield site. A development still needs to ensure that the proposal incorporates measures to protect the surrounding natural environment, particularly regarding water quality, wildlife habitats, and landscape character are undertaken. The assessment shows the biodiversity baseline of the site, and the biodiversity net gain following development of the site and uses a basic landscape mix. The headline results give an on-site net change of minus 35% between the site as existing and the site as developed with a basic landscape mix. Therefore, although this represents a negative impact, it is demonstrated that the site as existing, is not of significant biodiversity value and the biodiversity of the site can be significantly increased with a more diverse landscape mix, including enhanced woodland. This

assessment concludes that the proposals could significantly enhance the biodiversity of the site, aligning with NPF4 Policy 9 and NPF4 Policy 17.

2.2.8 In determining whether the principle of the proposal was acceptable, the Reporter placed significant weight on the shortfall in the five-year effective supply of housing, which Officers did not. The Reporter considered that the proposal would meet FIFEplan (2017) Policy 2 (Housing) criterion 1 which supports housing on land not allocated for housing where a shortfall in the 5-year effective housing land supply is shown to exist within the relevant Housing Market Area, if the development is capable of delivering completions in the next five years. The Reporter also considered that it would meet criterion 3 in that it would complement and not undermine the strategy of the LDP because the West Villages Area Strategy within the LDP states that 'it is appropriate that further allocations are made in this area due to its proximity to jobs, services, and other infrastructure which allows access to the rest of Fife and the wider region'. The Reporter did not find that the proposals met the second criterion in policy 2 which states that the proposals should not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan, because they considered there to be insufficient information to establish this (these are the issues outlined above in paragraph 2.2.2). It was considered that criterion 4 could be met, which requires proposals to address infrastructure constraints.

2.2.9 Given the time passed since the Reporter decided the appeal, NPF4 has been adopted and now forms part of the Development Plan. This is a new consideration which was not present at the time the previous application was considered by Fife Council Officers, Members and the Reporter. This application must now be assessed against NPF4 policies and where there is a conflict between LDP Policies and NPF4 Policies, it is NPF4 which prevails.

2.2.10 The applicant's Planning Statement sets out that it is FIFEplan (2017) Policy 2 which prevails in this instance, rather than NPF4 Policy 16. The applicant's Planning Statement sets out that Chief Planner's letter published in June 2024 (Planning for Housing) outlines that Policy 16 states 'LDPs are expected to identify a Local Housing Land Requirement for the area they cover.' The Minimum All Tenure Housing Land Requirement (MATHLR) will be part of the preparation of the forthcoming Fife Local Development Plan, with due process carried through in its preparation. The statement sets out that NPF4 provides only the broad basis for the detailed preparation of the Fife housing land requirement using the MATHLR, without the ability for it to be used in the decision-making process at this time, and therefore FIFEplan Policy 2: Homes and its stated housing land requirement must prevail to ensure needs are met at this time.

2.2.11 The applicant's statement sets out that the MATHLR figure for Fife (Central and South) is informed by the Housing Need and Demand Assessment 3 (HNDA3) for South East Scotland. It is stated that, during the Appeal of the earlier application for the redevelopment of Prestonhill Quarry, the Reporter requested comments on Fife Council's submission that the HNDA3 (published during 2022) gave support to its assertion that there was a surplus in the housing land supply in relation to the Prestonhill Quarry application. In response, the appellant noted that the function and purpose of HNDA3 is to provide an evidence base and support the preparation of Local Housing Strategies and the Local Development Plan land allocations and policies. The NPF4 Explanatory Report sets out the changes made between Draft NPF4 and the Revised Draft NPF4 in response to the consultation undertaken. It responds to comments on the approach to establishing the MATHLR, stating that 'It is expected that the HNDA process will be completed in full as part of the Evidence Report stage of the LDP preparation process and planning authorities will be able to use the outcome of the full HNDA to inform setting the Local Housing Land Requirement for the LDP, which is expected to exceed the NPF4 MATHLR figure. Meantime, we are content the MATHLR process provides a robust, evidence-based approach to establishing

the national requirement.’ This clarifies that the MATHLR establishes a national requirement, with the preparation of Local Development Plans establishing the Local Housing Land Requirement through the evidence of the plan preparation process. The applicant therefore contends that significant weight cannot be given to the MATHLR in the decision-making process, or the HNDA3, as has already been argued in the appeal of the earlier application.

2.2.12 The applicant references a recent Court of Session decision (*West Lothian Council v The Scottish Ministers and Ogilvie Homes Ltd* ([2023] CSIH 3) of 20 January 2023, which challenged the Reporter’s decision on Appeal PPA_400_2121 for residential development at Hen’s Nest Road, East Whitburn, West Lothian. The Reporter, in the decision, noted that ‘in the particular circumstances of West Lothian, where at the date of this notice there is less than 2.5 years of the plan period left to run, the debate over methodologies and the calculated scale over 5 years is not particularly helpful.’ The reporter took a ‘more straightforward approach’ – comparing the number of houses planned to be built as set out in SESplan with the evidence from the housing land audit of how many were expected to be built by the end of the plan period and noting that the housing land shortfall was significant. The Council challenged this approach. The Court of Session opinion clarified that development plan ‘exceptional release’ policies, i.e. where there is a shortfall in the 5-year housing land supply, are a ‘means to an end and not an end in themselves. That end is the fulfilment of the overall purpose of a development plan, which is to ensure that the housing need in the area is met.’ The decision notes that the Reporter’s conclusion was not that the difference in the numbers ‘triggered the exceptional release provisions, but that it demonstrated the existence of a significant shortfall in the effective HLS presently available.’ The decision continues that ‘An adequate land supply should be available at all times.’

2.2.13 The submitted ‘Planning Statement v2’ takes this same approach (para 12.34) for the SESplan area of Fife (with these figures taken forward into the extant FIFEplan), highlighting a significant housing land shortfall. NPF4 intends that there should be sufficient housing land available to meet needs. The MATHLR that is set for Central and South Fife (and expects to be exceeded) is a basis for the preparation of the ‘new’ Local Development Plan and the LHRL, with the Call for Sites having been closed in February 2025 and the Proposed Plan consultation expected to begin in early 2026. The submitted statement suggests that at this time decision making can only be based on the existing FIFEplan Policy 2: Homes and its stated housing land requirement, with this clearly identifying a shortfall of housing land in the Dunfermline and West Fife Housing Market Area. The report sets out that this approach is not incompatible with the application of Policy 16, its policy intent or its detailed policy criteria. The submitted report states that the Chief Planner’s letter emphasises that NPF4 must be applied as a whole, with the balance of planning judgement guiding decision making and the proposal can demonstrate compliance with NPF4’s strategy, regional spatial priorities and policies, contributing to its ‘crosscutting outcomes’ and overarching intent to tackle the climate and nature crises.

2.2.14 In response to the applicant’s discussion regarding the MATHLR figures and relevance of NPF4 Policy 16, it is noted that a more recent appeal and court of session case (*Miller Homes vs Scottish Government*) provides a more up to date judgement on this matter. This appeal concerned a called-in application for around 250 homes on an 18.45 ha unallocated greenfield site in Mossend, West Lothian. This case considered NPF4 Policy 16 and whether it could be reasonably applied without new-style Local Development Plans to include local housing targets and measurable delivery pipelines. The matter of whether extant LDP targets for 5-year effective supply were incompatible with the Minimum All-Tenure Housing Land Requirement (MATHLR), as set out in Annex E of the NPF4, was also discussed. In dismissing the appeal, the court found that where an inconsistency arises, Policy 16 (f) of NPF4 (which considers new homes on land not allocated in an LDP) overrides housing land release policies in old-style LDPs adopted prior to NPF4. It also found that where it is considered to be the most up-to-date position, the MATHLR

is the local housing target, until such time as the authority adopts a new Local Housing Land Requirement as part of a new-style LDP, which may exceed the MATHLR. Under an old style LDP, a Delivery Programme (a document required by NPF4 as part of the new-style LDPs) can be provided and these establish a delivery pipeline.

2.2.15 The concept of a 'shortfall' in housing land as referred to in FIFEplan LDP Policy 2 and referred to by the Reporter in their acceptance of the principle of the development outlined above, does not feature in NPF4. As discussed above, there is a conflict between NPF4 and FIFEplan LDP in this regard and therefore NPF4 prevails. It is the NPF4 reference to a deliverable housing land pipeline set out in NPF4 Policy 16 which is therefore relevant, which is to be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained. NPF4 requires a Minimum All Tenure Housing Land Requirement (MATHLR) set out in Annex E of NPF4. NPF4 is clear that the Local Housing Land Requirement (LHLR) should exceed the MATHLR for Fife figures set by NPF4. For Central and South Fife, the 10-year unconstrained supply is 226 percent of the MATHLR, and for North Fife, the 10 year unconstrained supply is 158 percent of the MATHLR. The Dunfermline and West Fife Housing Market Area therefore has sufficient housing land.

2.2.16 Therefore, in terms of the principle of housing on this unallocated, brownfield site, outside of the settlement boundary, NPF4 Policy 16 applies. Policy 16 of NPF4 is clear that proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances. Those include where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
- iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained;
 - or the proposal is consistent with policy on rural homes;
 - or the proposal is for smaller scale opportunities within an existing settlement boundary;
 - or the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

2.2.17 The proposal is supported by an agreed timescale for build-out, and this aspect can also be covered through conditions, so the proposals would meet criterion i. The proposals would be consistent with the plan spatial strategy, in terms of the re-use of brownfield land, so would meet criterion ii. For Central and South Fife, the 10-year unconstrained supply of housing is 226 percent of the MATHLR, and for North Fife, the 10- year unconstrained supply is 158 percent of the MATHLR. The Dunfermline and West Fife Housing Market Area therefore has sufficient housing land, and this development would not deliver earlier than pipeline timescales. The policy on rural homes is NPF4 Policy 17, which supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;

- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.18 It therefore needs to be established firstly, whether the proposal for new homes is suitably scaled, sited and designed to be in keeping with the character of the area. Secondly it needs to be established whether the proposal meets any of the criterion set out within Policy 17. Given the location of the site, immediately adjacent to the settlement boundary of Inverkeithing, the location and scale of the development is appropriate. The proposal is for Planning Permission in Principle, so in terms of the proposals being well designed to integrate into the surrounding landscape, this can be fully addressed in detail at the detailed design stage through Planning Conditions. Further assessment on the design and scale of the proposal is also included in Section 2.4 of this report, however, and is considered to be acceptable. Policy 17 criteria (ii) supports the reuse of brownfield land where a return to a natural state has not or will not happen without intervention. The site has been established as brownfield land (and is also on the Vacant and Derelict Land Audit), although it is acknowledged that parts of the site have re-naturalised. Whether the site will return to a natural state without intervention needs to be considered. Given the high level of alteration that the landscape has endured, including the steep cliff faces and deep pools which have been formed, it would be unlikely that the quarry would fully return to its natural state that it was before any quarrying activities occurred. It is highly likely that significant rehabilitation efforts would be required to return the site fully back to its natural state. It is recognised that once a quarry has been exhausted of its resources or is no longer in operation, it cannot fully return to its exact natural state as it existed before extraction, but it can be restored or rehabilitated to a more natural or ecologically functional state through land reclamation or restoration, and this requires intervention. This mixed-use proposal would significantly contribute towards the rehabilitation of this site. Amongst the development of the site would be areas of useable open space, connections for people to use recreationally, and areas of biodiversity value amongst other benefits such as economic and community benefits.

2.2.19 The Chief Planner's letter emphasises that NPF4 must be applied as a whole, with the balance of planning judgement guiding decision making and the proposal can demonstrate compliance with NPF4's strategy, regional spatial priorities and policies, contributing to its 'crosscutting outcomes' and overarching intent to tackle the climate and nature crises.

2.2.20 The development of 180 homes could be seen as a large-scale change, however it is considered that the site can be well integrated into the surrounding landscape and the design can respect the local setting, whilst being mindful of the fact that the proposal is for Planning Permission in Principle, where design matters can be further assessed at the detailed stage, and through appropriate planning conditions. As the site is vacant and derelict, development is a positive intervention in terms of land reuse and regeneration. NPF4 Policy 17 would support the remediation of such sites to provide new homes, as it aligns with broader goals of regeneration

and sustainability. The development is located in an area where it can be integrated into existing infrastructure and services, the design respects the rural character of the landscape, and the environmental impacts are mitigated. It is important to note that Inverkeithing is a town rather than a purely rural countryside area, so the development of 180 homes is more acceptable than it would be within more remote rural settings outwith the settlement boundary. The brownfield status of the quarry is a strong point in favour of the proposal, as NPF4 encourages redeveloping vacant and derelict land. The proximity to Inverkeithing provides good transport links, access to services, and overall connectivity, which aligns with the policy's focus on sustainable development.

2.2.21 In summary, while NPF4 Policy 17 generally supports rural housing development, the key challenge for a proposal of 180 homes at Prestonhill Quarry would be the scale of the development in relation to the site's location. If the proposal can demonstrate alignment with local housing needs, environmental sustainability, and community benefits, and if concerns related to infrastructure and environmental impacts are addressed then it would meet the relevant policies of NPF4.

2.2.22 The Adopted FIFEplan Local Development Plan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7 and 8.

2.2.23 Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is where the proposal is in line with Policy 8 (Houses in the Countryside). However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.24 Policy 8 of FIFEplan aims to manage the demand for new housing in the countryside having regard to the way in which it can bring social, environmental, and economic benefits. Policy 8 sets out that development of houses in the countryside will only be supported where;

1. It is essential to support an existing rural business.
2. It is for a site within an established and clearly defined cluster of five houses or more.
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits.
4. It is for the demolition and subsequent replacement of an existing house (provided certain criteria apply)
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building.
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5-year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes);
or

9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 of the plan.

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

2.2.25 Where FIFEplan (2017) is specific about defining countryside (all areas outwith settlement boundaries), NPF4 refers to rural areas which are not specifically defined. It appears to make sense to apply these policies to the same locations given their broad similarity, although the site is not within a rural area, rather, it is in a sustainable location, immediately adjacent to the settlement boundary. FIFEplan (2017) Policy 8 restricts the number of units, and it was previously acknowledged by Officers that the proposal did not meet FIFEplan (2017) Policy 8. However NPF4 (2023) policy 17 does not restrict the number of units which would be acceptable in a countryside location and it supports new homes in rural areas where proposals reuse brownfield land where a return to a natural state has not or will not happen without intervention. This is similar to FIFEplan Policy 8 but there is no requirement in NPF4 for there to be a cluster of at least 5 houses.

2.2.26 It is therefore considered that the proposals would meet NPF4 Policy 17 in regards to housing in the countryside, as the proposals are for new homes in rural area where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, bearing in mind that the site is on the edge of the settlement, surrounded by development to the north of the site and is not a remote rural area. Further assessment of the scale and design of the development is provided within section 2.3 of this report. Further, the proposal reuses brownfield land where a return to a fully natural state has not or will not happen without intervention. It is therefore considered that NPF4 has further support for housing in the countryside than FIFEplan, where the site is brownfield.

Health and Safety

2.2.27 Objection comments have been received which outline concerns that the quarry pond is used for recreational diving, and that the site itself is currently used for other recreational purposes. Objection comments also note concern that the Reporter did not consider health and safety to be a paramount consideration in the determination of the appeal and would not, itself, justify the approval of the development. Comments also raise concern that anti-social behaviour should be dealt with separately and is not a planning issue. Support comments note concern that the site is unsafe with its steep cliffs and deep water and that the site currently attracts anti-social behaviour, including dumping within the site.

2.2.28 NPF4 contains an additional policy relating to Health and Safety, which was not a policy which was present at the time the previous application was assessed, as referred to by the Reporter who did not consider there to be any policy which related to safety. The Reporter, in his decision, did consider that as the site is no longer required for quarrying purposes, there would be benefits in finding an alternative use for the site and addressing the current risks to public safety. The Policy Intent of NPF4 Policy 23 'Health and Safety' is 'to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing'. It is agreed that anti-social behaviour is a separate issue outside of planning. and it is not a matter which would amount to a material consideration in the assessment of this application.

2.2.29 A 'Health and Safety Report' (Hardies, September 2021) has been submitted with the application, which provides a review of the site hazards and risks associated with the site, which pose a risk to public health and safety. The report provides a review of the existing hazards and risk factors, that have the potential to cause danger to the public and a risk analysis and evaluation to determine appropriate ways to eliminate hazards or to control them. The report sets out mitigation measures to address the issues. The report sets out that the main rock faces surrounding the inner quarry pose a significant risk, being near vertical and up to 30m in height. There is evidence of rock falls at the foot of the slopes and cliff faces are at different stages of weathering, leading to erosions and scarring which will increase the likelihood of further rockfall over time. The cliff faces have little or no segregation and are widely open to public access. An undeveloped area of grass and heath to the west site was associated with quarry operations and is made up of made ground and spoil. Fife Council has erected security fencing and signage to deter the public and limit access to high-risk areas. However, this fencing has been subject to vandalism and damage and is now redundant, with the site having unrestricted access. The area is subject to fly tipping and dumping, which items including caravans, cars, furniture, tyres, cable drums and bicycles among other debris associated with the former quarry operations within the quarry pools – these are hazardous. It is noted that the site is widely used for recreational activities. However, given the above safety issues and attempts to secure the site, it is not considered that this site is safe for recreational use. It is also recognised that the pond is used by the diving community and local diving schools. The submitted report notes that diving is a potentially dangerous sport, and it is impossible to remove all risks associated with this recreational activity. However, it notes that the likelihood and severity of an incident is amplified when external factors and hazards associated with the setting are considered. As there is no monitoring or supervision of the site, behaviours such as the fly tipping, unregulated diving and swimming can occur at any time and with no formal permission in place. It is considered to be significantly dangerous to conduct diving within these unregulated waters, with the very nature of the fencing, and signage stating "do not enter" the water being a red flag for anyone looking to conduct a professionally controlled dive. The report goes on to list a number of serious incidents, including four tragedies, which have occurred over the last 40 years. It is considered that, without regular monitoring of the site, Prestonhill Quarry will remain a serious risk and concern to public safety. The report concludes that Prestonhill Quarry poses significant public safety risks and dangers, and the lack of specific ownership means that responsibility for the implementation, maintenance, and safety of the area and without direction, accountability and governance, the issues will remain unresolved. Notwithstanding this, any safety measures attempted by Fife Council have failed to remain in place due to antisocial behaviours and lack of ongoing monitoring. The site has become an unregulated recreational area with frequent life endangering activities, nuisance, and antisocial behaviour being issues. It is considered that, to improve public safety, investment into the area is required and future development which fills in the quarry would be the safest way to eliminate the risk to public safety in the long term. Regrading and securing the cliff face profiles along with the infilling of the pond would eliminate the high-profile risks associated with the site and remove the attraction for misuse of the area. NPF4 Policy 23 f) also considers that proposals will be designed to take account of suicide risk, whilst it advises that LDPs should create awareness of locations of concern for suicide. Given the steep cliffs on this site and the history of the dangers associated with these cliffs, this is also a matter relevant to this proposal. In addition, future development will ensure that the short-term health and safety of the area is improved, with the developer then having a legal obligation to ensure the health and safety of their site.

2.2.30 It is acknowledged that the redevelopment of the site for housing and a small number of holiday accommodation units is not the only option for securing the site and making it safe. However, this is the proposal which is before the Planning Authority at this time. Health and safety is therefore another element of consideration for this planning application in principle which needs to be considered alongside other policies. The proposals would allow a developer to take control

of the whole site and, in turn, would help to address the health and safety risks of the site, in line with Policy 23 of NPF4.

2.2.31 As such, Policy 23 of NPF4 gives further support to the proposals.

Sustainability

2.2.32 Policies 1, 2, 13, 14, 15 and 30 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.2.33 NPF4 Policy 15 supports proposals which will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

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

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

2.2.35 NPF4 Policy 2 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale, will be well connected to reduce car dependency and sustainable.

FIFEPlan (2017) Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner.

2.2.36 A key issue would therefore be whether the land is well-connected to services, infrastructure, and existing settlements. A Transport Assessment has been submitted, which has considered the impact of the proposed development on the surrounding public road network. The TA has considered person trips, not car trips and has covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport and can be designed in accordance with Scottish Government Designing Streets. An Accessibility review was undertaken and submitted with the TA. Figure 6 of the TA shows that most of Inverkeithing can be reached within a 1,600m walking distance (20 minutes) from the proposed development site, including the primary school, high school, railway station and town centre facilities. Paragraph 4.23 of the TA notes that the site is an “example of the ‘walkable neighbourhoods’ aspiration outlined in Designing Streets”, notwithstanding the site lies outside the settlement boundary of Inverkeithing. The TA has considered safer routes to Inverkeithing Primary School and Inverkeithing High School. Both schools are within acceptable walking distance of the site with the provision of a second means of vehicular/pedestrian access from Fraser Avenue providing a shorter route than via Preston Crescent. The existing High School is due to be replaced by 2026 and the new school is currently under construction, located on the Fleet Recreation Grounds at the west end of Rosyth, approximately 4.5km from the Prestonhill Quarry site. Walk distances more than 2 miles would entitle pupils to free bus travel, but this is under constant review. The TA notes that measures would be provided to ensure pupils would have easy access to convenient bus stops. No details are provided but this is a matter which can be addressed by condition.

2.2.37 National Cycle Route 76 (Fife Coastal Path) passes through the site and links with NCR 1 (Edinburgh to Aberdeen) to the west. The existing cycle route would have to be retained and/or relocated and enhanced and this is addressed by a recommended condition. There are existing local bus services served by existing bus stops on Spittalfield Road and Spencerfield Road. When the redevelopment of Fraser Avenue is completed, new bus stops would be available on the new street, Craigleith Avenue. Further bus services, including express services, with links to Ferry Toll Park and Ride are available on Hillend Road and High Street. The internal streets would be designed to allow bus penetration into the site and this is addressed by a recommended condition.

2.2.38 Inverkeithing has good transport links to Edinburgh and other nearby urban areas, including proximity to the Queensferry Crossing and Forth Bridges, and the railway station. The site benefits from good transportation connectivity, including access to services (schools, healthcare and shops) and sustainable transportation options. The proximity to Inverkeithing would mitigate some of the challenges of rural isolation that might otherwise arise from developing in more remote rural areas. The proposals are not located within a remote, rural area, and there is adequate infrastructure in the surrounding area to connect to.

2.2.39 The proposals would comply with policies relating to sustainability, which would provide further support for the proposals in principle.

Community and Economic Benefit

2.2.40 NPF4 (2023) Policy 16 advises that development proposals that include 50 or more homes should be accompanied by a Statement of Community Benefit. The statement should explain the contribution of the proposed development to: i. meeting local housing requirements, including affordable homes; ii. providing or enhancing local infrastructure, facilities and services; and iii. improving the residential amenity of the surrounding area.

2.2.41 The applicant has provided a Planning Statement Addendum regarding NPF4 (A.S. Associates, February 2023). The Community Benefits identified as resulting from the proposal, as shown on the architects' indicative Concept Plan presented during public consultation on the earlier application include: adjusting the topography of the site to address public safety by replacing cliffs with sloping embankments; removing the deep water pond on the quarry floor; creating a new pier from the derelict conveyor gantry and providing access for water taxis, diving boats and water activities; enhancing the Coastal Path, including improved signage; establishing high quality landscape setting for the coastal path and coastal fringe; reconstructing the Beamer Rock lighthouse as a feature on the Coastal Path; improving accessibility to high level areas and Letham Hill Wood and creation of accessible path network; establishing viewpoints across the site and seating areas; providing new landscaped ponds for recreation and ecological biodiversity; improving visitor parking and parking for local residents; providing private amenity ground for Preston Terrace residents; retaining the concrete industrial loading platform as industrial heritage and developing it as feature viewpoint; providing a freshwater drinking fountain as a public amenity. In addition, a café/bistro has been included in the proposals, located on the higher ground to the east of the site, adjacent to Letham Hill Wood. The Reporter, in considering the Appeal of the earlier application, referred to the potential community benefits associated with the proposal, noting the enhanced recreational public access and viewpoints, creation of a new pier and industrial heritage and amenity features. The Reporter stated that 'I have no doubt that should planning permission be granted, there would be an opportunity to deliver detailed features and environmental features which would be beneficial to existing and future residents and those visiting the area.'

2.2.42 This proposal would provide community benefits, including a development proposal which enables the removal of potential dangers associated with the derelict quarry, achievable through the applicant gaining ownership of the site and having a viable solution for its redevelopment; housing to meet local needs and support the local community and economy; green infrastructure, including a range of enhanced public open spaces and fulfilling the priorities of the green network, including in relation to the Fife Coastal Path and National Cycle Route 'Around the Forth'; business opportunities in relation to the proposed café and the re-use of the conveyor as a pier.

2.2.43 Economic benefits would occur through future construction, including employment, and in the longer term through new residents and leisure visitors supporting the local economy. An Economic Assessment (DDR (UK) Ltd, November 2022) has been submitted with the application. The assessment sets out that the proposals would result in over £500,000 per annum increase in Council Tax; a Gross Value Add (GVA) to the Fife Economy post construction of £17m ; the creation of a minimum of 110 jobs, lasting at least for a 4-year period; Gross Value Add (GVA) to the Fife Economy during the construction period of £25.1m; career building apprenticeships and young people training, in conjunction with Opportunities Fife Partnership (OFP); a direct, pedestrian only, water link to West Fife from South Queensferry/Edinburgh; a leisure development containing high-quality, holiday lodges; a natural extension to Phase 5 of Fraser Avenue; a reduction on the significant demands on police, fire and ambulance Services; implementation of key issues highlighted in the Fife Economic Strategy and the potential development of new GP facilities in Inverkeithing in future.

2.2.44 The submitted information has demonstrated that the proposal would provide an economic and community benefit to Fife, and it is accepted that a development of this type would provide an economic benefit to the surrounding area through the guests of the holiday accommodation and residents of new homes making use of local services and through the creation of jobs. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

Non-Housing Elements of the Proposal

2.2.45 Policy 30 (Tourism) of NPF4 states that proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. FIFEplan Policy 7 (Development in the Countryside) advises that development in the countryside will only be supported where, amongst other instances, it is for facilities for access to the countryside or for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. In all cases the development must be of a scale and nature compatible with surrounding uses; be well located in respect of available infrastructure and contribute to the need for any improved infrastructure; and, be located and designed to protect the overall landscape and environmental quality of the area. The café/bistro use and the proposed holiday lodges are considered, subject to final details, to be capable of conforming to Policy 7.

2.2.46 With regard to the provision of a site for the rebuilding of the Beamer Rock lighthouse, this would conform with NPF4 Policy 7 (Historic Assets and Places) and FIFEplan Policy 14 Built and Historic Environment, which seek to support the protection or enhancement of built heritage of special architectural or historic interest. It is noted that the Beamer Rock lighthouse is currently in storage within Fife and the applicant has been liaising with the people who are currently storing it. The applicant has confirmed that it is still their intention to include the reconstruction of the lighthouse within the development if they are successful in obtaining planning permission. It is therefore acknowledged that, although it is the applicant's intention to go ahead with this part of the proposals, it does rely on the lighthouse becoming available to the applicant. The proposal to go ahead with this is, however, welcomed if it is able to go ahead.

2.2.47 The non-housing elements of the proposal are considered further in the context of other relevant policies of the Development Plan in the following sections of this Committee Report. In the context of the general principle of these uses however, the non-housing elements of the proposal are, at this Planning Permission in Principle stage, either in conformity with the Development Plan or could be made to be so in a subsequent detailed application.

2.2.48 Overall, the proposals are considered to meet the relevant policies of the development plan, subject to the consideration of detailed matters which are assessed in the remainder of the report, with particular regard to design and visual impact, ecology and residential amenity, all of which were matters that the Reporter highlighted as issues within his Appeal decision.

2.3 Design and Layout / Visual Impact

2.3.1 NPF4 (2023) Policies 4, 7, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), The Landscape Institute and Institute for Environmental Management and

Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013), NatureScot's Landscape Character Assessment of Scotland (2019) and Historic Environment Scotland's (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment: Setting apply with consideration of the design and visual impact of the proposed development.

2.3.2 The site sits within the Coastal Hills Landscape Character Type (LCT). The site is also within the Letham Hills Local Landscape Area (LLA). The site is located adjacent to the coast of the Firth of Forth and is within the viewcones of the Forth Bridge World Heritage Site.

2.3.3 The Design and Access Statement (Sinclair Watt Architects Ltd, Prestonhill Quarry Planning Statement 42 December 2022 v2, December 2022) sets out the design approach taken to achieve high quality design and placemaking that demonstrates the 'six qualities of successful places'. It responds to the Central and West Fife Committee's consideration that the proposal would have an adverse impact on the historic character of Inverkeithing and the Reporter's view that the proposal needed to further demonstrate its use of site attributes and enhancement of the character of the area. A Landscape and Visual Appraisal (LVA) (brindley associates, November 2023) has been provided, which includes viewpoints, giving an overview of the landscape impact of the proposed development. This is a more detailed assessment of the landscape and visual impact than was submitted with the previously refused application.

2.3.4 The Reporter considered that 'Insufficient detail has been provided...to fully assess the landscape and visual impact of the proposal in relation to LDP policy 13' and they had 'Significant concerns regarding the landscape and visual impact from the Fife Coastal Path and the upper parts of Inverkeithing, in particular'. The Reporter also considered that 'The proposal has not demonstrated how it would meet the six qualities of successful places'. Objection comments have raised concern regarding the visual impact of the proposals, particularly from the coastal path. Objection comments raise concern that photo montages have been superimposed with non-specific housing units onto the existing topography and vegetation. Objectors are concerned that the photo montages do not provide any evidence to overturn the Reporter's findings on the inability to mitigate adverse landscape and visual impact that the applicant's Landscape and Visual Assessment identifies permanent major and moderate adverse landscape and visual impact.

2.3.5 The proposal contained in the earlier application had included housing development located in the southwest area of the site, separated by landscaped buffers from Preston Terrace and Forth Bridge Stevedoring Ltd. Development on this area of land required changes to the levels of the land, including the introduction of an embankment to the south of Preston Terrace. In addition, as part of the mitigation of potential noise impacts from the industrial activities across Inverkeithing Bay and from the nearer area of the Stevedores acoustic barriers/embankments were required at the west edge of the site. The Reporter in the Appeal Decision for the earlier application had indicated that the natural extension of Inverkeithing would be constrained by the embankment proposed to accommodate changes in level near Preston Terrace; and the acoustic barriers/embankment. The Reporter noted that '...due to the marked difference in site levels and the requirement for an embankment for noise mitigation purposes, the development would not result in a natural extension of the built up area or reflect the existing pattern of development along Preston Crescent...the indicative levels strategy shows a retaining wall of up to four metres directly opposite the row of cottages on Preston Terrace, and site levels increasing from 6.5 metres AOD on the existing street to 10 metres AOD on the site boundary. This would suggest that, notwithstanding the provision of a "buffer zone", the proposal would have a detrimental impact on the character of Preston Terrace and the outlook from the existing cottages.'

2.3.6 To address the issues raised during the assessment and decision making for the earlier application, the proposal for the southwest area of the site has been altered in this application. The proposals now retain the existing landscape relationship between Preston Crescent/Preston Terrace and the entrance to the quarry at its west end. Further viewpoints have also been provided, along with an updated Design and Access Statement. The photomontages provided are considered to be appropriate and contain sufficient detail in order to make an assessment of the potential impact of a development on this site. Given the application is a Planning Permission in Principle, it is not expected to have finalised details of any aspect of the design of the buildings at this stage.

2.3.7 12 viewpoints have been included within the LVA, the extent and location of which are considered appropriate to provide a broad overview of the landscape impact of the proposed development and to support the assessment made within the report. The high level LVA submitted with the previously refused application contained 10 viewpoints. The 12 viewpoints include:

1. Open space off Cochrane Avenue north of Prestonhill Quarry
2. Fife Coastal Path along Inverkeithing Bay coast
3. Core Path R630 adjacent to Spencer Fields
4. Adjacent to Core Path R707 within Ballast Bank open space
5. Friary Gardens within Inverkeithing Conservation Area
6. Fife Coastal Path adjacent to The Bridges
7. Core Path R635 within open space off Forth View
8. Fife Coastal Path adjacent to Port Laing Wynd
9. The Forth Bridge key viewpoint 03 - B9157 Clocklunie Road
10. The Forth Bridge key viewpoint 02 - B981 Above and below Balbougie Glen
11. Viewing platform along Fife Coastal Path within St David's Harbour
12. Footpath adjacent to Muckle Hill development

2.3.8 In relation to the impact on the Coastal Hills Landscape Character Type, on the settlement of Inverkeithing and wider users, the report considers that the character of the landscape type is inconsistent with the key characteristics of the wider landscape character within which it sits. This position is agreed, as the quarry and immediate environment as presented is the result of industrial operations which have altered the landscape considerably. The report suggests that the landscape character is therefore tolerant to the type of change proposed. In principle, this is an acceptable position.

2.3.9 In relation to the Letham Hills Local Landscape Area, the report identifies that the LLA is noted for providing greenspace between Dalgety Bay and Inverkeithing, which is an important attribute, as well as the distinguishing scarp slope and woodland which runs along the spine off Letham Hill. The submitted Zone of Theoretical Visibility (ZTV) predicts some visibility of the development from within the LLA, but this is restricted to the north of the site and sections of farmland to the west of Letham Hill Wood.

2.3.10 The report concludes that the effects of the development on the LLA are predicted to be moderate/minor across all stages of development, and suggests Viewpoint 01 (Open space off Cochrane Avenue north of Prestonhill Quarry), as a representative view of this area of visibility, would suggest that limited, or no, development would be visible following completion of development and after 10 years of maturing tree planting to the north of the site. Visibility of development from within the LLA is likely to be principally related to the proposed holiday lodges.

2.3.11 It was suggested that the viewpoint assessment and imagery should show development immediately following completion, alongside the viewpoint after 10 years, which can indicate tree cover. Imagery at Year 1 has now been provided within the updated LVA, which allows an assessment of the immediate visual impacts of development, on completion. The LVA concludes that the magnitude of change afforded by the proposal is low and the visual effects upon Letham Hill LLA predicted to be moderate/minor across all stages of development.

2.3.12 The viewpoint analysis within the report shows that the proposed development is entirely screened from view by existing vegetation and topography in Viewpoints 09 and 10 (Forth Bridge viewcones). For Viewpoint 1 (Open space off Cochrane Avenue north of Prestonhill Quarry), the holiday lodges and occasional rooftops are likely to be visible. A photomontage from completion has been provided to demonstrate the initial visual effects. The design, location and landscaping of the holiday lodges would require careful consideration to avoid being visually prominent. However, the proposed lodges would be small in number, and views would not be visually obtrusive from this viewpoint. This viewpoint is not, therefore, concerning.

2.3.13 Major effects are predicted within the LVIA from Viewpoint 02 (Fife Coastal Path along Inverkeithing Bay Coast), which lies in relatively close proximity to the proposed development with clear views towards it across the water. The majority of the proposed development would therefore be visible, although lower portions would be screened or allow filtered views along the coastline. The LVA shows varying heights between the buildings, with buildings between one and two storeys and the introduction of coastal tree and shrub planting. The built form has been amended and would now be separated from Dalgety Bay, contained by a high point between Inverkeithing and Dalgety Bay. Thus, concerns regarding coalescence have been addressed.

2.3.14 There were initially concerns around Viewpoint 3 (Core Path adjacent to Spencer Fields residential development) and a photomontage from development completion was requested. This has been provided, and there are no further concerns regarding Viewpoint 3. This viewpoint shows that the impact of the proposed holiday lodges would not be significant, especially with the proposed planting. Even at year 1 without the planting having yet established, the impact would be minimal given the small number of lodges on this part of the site.

2.3.15 At Viewpoint 4 (Adjacent to Core Path R707 within Ballast Bank open space), a limited number of rooftops may be visible, but it is expected that they would be read in the context of the existing residential development, raising no significant concerns. At Viewpoint 5 (Friary Gardens within Inverkeithing Conservation Area), new development would sit behind the existing buildings. The change in topography would be notable from this viewpoint, but green corridors and other tree planting would break up the visual impact of new development, which would largely be read in the context of the existing urban environment in the foreground, raising no significant concerns. At Viewpoints 6 (Fife Coastal Path adjacent to The Bridges) and 11 (Viewing platform along Fife Coastal Path within St David's Harbour), the completed development would expand the urbanised appearance along the coastline. The new buildings could be read in the context of the existing urban fabric of Inverkeithing in the background, and while a notable change to the character of the coastline adjacent to the Coastal Path, the overall magnitude of change does not raise significant concerns. With an appropriate landscaping scheme to break up the visual impact of new housing and to filter the views of new development from this viewpoint, no significant concerns would be raised. At Viewpoint 7 (Core Path R635 within open space off Forth View), the new development would sit behind the existing buildings. The change in topography would be notable from this viewpoint, but green corridors and other tree planting would break up the visual impact of new development, which would largely be read in the context of the existing urban environment in the foreground, raising no significant concerns. At Viewpoint 8 (Fife Coastal Path adjacent to Port Laing Wynd), most of the proposed development would be screened from this

location. However, the easternmost residential buildings would be visible, alongside the holiday lodges. As referred to in Viewpoint 2, the removal of the easternmost residential buildings would retain, and not undermine, the significance of the slopes as a separating feature between Inverkeithing and Dalgety Bay.

2.3.16 There is a remaining concern that Viewpoint 12 (footpath adjacent to Muckle Hill development) would reduce the separation between Inverkeithing and Dalgety Bay. Given this is the only remaining concern, although the viewpoint is a prominent one, there are elements of detail that can be addressed through planning conditions to address this one remaining concern. The arrangement of buildings can be reviewed, to provide gaps to allow views between the two settlements, with tree planting provided in between, and there is also an opportunity to lower building heights.

2.3.17 The Reporter considered that the proposal did not address the need to be “distinctive”, in other words, to make best use of site attributes and enhance the character of the surrounding area. The Reporter also considered that a housing development of suburban character would be poorly integrated with its landscape and coastal context, and the settlement of Inverkeithing. Whilst design and layout details do not require to be approved at this stage, the Reporter stated that he ‘remained unconvinced that the principle of housing development on this scale could be accommodated without adverse impact on the character of the existing settlement’. The Reporter considered that the proposal had not demonstrated how it would meet the ‘six qualities of successful places’.

2.3.18 The Reporter raised concerns that the indicative levels strategy showed a retaining wall of up to four metres directly opposite the row of cottages on Preston Terrace, and site levels increasing from 6.5 metres AOD on the existing street to 10 metres AOD on the site boundary. He stated that ‘this would suggest that, notwithstanding the provision of a “buffer zone”, the proposal would have a detrimental impact on the character of Preston Terrace and the outlook from the existing cottages’.

2.3.19 This submission includes an updated levels strategy, which removes the retaining wall opposite Preston Terrace. The proposal seeks to work with the natural topography of the site as much as possible however it is acknowledged that substantial rock removal will be required in certain areas to provide building platforms and to make safe the vertical cliff faces. Only limited retaining structures will be required, and these are lower than 4m high. The site levels would increase in some areas too and there would be a difference in site levels between Preston Terrace and the site, of around 7m, but the buffer zone between Preston Terrace has been increased with this application and proposed tree planting and landscaping would mitigate against concerns regarding outlook from Preston Terrace. Sections have also been provided which demonstrate the level differences between Preston Terrace and the proposed site, and due to the distances between the existing and proposed sites, the level differences are acceptable at this stage.

2.3.20 The submitted Design and Access Statement has been amended (Design and Access Statement and Site Appraisal, May 2024) and now provides a robust contextual assessment which can be used to inform the design/layout and characteristics of the development to help relate a development to its place. The Design and Access Statement sets out a series of design principles which can be used to inform future detailed proposals and ensure they align with the strategy of the current document alongside wider design policy aspects. The architectural strategy has identified four main character areas within the site, with each area having unique characteristics, whilst still being linked by common architectural themes. Character Area 1 would

define the new entrance into the site, from the north, providing a sense of arrival from Craighleith Avenue. Prominent 'gateway' buildings could be located at this entrance into the site, overlooking adjacent landscaped areas and the proposed SUDs. Stone walls would be used to link buildings together. Character Area 2 would be located to the west end of the site, adjoining the established street pattern at Preston Crescent and Preston Terrace. This area would provide a 'gateway' into the site, and this is where the Fife Coastal Path enters the site from the west. An open space area would be retained to the western entrance to the site, allowing properties on Preston Terrace to continue the open aspect to the south. This area would provide a landscaped setting and would provide an acoustic buffer between the industrial premises and the proposed housing. This area would include visitor parking to be incorporated and land to be gifted to the properties of Preston Terrace for private gardens. Character Area 4 would provide a transition between the denser character of the northern part of the site to the housing at the southern coastal edge. This is seen as key in assisting the creation of attractive views from the development to the coastal frontage. The housing here would create distinct clusters, grouped around courtyards. Other groups would be organised around public open spaces. The courtyards and lane would be utilised so that parked vehicles are removed from the primary streets. The layout in this area should be organised to frame views south to the sea, with narrow lanes and mews type houses forming the character here. The quarrying heritage of the site would remain visible throughout, with reclaimed stone to be used on buildings and boundary walls and larger boulders to be used for informal seating areas within the open space.

2.3.21 The only remaining issue is with Character Area 3. It is considered that this an important frontage being the coastal edge, green corridor and Fife Coastal Path which are considered the key routes and spaces to which the development should respond. The proposals note that these frontages would be dual aspect, with low boundary treatments to allow views into and out of the coastal edge. However, it is considered that buildings should present active frontages to principal spaces and movement routes as, over time, these boundary treatments will likely be replaced with high boundary treatments along this important edge of the development. There are examples elsewhere along the Coastal Path in Fife where new buildings both face the coastal edge, and others turn their backs to the edge. The latter examples have resulted in developments that fail to provide attractive, distinctive, active or pleasant places. This approach is not supported from an Urban Design position. As a detailed matter of design and layout, it is considered that this matter can be easily addressed at the detailed stage through consideration of detailed design. A condition has therefore been proposed to reflect this.

Green Network Requirements

2.3.22 Inverkeithing Bay Green Network (INVGN01) encompasses areas of habitat alongside brownfield sites and stretches around the bay from North Queensferry to Letham Woods. INVGN01 states that key features are:

- Existing core path, part of the Fife Coastal Path route. NCN1 runs through the town centre as part of an on-road cycle route. NCN76 runs through the town centre and then connects to the coast along the road north of Ballast Bank Park. There are good links along the coast.
- The section of the core path behind the former Caldwell Mill is narrow and needs upgraded. The bridge under the rail line represents a pinch point.
- Greenspace assets include Ballast Bank Park, which is the largest park in Inverkeithing, but the quality and functionality is currently poor and there is no connectivity to the Bay.
- Friary Gardens is a quality asset in the town centre
- The Bay includes SPA, RAMSAR and SSSI habitat designations – protect and enhance important habitat value.

- There is some coastal flood risk for reclaimed land in the bay area.
- Limited public access to the waterfront – business use.
- Existing active travel links in the area around the work for the new Forth Crossing, will be reinstated as part of the works.
- Avoid coalescence with Dalgety Bay

Opportunities for enhancement include:

‘Former Prestonhill Quarry – any development of this area needs to consider the wider context and the intertidal area’s SPA designation. Opportunities to enhance the setting and route of the existing Coastal Path and cycle routes; to deliver coastal edge and habitat improvements and better access to the water’s edge; to establish a high quality edge along northern boundary to enhance the landscape setting for the Bay area. must be fully considered in the development of any site proposals’.

2.3.23 The Fife coastal path shares the roadway into the derelict quarry currently and the coastal path is proposed to be enhanced and separated from vehicle traffic along its entire length as it crosses the site. A green corridor is proposed along the southern coastal fringe to incorporate the coastal path. Enhanced connections are proposed from the coastal path to the existing woodland to the west of the site. Footpaths adjacent to the two primary routes into the site are proposed to be set within a landscaped corridor and separated from the roadways. These main routes are proposed to connect to the coastal path, the existing natural environment on the high ground, the existing core path network and additional green spaces throughout the site to ensure the development and the existing settlement of Inverkeithing are linked to the coastal fringe and wider countryside. The proposals include a landscaped area at the entrance to the site from Preston Crescent to create an attractive arrival experience at this connection with the coastal path. This would create a visual and acoustic buffer between the existing industrial premises to the west and maintain the green outlook for Preston Terrace. The proposals also include high quality development edges and boundary treatments fronting on to Fraser Avenue and Preston Terrace and along the edges of the site.

2.3.24 The Design and Access Statement clearly sets out the site attributes and how the proposals would enhance the character of the surrounding area, and it has demonstrated how it would meet the ‘six qualities of successful places’. The information submitted shows that that a housing development of suburban character could be integrated with its landscape and coastal context, and the settlement of Inverkeithing, based on the LVA and DAS submitted with this application. With the updated information provided, it is considered that the principle of housing development on this scale could be accommodated without adverse impact on the character of the existing settlement.

Built Heritage Impact

2.3.25 The site falls within the vistas afforded by View Cones 2 and 3 as described in The Forth Bridge World Heritage Site: Key Viewpoints (Making Fife's Places, Appendix I). The applicant has provided an analysis of how the proposed development would sit in the context of the Bridge as part of both the Design and Access Statement (DAS) and the Landscape and Visual Assessment (LVA) submitted in support of the application, using photographs taken from a number of local viewpoints, including from the perspective of View Cones 2 and 3. These indicate that the topography of the site means that the site is largely not visible in View Cones 2 and 3 and therefore has an insignificant impact on those vistas.

2.3.26 The applicant proposes to retain and refurbish existing, dilapidated piers/jetties and re-purpose them to allow water-borne access to the area. The applicant also proposes to rescue the Beamer Rock Lighthouse from storage and provide it with a home adjacent to the Coastal Footpath. The lighthouse was removed from its original position on the Beamer Rock in 2011 to allow the construction of the Queensferry Crossing and, given that the lighthouse was originally erected at the request of Inverkeithing Town Council in 1826, there is a direct historical link to the area in reinstating it in this location, so this is welcomed.

2.3.27 The proposal affects a historic area of Inverkeithing which developed from the early medieval period due to trade. The site is outside the conservation area and adjacent to, but not contiguous with, the B-listed Inverkeithing Harbour.

2.3.28 Fife Council Built Heritage Officers have advised that they are unopposed to the principle of development at the site and the ambition to secure a viable use for it.

Impact on the Setting of Inverkeithing Conservation Area and Category B Listed Inverkeithing Parish Church

2.3.29 Objection comments raise concern that the proposals would adversely impact on the historic town. Inverkeithing Conservation Area lies approximately 480m to the north east of the site and Inverkeithing Parish Church lies around 600m to the north east of the site. Inverkeithing East and West Harbour is located to the west of the site and is B Listed. Fife Council Built Heritage Officers have reviewed the proposals and advise that the extent of the existing suburban development on the hills to the west and east of Inverkeithing, and beyond the development of Rosyth have greatly altered the historic setting of rural coastal port settlement. This extensive urban sprawl has partly subsumed the historic settlement, divorcing it from much of its historic medieval, and pre-20th Century landscape setting. However, the settlement and Conservation Area retain great architectural, historic and social special interest. In its preserved setting elements, it retains a direct connection to the coastline features and the apron of the Inner and outer Inverkeithing Bays. Depending on the observation point, the settlement also retains a buffer of separation from the from the westward urban sprawl located between Dalgety and Inverkeithing Bays, and North Queensferry. The lack of development of the Prestonhill Quarry, its partly retained 'coastal hill landscape' morphology of hill, coastline, and forest contributes significantly to this. Built Heritage Officers advise that there is potential for agglomeration of Inverkeithing with the urban sprawl to its east which would greatly limit its legibility as a standalone settlement in views from the south through the cumulative impact of urban development here. This matter has been addressed in the paragraphs above in relation to the assessment of the LVA and it is considered that this matter has been addressed for most viewpoints, apart from viewpoint 12 where there are alterations that can be made at the detailed design stage to address this outstanding matter.

2.3.30 NPF4 Policy 7 d) states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the: i. architectural and historic character of the area; ii. existing density, built form and layout; and iii. context and siting, quality of design and suitable materials. NPF4 Policy 7 e) states that development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained. It is considered that any detrimental impact to the setting and cultural significance of the Conservation Area would be low level and the impact on the setting of

the B Listed Inverkeithing Parish Church would be very low, thereby complying with Policy 7 d) and e) of NPF4.

Impact on setting of Forth Bridge World Heritage Site (WHS)

2.3.31 The Forth Bridge World Heritage Site lies approximately 1.9km to the south west of the site. Views from the Forth and south shore taking in adjacent coastal and rural hill landscape are not explicitly referenced in the Forth Bridge World Heritage Site: Key Viewpoints Publication. However, it is considered that the remaining landscape parcels that have not been developed are an important component in framing the identified key views. The historic context of the bridge set within a coastal agricultural landscape remains in a large part contributing to this setting, though this has been diminished. In views north from the Forth channel and from the south coastline of the Forth at the northern extent of Dalmeny Estate, and in views west from the Forth channel and from the coastline along the northeast shore of Inverkeithing Bay (at the area known as St Davids) towards the bridges there is the potential for cumulative impact of urban development here upon the setting of the WHS through the agglomeration of urban sprawl which would encroach on the remaining rural coastal setting of the Forth Rail Bridge. In the newly submitted LVA documents some of this agglomeration is shown. NPF4 Policy 7 l) states that development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved. It is considered that any detrimental impact to the setting and cultural significance of the World Heritage Site would be low level.

2.3.32 Historic Environment Scotland (HES) has been consulted and advise that it would have no comments to make on the proposals in regards to its impact on the Forth Bridge World Heritage Site.

2.3.33 Fife Council Built Heritage Officers advise that they are not opposed to the sympathetic development of the lower part of the site; however, they state that they do uphold their initial concern that there would be a detrimental impact on the setting of a several designated heritage assets including the Forth Rail Bridge, Inverkeithing Conservation Area, and Inverkeithing Parish Church. Of particular concern is the impact the development would have on views of these heritage assets from the south side of the Forth and from the channel where the development site will be most visible. However, they do also acknowledge that the level of impact would be at the low-medium end and would be partly mitigated in the use of high-quality traditional materials, finishes, and boundary treatments and can be further mitigated by scaling back the quantum of development from the shore. They note that the impact of the hill-top development of holiday lodges and cafe is likely to increase once the detail of these developments is given in detailed applications, particularly due to the elevation and likely high visibility of this part of the site. Cumulatively, the impact of the development would therefore increase.

2.3.34 Fife Council's Built Heritage Officer has commented on the potential impact on access to strategic resources for use in maintaining the historic built environment. They consider that Prestonhill Quarry may be considered a strategic resource for its potential to provide dark whinstone for sustainable construction, and for repairs to historic structures and buildings in Fife and across Scotland constructed of dark whinstone. Examples of this can be found in proximity to the Quarry. The nearby Cruiks Quarry may be a petrographically comparable, however the extracted material is paler and greyer in colour. Development of the site as proposed would in NPF4 Policy 33 terms 'sterilise' the site against future use. The retention and repurposing of industrial heritage, and reinstatement of the former navigation light which could be considered non-designated heritage assets in planning terms is supported subject to sympathetic detailing and any required building recording subject to works commencing. Given the historical use of the

site has ceased 40 years ago, it is not considered that this is a relevant concern but it is acknowledged.

2.3.35 Overall, Built Heritage Officers advise that the degree of impact remains in-part unclear given the nature of the application being a planning permission in principle, rather than a detailed planning permission. Built Heritage Officers advise that great care must be taken through use of comprehensive conditions to secure necessary mitigation and quality assurance measures were this application to be approved. These measures must be adequately phased with the development's build-out to ensure that positive mitigation measures are secured at an early stage of the development. Appropriate conditions can secure this information and the concerns that have been highlighted by Built Heritage Officers can be adequately addressed through these conditions.

Archaeology

2.3.36 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply in regards to archaeology. Fife Council's Archaeologist has been consulted in regards to this application and has no objections to the proposals. The Archaeologist has advised that no significant archaeological sites, monuments or deposits are recorded within the proposed development area and given the very shallow soft sediment deposits overlying the quartz dolerite sill that makes up the site, it is unlikely that significant buried archaeology will exist on this site. The history of quarrying on the site is well understood and well documented and does not need further record by site recording. In general terms, this proposal involves no significant archaeological issues.

2.4 Residential Amenity

2.4.1 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity. PAN 50 Annex D: Controlling the Environmental Effects of Surface Mineral Workings applies in regard to the proposed blasting.

2.4.2 The Reporter considered that 'Insufficient information has been provided in relation to quarrying and site engineering works to allow an assessment of likely impacts on residential amenity'. Objection comments raise concern regarding amenity issues resulting from the construction process. Concerns have been raised by objectors that the applicant indicates that noise pollution, dust and other debris will be attenuated by the quarry walls but as the blasting is being undertaken to remove, lower or reduce the height of the quarry walls, and the rear of Prestonhill then the proposed mitigation will become progressively less effective. Objectors have raised concerns that no geological investigation of the blasting on site has been undertaken.

2.4.3 A Vibration Blast Impact Assessment (Vibrocheck, April 2023) has been submitted with the application, which assesses the requirement for blasting and what the impact would be from those operations. The report sets out that there would be a requirement for limited drilling and blasting operations to reduce the unsafe face heights on the site. It sets out that this would be limited to a very small number of events, but the activity has the potential to result in levels of vibration that would be perceptible outwith the site. An assessment has been carried out of the impact of the vibration on existing sensitive receptors around the site. The assessment considered the potential effect of blast induced vibration on the occupants of surrounding properties and other sensitive structures and receptors, the production of explosive charge weights and recommendations for any mitigation measures that should be adopted. The area towards the centre of the site would require drilling and blasting, with the highest face height at which blasting is required being at

22m. The closest residential properties to this area are Preston Terrace, Cochrane Avenue and Seafield House to the west, north and northeast. The report recommends that all blasts should be designed to comply with vibration criteria 15mms at 95% confidence level, as measured in any of the three planes of measurement at receptor locations. It is concluded that all vibration will be of a low order of magnitude and would be entirely safe with respect to the possibility of the most cosmetic of plaster cracks. With the use of a double decking technique, the vibration would be below recommended levels for intermittent vibration during construction operations. The report recommends that a programme of blast monitoring should be implemented, which will indicate whether there is compliance with the vibration criteria, and they can be used to continually update the analysis and input to the design of any future blasts. With these recommendations in place, it is concluded that the development would work within the vibration criteria and without undue annoyance to local residents. Concerns regarding noise issues and lack of barrier from the cliffs are noted, once some rock is removed however mitigation measures would be applied to counteract this, including noise barriers.

2.4.4 A Rock Removal Method Statement has been provided, which sets out that a blast would last less than a second. In this instance, the noise level for each blast would be 105dBs over air pressure. Dust and noise monitoring will be in place at the nearest properties and information will be available to review and adjustments made for future blasts where possible. It is estimated that the total number of blasts would not exceed 8 over the timescale of the project and would be spaced timeously to avoid nuisance to neighbouring properties. Notification to neighbouring properties would also take place in advance. Dust would be controlled through water suppression systems (water cannons).

2.4.5 Fife Council Environmental Health (Public Protection) Team (PPT) has reviewed the Vibration Blast Impact Assessment and does not have any objections to the proposals for blasting. PPT notes that complaints will be expected, however the submitted report is confident that blasting can be designed to be within the guidance limits and British Standard. PPT does also advise that the blasting would be controlled under the Control of Pollution Act 1974. Further information would be submitted with any detailed applications in future.

2.4.6 A Noise Impact Assessment (Vibrocheck, May 2021) has been submitted with the application. This document is the same as submitted in support of 21/01842/PPP. Forth Bridge Stevedoring Limited occupy the buildings to the west of the site, with activities consisting of ship unloading/loading at the pier, stockpiling of material within yard areas and buildings and road haulage deliveries to the site. During the daytime, activities include the loading and unloading of HGVs in the yard using forklift trucks. Ship unloading/loading can occur once per month and during both day and night-time periods. On the opposite side of the inner bay is Robertson Metals Recycling at Cruickness Road. The business operating hours are between 07:00 and 17:00 hours Monday to Friday, and between 07:00 and 11:30 hours on Saturdays. The noise prediction calculations for noise from the industrial/commercial sources, indicate that some form of mitigation would be required to protect certain areas of the proposed development from unacceptable levels of noise. Acoustic barriers are recommended along the western edge of the proposed development, adjacent to the proposed affordable housing area and within the area indicated as a buffer zone, with a minimum height of 3.5m, which could be in the form of an embankment/bund or fence, or a combination. It is also recommended that the layout and design take account of the surrounding uses, particularly those closest to and facing the industrial/commercial noise sources. Bedrooms should be located away from the industrial/commercial noise sources and any proposed residential properties in the vicinity of the yard area at Forth Bridge Stevedoring should be single storey in height, to ensure windows to habitable rooms do not have direct line of sight over the top of any proposed boundary screening.

2.4.7 With the proposed mitigation in the form of environmental barriers/boundary fencing the prevailing ambient noise level in western areas of the site will meet the lower guideline value of

50 dB LAeq,T in external amenity areas. With the recommended mitigation measures in place the internal noise levels within habitable rooms at the closest proposed development areas to the industrial/commercial uses are predicted to meet with the criteria in BS8233:2014 with windows open for ventilation.

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

2.4.9 This addresses the Reporter's concerns in relation to noise impacts on residential amenity and the proposals are acceptable in regards to amenity impacts.

Privacy and Daylight/Sunlight

2.4.9 Fife Council Planning Customer Guidelines on Garden Ground (2016) provide advice and guidance on the required amenity standards for residential properties and also includes the nationally approved standards with regards to minimum window to window distances between existing and proposed glazed openings (Appendix A). Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) set out the standards for individual residential units in terms of ensuring that properties are not unacceptably overshadowed nor are the levels of natural daylight entering properties significantly diminished as a result of any proposed development.

2.4.10 Concerns have been raised in objection comments with regard to privacy impacts on existing properties on Preston Terrace and Preston Crescent, which it is considered would be considerably impacted by the overlooking of their homes and gardens by the proposed new development on Prestonhill, as well as along the proposed access point from Fraser Avenue where the proposals indicate that existing homes and rear gardens will be substantially overlooked by new building.

2.4.11 The applicant indicates that the application seeks to considerably enhance the amenity of the properties on Preston Terrace by donating land for private gardens and providing parking facilities. A landscaped strip will be retained between these properties and the new development to avoid overlooking and provide an attractive outlook. It is noted that there will be a level difference between Preston Terrace and the development, with the development sitting higher. However, this is an in principle application, and details regarding privacy would be fully considered at the detailed stage.

2.4.12 As this is an application for Planning Permission in Principle, and the proposed layout is merely indicative, should Committee be minded to approve the application, then conditions should be included to ensure full details and appropriate residential amenity assessments are carried out under future applications for matters specified in conditions which would ensure that the proposal meets the Development Plan and other relevant guidance in respect of these matters.

Other Potential Amenity Impacts

2.4.13 No potential impacts from any other sources, such as odour, or from lighting, are expected to arise as a result of the development. Any site lighting required would be subject to assessment and potential planning condition at detailed stage

2.4.14 It is therefore considered that the proposals would accord with the Development Plan and other relevant guidance, subject to conditions of planning permission being applied, as far as regulating potential impacts on local amenity is concerned.

2.5 Transportation/Road Safety

2.5.1 NPF4 (2023) Policies 1, 2, 13, 14 and 15, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 Concerns have been raised by objectors regarding potential transportation and road safety impacts that the development may have. These relate largely to the capacity and geometry of the local road network and parking facilities, including loss of parking during construction. Concerns were expressed particularly that the roads are already busy and narrow, which is exacerbated by the amount of people using open space facilities at Ballast Bank for leisure purposes. Concerns have been raised regarding narrow access through a listed structure and lack of assessment regarding vehicles entering/exiting via Preston Crescent. Concerns have also been raised that the proposals would deteriorate footpaths due to additional footfall and increase the use of shortcuts.

2.5.3 A Transport Appraisal of the impact of the proposed FIFEplan allocations on the local and trunk road network was prepared on behalf of Fife Council. The FIFEplan Transport Appraisal (FTA) does not include this unallocated site. The FTA concluded that the transportation intervention measures identified within the former Mid Fife and Dunfermline and West Fife Local Plans can accommodate the trips generated by the additional FIFEplan allocations. A proposed development of an additional 180 houses and other uses would be unlikely to result in the requirement for additional strategic transportation intervention measures, but it would be the responsibility of the applicant to submit the transport appraisal to show this. The closest strategic transportation intervention measures are within Rosyth and Dunfermline.

2.5.4 A Transport Assessment (TA) (ECS Transport Planning Limited, May 2021) and Addendum Transport Note (ECS Transport Planning Limited, September 2021) has been submitted on behalf of the applicant in support of the proposed development. These documents are the same as submitted in support of 21/01842/PPP. The TA has considered the impact of the proposed development on the surrounding public road network. The TA has considered person trips, not car trips and has covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of

sustainable modes of transport and can be designed in accordance with Scottish Government Designing Streets policy. The TA has not been updated in support of the current application but as they were both less than two years old they are considered acceptable.

2.5.5 Chapter 4 of the TA carries out an accessibility review of the site. Figure 6 of the TA shows that most of Inverkeithing can be reached within a 1,600m walking distance (20 minutes) from the proposed development site, including the primary school, high school, railway station and town centre facilities. Paragraph 4.23 of the TA notes that the site is an “example of the ‘walkable neighbourhoods’ aspiration outlined in Designing Streets”, notwithstanding the site lies outside the settlement boundary of Inverkeithing. The TA has considered safer routes to Inverkeithing Primary School and Inverkeithing High School. Both schools are within acceptable walking distance of the site with the provision of a second means of vehicular/pedestrian access from Fraser Avenue providing a shorter route than via Preston Crescent. The existing High School is due to be replaced by 2026 and the new school is currently under construction, located on the Fleet Recreation Grounds at the west end of Rosyth, approximately 4.5km from the Prestonhill Quarry site. Walk distances more than 2 miles would entitle pupils to free bus travel, but this is under constant review. The TA notes that measures would be provided to ensure pupils would have easy access to convenient bus stops. No details are provided but this is a matter which can be addressed by condition.

2.5.6 National Cycle Route 76 (Fife Coastal Path) passes through the site and links with NCR 1 (Edinburgh to Aberdeen) to the west. The existing cycle route would have to be retained and/or relocated and enhanced and this is addressed by a recommended condition. There are existing local bus services served by existing bus stops on Spittalfield Road and Spencerfield Road. When the redevelopment of Fraser Avenue is completed, new bus stops would be available on the new street, Craigleith Avenue. Further bus services, including express services, with links to Ferry Toll Park and Ride are available on Hillend Road and High Street. The internal streets would be designed to allow bus penetration into the site and this is addressed by a recommended condition. The TA has carried out a traffic impact assessment on the following junctions within Inverkeithing: Commercial Road/King Street/Car Park junction; Boreland Road/Church Street junction; Heriot Street/Church Street mini-roundabout; and the Hillend Road/A921 signalised junction. In the assessed year of opening, with the Fraser Avenue redevelopment and Spencerfield development 100 percent complete, all junctions would continue to operate within their practical capacity during the AM and PM peaks. The submitted Concept Plan and Design and Access Statement both provide an indicative alignment of the street network within the site, including separate pedestrian/cyclist provision, which appears to be reasonable.

2.5.7 Transportation Development Management (TDM) has requested conditions requiring the upgrading of Preston Crescent between its junction with Fraser Avenue and the site to a standard suitable to accommodate busses, the route through the site linking Preston Crescent and Fraser Avenue having a minimum carriageway width of 6m to allow for bus penetration, the provision of bus stops with shelters, boarders and poles and provision for safe crossing facilities on the route through the site, the existing National Cycle Route 76 (Fife Coastal Path) being constructed as a 4 metres wide shared path, including street lighting, between Preston Crescent and the eastern boundary of the site, Shared paths a minimum of 3 metres wide being provided between the National Cycle Route 76 (Fife Coastal Path) and new housing streets within the site, a construction management plan, including details of the proposed construction traffic routes being provided with the first Approval required by Condition application submitted and various pre-occupation conditions. The addition of further formal footpaths would increase connectivity throughout the site and beyond, and would be a positive aspect of the proposed development,

which is welcomed. This would also decrease the requirement for informal shortcuts to be used. Any footpath upgrades required are set out by TDM above and through planning conditions to be assessed through detailed applications, although there would be no requirement to seek any costs for further footfall as a result of this development, although some road improvements would be made and improvements to the core path are also proposed.

2.5.8 Any road or footpath closures or diversions will also require the promotion of formal closure/diversions Orders under Sections 207 & 208 of the Town and Country Planning (Scotland) Act 1997 (as amended) once the detailed layout of the development is known.

2.5.9 Notwithstanding the site is outside the settlement boundary of Inverkeithing within the adopted 2017 FIFEplan, TDM has no objection to the proposed development subject to conditions due to its sustainable location, adjacent to the settlement boundary.

2.6 Flooding And Drainage

2.6.1 NPF4 (2023) Policies 22 and 10, FIFEplan (2017) Policies 1, 3 and 12, the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to flood risk and drainage infrastructure. Fife Council's Shoreline Management Plan (2011) is also relevant in regard to coastal protection.

2.6.2 Objection comments raise concern that further pressure will be placed on the pump station which will not cope, which would impact on the current sewage system. Scottish Water has been consulted on this application and advises that it has no objections to the proposals. In regard to water capacity, Scottish Water advises that there is currently sufficient capacity in the Glendevon Water Treatment Works to service the development, but a Water Impact Assessment would be required to be carried out by the applicant to assess any impact of new connection on the existing water network. Scottish Water advises that the outcome of this assessment may highlight upgrades to the existing network required to mitigate any impact caused by the connection of the proposed new dwellings to the water network and it would be the responsibility of the developer to fund and deliver these upgrades with Scottish Water providing some reimbursement through the Reasonable Cost Contribution (RCC) process for any assets built to Scottish Water's Water for Scotland technical specification that are vested to Scottish Water's ownership. In regards to wastewater capacity, Scottish Water advises that there is currently sufficient capacity for a foul only connection in the Dunfermline Waste Water Treatment works to service the development. Again, the development proposal will require a Drainage Impact Assessment to be carried out by the applicant to assess any impact of these new connections on the existing drainage network. The outcome of this assessment may highlight upgrades to the existing network required to mitigate any impact caused by the connection of these new dwellings to the drainage network. This would be the responsibility of the developer to fund and deliver these upgrades with Scottish Water providing some reimbursement through Reasonable Cost Contribution (RCC) process for any assets built to Scottish Water's Sewers for Scotland technical specification that are vested to Scottish Water's ownership. This is a process separate to the planning consent process and will be resolved separately through Scottish Water.

2.6.3 Objection comments raise concern that the proposals would exacerbate existing flooding issues at Preston Crescent. SEPA has advised that the site is partly within the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium risk of coastal

flooding. The approximate 1 in 200-year flood level is 4.2m AOD based on calculations using the Coastal Flood Boundary Method (CFB). This is a still water level which does not account for the effects of wave action, climate change, funnelling or local bathymetry. The expected sea level rise for the area is 0.85m by 2100 based on the latest UK climate change predictions published in 2018. This allowance, plus a minimum freeboard allowance of 0.6m to account for uncertainties and the effects of wave action means that SEPA would recommend that all development on the site is limited to land which is higher than 5.65m AOD. SEPA is satisfied that the recommendations of the flood risk assessment (FRA), dated December 2022 undertaken by Kaya Consulting Ltd, have been taken into account in the design of the site. Development has been limited to land which is unlikely to flood based on information held by SEPA, including an appropriate allowance for uncertainty.

2.6.4 The FRA confirms that there is an unnamed watercourse that is culverted to the north of the site. It has been confirmed that there will be no properties situated over the culvert, and it is to be diverted as part of the Fraser Avenue masterplan. Kaya Consulting have previously completed an assessment of the culvert and confirmed that the site is not currently at flood risk from it. SEPA agrees that the flood risk from the diverted culvert should be reassessed and confirmed at the detailed design stage once proposals for the culvert diversion have been finalised. On this basis, SEPA is satisfied that the development is not at risk from fluvial flooding. The site sits adjacent to the Firth of Forth and the FRA has completed a review of coastal flood risk. The majority of the site sits above the 200-year coastal flood level (4.2m AOD) and the proposals include land raising, outwith the functional floodplain, in order to mitigate future flood risk. It has been confirmed that there will be no development below 6m AOD, which is above the minimum development level recommended by SEPA (5.65m AOD). Using the latest techniques, the FRA has considered the potential impacts of wave overtopping. It has been confirmed that the site is currently not at risk of wave-overtopping during a 200-year joint probability event (waves and sea level). However, once climate change and sea level rise is considered, a small section of the site is identified at being at risk of wave-overtopping, although this could be mitigated with the construction of a small wall. SEPA recommends that the Council consider the suitability of this. In this regard, Fife Council Flooding, Shoreline and Harbours Officers has confirmed that the proposed wall would be against NPF4 Policy 10 a (i) which states that proposals within developed coastal areas will only be supported where the proposal does not result in the need for further coastal protection measures. However, they recommend that if a condition is added to the PPP consent, requiring no housing being proposed within any area determined to be at risk of flooding, then they would not have any concerns with the proposals in regards to flood risk. Given the small area associated with the flood risk concerns, in the south east corner of the site, it is considered that this would not significantly impact on the future detailed proposals, although some units would need to be removed from this area should future detailed consents come forward. The applicant has agreed that this would not be a concern for future detailed proposals and has agreed to the proposed condition.

2.6.5 The site is elevated above the 200-year CFB level, and the FRA has demonstrated that it is currently not at risk from wave-overtopping. On this basis, SEPA is satisfied that the development is not at coastal flood risk.

2.6.6 SEPA has requested that a condition is added to any PPP consent, that (i) no land raising, and (ii) all development on the site be limited to land which is higher than 5.65m AOD. This is because the site is not an exception as set out within NPF4 Policy 22, which sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or iv. redevelopment of previously used sites in built up areas where the LDP has identified

a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

2.6.7 Objection comments raise concern that the SUDS proposed is not large enough to cope with the site. In regards to surface water management proposals, Fife Council Flooding, Shoreline and Harbours Team advise that the information submitted regarding the drainage design for the development is adequate for a Planning Permission in Principle application. Detailed matters would be addressed at the detailed application stage, including drainage designs for each holiday lodge and an updated discharge rate for the proposed SUDs basin to the northwest of the site discharging to a culverted watercourse. Subject to appropriate conditions, the proposals would therefore be acceptable regarding surface water management.

Coastal Protection

2.6.8 Objection comments raise concern that the site is shown to be at risk of coastal erosion in the future. The level of information provided with regard to coastal protection is adequate for a PPP Application. The site is located within Policy Unit 12 (Inverkeithing to St David's Bay) of the Fife Shoreline Management Plan (2011) (SMP). A small part of the western area of the site is located within Policy Unit 11 (Inner Bay). The SMP recommends 'no active intervention' at Unit 12. The proposals include retaining walls around 20m from the Mean High Water Spring (MHWS) line and are associated with the site levels. They do not result in active intervention within the coastal zone and the development would therefore comply with the policy statement set out for this section of the coastline within the SMP.

2.6.9 NPF4 Policy 10 a) states that 'development proposals in developed coastal areas will only be supported where the proposal: i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and ii. is anticipated to be supportable in the long term, taking into account projected climate change'. Previous consultation responses related to the site identified a need to repair or reinstate existing rock armour protection along the edge of the site and that the work should be carried out along the full length of the coastline fronting the development. However, Fife Council Flooding, Shoreline and Harbours requested that confirmation was provided that there 'is no requirement for further coastal protection measures to ensure compliance with Policy 10' of NPF4. The proposed site is an old quarry. Historical maps show that the quarry was originally located at the shoreline in the 1800s, but over time the quarry extended to the north and the shoreline at the site is man-made through the lowering of the original rocky coastline. This is shown by the topography of the area and is indicated within the submitted Flood Risk Assessment (FRA) report. The FRA has evidenced that the shoreline at the quarry has been protected in the past. As a result, the site has an unusual history for a coastal development site with the shoreline being manmade (i.e., not a natural shoreline) and one where there has been coastal protection in the past, although it is in poor condition.

2.6.10 A statement submitted by the applicant (Technical Memo, Kaya Consulting, August 2024) sets out that the site is previously developed land (quarry) with the shoreline at the site man-influenced, with evidence of the existence of coastal protection works that are now in a state of disrepair. The ground at the shoreline is 'made ground' rather than a natural shoreline (dunes/rock). The development proposals include coastal protection works taking account of future climate change, which will replace the existing protection and provide some additional protection for wave action along the edge of the site (set back from the shoreline and to protect residents against wave splash). Therefore, as the site was originally protected then the proposals do not include 'further' coastal protection measures, apart from the low wave wall. The site does not

have a natural dune system or natural coastline, with the coastline at the site the result of quarrying activity and the quarrying of the natural coast.

2.6.11 NPF4 Policy 10(b) refers to underdeveloped land and the site is previously developed; therefore this part of Policy 10 is not applicable. Policy 10(c) states that 'development proposals for coastal defence measures will be supported if: i. they are consistent with relevant coastal or marine plans; ii. nature-based solutions are utilised and allow for managed future coastal change wherever practical; and iii. any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets'. The site is located at the boundary of Policy Units 11 and 12 of the Fife Shoreline Management Plan. Unit 12 is designated as 'no active intervention', while Unit 11 is designated as 'hold the line'. Although most of the site front is within Unit 12, the brownfield nature of the site is more consistent with Unit 11, which also includes other industrial/brownfield land. Therefore, it would appear practical to consider the site within Unit 11 given its brownfield nature. Without active intervention at the site there would be erosion and flooding of low-lying parts of the quarry site. The site is not an essential asset requiring protection. The current proposals would replicate older coastal protection measures which are not nature-based solutions however it is considered that it could be possible to develop more natural solutions at the detailed design stage, to limit the use of rock along the frontage.

2.6.12 It is recognised that a key (overall) policy aim of NPF4 is to promote the re-development of brownfield land. It is considered by the applicant that Policy 10 of NPF4 has not been written with sites like Prestonhill Quarry in mind, which has a man-made shoreline and the purpose of Policy 10 would be to prevent development along areas of natural coast affected by flooding or erosion. Notwithstanding this, the old quarry shoreline was already protected in the past and the current proposals look to repair and reinstate these defences. The works would not increase the risk to people or coastal flooding based on the measures outlined in the development proposals.

2.6.13 Fife Council Flooding, Shoreline and Harbours (FSH) Officers have reviewed the proposals, including the Technical Memo by Kaya Consulting regarding coastal protection. FSH has no objections to the proposals in terms of coastal protection. It is acknowledged that there is existing rock armour at the shoreline by the proposed development and the current proposal is for this to be repaired and reinstated. The applicant has committed to all existing rock armour coastal protection to be repaired / reinstated as necessary. This work should be carried out along the full length of the coastline fronting the development. The design of the proposed embankments and retaining walls set back from the current coastal edge shall be submitted for approval at the detailed stage, should this application be approved.

2.6.14 The proposals would comply with the relevant policies in regards to flooding, drainage and coastal protection, subject to the aforementioned conditions.

2.7 Contaminated Land and Air Quality

2.7.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

2.7.2 A Desktop Study Report (Bayne Stevenson Associates Ltd, July 2020) was submitted with the application. The report concludes that detailed intrusive site investigations should be undertaken to establish geotechnical, geochemical and ground gas conditions. The results of such investigations (including appropriate monitoring works and risk assessment) are to be submitted for review and comment through appropriate planning conditions. If remedial measures are required to ensure the safe development of the site, these must be described in a Remedial

Action Statement, also recommended to be covered by an appropriate planning condition. The statement will detail the measures that will be used to mitigate against any identified risks and will include a verification plan specifying when, how and by whom remedial measures will be inspected. The remedial action statement must be submitted to and accepted in writing by the council before any development work begins on site. A Verification Report would be required on completion and before occupation of any property – matters which are recommended to be covered by planning conditions.

2.7.3 It is noted that the proposed development will include the draining and infilling of the quarry lake. There is an unknown quantity of debris (cars, household appliances etc.) in the lake. Such materials have the potential to be a source of contamination as well as cause stability and structural issues should they be left in situ when the lake is infilled. It is also noted that the quarry lake is influenced by the local groundwater. Any works (draining, clearing, infilling) should take into account potential impacts on the groundwater environment. Land and Air Quality Officers advise that contaminated land conditions are utilised to ensure the site would be developed in accordance with the relevant technical guidance including PAN 51 and PAN 33.

2.7.4 An Air Quality Impact Assessment (Airshed, February 2023) has been submitted with the application. The information provided by The Airshed's traffic consultants advised that the majority of the road traffic generated by the development will use a new site access on Fraser Avenue leading to Spencerfield Road (and then to the junction with Hillend Road). While the traffic is expected to split at the Spencerfield Road/Hillend Road, traffic between the Hillend Road junction and the development site is predicted to exceed the 500 AADT threshold. The 2021 assessment is based on pre-COVID-19 baseline flow data for Hillend Road. Due to the COVID-19 restrictions in place at the time of writing (May 2021 report), a baseline road traffic survey could not be completed on Spencerfield Road. It was therefore suggested that the applicant should consider using updated baseline traffic data to confirm the need or otherwise for a quantitative air quality impact assessment. Additional comments were provided by Airshed in May 2023 advising that a quantitative Air Quality Impact Assessment was not deemed to be required because the baseline flow on the side roads would be well below 5,000 AADT. Land and Air Quality Officers have accepted this and overall are content with the information provided in regard to air quality.

2.7.5 Land and Air Quality Officers have no objections to the proposals, subject to conditions. The proposals comply with the relevant policies regarding land and air quality, subject to the aforementioned conditions.

2.8 Natural Heritage And Trees

2.8.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 11 and 20, Scottish Government's Control of Woodland Removal Policy (2009), Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.8.2 At the eastern extent of the site, the Letham Hill Local Landscape Area adjoins the site boundary. Any development in this part of the site should ensure that the quality of the Local Landscape Area is maintained, and that the AWI woodland remains undisturbed.

2.8.3 The Reporter considered 'The outcome of the ecological assessment, in relation to the impact on bats, to be inconclusive'. Objection comments raise concern that protected species, including bats, has not been adequately assessed.

Trees

2.8.4 The site of proposed development is not covered by any protection from Conservation Areas, Tree Preservation Orders, Ancient Woodland, Site of Special Scientific Interest, or other known protection affecting trees. There is, however, a woodland present within the site which has naturally seeded and regenerated since works at the quarry ceased. It is considered to be an area of natural beauty and high natural amenity. It appears that the plans have the potential to significantly change the natural character of the area and affect several trees. The concept plan details areas and buildings which appear to be where trees are currently standing, which would mean felling those trees. An arboricultural report would therefore be required, with proposed replanting for any trees which would be removed as part of this development (which should be commensurate). Further, tree protection plans (BS5837) for the duration of the development will be necessary for trees intending to be retained. A tree care plan, or details of how trees associated with the development will be cared for into the future, would also be a requirement. An arboricultural report/method statement, landscape plan for replanting (if trees are intending to be felled) and a tree care plan for the future would be important for this proposal and these are recommended to be covered through appropriate planning condition(s).

Protected Species and Wildlife Habitats

2.8.5 Objection comments raise concern that the site has not been adequately assessed for bats. Fife Council's Natural Heritage Officer initially queried the assessment of bat use of the site. The applicant has since submitted further information regarding bats, including a 'Bat Activity Surveys' report (Nigel Rudd Ecology, October 2022). The updated report has clarified the question of bat use of the application area. Fife Council's Natural Heritage Officer has advised that the information submitted is clearly presented and identifies that, as per guidance, two surveys were undertaken in 2022, with the first on 22nd July (i.e. within the peak active time of May-August) and the second on 29th September, just before the end of the active season. Bat activity was demonstrated to be relatively low. This addresses the concern outlined by the Reporter in his refusal of application 21/01842/PPP regarding the lack of information surrounding bats.

2.8.6 A further habitat assessment has been provided in regard to potential use of the site by Peregrine Falcon (Peregrine Falcon Habitat Assessment, Ellendale Environmental, October 2024). The survey notes that, whilst the cliffs (particularly the inner rock face) are suitable, this species is particularly sensitive to low levels of disturbance when nesting, especially from point sources above a nest. The ecological surveyor noted anthropogenic (environmental change, caused by humans) disturbance of the site, with dog-walkers using the path just back from the inner cliff edge (i.e. the face with most potential for nesting use); evidence of further human presence is wide-spread. The survey's conclusion was that the site is too disturbed for nesting use by peregrine, despite their tolerance of human-generated noise, light and vibration outside the immediate vicinity of their breeding sites. Based on the survey results, the ecological site survey conclusion is that the Prestonhill Quarry site is of low suitability for peregrine falcon use as a breeding site. No other protected species were observed using the site, though other species of conservation interest are in the wider area. These conclusions are deemed reasonable and there are no remaining concerns from Fife Council's Natural Heritage Officer relating to protected bird use of the location for breeding purposes.

2.8.7 Objection comments raise concern that the presence of aquatic species has not been adequately assessed. An additional survey was also carried out which has addressed points regarding otter presence along the shoreline and the potential for use of the quarry pond by great crested newt. No evidence of the presence of otters was found within the site, however, there was evidence found outwith the site to the east and west. The ecological appraisal therefore advises that further surveys would be carried out to inform the detailed applications, should they come forward in future. Measures would also be taken to ensure protection of otters throughout the construction period. The habitat suitability assessment undertaken found that there was no value for Great Crested Newts within the site. The nearest record of Great Crested Newt is within 2.5km of the site, and there is no other pond within 1km of the site.

2.8.8 Objection comments note concern that the proposals have not fully assessed the impact on fauna within the site. The ecological assessments and phase 1 habitat surveys submitted with this application assess the existing site and identify that the site is made up of neutral grassland, dense shrub, open water and extensive bare ground. The site has a low species diversity and any habitat lost would be of low value. Making Fife's Places Supplementary Guidance provides information on the site assessment which must be submitted for natural heritage and biodiversity. The habitat and species assessments conducted to date fulfil these requirements.

Impact on Firth of Forth SPA and SSSI

2.8.9 NatureScot has responded and advised that they stand by their advice and response that they provided as part of the previous planning application for this proposal. In their 2021 consultation response NatureScot determined that the Firth of Forth SPA would not be adversely affected by the proposal. They advise that a Habitats Regulations Appraisal (HRA) would not be required in relation to the adjacent internationally important designated site of the Firth of Forth SPA (and this would extend to the Outer Firth of Forth and St Andrews Bay Complex SPA located within 1km to the east). Fife Council's Natural Heritage Officer indicated that use of the adjacent mudflats by SPA qualifying bird species would require to be taken into account during the detailed design stage. The recommendations contained within the revised Ecological Assessment report for screening any development from the shore and thereby reducing the potential to cause disturbance to the qualifying avian interests of the nearby SPAs are considered consistent with the expressed opinion of 2021.

2.8.10 A habitat regulations appraisal (HRA) as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) was carried out for this proposal. Under the Habitats Regulations, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, they must carry out an 'appropriate assessment'. This process is known as HRA. An Appropriate Assessment has concluded that, after a full assessment in line with HRA principals that the proposal will not have any Likely Significant Effects alone, or in combination with, other assessments on either the Firth of Forth SPA. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

Biodiversity Enhancement

2.8.11 The site currently contains neutral grassland, dense shrub, open water and extensive bare ground. The site has a low species diversity and any habitat lost would be of low value. For the

detailed application stage, as previously noted in 2021, the development would need to demonstrate an integrated approach to natural heritage and biodiversity, landscaping and SuDS design, as detailed in Making Fife's Places Supplementary Guidance. Biodiversity enhancement should be considered throughout the design process and details of this must be provided with the application, as required by policy. These aspects can be addressed through a condition. The detailed stage landscape design and planting schedule will be required to maximise biodiversity: native species of local or Scottish origin should therefore be specified for scheme landscaping. Also expected would be the use of native species-rich hedgerows, street trees, swales, plot raingardens, integrated bat roost boxes and integrated bird nesting boxes, and wildflower grassland instead of amenity grassland. Given the low biodiversity value of the site as existing, it would be possible to increase the biodiversity of the site significantly through the above noted enhancement measures.

2.9 Core Path Network

2.9.1 Policies 11 and 20 of NPF4 (2023) and Policies 1 and 13 of FIFEplan shall be taken into consideration when assessing impacts on the Core Path Network and rights of way.

2.9.2 Objection comments have raised concerns regarding how works can be carried out without the closure of the Coastal Path. Objection comments also raise concerns regarding the proposed relocation of the Fife Coastal Path and how this would impact on visual amenity. Any changes to the routing of the Fife Coastal Path/National Cycle Route 76 path would be subject to discussion and agreement with Fife Council/Fife Coast and Countryside Trust (FCCT) and Sustrans (the custodians of the National Cycle Network). These stakeholders will require direct input to the redesign of the route, including construction detail and considerations for climate change resilience, to ensure that changes to be made are both fit for purpose and acceptable to all. Any road or footpath diversions will also require a footpath closure/diversion order under Sections 207 & 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). A condition is also recommended, which requires an access plan to be submitted to provide further details regarding the management of the core path routes. The re-routing of the core path is considered to be a positive outcome which would ensure the continued use of the route, and it would allow for an attractive route along the shoreline for users of the path, whilst integrating the site with the surrounding area.

2.9.3 The proposals are acceptable in regard to the impact on the core path network, subject to final details.

2.10 Affordable Housing

2.10.1 Policies 15 and 16 of NPF4, Policies 1,2 and 4 of the LDP and Fife Council's Supplementary Guidance on Affordable Housing apply. This Supplementary Guidance advises that the affordable housing requirement for the West Fife Villages Local Housing Strategy Area (LHSA), is that 25% of the total number of houses proposed within a housing development should be affordable. FIFEplan Policy 4 sets out exemptions to the requirement for planning contributions. These exemptions apply to a range of different types of sites and types of development. The exemptions support wider Fife Council objectives by encouraging the regeneration and the reuse of existing property, directing development to brownfield sites, encouraging the removal of contamination, re-use of listed buildings, affordable housing sites and specialist housing to meet the needs of students and residents. Fife Council's Planning Obligations Framework Policy sets out that planning contributions will not be sought for the re-

use of derelict land or buildings, brownfield (previously developed land) within a defined settlement (excluding sites currently occupied by operational employment uses, former mine workings and naturalised previously developed land). Given the site is not located within a defined settlement, it would not be exempt from planning contributions.

2.10.2 Objection comments raise concern that the affordable housing contribution proposed does not represent a net gain of 45 homes as stated and the principle already set through 15/03844/PPP establishes 22 affordable homes in the same area as is proposed through this application. The Location Plan and Concept Plan have been revised to take account of the affordable housing development at Fraser Avenue Phase 3 and detailed in planning application 24/01407/FULL. The development must provide 25% of the total units within this site boundary as affordable units, in accordance with the Planning Obligations Framework Guidance. The Affordable Housing requirement for this development would be for 45 affordable units to be provided on site. To meet the affordable housing needs identified within the Dunfermline and Coast Local Housing Strategy Area (LHSA), the affordable housing on this development should be provided as social rented housing. The proposed mix for the affordable housing is:-

- 4 x 2 bed ground floor cottage flat (amenity standard)
- 4 x 2 bed upper floor cottage flat (general needs)
- 15 x 2 bed house
- 8 x 3 bed house
- 4 x 4 bed house
- 2 x 2 bed amenity bungalow
- 1 x 3 bed amenity bungalow
- 2 x 2 bed wheelchair bungalow
- 1 x 3 bed wheelchair bungalow
- 2 x 4 bed house (min 1 bedroom and shower room on ground floor to amenity standard)
- 2 x 5 bed house (min 1 bedroom and shower room on ground floor to amenity standard)

2.10.3 The house types to be provided include 31 general needs units, 14 specific needs units and 3 wheelchair units. The unit size and type are indicative and subject to consultation and agreement with Fife Council Affordable Housing Team. The affordable housing should be fully integrated into the new development and be indistinguishable from the open market housing. The density of the affordable housing should be approximately 30 units per hectare.

2.10.4 Subject to a legal agreement requiring the 25% affordable housing to be provided on the site, the proposals would therefore be acceptable in regards to affordable housing provision.

2.11 Education

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

2.11.2 This site is not included in the Housing Land Audit (HLA) and the development is expected to be completed in 2031. This application site is currently within the catchment areas for Inverkeithing Primary School; St John's Roman Catholic Primary School; Inverkeithing High School; St Columba's Roman Catholic High School and the site is also located within the Dalgety Bay and Inverkeithing local nursery area. Based on the available information at this time, this development is expected to create or contribute to a capacity risk at the schools within the catchment area of the development site.

2.11.3 Fife Council's Education Services has been consulted and advises that they would not object to this planning application, subject to notification of any reviews to the build out rate to monitor development progress and the timing of impact at the schools. There is a capacity risk expected at Inverkeithing Primary School as a result of this development. However, it is expected that Education Services will aim to manage the pupil numbers within the existing capacity by monitoring the school roll and applying the School Admissions Policy, therefore no planning obligations are sought for this application. There is also a capacity risk expected at Inverkeithing High School as a result of this development. However, it is expected that Education Services will endeavour to manage the pupil numbers within the existing capacity by monitoring the school roll and applying the School Admissions Policy, therefore no planning obligations are sought for this application. There is currently no capacity risk expected at the St John's primary school as a result of this development, or at St Columba's Roman Catholic High School. A review of the capacity across the nursery local area has indicated there are sufficient nursery places to accommodate nursery aged pupils from this development. There is currently no capacity risk expected across the Dalgety Bay and Inverkeithing local nursery area.

2.11.4 Education Services may require reviews of the phasing of the development to ensure that the school does not exceed capacity. However, Education Services has no objections to the proposals and has confirmed that it would not impact on the school roll. No mitigation measures are therefore required. A phasing plan is required through condition, so Education will be informed throughout the process of any amendments to the phasing.

2.13 Open Space and Play Areas

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

2.13.2 The site is not identified as an area of protected open space within the LDP and it is not identified as a sports facility. The site is however identified within Making Fife's Places Supplementary Guidance (2018) as providing a Green Network Opportunity, as follows:

"Former Prestonhill Quarry - any development of this area needs to consider the wider context and the intertidal areas SPA designation. Opportunities to enhance the setting and route of the existing Coastal Path and cycle routes and to deliver coastal edge and habitat improvements and better access to the water's edge must be fully considered in the development of any site proposals."

2.13.3 Concerns have been raised by objectors that the development of the site would lead to the loss of pleasant green space, open space and the loss of a valuable water resource used by local diving groups, including loss of income to businesses that rely on the water-filled void. The view has been expressed that safety concerns on the site are a result of poor practice and behaviour and do not represent the majority of people using the site, and the feeling amongst many is that the site has naturally regenerated to such an extent that the quarry should be kept as a place of leisure for the local area and wider Fife residents. Objection comments also raise concern that the proposals would result in the loss of sports facilities.

2.13.4 The Design and Access Statement submitted with the application indicates how Green Network priorities for the development of the site have been key in developing the design strategy through: the provision of a landscaped wide corridor at the end of Preston Crescent where the site begins to create a defined entrance to the coastal path, creating physical and noise buffer space between the development and the existing industrial unit at the eastern boundary; the provision of safe crossings along the site and connection of proposed footways; and the provision of a landscaped corridor along the proposed new link road from Fraser Avenue which will connect

to the Coastal path and provide links to the north part of the site, which then further connects to Letham Hill Wood.

2.13.5 The applicant has indicated that the use of the quarry site is presently unrestricted and unregulated and attempts by Fife Council (in the wake of fatalities at the site) to improve site safety have been met with acts of vandalism to such an extent that it became impossible to maintain those attempts. There is no readily available emergency equipment on hand at the quarry and the Health and Safety Assessment submitted in support of the application highlights areas of significant concern relating to the unsafe condition of the quarry. The applicant indicates that the proposed development looks to enhance the facilities for local residents and visitors by significantly upgrading the condition and safety of the site, making it a more valuable asset in its location adjacent to the Fife Coastal Path, providing viewpoints and local historical interpretation of the cultural heritage through the provision of a new, permanent home for the Beamer Rock Lighthouse, re-establishing its link with the town of Inverkeithing. Shallow ponds are indicated to the north of the site near Fraser Avenue and centrally within the quarry area. These are intended to contribute to green and blue infrastructure, providing safe public recreational space and biodiversity enhancements along with sustainable drainage provision.

2.13.6 With specific regard to the matter of the water-filled quarry void being used as an asset by diving groups, the applicant indicates that the use of the void by divers to date has been unregulated. The applicant indicates that they engaged with the divers in the early stages of the process to establish if they could become part of the proposed development however the applicant formed a view that there was not a sustainable business model on which to base their future involvement.

2.13.7 With specific regard to the objections stating that this proposal is not a truly "mixed use" proposal and diminishes the opportunity to further enhance a potential tourism asset, the proposed development is demonstrably a mixed use, as can be seen from the description of the development, and there are no alternative live, costed and realistic proposals for the site's redevelopment against which a comparison of relative benefits can be made. In any event, Members can only make a decision on the planning proposal that is before them.

2.13.8 Making Fife's Places Supplementary Guidance (2018) sets out the open space requirements for developments located outwith a 250 metre walking distance of an existing open space are required to provide 60 square metres of open space per dwelling on site. If the development is within a 250 metre walking distance to an area of open space, an alternative financial contribution towards existing open space is required. The open space provided should be able to accommodate informal activities such as play, walking, sitting, picnics, communal gardening, informal sports and recreation. 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). Small areas of greenspace which have limited usage will not be included as part of the open space requirement. Play facilities should also be provided on site.

2.13.9 Overall, it is considered that the applicant has demonstrated, through the Design and Access Statement provided with the application, appropriate consideration of the requirements for green infrastructure and open space to a level commensurate with a PPP application and the proposal therefore complies with the Development Plan and other relevant guidance in this regard.

2.14 Public Art

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

2.14.2 It is proposed to reconstruct the historic Beamer Lighthouse in a prominent and public location within the new development as a public art element. The lighthouse will provide contextual robustness and distinctiveness to the site. Interpretive signage would be installed to inform walkers of this unique structure that will create a feature point for this section of the coastal path. It is likely that the proposed rebuilding and placement of the Beamer Rock lighthouse, as a point of historic interest and interpretation on the Fife Coastal Footpath, would fulfil the obligation in that particular context. No further details regarding the proposed public art have been provided, therefore a condition is recommended regarding this matter, and the submitted details should demonstrate how it has incorporated public art into the overall development with the cost of the public art equating to £300 per dwellinghouse as per the requirement contained within Making Fife's Place's. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect. Queries have been raised as to the ownership and location of the Beamer Lighthouse. The applicant has advised that they are aware of the location of the lighthouse, and are in discussions with people who have the lighthouse in storage at the moment. For a PPP application, enough information has been provided in regards to public art and, should the lighthouse not be available for any reason, a further public art strategy would need to be provided and would be fully assessed at the detailed application stage, should this application be approved by Members.

2.14.3 This matter can be considered further at the detailed planning application stage if the application was approved and therefore, at this stage, it is considered that the development would not be in conflict with the Development Plan or Supplementary Guidance in this regard

2.15 Strategic Transport Interventions

2.15.1 Policy 13 of NPF4, and Policies 1 and 4 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply

2.15.2 In accordance with the approved FIFEplan Planning Obligations Framework Supplementary Guidance 2017, the proposed development shall contribute towards the strategic transportation intervention measures identified in the Local Plan (both the adopted and proposed) and SG (Figure 5). The application site lies within the Dunfermline Intermediate Zone (Figure 4) and shall contribute £2,428 per dwelling, excluding affordable housing, to the transport fund (Figure 3). The strategic transportation intervention measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations. The proposed development site has not been included within the FIFEplan Transport Appraisal. Notwithstanding, the trips generated by the proposed development contribute towards the requirement for the transportation intervention measures identified within the proposed Local Plan and the SG. The monies collected would be utilised to deliver the Dunfermline and Rosyth

measures identified within Figure 5 of the Planning Obligations Framework Supplementary Guidance 2017.

2.16 Other Infrastructure Considerations

2.16.1 Objection comments received set out concerns that the development would have an adverse impact on, and would not contribute towards, infrastructure such as health care including hospitals, dentists and GPs. Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The Circular requires that planning obligations meet the five tests as set out within paragraphs 14 – 25 of the Circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects. Policy 18 (Infrastructure First) of NPF4 states that development proposals which provide (or contribute to) infrastructure in line with that identified in LDPs will be supported. This policy further requires that the impacts of development proposals on infrastructure should be mitigated. Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure.

2.16.2 Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use of employment land or leisure site, will be exempt from these obligations if they are for the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement boundary. Fife Council's Planning Obligations Framework Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply, and how methodologies will be applied when considering the impacts, a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art, and employment land.

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

2.16.4 In response to the representations received from members of the public regarding the impact of the development on healthcare services locally, this is not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practices business case to expand services where required

to meet additional demand. The funding of healthcare is an issue for central government. GP practices are often run as individual businesses who make a business case to expand and establish the practices if they seek to do so. This remains a matter that is closely monitored, and Council officers periodically liaise with those from NHS Fife during the Local Development Plan implementation or review process and will continue to consult NHS Fife in relation to large-scale or significant development proposals that could potentially impact on healthcare service provision. NHS Fife were consulted as part of a wider discussion with NHS Fife on development within Fife. NHS Fife were consulted specifically on this application and did not respond to a consultation request for their comments.

2.16.5 Planning contributions can be taken without specific mitigation being identified and costed. In line with Circular 3/2012 the developer can only pay what is directly attributed as their impact. This has not been specified for this application. Moving forward, the Planning Authority will be requesting that NHS Fife set out an overall strategy for expanding their estate to deal with any capacity constraints and outline the cost of this and how this should be attributed to developments. This would be positioned within any revision of the Planning Obligations Supplementary Guidance. Without this information and the policy support, no contribution can be taken for this development for healthcare services, and this would be the same for shops. All other infrastructure that the development would be expected to contribute towards is set out above.

2.17 Community Plans

2.17.1 Community plans (including the Inverkeithing Neighbourhood Plan) are also a material consideration.

2.17.2 Fife Council's Community Plan, Plan for Fife 2017 – 2027 (2019) sets out a vision for Fife with priority themes of Opportunities for All, Thriving Places, Inclusive Growth and Jobs and Community Led Services. Under the theme of Thriving Places, the ambition includes 'Our thriving places will be places where people feel they belong to their community, enjoy their environment and have access to high quality open spaces; good, affordable housing; and community facilities.' (Fife Council, Plan for Fife 2019, page 17).

2.17.3 A Local Community Plan was prepared for the South and West Fife Area, reflecting the four main priorities of the Plan for Fife. The Plan for South and West Fife 2019-2022 highlights the attractions, assets and opportunities in the area and future challenges. The vision for the South and West Fife Area is: 'We want South West Fife to be a place where residents are proud to say they live there, where tourists are keen to visit, and businesses want to invest in and grow. This means creating an area that people enjoy living in, with good access to services, amenities and opportunities to prosper. We want to make best use of our assets and facilities, our natural heritage, and the great potential that we have in the community spirit that exists within the area.' Delivering the 'Vision' for south west Fife is supported by several topic specific plans, including in relation to outdoor recreation, health, affordable housing, tourism, employment and training opportunities and the economy.

2.17.4 Local community planning for the Inverkeithing area included the preparation of the Inverkeithing Spatial Masterplan (Fife Council/AECOM 2019) that established a shared vision for the community and a basis for investment and community decision making. The masterplan was developed as part of a community design 'charrette', to establish priorities for Inverkeithing and an action plan to progress their implementation. The community engagement identified actions for the short, medium, and longer term. The spatial masterplan identifies 5 co-ordinating programmes to deliver the community vision. These have been taken forward in the

Neighbourhood Plan for Inverkeithing, 'Imagine Inverkeithing' under the themes of 'Promote the Coastal Edge', 'Pride in the Past', 'Legible Links', 'Bring Nature In' and 'Town-wide Strategies'.

2.17.5 Objection comments raise concern that Inverkeithing Neighbourhood Plan supports the improvement of the physical and mental wellbeing in the community through leisure and recreation activities as well as 'bringing nature in' which this proposal would not do. Objection comments raise concern that Prestonhill and the Quarry would be an important area for protection that the community would wish to include in its Local Place Plan for Inverkeithing.

2.17.6 The applicant believes that there is considerable opportunity for developers of the quarry site to be active delivery partners in achieving these project goals and that this application can enable the outcomes referred to in the Neighbourhood Plan. The Reporter, in considering the appeal of the earlier application, specifically referred to the 'Inverkeithing Spatial Master Plan 2019' as a material consideration in the determination of the application. The Reporter noted that the Plan identifies 'the setting of Inverkeithing Bay, the coastal edge, and the wooded braes of Letham Wood' as assets valued by the community and notes that the proposal 'could help deliver some of the projects listed in the spatial master plan.'

2.17.7 Inverkeithing now has a Local Place Plan (LPP) (June, 2024), in place produced by members of Inverkeithing Community Council, working with key stakeholders including Inverkeithing Trust and elected Councillors to consult the community and to write and prepare the Plan. Members of the community were consulted on various sites within Inverkeithing, including the Prestonhill Quarry site. The LPP sets out that 'private housing developments, excluding small scale development such as single plots or infill sites, should be limited to brownfield land where housing would bring about the redevelopment of vacant and derelict land' but also goes on to say that 'All housing developments should be restricted to within the existing settlement boundary'. Whilst this proposal would bring about the redevelopment of vacant and derelict land, it would not be within the existing settlement boundary. The LPP sets out that 'Prestonhill and associated Quarry area should be safeguarded and designated as Green Belt land. The only development that would be accepted would be for the primary purpose of advancing leisure activities, promoting access to recreation and the countryside and for promoting biodiversity'. It sets out that NPF4 Policies 20 and 3 support this proposal, as it would contribute to the enhancement of biodiversity and protect and enhance green infrastructure and networks.

2.17.8 It is clear from the local community plans presented in the past and in the current Local Place Plan, that the community see Prestonhill Quarry as an opportunity for leisure and recreation space and do not see housing and holiday accommodation as one of the opportunities for development on this site. The proposals would therefore not align with the Local Place Plan for Inverkeithing.

2.17.9 Overall, the re-development of Prestonhill Quarry can provide significant benefits, both for the community and visitors. The Committee Report on the earlier application states, in reference to the improvement ideas proposed by the community, highlighted that 'None of the proposals/ideas contained in the Spatial Plan were costed or had the support of developer financial backing; rather, the Plan built on the improvement work carried out during the redevelopment of the Fraser Avenue housing stock and aimed at establishing a general direction of travel towards improvements in the wider area. Possible improvements put forward included a putting-green, an amphitheatre for public events, more restaurants and family friendly pubs, art murals, better sports facilities, a dry ski slope, a river taxi/ferry, practice room for musicians, public Wi-fi and a large supermarket.' The Committee Report for the earlier application also notes that 'Local residents also wanted greater recognition of the town's history and industrial past and were keen to promote the re-use of former industrial sites as places for people.' This in-principle planning application can address these aspirations – with the quarry re-development proposal

including the re-use of the conveyor structure to form a pier for passenger boats and a bistro/café also proposed within the site. It provides a foundation for future detailed proposals that will promote the heritage of Inverkeithing and its quarrying/port history in this location – including through its public art and within the design and layout of buildings and open space. There is also opportunity to achieve more in relation to these improvements, with the potential for the open space within the Prestonhill Quarry future development to provide sports/recreational space and facilities, including enhancement of the Coastal Path and surrounding green network. The Spatial Masterplan makes detailed reference to elements of the project areas identified in the community exercise. Several of these make specific reference to Prestonhill Quarry, with others having clear potential to link into the proposal. For example, in relation to the project identified for 'Fife Coastal Path Enhancement', opportunities and aims include: 'A new 'gateway' feature to the Inverkeithing section of the route, potentially at Jamestown and near Prestonhill Quarry. This feature must have a prominent spatial location and could reference assets of the town most valued by the community, the town's industrial past of historic significance' and 'Unique points of interest, for example a 'selfie spot' or viewing platform at the pier to the south of Prestonhill Quarry, looking across the Firth of Forth to the distant Edinburgh skyline.' There would also be opportunity to facilitate the aims identified for the 'Urban to Coast Connection' and for the 'Green Infrastructure Strategy'.

2.17.10 Whilst the aspirations of the community are recognised within the Local Place Plan, the community plans including the Local Place Plan, does not form part of the Local Development Plan at this point. When LDP 2 comes forward in future, it will recognise Local Place Plans and incorporate them into the LDP where possible. However, greater weight is given to the Local Development Plan which comprises NPF4 (2023) and FIFEplan (2017).

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

2.18.1 Policies 1, 2 and 19 of NPF4, Policies 1 and 11 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.18.2 A Low Carbon Checklist and Energy Statement of Intention has been submitted with the application. The Low Carbon Checklist confirms that proposed refuse bin collection points will be available within the site and also sets out that the domestic waste will be separated and treated as required by Fife Council. The submission advises that bin storage facilities would be accommodated within each house plot as per the council's standards. The Energy Statement sets out that renewable technologies would be used throughout the site, including roof mounted PV panels, low carbon dMEV fans and air source heat pumps. Local contractors would be utilised, and materials would be sourced from Fife as first choice with Scotland being second choice. Toilets would be fitted with dual flush cisterns, low-flow taps to basins, and aerated shower heads to showers, which would reduce water consumption. In terms of sustainability, the site is in a well-connected area, with connections to Edinburgh and Fife, with sustainable options including rail and bus. This is all outlined within the sustainability section of this report. Given the site is further than 1km from a district heat network, there would be no option to connect to a district heat network in this instance.

2.18.3 Sufficient information has been submitted to demonstrate that the proposal could incorporate energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. Conditions are also recommended requiring that full details of all proposed energy generating technologies and measures are submitted with any detailed applications in future. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

TDM, Planning Services	No objections, subject to conditions.
Parks Development And Countryside	No response.
Scottish Environment Protection Agency	No objections, subject to conditions.
Community Council	Objection. The issues raised previously have not been addressed.
NatureScot	No objections.
NHS Fife	No response.
Parks Development And Countryside - Rights Of Way/Access	No objections.
Archaeology Team, Planning Services	No objections.
Built Heritage, Planning Services	No objections, subject to conditions.
Strategic Policy And Tourism	No response.
Business And Employability	No comments.
Natural Heritage, Planning Services	No objections, subject to conditions.
Urban Design, Planning Services	No objections, subject to conditions.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Education (Directorate)	No objections.
Housing And Neighbourhood Services	No objections, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	Conditions recommended.
Environmental Health (Public Protection)	No objections, subject to conditions.
Historic Environment Scotland	No comments.
Scottish Water	No objections.
RSPB	No response.

4.0 Representation Summary

4.1 5 support comments, one general comment (which contains negative comments within it so has been counted as an objection comment) and 113 objections have been received. Comments are summarised below.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Concerns with current sewage system. Further pressure will be placed on the pump station which will not cope.	2.6
b. No change to previous proposal	1.2
c. The development is in the countryside and contrary to FIFEplan (2017) Policies 7 and 8	2.2
d. Loss of open space and green networks	2.13
e. Impact on road safety. Potential new residents will use all access routes available, including via Commercial Road to Preston Crescent. There are cars parked on the streets which would create road safety issues and increase in traffic volumes would also create road safety issues.	2.5
f. The quarry cliffs have not been adequately assessed for bats	2.8
g. There is no housing shortfall	2.2
h. Amenity impact from construction, including blasting impacts	2.4
i. Visual impact, particularly from the coastal path and resulting in coalescence between Inverkeithing and Dalgety Bay	2.3
j. Loss of sports facilities and diver training facilities	2.13
k. The developer proposes to widen the footpath on the existing C-listed (18th century) bridge over the Keithing Burn. This does not take into account the existing heavy traffic.	2.5
l. Overlooking to Preston Terrace and Preston Crescent	2.4
m. Loss of light	2.4
n. The affordable housing contribution proposed does not represent a net gain of 45 homes as stated. The principle already set through 15/03844/PPP establishes 22 affordable homes in the same area	2.10
Assessment of aquatic species has not been adequately assessed	2.8
o. Inverkeithing Neighbourhood Plan supports the improvement of the physical and mental wellbeing in the community through leisure and recreation activities as well as 'bringing nature in'	2.17
p. The site is shown to be at risk of coastal erosion in the future	2.6
q. Impact on protected species has not been thoroughly assessed	2.8

r. Concern that the proposals would exacerbate existing flooding issues at Preston Crescent	2.6
s. The issue of anti-social behaviour should be addressed by the landowner through appropriate security measures and this is not a material planning consideration.	2.2.25
t. Prestonhill and the Quarry would be an important area for protection that the community would wish to include in its Local Place Plan for Inverkeithing	2.17
v. Queries regarding how works can be carried out without the closure of the Coastal Path	2.9
w. Impact on local fauna has not been assessed	2.8
x. Nothing has changed since the original application as refused, and the submitted information does not warrant overturning the previous decision to refuse permission	1.2.8
y. No geological investigation of the blasting site has been undertaken.	2.4
z. There has been no contact from the developer to the community since the application was refused by the Reporter	1.4.3
aa. This application should not have been free of charge	1.4.10
bb. Impact on Letham Woods	2.8
cc. The leisure centres, medical practices and shops in the neighbourhood are not fit for this increase of population.	2.16
dd. Would adversely affect the historic town	2.3
ee. Would deteriorate footpaths due to additional footfall and increase the use of shortcuts	2.5
ff. SUDS is too small and will not be able to cope with groundwater	2.6
gg. Moving the core path will have an unacceptable visual impact	2.9

4.2.2 Support Comments

Issue

a. Would like to see the area developed	2.2.6
b. Safety concerns due to steep rock faces and deep water	2.2.27
c. The quarry attracts antisocial behaviour and is used as a dump	2.2.27
d. Using a previously used site is better than losing greenfield land	2.2.6
e. Homes and holiday amenities would be welcomed in the area	2.2.6

4.2.3 Other Concerns Expressed

Issue

Comment

a. Contest DDR's statement that 96% of local residents support their proposals. This figure is based upon the numbers of local residents who did not reply at the consultation stage. Over 80% of those who did reply were against the proposals.

Not relevant to the assessment of this planning application. Representations including objections have been fully considered in the assessment of this planning application.

b. Uncertainty around using sea transportation and government grants to remove waste material. No indication has been given for alternative means of disposal should government grants not be forthcoming.

This application is for planning permission in principle only, and detailed matters would be addressed at the detailed stage.

c. Questions around the accuracy of the ecologists work on another site in the past.

This is not a material planning consideration. The ecology reports have been carried out by a suitably qualified ecologist and reviewed by suitably qualified experts.

d. The applicant (and it could be suggested that the planning dept) is attempting to use the festive holiday period to their advantage. postal strikes and festive holidays would appear to have exacerbated this as I received a letter in the post today 28th December which was dated 15th December. At very least it would be appropriate to extend the window for public comments in order to compensate for time lost due to postal delays.

The Planning Authority cannot control when a planning application is submitted to them for consideration and the public was given more than the statutory period of time to comment.

e. The old mill should be developed instead, the development should be a non-profit project where any gains are reinvested into the community, and the area should be converted into a safe communal swimming area.

The Planning Authority must assess the application that is before them, so this is not a matter that is materially relevant to this planning application.

f. Inverkeithing, Dalgety Bay and Hillend residents are against the development

Formal objection comments have been reviewed from residents who are against the development.

g. Queries regarding how the movement of materials via water can be carried out, given no operational pier exists within the site boundary

Not material to this planning application.

5.0 Conclusions

The proposals address the concerns raised by the Reporter within the previous appeal decision in regard to visual impact, impact on protected species, how the development would meet the six qualities of successful places, and how the quarrying and site engineering works would likely impact on residential amenity. The proposal would result in the redevelopment of a long-standing, vacant and derelict, predominantly brownfield site which has longstanding issues of safety from misuse and a misunderstanding of the dangers of the site. The proposed redevelopment of Prestonhill Quarry represents a significant opportunity to address long-standing public safety

concerns while delivering meaningful regeneration of a prominent derelict site. The application aligns with the strategic objectives of National Planning Framework 4 (NPF4), particularly in relation to the reuse of brownfield land, enhancing public safety, and contributing to sustainable placemaking. The proposal would comply with NPF4 Policy 9 and 17 in regard to development in the countryside as it would successfully redevelop a brownfield site, outwith but adjacent to the settlement boundary whilst taking into account the biodiversity of the site and whether the site will re-naturalise. The site is located within a sustainable location, immediately adjacent and connected to the surrounding town of Inverkeithing and would be well connected to the immediate and extended surrounding area with various sustainable transport options available, including bus, rail and footpath connections readily available, thus fulfilling the overall aims of NPF4 in relation to sustainable transport (Policy 13) and the wider overarching aim of addressing the climate and nature crisis (Policy 1). The proposals are in principle at this stage but it has been demonstrated that it can provide biodiversity enhancement on the site through landscaping and the provision of other biodiversity enhancement measures, whilst the proposals would not adversely impact on any high value biodiversity on the existing site. On balance, proposals would bring a vacant site into use, within a sustainable location, to the benefit of the surrounding community and without detriment in regard to amenity, impact on natural heritage, visual impact and impact on infrastructure which can all be mitigated or addressed through the submission of further detail at the detailed application stage.

6.0 Recommendation

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

- A. The conclusion of a legal agreement to secure;
 - 25% of the total units on site to be provided as affordable housing as per the definition contained within Fife Council's Affordable Housing Supplementary Guidance (2018);
 - a financial contribution of £2,428 per market dwelling unit to the Dunfermline Strategic Transport Infrastructure Measures in line with the adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017)
 - delivery of public art on the site of a value at least equivalent to
 - o £300 per residential unit;
 - o £10 per square metre of leisure floorspace
 - o £10 per square metre of retail floorspace

In line with Making Fife's Places Supplementary Guidance (2018)
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application

1.The development to which this permission relates must be commenced no later than 5 years from the date of this permission.

Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. A further application(s) for the matters of the development (Approval of Matters Required by Condition) as set out below shall be submitted for the requisite approval of this Planning Authority;
- (a) engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination;
 - (b) the construction of residential development and associated infrastructure, including road/pedestrian access, internal roads and footpaths, open space and play provision;
 - (c) the construction of holiday lodges and associated infrastructure, including road/pedestrian access;
 - (d) the construction of a café/bistro and associated infrastructure, including road/pedestrian access;
 - (e) the construction of SUDS facilities and flood attenuation including all associated engineering works;
 - (f) improvements to the Fife Coastal Path, cycleways and footpath networks incorporated within/adjacent to the development site;
 - (g) improvements to/upgrading of any disused piers/jetties on the development site;
 - (h) proposals to erect the Beamer Rock Lighthouse within the development site, including any associated infrastructure required;
 - (i) an updated Masterplan for the development of the site;
 - (j) a Development Brief for each phase of development, showing how each phase complies with the latest version of the Masterplan and the approved Design and Access Statement and how each phase incorporates the mitigation measures set out within the approved Visual Impact Assessment including the timing of the delivery of each mitigation measure; and
 - (k) an Infrastructure Delivery Plan.

No work shall be started on the development until the written permission of Fife Council as Planning Authority has been granted for the specific proposal.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

3. The first application for Approval of Matters Specified by Condition submitted under the terms of Condition 2 shall be submitted for the written permission of this Planning Authority with the following supporting documents, unless otherwise agreed in writing by the parties:-

- (a) a Masterplan detailing all development on the site, as defined by condition 10;
- (b) an updated Landscape and Visual Impact Assessment, as defined by condition 25;
- (c) a Biodiversity Action and Enhancement Plan, as defined by condition 14;
- (d) an updated Noise Assessment, as defined by condition 27;
- (e) an updated Air Quality Assessment with mitigation as defined by conditions 30 and 31;
- (f) a Construction Environment Management Plan (CEMP), as defined by condition 24;
- (g) a Construction Traffic Management Plan (CTMP), as defined by condition 26; and
- (h) an Infrastructure Delivery Plan, as defined by conditions 11, 12 and 13.

All Matters Specified By Condition applications shall be submitted in accordance with the details approved through the assessments approved through this condition.

Reason: To provide guiding principles for future applications.

4. Every application for Approval of Matters Specified by Condition submitted under the terms of Condition 2 shall be submitted for the written permission of this Planning Authority with the following supporting information, unless otherwise agreed in writing between the parties, each acting reasonably, and this shall include, where relevant: -

- (a) A location plan of all the existing site to be developed to a scale of not less than 1:2500, showing generally the site, existing contours, any existing trees, hedges and walls (or other boundary markers);
- (b) A detailed plan of not less than 1:1250 showing any previous phases of development and how this application relates to that development;
- (c) A detailed plan to a scale of not less than 1:500 showing the current site contours, the position and width of all proposed roads and footpaths including public access provision and accesses.
- (d) Detailed plans, sections, proposed contours and elevations of all development proposed to be constructed on the site, together with details of the colour and type of materials to be used;
- (e) Details of boundary treatment;
- (f) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. This shall also include details of strategic landscaping associated with that phase of development;
- (g) Details of the future management and aftercare of the proposed landscaping and planting;
- (h) A Design and Access Statement including an explanation in full how the details of the application comply with the Masterplan, relevant Development Brief, Infrastructure Delivery Plan, Environmental reports and any of the strategies required in conditions 1 and 2 and shall provide a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2018);
- (i) Site Sections (existing and proposed);
- (j) Details of land regrading and retaining walls;
- (k) Biodiversity Action and Enhancement Plan for that phase;
- (l) Updated Ecological surveys;
- (m) Updated landscape and visual appraisal with the detail of the development (including photomontages);
- (n) The contractors' site facilities including storage, parking provision and areas for the storage of topsoil and subsoil;
- (o) A sustainability statement;
- (p) Noise and Vibration Assessment on development from existing and future sources of noise and impact of construction process on existing properties.
- (q) A Drainage Strategy with validation certificates;
- (r) Site investigation and remediation strategy in accordance with the agreed Strategy for Site Investigation;

- (s) Air Quality Assessment;
- (t) Construction Traffic Management Plan (including details of wheel washing facilities);
- (u) Updated Flood Risk Assessment with mitigation
- (v) Construction Environmental Management Plan;
- (w) Maintenance details of SUDS, coastal protection measures, water courses, drains, culverts, open space and play areas;
- (x) Tree surveys of any trees to be removed and tree protection measures for trees being retained.
- (y) An Integrated Site Management Plan for long term management and protection of created habitats; and
- (z) Transportation Statement.
- (aa) An energy statement and low carbon checklist

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

5. Every Application for Approval of Matters Specified by Condition submitted under the terms of Condition 2(a) shall be submitted with the relevant details as required by condition 4 and the following details and supporting information, unless otherwise agreed in writing between the parties, each acting reasonably: -

- (a) Details of the intended methodology to ameliorate existing sources of hazard from the quarry, including de-watering, clearing-out and infilling the quarry void, removing the potential for rock fall from weathered quarry faces;
- (b) Details of the duration and frequency of mineral working, including proposed hours of operation, required in pursuit of condition 5(a);
- (c) Details of the proposed frequency and timing, of any blasting required at the quarry in pursuit of condition 5(a);
- (d) Details of access arrangements for construction traffic required in pursuit of condition 5(a);
- (e) Details of the amount of material to be moved within/won at the quarry in pursuit of condition 5(a), specifying the percentages of material to be used for: infilling the quarry void; regrading the quarry faces to create development platforms; and to be stockpiled for later use as construction materials in the development hereby approved in principle;
- (f) Updated noise and vibration assessments (separate from the general noise and vibration assessments covering the development as a whole as indicated in conditions 28 and 31) covering all elements of the engineering operations required in pursuit of condition 5(a).

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

6. Every Application for Approval of Matters Specified by Condition submitted under the terms of Condition 2(b) shall be submitted with the relevant details as required by condition 4 and the following details and supporting information, unless agreed otherwise in writing between the parties, each acting reasonably: -

- (a) Details of the intended methodology and delivery of the on-site Affordable Housing, including tenure;

- (b) A statement indicating the aggregate number of housing units already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission, split into open market units and affordable units;
- (c) Details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Detailed plans of open space provision and play provision associated with this residential area with 60 square metres of open space provided per residential unit expected to be delivered in the site or shown to be delivered elsewhere;
- (e) Noise and vibration assessment covering any approved or existing significant noise generating land uses. The development shall comply with the noise assessment carried out for the development unless updated noise assessments justify otherwise.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

7. Every Application for Approval of Matters Specified by Condition submitted under the terms of Conditions 2(c) and 2(d) shall be submitted with the relevant details required by condition 3 and the following details and supporting information, unless agreed otherwise in writing between the parties, each acting reasonably: -

- (a) A statement indicating the aggregate gross floor space of the land use being applied for and already approved through previous Approval of Matters Specified by Condition applications across the whole site at the time of submission;
- (b) Where relevant a noise assessment and mitigation for the impact on existing residential properties and future residential areas set out within the Masterplan;
- (c) Where relevant the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Where relevant the details of plant and machinery including the mechanical ventilation and noise output information;
- (e) A retail or leisure impact assessment when considered necessary. Any application for retail or leisure which individually or cumulatively with previous applications for retail or leisure on the overall site would equate to a total gross floor area of 2000sqm shall be accompanied by a sequential approach assessment and a retail or leisure impact assessment. A retail or leisure impact assessment may also be requested for smaller applications when considered necessary by the planning authority.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

8. If any of the information required within conditions 4, 5 and 6 was submitted and subsequently approved as part of a previous application and is still relevant, then a statement setting out this detail can be submitted in lieu of a full package of information. This statement shall provide sufficient information to allow the planning authority to easily identify the information in the other planning applications.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Masterplan, phase-specific Development Brief(s) and the environmental reports which form part of the application proposals.

9. The development shall be carried out in accordance with the terms of the environmental reports and any mitigation measures contained therein shall be incorporated into any further applications submitted under condition 2 above.

Reason: To ensure the development progresses in accordance with the terms of the environmental reports which form part of the application proposals.

10. The Masterplan required by condition 3(a) shall be submitted for the written approval of Fife Council. This shall include an updated Design Statement.

Reason: To create a single Masterplan document which encompasses all the key principles for the site.

11. THE FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2 SHALL BE/ OR BE ACCOMPANIED BY an Infrastructure Delivery Plan in accordance with condition 3(h) for the prior written approval of Fife Council as planning authority. This shall divide the Masterplan area into phased development zones to confirm the phasing of the delivery of infrastructure within each of those zones and across the whole site. The plan shall include the general location and timing of delivery of the following matters within each zone:

- a) Green infrastructure;
- b) Number of units within each area/ phase (including affordable housing)
- c) Public art (overall theme);
- d) Strategic landscaping;
- e) Advance planting;
- f) Details of existing assets for retention such as trees, hedgerow, walls;
- g) Biodiversity Action and Enhancement Plan mitigation;
- h) Temporary and permanent safe routes to school;
- i) Delivery of SUDS;
- j) Strategy and commitment to the Flood Risk measures identified within the Flood Risk Assessment including retention of overland flow routes;
- k) Design details of proposed embankments and retaining walls set back from the current coastal edge, based upon a detailed assessment of potential future coastal erosion, using all available data at the final application/removal of conditions stage (including the latest Dynamic Coast Projections, and a review of all available historic maps and historic aerial images);
- l) Hierarchy of Open Space and delivery;
- m) Woodland management and improvement;
- n) Direction of build;
- o) Strategy for mineral extraction storage and re-use, and land clearance in advance of development;

- p) Strategy for retaining access to Rights of Way, Core Paths and the National Cycle Route during construction;
- q) Strategy for timings and delivery of upgrades to Rights of Way and Core Paths; and
- r) Site Investigation Strategy.

The timing of the delivery of each matter shall be associated to the phasing and completion of any triggers associated with the neighbouring development within that zone. Updates to the Infrastructure Delivery Plan can be made through the submission for the written approval of Fife Council as planning authority of an amended Infrastructure Delivery Plan under the terms of this condition but the Council, reserves the right to request a new planning application through condition 2(k) in the event that the change to the Infrastructure Delivery Plan requires significant assessment or consultation.

Thereafter all applications for Matters Specified By Condition 2 shall reflect the details approved through this condition where directly relevant to that further application.

Reason: To set out in one document the delivery of the site infrastructure within development zones to ensure these areas are delivered in the interest of amenity, landscape impact and natural heritage.

12. Prior to or with the first application for each phase of development (both residential and non-residential) as defined by the phasing plan and the Infrastructure Delivery Plan, a Development Brief for that phase shall be submitted for written approval in accordance with condition (j). This shall set out the following:

- a) Character/ design themes, concepts, styles for the phase which comply with the approved Design and Access Statement;
- b) Identification of character areas (in accordance with the approved Design and Access Statement), sensitive locations and constraints;
- c) Set the design criteria for the character areas (in accordance with the approved Design and Access Statement);
- d) Indicative heights of buildings;
- e) Hierarchy of streets and footpath network;
- f) Play area locations, form and age groups (including timescale for delivery);
- g) Final public art theme for phase including locations, contribution level and delivery;
- h) Biodiversity enhancement locations and delivery;
- i) Strategic landscaping and advanced planting;
- j) Enhanced detailing locations including boundary treatment, gables and elevations;
- k) Bus route infrastructure (including timescale for delivery);
- l) Internal and external footpath and vehicular connections including the connections to the existing settlement;
- m) Hierarchy of open space.
- n) Temporary and permanent safe routes to school;
- o) Connections to the countryside

- p) Strategy for integrating new development with existing residential properties;
- q) Existing topography, gradients and landscape features;
- r) Design solution for the topography, gradients and landscape feature;
- s) Delivery of upgrades or re-routing Rights of Way and Core Paths;
- t) Potential noise mitigation locations; and
- u) Phasing for installation of ultrafast broadband.

Thereafter all applications for Matters Specified By Condition 1 shall comply with the details approved through this condition where directly relevant to that further application.

The timing of the delivery of each matter shall be associated to the phasing and completion of any triggers associated with the neighbouring development within that zone. Updates to the Development Brief can be made through the submission for the written approval of Fife Council as planning authority of an amended Development Brief under the terms of this condition but the Council reserves the right to request a new planning application through condition 2(j) in the event that the change to the Development Brief requires significant assessment or consultation. Development Brief requires significant assessment or consultation.

Reason: To define the design concepts for each phase of development to ensure compliance with the masterplan.

13. The Infrastructure Delivery Plan and Development Briefs received through conditions 11 and 12 shall provide the following detail:

- The provision of the Green network shall be delivered concurrently with adjacent land parcels.
- The Infrastructure Delivery Plan shall include details of enhancement, improvement and management to the woodlands within the site.
- Access to the Core Paths, Rights of Way and National Cycle Route shall be retained during the construction period and thereafter unless otherwise agreed in writing with Fife Council as planning authority. The likely need for temporary closure or diversion shall be detailed within the Infrastructure Delivery Plan and associated Development Briefs. An alternative route shall be provided for temporary closures. The existing alignment of these routes are not necessarily fixed, and consideration should be given to providing alternatives where there is the potential conflict with vehicles if they are currently routed on private driveways.

Reason: To confirm the detail required within the Infrastructure Delivery Plan and Development Briefs to ensure the delivery of the Masterplan.

14. The Biodiversity Action and Enhancement Plan required as part of condition 3(c) shall be informed by updated survey work including bat, badger, otter and great crested newt and shall include the following details:

- Mitigation measures identified through the updated ecological survey work;
- Mitigation measures identified within the Environmental reports;
- Species Protection Plans taking into account the above;

- Bat Mitigation Plan including provision of Bat boxes and protection of foraging routes during construction;
- Nestbox scheme for breeding birds identified at risk within the Environmental reports;
- Biodiversity enhancements identified within the Environmental reports. The measures identified should not be considered exhaustive and further enhancement shall be considered;
- Planting of species rich vegetation;
- Use of wetland SUDS/ Blue Space Plan;
- Treatment of invasive species;
- 6m buffer to water courses;
- Woodland Management and Enhancement strategy.

Such measures can be implemented off site if this is considered acceptable by Fife Council as planning authority and can be secured by appropriate means. Delivery of these measures shall be detailed within the Infrastructure Delivery Plan and relevant Development Brief with subsequent planning applications. The Biodiversity Action and Enhancement Plan required for each site under condition 4(k) shall specify the measures for that site and can propose further enhancements over and above those identified with the more strategic documents.

Reason: To avoid any significant impact on species and to provide mitigation and enhancement for habitat within the area.

15. The updated ecological survey required by conditions 4(l) and condition 14 shall include bat surveys of the trees within the site which are proposed for removal, trees for retention and trees neighbouring the site. The surveys shall also include updated surveys for badger, otter and great crested newt, to be carried out within the 6 months prior to work starting on site.

Reason: To avoid any significant impact on the ecology within the site in accordance with the environmental reports which form part of the application proposals.

16. No land or vegetation clearance shall occur prior to the written approval of the Infrastructure Delivery Plan and the strategy for land clearance (11n) within it. The strategy for land clearance shall provide a strategy for land clearance within the site and this shall limit land clearance to pods of development that have applications or require engineering works far in advance of development. Areas of land should not be cleared of vegetation well in advance of development unless necessary. This is to avoid significant landscape impact. Land clearance shall not occur in any subsequent phase unless the previous phase of development is substantially complete. The Strategy shall propose a notification system, whereby the developer shall notify Fife Council as planning authority of any advanced land clearance with any mitigation or on the substantial completion of a phase, and this shall be considered by Fife Council as planning authority and confirmation shall be given by Fife Council as planning authority that the land clearance can occur or give agreement that the phase has been complete. Only on receipt of this confirmation can land clearance occur.

Reason: In the interests of protecting the rural environment and landscape until development proceeds and mitigation is provided.

17. Written notification shall be submitted to Fife Council as planning authority of the intended date of commencement of engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination. Thereafter, development should not commence until this notification has been acknowledged by Fife Council as planning authority and all engineering operations so included herewith shall cease no later than 24 months from the date of commencement. No new housing or leisure development shall be occupied until all engineering operations so included herewith are complete.

Reason: To afford the Planning Authority adequate control of mineral working and site preparation works and to protect residential amenity.

18. Where relevant, applications for Approval of Matters Specified by Condition 2 shall incorporate the following design requirements:

- (a) Access driveways at a gradient not exceeding 1 in 10 (10%) with appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation. These shall not exceed 5m in width;
- (b) Visibility splays of 2.4m x 25m being provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access with Fraser Avenue;
- (c) Visibility splays of 2.4m x 25m being provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal junctions of prospectively adoptable roads in accordance with the current Fife Council Transportation Development Guidelines;
- (d) All roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development;
- (e) Off street parking, including cycle and visitor parking spaces, being provided in accordance with the current Fife Council Parking Standards contained within Making Fife's Places SG and the current Fife Council Transportation Development Guidelines (Appendix G);
- (f) Garages adjacent to dwelling houses located at least six metres from the road boundary and all driveways in front of dwellings having a minimum of six metres from the road boundary; and
- (g) Electric car charging points.

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

19. The visibility splays, parking spaces and boundary marker heights specified in condition 18 (b) shall be secured prior to the occupation of the first house and the visibility splays specified within condition 18 (c) shall be secured prior to the occupation of the first house within each development parcel, and thereafter retained through the lifetime of the development.

Reason: In the interests of road safety and to ensure adequate parking for the site.

20. All works to or adjacent to existing public roadways, footways, and other adopted infrastructure shall be constructed in accordance with the current Fife Council Transportation Development Guidelines policy.

Reason: To ensure all the new roads and footpaths within the development are built to an appropriate standard.

21. All roads and associated works serving the proposed development shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption. Work shall include the following –

- The upgrading of Preston Crescent between its junction with Fraser Avenue and the site to a standard suitable to accommodate busses. A minimum carriageway width of 6 metres shall be provided. Localised narrowing of the carriageway would be considered acceptable where there is no direct frontage vehicular access to dwellings.
- The vehicular/pedestrian access from Fraser Avenue shall be constructed and open to traffic prior to occupation of the 50th dwelling within the site.
- The route through the site linking Preston Crescent and Fraser Avenue shall have a minimum carriageway width of 6 metres to allow for bus penetration and be constructed and open to traffic prior to occupation of the 50th dwelling within the site.
- The provision of one pair of bus stops with shelters, boarders and poles and provision for safe crossing facilities on the route through the site.
- The existing National Cycle Route 76 (Fife Coastal Path) shall be reconstructed/realigned as a 4 metres wide shared path, including street lighting, between Preston Crescent and the eastern boundary of the site, with all works completed prior to occupation of the 50th dwelling within the site. The National Cycle Route 76 (Fife Coastal Path) shall remain open (with temporary diversions if required) throughout the construction works within the site. Shared paths a minimum of 3 metres wide shall be provided between the National Cycle Route 76 (Fife Coastal Path) and new housing streets within the site.

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

22. No residential unit shall be occupied prior to the installation of operating street lighting and footways (where appropriate) serving that residential unit.

Reason: In the interest of road safety and to ensure the provision of adequate pedestrian facilities.

23. 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 works on site (save for site investigation works) shall cease immediately unless otherwise agreed with Fife Council as planning authority. The local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy 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 whole site has been remediated in accordance with the

approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

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

24. The Construction Environmental Management Plan (CEMP) required through condition 4(v) shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site.

Reason: To ensure the environment including watercourses within the site and residential amenity are protected during the construction period in line with the recommendations of the Environmental Statement.

25. All development within the site must take cognisance of views to and from The Forth Bridge. The Landscape and Visual Assessments required under condition 4(m) for each application must consider this aspect in particular within the assessment. Existing views to The Forth Bridge should be retained where possible and, when this is not possible, justification must be provided as to why this is not a significant impact. Views from The Forth Bridge must be considered in terms of proposed landscape and open space mitigation.

Reason: In the interests of protecting the setting of the Forth Bridge World Heritage Site.

26. The Construction Traffic Management Plan (CTMP) required by condition 3(t) shall provide a construction traffic routing plan and phasing arrangements for the site. This will be particularly relevant for later phases which are situated centrally within the site and will be surrounded by residential properties. It shall include the mitigation as specified within the Environmental Statement also mitigation such as deliveries avoiding peak hours, maximising loads to minimise trips, preventing vehicles waiting on streets until the site opens, restricted reversing alarms and agreed transport routes. Details of the provision of wheel washing facilities shall also be provided.

Reason: To ensure that the impact on the local road network can be fully assessed.

27. The noise assessment required by conditions 3(p), 5(e) and 6(b) shall demonstrate that the development can comply with the following environmental noise criteria for new dwellings:

1. The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours in any noise sensitive rooms in the development.
2. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours inside any bedroom in the development.

3. The LAMax shall not exceed 45 dB between 2300 and 0700 hours inside any bedroom in the development.
4. The 16hr LAeq shall not exceed 55 dB between 0700 and 2300 hours in outdoor amenity areas.

The noise assessment must consider noise from adjacent industrial development. Also, noise from future leisure uses envisaged as part of the development proposal. It must also address any risks or mitigation identified within the environmental reports submitted with this application. The noise assessment shall address the potential range of mitigation measures that could be implemented to ensure compliance with these noise criteria. Mitigation measures shall be considered in the following order of preference, taking into account the feasibility of their implementation, and having regard to the masterplanning and urban design requirements of the Indicative Development Framework hereby approved:

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with masterplan and urban design requirements;
- (ii) Orientation of dwellings to avoid noise impacts on sensitive elevations and/or habitable rooms, where this can be achieved in accord with masterplan and urban design requirements;
- (iii) Installation of acoustic barriers, where this is consistent with masterplan and urban design requirements;
- (iv) Incorporation of acoustic insulation in new dwellings, for example acoustic glazing.
- (v) The methods used to predict noise from road traffic shall be in accordance with methods approved in writing by the planning authority. The methods used to assess noise inside any habitable room shall be in accordance with appropriate British Standards or other method approved in writing by Fife Council as planning authority.

The proposed mitigation measures shall ensure that relevant internal noise criteria are achieved with an open window scenario wherever feasible (i.e. assuming windows are opened by 10 degrees). Closed window mitigation (for example, acoustic glazing with trickle vents) can only be accepted where the noise assessment(s) demonstrates that an open window scenario is not achievable for specific dwellings/elevations due to site constraints and/or the masterplanning and urban design requirements of the approved Masterplan.

In relation to noise levels in outdoor amenity areas (point 4 above), wherever feasible the 16hr LAeq shall not exceed 50 dB between 0700 and 2300 hours. The higher limit of 55 dB can be accepted where 50 dB is not achievable due to site constraints and/or the masterplanning and urban design requirements of the approved Masterplan, due to the proximity of homes to adjacent industrial development.

The proposed mitigation measures shall be submitted as part of the application associated with the noise assessment. The agreed mitigation measures shall be put in place prior to the occupation of the dwellings indicated at risk by the noise assessment, unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interest of protecting the amenity of future residents.

28. In accordance with condition 5(f), a separate Vibration Assessment shall be submitted with the FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 1(a) for the engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination.

Reason: To ensure that the existing amenity of nearby residents is adequately protected in the initial preparatory phase of the development, which will involve mineral working.

29. The drainage strategy required through condition 4(q) shall provide the drainage details for the proposed development with SUDS. This shall include: an assessment of surface water culvert capacity; post-development flow path diagrams showing overland flow exiting the development site boundary to the north and west onto the public road; and details of how the culvert and drains within the site will be accommodated within the development. Surface water should be attenuated within the development site boundary. The Drainage Strategy required shall include details of existing groundwater abstractions in relation to the proposed development and, if relevant, further information and investigation to ensure that impacts on abstractions are acceptable. The Strategy shall consider and mitigate for, if necessary, private surface/ foul water drainage supplies, springs and wells and Scottish Water assets. Details of how these would be mitigated shall be submitted with the Drainage Strategy. The Drainage Strategy shall include a certification from a Chartered Engineer.

Reason: To avoid significant flood risk.

30. The Air Quality Assessment required by condition 4(s) shall demonstrate that the National Air Quality Strategy objectives would not be exceeded during construction or normal site use following completion. The methodology shall be agreed with Fife Council as planning authority and it shall include an appropriate air quality impact assessment for the proposed development. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating the impacts for submission to and approval by the Council and thereafter implement it in accordance with said details before any work commences on site. Additional information can be found at www.fife.gov.uk/airquality. A cumulative assessment shall be undertaken with any other sites given planning permission.

Reason: To avoid any significant impact on air quality.

31. FOR THE AVOIDANCE OF DOUBT, separate Noise Impact and Air Quality Impact Assessments shall be submitted with the FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2(a) for the engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination.

Reason: To ensure that the existing amenity of nearby residents is adequately protected in the initial preparatory phase of the development, which will involve mineral working.

32. FOR THE AVOIDANCE OF DOUBT, any minerals won in pursuit of the FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2(a) for the engineering operations associated with the de-watering, clearing-out and infilling of the quarry void, regrading of quarry

faces and extraction of minerals required from the quarry for site safety and preliminary site preparation works, including any necessary site decontamination, shall be for on-site use only, related to the infilling of the quarry void, other safety-related engineering operations, construction of development platforms, or for stock-piling for future use as building materials . No minerals won from Prestonhill Quarry will be permitted to leave the site, either for a commercial sale or for any other purpose unless with the prior written agreement of Fife Council as Planning Authority.

Reason: To ensure that the existing amenity of nearby residents is adequately protected in the initial preparatory phase of the development, which will involve mineral working.

33. The design of the proposals at the coastal edge (Character Area 3 set out within the approved Design and Access Statement) shall ensure that active frontages of any buildings will front the coastal edge.

Reason: To provide active frontages at principal movement routes.

34. The design of the development in the area identified as Viewpoint 12 within the approved Visual Appraisal shall demonstrate that the issue of coalescence between Inverkeithing and Dalgety Bay has been addressed. The development shall include mitigation such as gaps between buildings, tree planting and/or levels and building height variations to address this.

Reason: In the interest of landscape and visual impact, to ensure the proposal does not introduce coalescence between Inverkeithing and Dalgety Bay from this viewpoint.

35. The development shall include no landraising and all development on the site shall be limited to 5.65AOD, unless there are any justifying reasons otherwise, in consultation with SEPA.

Reason: In accordance with SEPA's guidance to ensure the site is developed in accordance with NPF4 Policy 22a.

36. No development shall be located within any areas shown to be at risk of flooding, unless there are any reasons to fully justify otherwise.

Reason: To ensure that properties are protected from flooding.

37. The development shall be carried out as per the phasing approved through condition 2 unless otherwise agreed in writing by the planning authority in consultation with education services.

Reason: To ensure no detrimental impact on the school roll.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Planner

Report reviewed and agreed by Mary Stewart, Service Manager

Committee Date: 23/04/2025

Agenda Item No. 5

Application for Planning Permission (EIA Development)
Ref: 24/01380/EIA**Site Address: Balbie Farm Orrock Auchtertool****Proposal: Change of use of agricultural land and landfill restoration to form an energy crop facility, with provision of ancillary infrastructure (alterations to site access and hardstanding) and landscaping****Applicant: Mr Adam Taylor, Colinton House Leicester Road****Date Registered: 15 August 2024****Case Officer: Sarah Hyndman****Wards Affected: W5R09: Burntisland, Kinghorn And West Kirkcaldy**

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval requiring a legal agreement.

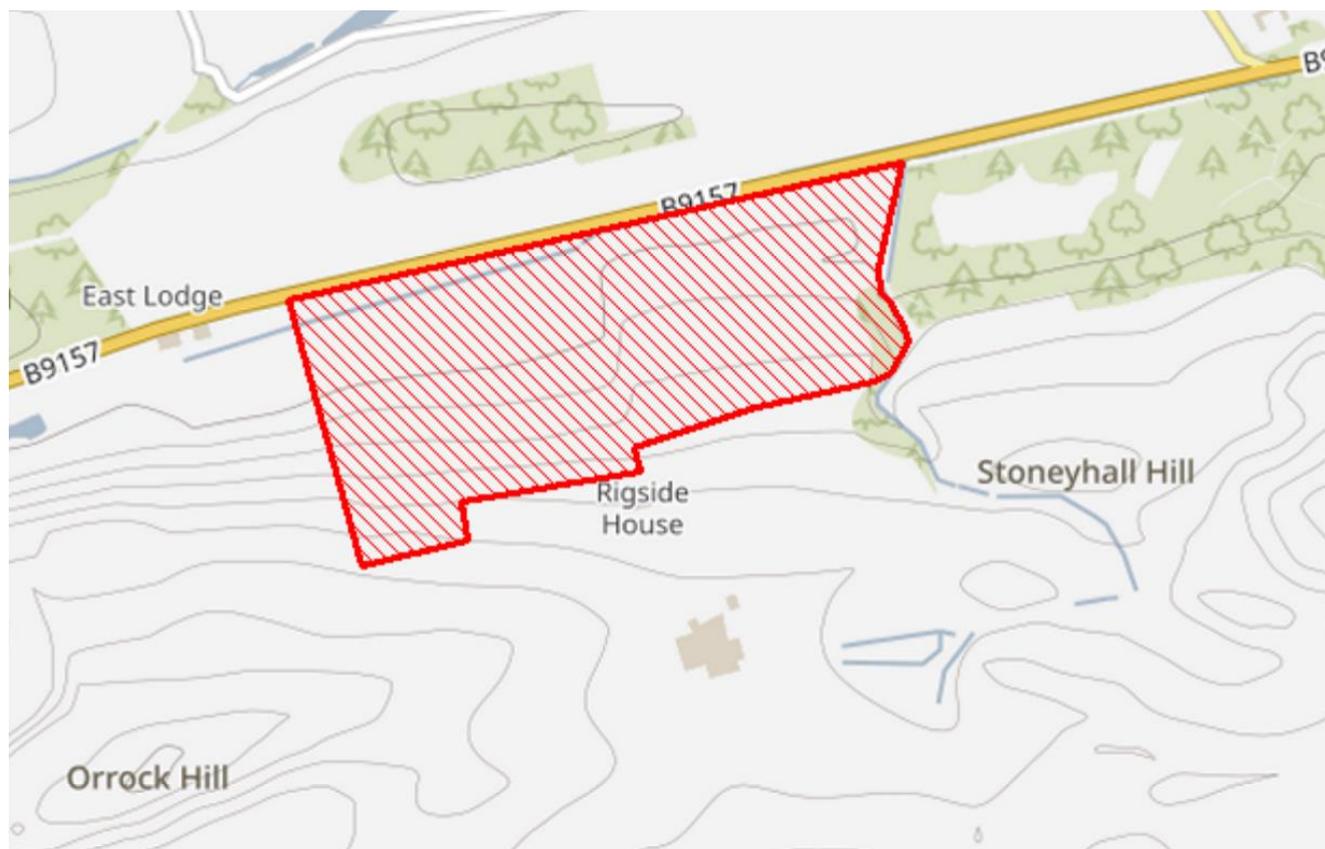
1.0 Background

1.1 The Site

1.1.1 The site is out with the settlement boundary, as defined by FIFEplan Local Development Plan (2017), and is located to the southwest of Kirkcaldy, north of Burntisland and northwest of Kinghorn. The site measures approximately 21 hectares in area and includes a former landfill which has been restored, to the point that there is established vegetation across the whole site. The site is bordered to the west by Orrock Quarry which is an active hard rock quarry. The surrounding land is predominantly agricultural with individual properties located at various distances around the site with the closest being Balbie Cottages to the south which bounds the site. Rigside House, Balbie Farm and associated buildings including a log cabin are located

further south. There are also properties to the west including Meadowfield, West Bank Cottage and the Gatehouse/East Lodge.

1.1.2 LOCATION PLAN



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1.2 Proposed Development

1.2.1 The proposal provides for approximately 20 hectares of the site to be planted with native species trees, at a density of 15,000 trees per hectare. Recycled agricultural waste and compost would be deposited at a depth of up to 1 metre to facilitate healthy tree growth. The trees would then be harvested on a three-year cycle. The harvested energy crops would then be transported to suitable third-party biomass facilities to produce power.

1.2.2 The proposed development also includes the provision of ancillary infrastructure, including the formation of an access track, formation of two areas of hardstanding and the siting of a portacabin to provide office and welfare accommodation. A blue/green infrastructure drainage system would also be introduced.

1.3 Relevant Planning History

11/04485/SCR - Erection of single 800kW wind turbine with 52.9m rotor diameter and 60m to hub height (Rotor tip height 86.45m) - CLOSED - 30/08/12

12/05071/FULL - Erection of wind monitoring mast (50m to hub height) - Permitted, subject to conditions on 04/09/13

96/00195/H - Reconsideration of conditions 4 (Timescale) and 36 (final contours) of consent 92/G/1250 (Extension of period for tipping waste materials) - Permitted, subject to conditions on 27/06/97

13/01624/FULL - Erection of wind turbine (74m to blade tip) with associated sub-station and transformer kiosk and formation of access road - Withdrawn on 21/10/13

14/00354/FULL - Erection of a single wind turbine (67 m to blade tip) and associated access road, sub-station and transformer kiosk, and areas of hardstanding - Refused on 13/06/14

16/00423/SCR - EIA Screening for land raising (landfilling with inert material) and topping with a biological growth medium for the cultivation of bio-crops - EIA required on 05/04/16

16/01360/SCO - EIA Scoping for land raising (landfilling with inert material) and topping with a biological growth medium for the cultivation of bio-crops - Scoping advice provided on 03/06/16

16/01395/PAN - Proposal of application notice for land raising (landfilling with inert material) and topping with a biological growth medium for the cultivation of bio-crops - PAN agreed on 09/05/16

92/01250/HIST - Use of land for the tipping of non-toxic and building site waste material - Permitted, subject to conditions on 19/04/94

94/00726/HIST - Reconsideration of conditions 4 and 36 of consent reference 92/1250 (relating to time limit for completion) to allow tipping to continue until 31st December 2004 or until complete, whichever is sooner - Withdrawn on 12/06/98

83/00878/HIST - Outline planning permission for the tipping of nontoxic, industrial and building site waste - Permitted, subject to conditions on 18/10/83

84/00266/HIST - Reserved matters for the tipping of nontoxic, industrial and building site waste material - Permitted, subject to conditions on -11/04/84

82/01035/HIST - Outline planning permission for the tipping of nontoxic, industrial and building site waste - Refused on 11/02/83

22/01145/SCR - EIA Screening request for installation of renewable-led 33MW energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements - EIA not required on 16/06/22

22/02338/FULL - Erection of permanent residential accommodation (log cabin) - Permitted, subject to conditions on 08/12/22

23/00166/SCO - Scoping request for energy crop growing and harvesting facility including formation of access and hardstanding -Scoping advice provided on 10/03/23

24/00124/PAN - Proposal of Application Notice for change of use of agricultural land and landfill restoration to form an energy crop facility including site access, hardstanding and landscaping - PAN agreed on 06/02/24

1.4 Application Procedures

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

1.4.2 As a Major application, a Proposal of Application Notice (PAN) for change of use of agricultural land and landfill restoration to form an energy crop facility including site access, hardstanding and landscaping was submitted to Fife Council and approved on 2nd June 2024.

The required Pre-Application Consultation (PAC) Report has been submitted in support of this application, detailing the measures which have been taken to make known to local people and other interested parties, the detail of the planning application in advance and to comment on initial questions and concerns raised by attendees at the two public events held through the PAN process.

1.4.3 During the application process, the site plan was amended to ensure that the majority of hardstanding was relocated outwith a Ground Water Dependent Terrestrial Ecosystem. The relevant consultees were reconsulted to ensure that this would not have any impact on their initial responses and each agreed that this was the case. Given the scale and nature of the alterations, and as there was no increase in the original red line site boundary, no advertisement or re-notification was considered to be necessary.

1.4.4 A number of concerns were raised by objectors in relation to the procedural matters, including from the Community Council, which noted the lack of neighbour notification, the lack of notification to the Community Council and the misleading description of development. Neighbour notification was carried out in line with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The Community Council consultation was undertaken again, following re-assessment of the ward boundaries. Finally, the description of development was assessed and was considered to be accurate.

Environmental Impact Assessment Process

1.4.5 A Screening Opinion issued by Fife Council under reference 22/02851/SCR determined that this application requires assessment in accordance with the Environmental Impact Assessment (Scotland) Regulations 2017, and an Environmental Impact Assessment Report (EIAR) has been submitted with this application. A subsequent Scoping Opinion issued by Fife Council (23/00166/SCO) provided guidance on the various matters that the report should address when the application was submitted.

1.4.6 With the submission of the EIAR, the relevant statutory consultees were notified of the application. The application has also been advertised in the Courier and the Edinburgh Gazette respectively as an application which requires an Environmental Impact Assessment.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6 (Forestry, Woodland and Trees)

To protect and expand forests, woodland and trees.

Policy 7 (Historic Assets and Places)

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

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

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

Policy 11 (Energy)

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

Policy 12 (Zero Waste)

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 20: Blue and green infrastructure

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 29 (Rural Development)

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

Policy 7: Development in the Countryside

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

Policy 10: Amenity

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

Policy 11 (Low Carbon Fife)

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

Policy 12 (Flooding and the Water Environment)

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

Policy 13 (Natural Environment and Access)

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

Policy 14 (Built and Historic Environment)

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

Supplementary Guidance

Making Fife's Places (2018)

National Guidance and Legislation

Environmental Impact Assessment (Scotland) Regulations 2017

2.0 Assessment

2.1 Relevant Matters

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

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

- Natural Heritage and Trees
- Impact on Cultural Heritage (Including Archaeology)

2.2 Principle of Development

2.2.1 NPF4, adopted in February 2023, sets out the Scottish Government's planning strategy to achieve a net-zero, sustainable Scotland by 2045, based around three policy themes:

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive places – where we have a greener, fairer and more inclusive economy.

2.2.2 Tackling the climate and nature crises (Policy 1 of NPF4) and Climate mitigation and adaptation (Policy 2 of NPF4) have formed the foundations of the NPF4 spatial strategy, with the aim of rebalancing the system so that climate change and nature recovery are the primary guiding principles for all plans and all decisions. In addition, NPF4 acknowledges the importance of supporting Scotland's economy. The national spatial strategy for creating productive places seeks to support opportunities for everyone in every region of Scotland, whilst an overarching spatial principle of the NPF4 is to support rural revitalisation, encouraging liveable places with sustainable development in rural areas and recognising the need to grow and strengthen urban and rural communities together.

2.2.3 Policy 6 of NPF4 (Forestry, Woodland and Trees) states that development proposals that enhance, expand and improve woodland and tree cover will be supported. Policy 9 of NPF4 (Brownfield, vacant and derelict land and empty buildings) notes that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. Policy 11 (Energy) of NPF4 confirms that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. This includes but is not limited to proposals associated with negative emissions technologies and carbon capture. Policy 29 (Rural Development) of National Planning Framework 4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including but not limited to diversification of existing businesses.

2.2.4 Part A, Policy 1 (Development Principles) of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 7 (Development in the Countryside) of FIFEplan states that development in the countryside will only be supported where it, amongst other criteria, is required for agricultural, horticultural, woodland, or forestry operations.

2.2.5 A number of objections have raised concerns with the carbon footprint of the proposal, however Chapter 12 of the EIA (Climate Change) demonstrates that whilst there would be impacts as a result of the construction/operational phases of development, there would be an overall reduction in carbon due to the qualities of coppiced willow which emits less carbon when burnt than the amount processed through photosynthesis.

2.2.6 The growing and harvesting of trees on a former landfill site would provide sustainable biomass for low carbon energy production, whilst making use of and remediating a brownfield site. The development would be in a countryside location; however, this is acceptable in principle in this instance as land of this nature is required for large-scale forestry works and the use accords with the Development in the Countryside policy as set out in the adopted FIFEplan. The proposal therefore aligns with FIFEplan Local Development Plan and Policies 6, 11 and 29 of NPF4.

2.3 Visual Impact/Design and Layout

2.3.1 Policy 14 of NPF4 (Design, quality and place) states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further advises that development proposals will be supported where they are consistent with the six qualities of successful places (Health, Pleasant, Connected, Distinctive, Sustainable and Adaptable) and development which is poorly designed or inconsistent with the six qualities will not be supported. Annex D of NPF4 sets out further details relating to the delivery of these six qualities of a successful place. Policy 29 of NPF4 states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.

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

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

2.3.4 A number of objections, including from the Community Council, noted concerns with the visual impact of the proposal including the height and depth of the proposed infill, which would be on a prominent location and the cumulative impact. In addition, the need for a building on site/the temporary nature of the building was queried.

Landscape and Visual Impact Assessment (LVIA)

2.3.5 The site is within the Cullaloe Hills and Coast Local Landscape Area (LLA) as identified in the Adopted FIFEplan LDP. The LVIA notes that the potential visual impact from the proposed development is considered in two parts - the first is the potential visibility of the plantation areas and the second is the potential visual impact of the storage and distribution service areas.

2.3.6 The submitted LVIA includes a zone of theoretical visibility (ZTV) which considered the following receptors:

- Farms, Dwellings and Small Hamlets;
- Towns and Villages;
- Transport Routes;
- Cultural Heritage; and
- Nature Conservation.

2.3.7 The Hardstanding Sections drawing demonstrates the proposed hardstanding areas in greater detail, with sections through the length and breadth of both areas. The westernmost area, which would be closest to the road, would measure approximately 160 metres in length, 30 metres in width and approximately 4 metres in depth. The central hardstanding area would measure approximately 115 metres in length, 45 metres in width and approximately 6 metres in depth at the deepest point, due to the topography of the land.

2.3.8 The proposed building on site is required for welfare purposes and would be approximately 9.7 metres in length, 3 metres in width and 2.5 metres in height. It would be a basic portacabin design, which would be appropriate for the nature of development. However, a condition has been added to ensure that this element remains temporary.

2.3.9 The LVIA concluded that the plantation area would cover an expansive area of raised ground, part of which has been artificially altered in the past through landfill. The proposed development in this area is for a woodland crop. The surrounding area is characterised by other large areas of woodland and general tree cover, so the proposed development would not appear out of place. The service areas would be located in the centre and western parts of the site, with the central area more visible due to the elevated position. However, this would be largely screened by the proposed planting. The western area is low lying but would be screened by the landfill to the east, the hills and proposed plantation to the south and the quarry to the west. To the north, the existing trees would screen the majority of views from the B9157, which would be reinforced with additional planting, therefore any visibility would be reduced further.

2.3.10 Measures to mitigate potential effects and integrate the proposals into the surrounding rural landscape include:

- Reinforcement of the tree belt to the north of the service area between it and the B9157 to mitigate visual impacts. This should be a minimum 5m in width and use a mix of native species suitable for the area.
- Some screen planting to western edge of service area to mitigate any impacts to properties at Meadowfield and East Bank in times when the plantation crop has been cleared.

- Where possible or practical avoidance of straight lines to edge of plantation to give a more natural appearance that follows the form of the landscape.
- Treatment of invasive weed species to prevent further spread.

2.3.11 Fife Council's Urban Design specialist noted that the area of hardstanding has been subdivided across the site, which would help to address the concerns raised at the Scoping stage. As such, no further urban design concerns were raised, however suggestions were made which were acknowledged by the agent, confirming that these were already recommendations of the LVIA as listed in section 2.3.9 above. These measures have been conditioned accordingly to ensure compliance.

2.3.12 In this instance it is considered that the applicant has demonstrated through the submitted Landscape and Visual Impact Assessment that the expected landscape impacts of the proposed development are modest, and any localised impacts could be appropriately mitigated. The proposal, therefore, would comply with NPF4 and the Development Plan in this respect, subject to the aforementioned condition.

2.4 Residential Amenity

2.4.1 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. This policy further states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. Policy 23 (Health and Safety) of NPF4 requires that development proposals that are likely to raise unacceptable noise issues will not be supported, whilst the agent of change principle applies to noise sensitive development and a noise impact assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

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

2.4.3 PAN (Planning Advice Note) 1/2011 Planning and Noise provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It also advises that Environmental Health Officers should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

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

2.4.5 The Noise Assessment submitted as Chapter 15 of the EIA notes that maps and aerial images of the site and its surroundings informed the selection of a study area for the assessment, including the nearest existing noise sensitive receptors which are:

-Balbie Cottages (approximately 20 metres from the site boundary but 150 metres from the operational/hardstanding area)

-Balbie Farm (approximately 180 metres from the site boundary but 310 metres from the nearest operational/hardstanding area)

2.4.6 A detailed assessment was carried out, which considered the construction and operational phase noise and vibration levels of the proposed development. The construction noise sources would include vehicles and plant/equipment such as excavators, dump trucks, road wagons, rollers, dozers and Heavy Goods Vehicles (HGV). The operational noise sources would relate to the harvesting and would include a tractor with pulling equipment and the possibility of a woodchipper being used where needed. The noise data for the woodchipper was noted to likely be much higher than what would be used at the facility, as a worst-case scenario. A baseline noise survey was undertaken at a noise monitoring position within the site. The noise assessment considered potential noise impacts associated with the construction and operation of the energy crop growing facility and concluded that the predicted construction noise levels would be significantly below the threshold value for the daytime period at both NSRs and therefore noise impacts would not be significant. Predicted operational noise levels were determined to meet the evaluation criteria during the daytime period and to be at least 2 dB below the background noise level + 5 dB at all identified representative NSRs. This would result in a low impact with operational noise from the facility only being audible at NSRs for 2-4 months before operations cease for approximately 3 years.

2.4.7 Fife Council's Environmental Health Public Protection team was consulted on the application and had no comments to make, subject to a condition which would ensure that the construction times are restricted. This has been added accordingly.

2.4.8 in conclusion, the proposed development would not give rise to adverse residential amenity impacts. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and 23 of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017).

2.5 Transportation/Road Safety

2.5.1 Policy 14 (Design, quality and place) of NPF4 states that development proposals will be supported where they provide well connected networks that make moving around easy and reduce car dependency. Policy 15 (Local Living and 20 Minute Neighbourhoods) requires that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. Policy 13 (Sustainable Transport) of NPF4 advises that proposals which improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. It further states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they will provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation.

2.5.2 Policy 1, Part C, Criterion 2 of the LDP states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 (Infrastructure and Services)

of the LDP advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.5.3 A number of objection comments, including from the Community Council, noted concerns with the potential increase in traffic, general road safety and access. In addition, the impact on walking routes in the area was noted.

2.5.4 A Transport Statement (TS) (Albion Environmental, 2024) has been submitted in support of the application, which notes that the type of vehicles accessing the site would be HGV's, tractors, private cars and vans from staff. Low loaders may also deliver heavy plant, including earth moving machinery and harvesting equipment to the site from time to time.

2.5.5 Vehicles would access the site via the existing access road off the B9157 (northeast corner of the site). The site is adjacent to the B9157 and from this point, the access route would lead from the west to the A909. The A909 provides the main link between Burntisland to the south, and the A92 by Mosmorran in the north, the latter road then connects to the M90 motorway. The impacts on the road network would be limited to the construction and harvesting phases which, the applicant advises, are unlikely to give rise to a significant number of vehicular movements over a prolonged period. The number of vehicles accessing the site would depend on the availability of materials, so the exact number of vehicles per day cannot be provided. However, it is estimated that the maximum would be 40 Heavy Goods Vehicle (HGV) movements per day and 12 car/van movements during the hardstanding construction phase, which would see the most vehicle trips. During the Phase 2 growth medium stage, it is estimated that there would be approximately 30 HGV movements and 12 car/van movements per day. During both the crop planting and crop harvesting phases, there is expected to be approximately 12 car/van movements per day. There would be periods when the number of vehicles accessing the site is much lower and there may also be periods when there are no vehicles entering the site, due to the availability of materials or because the crop is not ready to be harvested.

2.5.6 Fife Councils Transportation Development Management team has been consulted on this application and noted that the estimated traffic volumes provided by the applicant for the proposed development do not give any cause for concern given the classification of the adjacent road network. Transportation Development Management have no objections in principle to the proposed development, subject to a Section 75 Legal Agreement relating to visibility splays. The S75 is required as the land needed to achieve the visibility splay is outwith the ownership and control of the applicant. The applicant has agreed to this approach.

2.5.7 Overall, having considered the submitted Transport Statement and Fife Council's TDM team response, the proposed development would not have an adverse impact on transportation/road safety, subject to the aforementioned Section 75 Legal Agreement.

2.6 Flooding And Drainage

2.6.1 Policy 22 (Flooding) of NPF4 states that proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons. This policy further states that it will be demonstrated by the applicant that all risks of flooding are understood and addressed, there is no reduction in floodplain capacity,

increased risk for others, or a need for future flood protection schemes, the development remains safe and operational during floods and flood resistant and resilient materials and construction methods are used.

2.6.2 Policy 22 of NPF4 also requires that development proposals manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should also presume no surface water connection to the combined sewer and development should seek to minimise the area of impermeable surface.

2.6.3 Policies 1 and 3 of the LDP state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or because of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

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

2.6.5 A number of objection comments, including from the Community Council, noted concern with the potential risk of flooding on the site and water supply issues.

2.6.6 Chapter 10 of the submitted EIA Report covers the Hydrology, Flood risk and Drainage Strategy for the site. This demonstrates that the site is at low risk of fluvial (river) and coastal flooding but is at risk of surface water flooding, as confirmed by Scottish Environmental Protection Agency (SEPA) mapping software.

2.6.7 The report summarises the potential impacts if the site remains as it is currently. This highlights that the surface water flooding could impact road users on the B9157 or users of the site. In addition, leachates from the former landfill use of the site could have an adverse impact on the local watercourse.

2.6.8 Mitigation of the potential flood risks and leachate issues would be achieved through the introduction of a blue green drainage system. This would include bio-retention swales, raised planter bioretention systems and wetland areas. The report notes that this is expected to be beneficial to the local hydrological regime, in comparison to the existing situation.

2.6.9 When the proposed site layout was altered, a statement from the hydrologist was submitted which confirms that the Flood Risk Assessment represents a baseline scenario and therefore there are no changes to this as a result of the revised layout. Additionally, as the new site layout is noted to have no increase in impermeable areas, there would be no change to the conclusions, or the certifications provided for the blue green drainage strategy.

2.6.10 The Scottish Environmental Protection Agency (SEPA) has been consulted on this application and noted that the FRA indicates that the proposed location of the portacabin is in

close proximity to the small watercourse which runs parallel to the B9157 and may lie within the flood risk area of this feature. As such, SEPA has recommended a condition to ensure that the portacabin is removed from site upon completion of all construction works on site. If the applicant wishes to retain the portacabin on site following completion of construction works, it would need to be evidenced that safe access/egress from the structure can be achieved. Alternatively, the cabin could be relocated to higher ground and away from the flood risk area associated with the small watercourse. A condition to this effect has been added.

2.6.11 Fife Councils Structural Services team has been consulted on this application and noted that there was no objection in terms flooding or surface water management. Scottish Water was also consulted and confirmed that there were no objections to the proposal.

2.6.12 The proposal would have no significant adverse impact on flooding, drainage or the water environment and would comply with NPF4 and the Development Plan in this respect.

2.7 Contaminated Land and Air Quality

2.7.1 Policy 9 of NPF4 states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policy 12 (zero waste) notes that development proposals for new or extended landfill sites will only be supported if: i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

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

2.7.3 A number of objection comments, including from the Community Council, noted concern with the site being used as a landfill (hardstanding), the requirement for the proposed infill, the nature and quantity of infill, use of greenfield land, existing contamination/leachate potential and the lack of information provided on the previous landfill.

2.7.4 The site is largely brownfield land, having previously been used as a landfill. Whilst some of the proposed elements would be located on greenfield land, the majority of the works would be tree planting which is compatible with a greenfield site. The need for infill is accepted, as there is a requirement for hardstanding areas as part of the operational element.

2.7.5 A Phase 1 Geoenvironmental Site Assessment (Albion Environmental, 2022) and Environmental Scoping Report (Babbity Environmental, 2023) have been submitted with this application. In addition, Chapter 11 of the Environmental Impact Assessment Report provides details on Soils and Geology. This chapter confirms that the development would involve the importation of clean topsoil, the introduction of blue/green drainage and planting to ensure that any leachate is remediated. The Mitigation section notes that a detailed phase 2 land contamination investigation should be carried out to inform the remediation.

2.7.6 The regulation of the type and origin of the imported material is a matter for Scottish Environmental Protection Agency (SEPA) to control. The site is monitored by SEPA - Waste Management Licence (WML/E/0000260 – Balbie Farm Landfill Site). The volume of material to

be deposited is a matter for Fife Council, however. Details of the volume of material has been provided, with the visual impacts of this assessed in section 2.3 (Visual Impact/Design and Layout) of this report.

2.7.7 Fife Council's Land and Air Quality team has been consulted on this application and has reviewed the aforementioned documentation. The team noted the proposed scope of work based on the information provided and the monitoring of existing groundwater, perimeter and gas boreholes and leachate well- will include hand auguring, a peat probing survey, trial pitting, gas and groundwater monitoring of existing standpipes, infiltration tests and geotechnical and geochemical testing. The team has recommended that conditions are attached to any consent, to ensure the safe development of the site. Subject to such conditions being applied, the proposal would have no significant impact on amenity in relation to contaminated land and would comply with NPF4 and the Development Plan in this respect.

Air Quality

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

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

2.7.10 Chapter 14 of the applicant's submitted EIA report deals with Air Quality and Dust matters and states that due to the low number of daily trips generated (< 500 Annual Average Daily Traffic) by the development, the fact that the development is unlikely to lead to any increased congestion and that the development does not lie in an air quality management area, potential effects on ambient air quality, due to increased transport related emissions, have been scoped out of the environmental statement. However, mitigation measures were noted within the report which would ensure that any risk associated with dust would be minimised, which could be secured by condition.

2.7.11 Fife Council's Land and Air Quality Team has been consulted on the application and makes no adverse comment on the EIA Report's findings in respect of Air Quality matters. This being the case, the proposal would have no significant impact on amenity in relation to air quality and would comply with the Development Plan in this respect, subject to the aforementioned condition.

2.8 Natural Heritage and Trees

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

2.8.2 Policy 4 (Natural Places) of NPF4 advises that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. Policy 4 aims to “protect, restore and enhance natural assets, making best use of nature-based solutions.” The targeted result is for development to ensure natural places are protected and restored and that natural assets are managed in a sustainable way such that their essential benefits and services are both maintained and grown.

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

2.8.4 Policy 20 (Blue and Green Infrastructure) of NPF4 aims to “protect and enhance blue and green infrastructure and their networks.” The defined result is to ensure blue and green infrastructure are integral to development design from an early stage in the process and are designed to deliver multiple functions, including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management. An additional benefit identified for communities is the increased access to high quality blue, green and civic spaces.

2.8.5 Policies 1 (Development Principles), 12 (Flooding and the Water Environment) and 13 (Natural Environment and Access) of the LDP state that development proposals will only be supported where they safeguard the character and qualities of the landscape, avoid impacts on the water environment and protect or enhance natural heritage and access assets including protected and priority habitats and species, designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest, designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Site, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Where adverse impacts on existing assets are unavoidable, proposals will only be supported where these impacts will be satisfactorily mitigated.

2.8.6 A number of objection comments, including from the Community Council, raised concerns with the potentially detrimental environmental impact of development, including on ecology, wetlands and biodiversity, as well as the requirement to control Japanese Knotweed. In addition, the carbon footprint associated with the works was highlighted as a concern.

2.8.7 Chapter 8 of the EIAR (Ecology) brings together the findings of a desk study, a phase 1 Preliminary Ecological Survey, a phase 2 National Vegetation Classification (NVC) Survey, a Ground Water Dependent Terrestrial Ecosystem (GWDTE) Survey and a Migrant (pink footed) Goose Survey, carried out between August 2022 and May 2023. Table 8-6 details the pre-mitigation significance of impacts of construction, which includes the potential for:

- disturbed/destroyed badger setts (moderate/high)
- compressed/buried bluebell plants (minor)
- disturbed breeding birds (moderate)
- trees planted on species rich grassland (minor)
- the Ground Water Dependant Terrestrial Ecosystems being covered by hardstanding (major)
- the dispersion of Japanese Knotweed (invasive species) (major)

2.8.8 The site is currently agricultural grassland, divided into two fields by post and wire stock fencing (the eastern field covers the restored landfill). The proposed cropping is to be in two areas, corresponding to the extant fields and with two areas of hardstanding (one to each area) connected by the access track. 'Catchment 1' relates to the undisturbed western field, while 'Catchment 2' includes the restored/resurfaced former landfill.

2.8.9 Fife Council's Natural Heritage specialist was consulted on the application and initially noted that the standard natural heritage requirements for the submission have been essentially covered by the submission documents. However, it was noted that protection of the site Groundwater Dependent Terrestrial Ecosystem Report (GWDTE) habitats was not considered to have been appropriately addressed, as part of the proposed hardstanding area would cover the GWDTE area. Groundwater Dependent Terrestrial Ecosystems are a category of wetlands, understood to be ecologically dependent upon groundwater.

2.8.10 A response to the GWDTE concerns was provided by Babbity Environmental (October, 2024), and a revised layout was submitted which demonstrated that the majority of the proposed hardstanding had been moved outwith the high potential area. The response noted that the location of the development has been informed by health and safety requirements, to ensure safe access to the operational areas, avoiding steep slopes or unstable ground conditions which could pose risks to workers and machinery. It was noted that there is no other area of the site that would meet health and safety requirements. It was also confirmed that the potential environmental impact of the Catchment 1 hardstanding would be mitigated by ensuring it would be constructed from porous materials, using a permeable surface made from recycled and imported granular hardcore, which would allow for natural filtration of surface water. This design would minimise disruption to the groundwater flows and avoid altering the hydrological balance that supports the GWDTEs in the area. Fife Council's Natural Heritage Officer responded, noting that 'In considering the detailed mitigations presented... and in recognition of the Health & Safety needs of the proposed operation, the approach described gives reassurance in respect of wetland protection', however noted that part of the access to the hardstanding would still be within the high potential GWDTE area.

2.8.11 NatureScot was consulted on this application and had no objections, noting satisfaction with the assessment and conclusions of the ecology report, including the need for protected species surveys to be carried out prior to work commencing on the site. NatureScot also highlighted the importance of the Ground Water Dependent Terrestrial Ecosystem elements of the site. Areas of wetland and swamp form part of the site, therefore it was recommended that these are protected and enhanced and any areas of infrastructure, with tracks and/or hardstanding avoiding these areas.

2.8.12 SEPA also noted that the proposed development includes the creation of a permeable hardstanding areas on an area of potential GWDTE. However, it was noted that this would have 'limited impact on the status of the wetland if it is constructed with best practice', which could be secured by condition. SEPA confirmed that there were no objections to the proposal, subject to a condition to secure the submission of a Habitat Management Plan (HMP) prior to

commencement of development on site to ensure that the development would not lead to damage of the wetland over time and that any loss of GWDTE habitat is offset.

2.8.13 Fife Councils Tree Officer was consulted on the application and noted that the proposal would entail planting willow and poplar at a density of 15,000 per hectare. This would come at a benefit to local biodiversity, even if rotational harvesting is planned, considering the current land use is ex-landfill and so the soil is likely degraded and suffering from some degree of toxicity. However, it was noted that further information was required pertaining to initial arboricultural impact and tree protection. A Tree Condition Survey (Arbor Vitae Arboriculture Ltd, 2024) and Tree Constraints Plan were subsequently submitted which demonstrated that the proposed development would be located approximately 12 metres south of the nearest trees. There is an area of swampy ground between the trees and the development area, therefore the development would be at least seven metres from the tree root protection areas (RPAs) and no conflict is expected between the development and the trees. Fife Councils Tree Officer was satisfied with the information provided in this respect.

2.8.14 Additional ecological mitigation is set out within the Ecology chapter of the EIA, including the implementation of an invasive species management and removal plan, a badger survey to be carried out (including translocation under license where necessary) and avoidance of the bird breeding season. The mitigation within this report has been conditioned.

2.8.15 Notwithstanding Fife Councils Natural Heritage officer's concern with the potential impact on GWDTE's, on balance, the information submitted with the planning application demonstrates that, with the appropriate safeguards secured by condition and associated mitigation undertaken, there would not be a significant adverse impact on natural heritage. The proposal would, therefore, be acceptable and would comply with NPF4 and the Development Plan in respect of natural heritage and trees, subject to conditions.

2.9 Impact on Cultural Heritage (including Archaeology)

2.9.1 Policy 7 of NPF4 states that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

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

2.9.3 A number of objection comments noted concerns with the impact on the historic environment.

2.9.4 Fife Council's Scoping Opinion (23/00166/SCO) for this proposal, provided to the applicant in March 2023, scoped cultural heritage matters out of the EIA for this application. This was agreed on the basis that the site has very low archaeological potential given that more than half of the site constitutes a former landfill site, there are no archaeological designations within the development footprint and the visual impact on the surrounding historic environment would be minimal.

2.9.5 Chapter 16 (Heritage) of the EIR notes that an initial review of known heritage assets, within a 500m study area of the Development Site, was conducted by ARUP in 2018. The survey was conducted using the Royal Commission on the Ancient and Historical Monuments (RCAHMS) PastMap interactive mapping tool. The following is a summary of results:

- No scheduled monuments, conservation areas, battlefields, or World Heritage Sites were identified within 500m of the Proposed Development.
- Listed buildings within 500m of the Proposed Development include Balbie Farmhouse and Boundary Walls (C), West Balbardie Lodge (C) and West Balbardie including Gatepiers (C).

The report concluded that there will be no physical effect on any known historic asset through the proposed development.

2.9.6 Fife Council's Archaeologist has been consulted and noted that the site has been archaeologically sterilised by previous sand/gravel extraction and landfill restoration. Development is therefore unlikely to have any significant negative impact on the surrounding historic environment.

2.9.7 Fife Council's Built Heritage specialist does not object to this application, as there would be no direct physical effect on any known historic asset through the proposed development. The Built Heritage specialist noted that there may be minor impacts on the setting of the listed Balbie Farmstead and curtilage listed buildings, as well as to the setting of the cottages to the north of Balbie Farmstead which might be considered non-designated heritage assets. However, any impacts on these buildings would be limited as the rural nature of the surrounding landscape would not be greatly altered through the proposals.

2.9.8 Historic Environment Scotland was also consulted on the proposals and offers no objection to the proposed development.

2.9.9 Taking all the above into consideration, the proposed development would comply with NPF4 and the Development Plan in respect of the cultural heritage.

3.0 Consultation Summary

Scottish Water	No objection.
Scottish Environment Protection Agency	No objection, subject to conditions.
Community Council	Objections.

NatureScot	No objection, subject to conditions.
Archaeology Team, Planning Services	No objection.
Built Heritage, Planning Services	No objection.
Policy And Place Team (West Fife Area)	No objection.
Natural Heritage, Planning Services	No further comments.
Trees, Planning Services	No objection.
Urban Design, Planning Services	No significant concerns raised.
Land And Air Quality, Protective Services	Conditions recommended.
Structural Services - Flooding, Shoreline And Harbours	No objections.
TDM, Planning Services	Condition recommended.
Transportation And Environmental Services - Operations Team	No response.
Parks Development And Countryside	No response.
Parks Development And Countryside - Rights Of Way/Access	No response.
Historic Environment Scotland	No objection.

4.0 Representation Summary

4.1 There were 17 letters of objection received; two of which were from the same individual, one was from Burntisland Community Council (as Statutory Consultee) and another was from Auchtertool Community Council, which noted concerns:

4.2 Objection comments raised:

Issue	Addressed in:
a. detrimental visual impact	Section 2.3
b. the development would not be completed	Condition 3 – Phasing Plan
c. concerns with contamination	Section 2.7
d. concerns with ecological impact	Section 2.8
e. concerns with flooding, drainage and water supply	Section 2.6
f. whether the temporary building would become permanent/ the need for this	Section 2.3
g. about lack of neighbour notification/notification to community council	Section 1.4
h. misleading description of development	Section 1.4
i. lack of action plan to control invasive species	Section 2.8
j. the use of greenfield land	Section 2.7

k. impact on historic environment	Section 2.9
l. road safety and access	Section 2.5
m. risk of leachates/lack of information on previous landfill	Section 2.7
n. carbon footprint of the development	Section 2.2
o. lack of compliance with biodiversity requirements	Section 2.8
p. lack of information on infill required/need for landfill	Section 2.7

4.3 Other concerns expressed:

Issue

- a. Business viability
- b. The developers' past projects
- c. Impact on walkers' path

- d. Risk of slippage/ground instability

Comment:

Non material

Non material

This is not part of the core path network; therefore, this is a legal matter. There is a Right of Way to the north of the site, however this is outwith the site boundary.

Non material

5.0 Conclusions

The use of the site as an energy crop growing facility would align with the aspirations of National Planning Framework 4 (NPF4) Policies 6, 11 and 29 and FIFEplan Local Development Plan, as this development would provide sustainable biomass for low carbon energy production, whilst making use of and remediating a brownfield site. The impacts on visual amenity, residential amenity, transportation/road safety, flooding/drainage, contamination/air quality, natural heritage/trees and cultural heritage could be satisfactorily mitigated, subject to the aforementioned conditions and a legal agreement relating to the provision of the required visibility splays.

6.0 Recommendation

It is accordingly recommended:

A. That the application is approved subject to the undernoted conditions and reasons, following the conclusion of an agreement to secure the necessary planning obligations, namely:

- to provide the visibility splays required to allow clear and unobstructed views of traffic at the junction

B. That authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to negotiate and conclude the legal agreement necessary to secure the planning obligations.

C. That should no agreement be reached in relation to the planning obligations within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to refuse the application.

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

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

2. Prior to commencement of development, a Habitat Management Plan (HMP) shall be submitted to Fife Council as Planning Authority in consultation with Scottish Environmental Protection Agency (SEPA) for prior written approval. Thereafter all works shall be carried in accordance with the approved HMP.

Reason: To ensure that the construction and operational activities do not damage the wetland and to ensure that any loss of Groundwater Dependant Terrestrial Ecosystems (GWDTE) is offset.

3. Prior to the commencement of works, a Phasing Plan shall be submitted for the agreement of Fife Council as Planning Authority. Once agreed, the phasing plan shall be adhered to for the lifetime of the development. For the avoidance of doubt, at least 50% of the trees shall be planted before construction of the second (westernmost) area of hardstanding commences.

Reason: To ensure that all elements of the proposal are delivered in a timely and coordinated way, to adequately support each phase of the development.

4. Full details of the composition of construction materials to be used for the formation of hardstanding areas and access tracks shall be submitted to the Planning Authority for approval before works commence on site. This shall be reviewed by the Planning Authority in consultation with the Scottish Environmental Protection Agency (SEPA).

Reason: In order to ensure that there would be no contaminants brought onto the site

5. Prior to the vehicular access coming into use, visibility splays 4.5 metres x 210 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

6. The recommendations within the Landscape and Visual Impact Assessment (DWA Landscape Architects, 2025) must be adhered to before, during and after construction as applicable, unless otherwise agreed by Fife Council as Planning Authority. This shall include:

- Reinforcement of the tree belt to the north of the service area between it and the B9157 to mitigate visual impacts. This shall be a minimum 5m in width and use a mix of native species suitable to the area. This shall be planted before the hardstanding areas are constructed and should be maintained for the lifetime of the development.
- Screen planting to western edge of service area to mitigate any impacts to properties at Meadowfield and East Bank in times when the plantation crop has been cleared. This shall be planted before the hardstanding areas are constructed and should be maintained for the lifetime of the development.
- Where possible of practical avoidance of straight lines to edge of plantation to give a more natural appearance that follows the form of the landscape.
- Treatment of invasive weed species to prevent further spread.

Reason: To ensure that there would not be an unacceptable visual impact as a result of the development.

7. The mitigation specified in the Ecology and Biodiversity chapter of the EIA document (Document 20A) (Babbity Environmental, 2025), including the additional surveys, shall be carried out/adhered to before, during and after construction, as applicable.

Reason: To ensure that there would be no adverse natural heritage impacts.

8. 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.

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.

9. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 8. 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.

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

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

11. During the Construction Phase, the working hours shall be 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturdays. During the Harvesting Phase, the working hours shall be 08.00 to 19.00 Monday to Friday and 08.00 to 13.00 Saturdays. There shall be no working on Sundays or Public Holidays.

Reason: To ensure that there would be no adverse amenity impacts.

12. The mitigation specified in the Air Quality and Dust document (Babbity Environmental, 2024) must be adhered to throughout the construction and operational phases. This includes:

- Works should be planned to design out, where possible, the need to undertake operations which could create dust.

- Methods for limiting the amount of dust created before work commences (e.g., by the use of mist cannons etc.) should be explored.
- The use of correctly sized building materials should be explored, so that less cutting or preparation is needed.
- The use of dust extraction systems to remove any dust.
- Minimise, in so far as is possible, the number of material handling operations.
- Minimise drop heights of friable materials onto vehicles and conveyors.
- Procedures for the regular inspection of storage and handling facilities for fine, dry materials should be established, including procedures for the prompt clearance of any spillage.
- Speed limits of plant should be observed, at all times, to further reduce dust being generated

Reason: To ensure that there would be no adverse amenity impacts.

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

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

14. The SUDS and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to the first trees being planted; unless otherwise agreed in writing. Thereafter the SUDS and drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

15. All works through and adjacent to the Groundwater Dependant Terrestrial Ecosystems (GWDTE) areas shall be supervised by an Ecological Clerk of Works (ECoW), unless otherwise agreed by the Planning Authority. In the event that any issues arise, 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 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 that the construction and operational activities do not damage the wetland.

16. Where track sections cross the Groundwater Dependant Terrestrial Ecosystems (GWDTE), cross-drainage shall be provided within the track construction to ensure continuity of flow.

Reason: To ensure that the construction and operational activities do not damage the wetland.

17. On completion of all construction works, the temporary portacabin shall be removed from the site.

Reason: To reduce the potential flood risk impact, in line with Scottish Environmental Protection Agency (SEPA) feedback.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Sarah Hyndman, Planner

Report reviewed and agreed by Mary Stewart, Service Manager

Committee Date: 23/04/2025

Agenda Item No. 6

Application for Full Planning Permission

Ref: 24/02548/FULL

Site Address: Craiguscar Craiguscar Road Milesmark

Proposal: Installation of 40MW solar PV array with 9.9MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development

Applicant: Craiguscar Solar Ltd, C/O Locogen Limited 4 West Silvermills Lane

Date Registered: 3 October 2024

Case Officer: Natasha Cockburn

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

Summary Recommendation

The application is recommended for: Conditional Approval requiring a Legal Agreement

1.0 Background

1.1 The Site

1.1.1 The application site is approximately 89.5 hectares in area and is located over 1km from Milesmark in northwest Dunfermline, and 3km from Dunfermline City Centre. The site comprises undulating agricultural land predominately used for grazing livestock. To the north of the site is Craiguscar Hill and West Hill, and to the east are fields, with the Lochhead landfill site beyond to the east. To the south and west of the site is fields and strips of woodland. The Lochhead Solar Development which has planning approval is located to the southwest of the site and works have commenced on this site. Craiguscar Road intersects the site in a north to south direction and Drumtuthill Road intersects the site from east to west. Craiguscar East and West Reservoirs separate the northeast part of the site and Craiguscar Compensation Reservoir bounds the northwest perimeter of the site. Overhead lines and cables pass through the site, as well as high pressure gas mains. The predominant land use in the surrounding area is

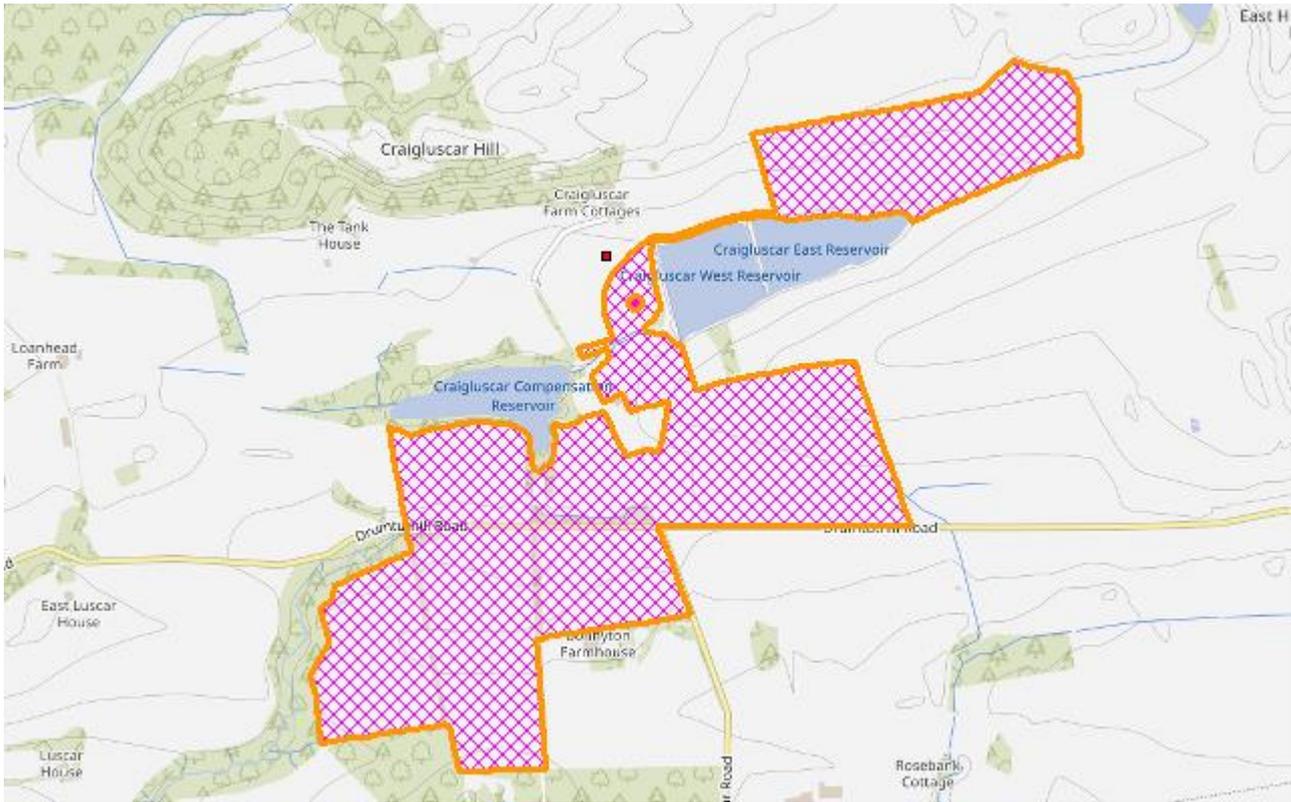
agricultural. Craiguscar Reservoir is used for angling purposes. There are a few scattered farmsteads, clusters of buildings and individual properties close to the site. In addition, there are a few single wind turbines located throughout the surrounding area. The site is located on predominantly class 3.2 land, with a very small area of class 6.3 land. Field boundaries in the eastern portion of the application site primarily comprise post-and-wire fencing; although, scattered mature individual trees are present along Craiguscar Road. In the western portion of the application site, hedgerows define Drumtuthill Road and the fields are commonly demarcated by woodland strips (some of which are classified as Ancient Woodland). There are currently multiple points of access to the application site, from Craiguscar Road and Drumtuthill Road. The site rises gradually from Craiguscar Compensation Reservoir.

1.1.2 The immediately surrounding landscape comprises the elevated Craiguscar Hill, which encloses the site to the north. To the east, Drumtuthill contains the site and to the south and west the site is enclosed by lowland hills, woodland strips, and vegetation and tree cover along Carnock Burn and Craiguscar Compensation Reservoir. The surrounding landscape is largely used for agricultural purposes; although, the Craiguscar Activities Centre is located to the immediate north. The Dunfermline Artisan Angling Club operate from a lodge at Craiguscar West Reservoir. Waste Management Facility Lohead Landfill Site is located to the south east of the site, off Drumtuthill Road. Dunfermline North Strategic Development Area is located to the south of the site, around 1km away from the site.

1.1.3 Craiguscar Compensation Reservoir Local Wildlife Site is located adjacent to the site, to the west, as is Black Loch (Dunduff) Wildlife Site to the north east. The Firth of Forth Special Protection Area (SPA) and Ramsar site is located 5km to the south west of the site, and the Loch Leven SPA and Ramsar site is located 10.5km north east. Site of Special Scientific Interest (SSSI) Roscobie Hills is located around 2km to the north east of the site. Scheduled Ancient Monuments, Craiguscar, shielings and enclosure 350m WNW of, Castle Craigs, fort, Craiguscar Hill are located to the north of the site and Category C Listed Craiguscar House is located to the north of the site. Cleish Hills Local Landscape Area (LLA) is located around 5km to the north of the site.

1.1.4 Core path Inzevar to Gowkhall (ref: GWKGN01) runs along the Carnock Burn, north to south. Luscar Dean Link to Craiguscar (ref: P598/03 - R598) Core Path runs east to west, along Drumtuthill Road and down to the west through the woodland. Carnock Moor to Craiguscar (ref: R599 - P599/01) Core Path runs through the site, to the east of the Craiguscar Compensation Reservoir, north to south through the site boundary.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks planning permission for the installation of a 40MW solar PV array with 10MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development. The proposed development would generate and export approximately 52GWh of renewable electricity to the national grid annually, the equivalent to a typical annual demand of around 10,800 UK households.

1.2.2 The proposed solar PV arrays would comprise of freestanding panels secured to the ground on fixed metal frames. The panels would be installed at an optimal angle to collect the most energy from the sun. The maximum height of the panels would be 3m above ground level. The arrays would be arranged into 17 groups, with varying numbers of panels and all separated by landscaping. Each group of arrays would include solar inverter enclosures to convert the electricity generated to grid quality power, with the invertors then connected to transformer and switchgear units to transfer the power back to the grid connection points on site via underground cabling. The proposed invertors would be located within an enclosure with a height of 3.4m, the transformers would measure 3.2m high, and the switchgear enclosures would measure 3m high.

1.2.3 The proposed battery energy storage containers would be located within a compound area to the east of the site. The compound would measure 84790mm (l) x 375mm (w) and would include 24 battery storage containers each measuring 7800mm (l) x 1700mm (w) x 2700mm (h) set on concrete pads within the compound, 3 inverter units measuring, 2 transformer housings measuring 5400mm (l) x 2400mm (w) x 3000mm (h) and a substation and control building measuring 12000mm (l) x 4000mm (w) x 4500mm (h). The battery storage

containers, interface cabinets, transformer and inverter units would all be offwhite/grey in colour. Supporting structures include:

- HV substation/control building at approximately 15000mm x 3200mm x 3500mm
- Storage container for spares at approximately 12000mm x 2500mm x 3500mm
- Auxiliary transformer building at approximately 3000mm x 3000mm x 3500mm
- Metering room at approximately 3000mm x 3000mm x 3500mm
- Comms room at approximately 4000mm x 4000mm x 3200mm

1.2.4 Associated infrastructure for the proposed development includes switchgear, metering, protection equipment and other electrical auxiliary equipment to be glass reinforced plastic and a DNO (District Network Operator) substation unit, to be brick built. The communication and storage units would be located adjacent to the customer substation, adjacent to Drumtuthill Road. A mesh fence coloured green and measuring 2m high would be located along the boundary of Drumtuthill Road, as a temporary measure to mitigate against glint and glare to drivers, until the proposed hedge has established along the roadside. The connection point to the proposal is at Dunfermline Townhill Grid Supply Point (GSP) approximately 3km southeast of the site and is subject to a separate approval process. The applicant has advised that these works would be carried out by a statutory undertaker and would therefore be Permitted Development under Class 40 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The connection would be formed via a buried cable along Drumtuthill Road and the A823 into the Dunfermline Townhill GSP. A 2m high wooden post and wire mesh fence is proposed around the perimeter of the site, and CCTV cameras, measuring 3m high would be located along the fencing mounted onto poles, facing into the land under control of the applicant. No permanent lighting is proposed as part of the development as all cameras would utilise infrared technology.

1.2.5 Access to the site would be formed via existing field accesses. The northern parcel would take access from Craigluscar Road, the eastern parcel would take access from Craigluscar Road (south of Keepers Cottage), the southern parcel would take access from a location close to the junction of Craigluscar Road and Drumtuthill Road; and the western parcel would take access from Drumtuthill Road. 4.4km of access track would be formed in a permeable material through the fields. During construction, access would be taken from the east via the A823 and would leave via Drumtuthill and the A823. In terms of traffic management, the components of the proposal would be delivered to the site by HGV and assembled on site. All vehicles would be directed to use the M90, B914, B915, A823 and Drumtuthill Road. A construction compound would be formed for each group of solar arrays.

1.2.6 Landscaping and planting are proposed as part of the development, primarily consisting of the planting of permanent wildflower meadows, grazing seed mix, trees and hedgerows. The existing hedgerows within and around the site are also proposed to be supplemented, managed and allowed to grow to 3m in height in the interests of providing additional screening of the development. Throughout the lifetime of the development, the land around and underneath the panels is proposed to support grazing by sheep. There is also additional land within the landowner's ownership which would not be used for solar and would continue to be used for agricultural purposes.

1.2.7 The development would generate and then subsequently export electricity to the grid network and facilitate a shift to low carbon energy. The operational period of the array would be up to 40 years with provision for it to be decommissioned on the expiration of the planning permission. The site would be restored following this unless planning permission is sought for the extension of the operational period. Any application for extension would be assessed in accordance with the legislation and regulations at the time of applying. If an extension for

operation is not sought, then all equipment which is above ground would require to be removed from the site completely and the land reinstated to its existing agricultural use, in accordance with the attached condition.

1.3 Relevant Planning History

23/00383/SCR - EIA screening opinion request formation of 40MW solar array and 9.9MW battery storage - EIANR - 08/03/23

23/00922/PAN - Solar Farm and battery store for up to 49.9MW - PANAC - 25/04/23

1.4 Application Procedure

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

1.4.2 As the capacity of the generating station exceeds 20 megawatts, per 'Class 4: Electricity Generation' of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the proposal is categorised as a Major development. The applicant has carried out the necessary Pre-Application Consultation (PAC) requirements through holding public information events (Ref: 23/00922/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application.

1.4.3 As the application site for the proposed development exceeds 0.5ha, per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which required to be screened for EIA. The proposed development was screened by the Planning Authority (Ref: 23/00383/SCR), where it was concluded that an EIA was not required.

1.4.4 A physical site visit was undertaken for this application on 13th November 2024. All other necessary information has been collated digitally to allow the full consideration and assessment of the proposal.

1.4.5 This application was advertised in The Courier newspaper on 17th October 2024. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 3rd October 2024. A site notice was displayed within the vicinity of the site on 13th November 2024.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

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

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

Policy 11: Energy

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

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 18: Infrastructure first

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

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

Policy 26: Business and industry

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

Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

Policy 4: Planning Obligations

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

Policy 7: Development in the Countryside

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN 1/2011: Planning and Noise

PAN 51: Planning, Environmental Protection and Regulation (2006)

Scottish Government's Control of Woodland Removal Policy (2009)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)
Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)
Wildlife and Countryside Act 1981 (as amended)
Wildlife and Natural Environment (Scotland) Act (2011)
Nature Conservation Scotland Act 2004 (as amended)
British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design And Layout / Visual and Cultural Heritage Impact
- Amenity Impact including Noise and Glint and Glare
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land And Air Quality
- Natural Heritage And Trees
- Protected Species and Wildlife Habitats
- Impact on Firth of Forth SPA and SSSI and the Loch Leven SPA
- Biodiversity Enhancement

- Decommissioning the Proposal
- Economic and Community Benefit
- Core Paths and Rights of Way
- Archaeology
- Health and Safety

2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 1, 3, 11, 25 and 29 FIFEplan (2017) Policies 1, 3, 7, 11 and 13, Making Fife's Places Supplementary Guidance (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development.

2.2.2 Objection comments have raised concern that the proposals would not contribute to carbon reduction for 20 years. The proposed solar array would generate clean, renewable electricity to feed directly into the National Grid, with the battery storage element of the proposal enhancing the development by providing the facility to store energy at times of low demand and feed that into the Grid at peak demand times, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. It is accepted that renewable technologies including battery storage and solar PV panels are consistent with broader low carbon objectives, including the recently approved 'Climate Fife Strategy'. Given the drive towards a low carbon economy, the proposed development is generally supported, however further consideration of the principle of the specific land uses for each part of the proposal must be considered.

2.2.3 NPF4 supports proposals for renewable energy generation, and states that the contribution the proposed development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets shall be given significant weight when considering the principle of development. Policy 11 of NPF4 also sets out that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy further states that project design and mitigation will demonstrate how various material impacts are addressed. The net economic and socio-economic benefits, design and how the development responds to material impacts shall be assessed in full under the relevant headings of this report.

2.2.4 The application site is located outwith the settlement boundary as identified within FIFEplan (2017) so is within the countryside. The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. It is accepted that this type of infrastructure may have a proven need for a countryside location. Policy 29 (a) of NPF4 provides support for essential infrastructure applications within the countryside, whilst Policy 11 of NPF4 provides support in principle to new and replacement transmission and distribution infrastructure providing the proposal is designed to address its impacts, with significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 7 of FIFEplan likewise provides support for developments which have a proven need to be located in the countryside.

2.2.5 Objection comments have raised concerns that the proposals should use brownfield land rather than agricultural land. In terms of site selection, the applicant has been through a feasibility exercise to assess the suitability of the site for solar power to generate electricity, including reviewing alternative brownfield land. It has been advised by the applicant, that through their communications with Scottish Power Energy Network (SPEN), the Dunfermline Townhill Substation had an imbalance of generation and demand and available capacity for generation to be connected so initially the applicant was seeking to locate near to Dunfermline Townhill Substation. The applicant also highlights that the cost of a grid connection is dictated by distance from the point of connection (POC) onto the grid (i.e. at a substation or onto an overhead line in close proximity to a substation); the distance not only dictates the amount of cable required and extent of losses, but also the level of associated impact on the environment. Having established a 5km search area around the substation, giving regard to prime agricultural land, cultural heritage impacts, environmental and ecological designations, technical constraints, cumulative (visual) impacts, impacts on core paths/rights of way, suitable access to site, and proximity to settlements, the applicant considers the chosen site to represent the most suitable and efficient location for siting the proposed development. It was also sought to avoid the need for multiple developments so the search was focused on identifying a single parcel of land capable of hosting the required 40MW capacity. The applicant also argues that the solar array and battery energy storage proposal is better suited to the landscape than alternative technologies such as wind turbines.

2.2.6 The applicant has noted the location of the substation and the availability of alternative sites to accommodate a renewable energy development of the size proposed. They note that the area to the south is built up areas and large parts of the rural area to the north are unsuitable due to northward facing slopes. Owing to the above constraints and giving significant weight to the global climate crises and contribution of the proposal to renewable energy generation targets, it is considered that the principle of locating the proposed development in the chosen countryside location is acceptable. The proposed development is therefore considered to accord in the principle with Policies 1, 11 and 29 of NPF4, Policies 1, 7 and 11 of FIFEplan and Low Carbon Fife Supplementary Guidance.

2.2.7 The applicant has justified the need for the development to be located in the countryside and the proposal has met the requirements of the Development Plan. The principle of the solar PV facility therefore accords with the provisions of National Guidance and the Development Plan. The proposal would also operate for a temporary period and a condition is proposed to be attached requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.2.8 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in NPF4 (2023) and the adopted FIFEplan Local Development Plan (2017). This is subject to compliance with other elements of the planning policy framework covering the site, and these matters are considered in the following sections of this Committee Report.

2.3 Loss of Agricultural Land

2.3.1 NPF4 (2023) Policies 5 and 11, FIFEplan (2017) Policies 1, 7 and 11, and Fife Council's Low Carbon Supplementary Guidance (2019) apply.

2.3.2 Objection comments have been received with concerns regarding loss of agricultural land (impacts on food/security). The proposed solar panels would be raised and the application states that there would be an opportunity for sheep grazing to take place within the application

site, alongside other agricultural practices to carry on in the areas between the panels where land ownership is the same. Whilst the potential for sheep grazing has its benefits, crop harvesting would not be possible for the lifetime of the development (maximum of 40 years), however it is recognised that the development could be reversed in a fairly short timescale with minimal impact on the productivity of the land and allow for crop harvesting to take place in the future. The land could also be reinstated for agricultural use before the 40 year period should the developer and landowner choose to do so. The application site is made up of predominantly grade 3.2 and a small area of 6.3 agricultural land (per the James Hutton Institute). The majority of the site is classified as Grade 3.2. Whilst it is not disputed that the fields of the application site may have recently produced high crop yields, none of the application site is classified as being prime agricultural land (Class 1, 2 and 3.1) per the definition of the James Hutton Institute (which informs the relevant Development Plan policies). Emerging research is also indicating that solar farms such as this, are beneficial for pollinators (e.g. bees, butterflies) by providing them with critical food and nesting resources, increasing habitat connectivity on a landscape scale and providing refuge from climate warming. Given the crucial role of pollinators, the proposal is likely to have an indirect benefit on crop yields

2.3.4 Policy 5 of NPF4 and Policy 7 of FIFEplan restrict development on prime agricultural land unless exceptional circumstances apply. One such circumstance is the development for the generation of energy from a renewable source; as per Policy 11 of NPF4, the contribution the development can make towards renewable energy targets requires to be given significant weight. Policy 5 of NPF4 also sets out that the layout and design of the proposal should minimise the amount of protected land that is required. Notwithstanding that the application site does not include any prime agricultural land, Policy 5(b) of NPF4 sets out that the criteria for developing on prime agricultural land should also apply to 'land of lesser quality that is culturally or locally important for primary use, as identified by the LDP'; there is no equivalent policy provision within FIFEplan. FIFEplan does not identify any land which 'is culturally or locally important for primary use', and it is therefore considered that it is not possible to apply this part of Policy 5(b) of NPF4.

2.3.5 Ultimately, as the proposed development would not result in the loss of any defined prime agricultural land, and as the principal of a renewable energy development in the countryside is supported (with significant weight to be given to the contribution of the proposal to renewable energy generation targets), it is considered that the loss of the agricultural land for crop production is acceptable and accords with the Development Plan. The proximity of the application site to the Dunfermline Townhill substation also reduces the need for additional works to be undertaken on agricultural land to connect the development to the electricity network.

2.3.6 In conclusion, whilst the application site may be capable of producing high crop yields, the site is not identified as being prime agricultural land and the relevant provisions within the Development Plan to protecting prime agricultural land therefore do not apply. In any case, giving significant regard to the contribution of the proposed 49.9MW development can make towards renewable energy generation targets, it is considered that the benefits of this outweigh the temporary loss of the application site for crop production.

2.4 Design And Layout / Visual and Cultural Heritage Impact

2.4.1 NPF4 (2023) Policies 4, 7, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013), NatureScot's Landscape Character Assessment of Scotland (2019) and Historic Environment

Scotland's (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment: Setting apply with consideration of the design and visual impact of the proposed development.

2.4.2 A Landscape and Visual Appraisal (LVIA) (Pegasus Group, September 2024), photomontages and visualisations, a Design and Access Statement (DAS) and a Cultural Heritage Impact Assessment (CHIA) have been submitted with the application, all of which consider the visual impact of the proposed development.

2.4.3 The proposed development includes solar panels, battery storage units, perimeter fencing, CCTV cameras, an internal access track, underground cabling, inverters, substations, grid connection, environmental enhancement measures and other ancillary development, including PV panels and frames, battery storage within containers, central solar inverters, substation units within the compound, underground cabling, post and wire fencing and temporary set down areas. The overall height of the solar panels would be 3m high. Panels have been removed from the centre of the site and from the field adjacent to the Bonnyton property, to protect views from properties along Craigluscar farm access road and to the north, with views overlooking the site. Panels have been removed to limit panels skylining when travelling south along the Craigluscar farm access road. The overall height of solar panels is a maximum of 3m. Mitigation measures are proposed to mitigate against landscape and visual effects, including landscape planting, new native hedgerow planting incorporating scattered trees to provide visual integration or visual enclosure to the proposed development, allowing existing hedges to grow to approximately 3m in height, areas of wildflowers and meadow grass, and ongoing landscape management of planting during the lifetime of proposed development.

2.4.4 Concerns have been raised by objectors regarding the landscape and visual impact of the proposals including concerns that the area would be changed from agricultural to industrial in appearance. Concerns were raised that views to and from Craigluscar Hill and Castle Craigs Fort would be damaged and that the European Landscape Convention (ELC) promotes landscape protection. Objections also raise concern that Keepers cottage magnitude of change would result in a moderate effect, that no views are taken from the area around this property and panels will be visible from this location. Objection comments also note concern that no properties were visited during the LVA assessment.

2.4.5 The ELC defines landscape as: "An area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors." the ELC does not require the preservation of all landscapes; although, landscape protection is one of the core themes of the convention. Equally important is the requirement to manage and plan future landscape change. The ELC highlights the importance of developing landscape policies dedicated to the protection, management, and planning of landscapes.

2.4.6 The LVIA submitted contains an acceptable number of photomontages and visualisations of how the development would look once developed and is informed by a 3km zone of theoretical visibility (ZTV). Access during site visits was restricted to publicly accessible locations or land within the ownership of the site landowner, which is acceptable. As part of the baseline study, site visits to the application site and surrounding area were undertaken in winter 2024. The LVIA sets out a Landscape Character Sensitivity Assessment which assesses the sensitivity of the Foothills – Fife Landscape Character Area and the Lowland Hills and Valleys Landscape Character Area, Cleish Hills Local Landscape Area and South West Dunfermline Local Landscape Area. The visual impact on 15 residential properties, tourist attraction receptors including Craigluscar Hill, Pittencrieff Park and Townhill Country Park were assessed. Route receptors, Core Path Routes R598: Luscar Dean Link to Craigluscar, and R599: Carnock

Moor to Craiguscar were also assessed and transport routes including Craiguscar Road and Drumtuthill Road and other minor roads within the area were assessed. Additionally, the visual impact of Craiguscar Activities and Craiguscar West Reservoir and Craiguscar East Reservoir were assessed. Seven viewpoints were identified to illustrate the visual and landscape impact of the development, including:

1. Bonnyton Cottage, Craiguscar Road (looking south west and north west)
2. Drumtuthill Road to the west of the Landfill (looking north, north west and west)
3. Craiguscar Road, near Craiguscar West Reservoir (looking south east, south west and north east)
4. Craiguscar Hill (looking east and south)
5. Loanhead Road (looking east)
6. Core Path, Wellwood (looking north west)
7. Backmuir of Pitfirrane (looking north)

2.4.7 The LVIA concludes that the proposed development would not give rise to significantly adverse impacts on the two LCTs and two LLAs, which would degrade the characteristics which make these areas distinctive, with the extent of change to the landscape considered to be localised on account of the expected visibility of the development. Of the visual receptors assessed, the LVIA concludes that most properties would experience 'moderate' and 'moderate-minor' impacts due to a combination of oblique views and screening offered by existing buildings and boundary hedgerow. The Landscape Visual Impact Assessment (LVIA) concludes that the impact on users of Craiguscar Hill will be moderate and therefore not significant. Core Path Route R598: Luscar Dean Link to Craiguscar and Core Path Route R599: Carnock Moor to Craiguscar are predicted to experience some major-moderate localised impacts on small sections of the route, where the paths are in close proximity and offer direct views of the site, overall the impacts are considered to be moderate or moderate-minor. In relation to potential impacts on the landscape character types within which the site sits, the LVIA assesses that the development would result in a moderate/minor localised adverse effects, which are predicted to reduce to minor/neutral over the longer term due to the visual screening influence provided, the existing landform, forestry/woodland with the landscape mitigation measures providing enhancements around the edges of the site over time. In relation to visual impact, it is acknowledged that the greatest visual effect would occur for the users of the Core Path that passes through the site although this would be mitigated to a significant degree by the proposed hedgerow planting. The remaining assessment of viewpoints demonstrates minor to medium to minor magnitudes of change, with moderate localised adverse visual effects. This assessment is supported by the visualisation images as described above.

2.4.8 Fife Council's Urban Design Officer initially raised concerns regarding the location of viewpoints 1 and 4 where it was considered that views could have been more expansive and were blocked. However, it was confirmed by the author of the LVIA that there was no possibility of taking photographs from alternative locations within viewpoint 1 and 4 to take photographs from due to terrain on the hilltop and lack of footpath. There is little of the site behind the tree/fence at viewpoint 4, with most of the proposed built form lying to the right of the view. Panoramic photography was taken from an alternative location to the west however, it was considered that there was less foreground visual intrusion from the chosen location.

2.4.9 It is considered that the proposed mitigation of tree and hedgerow planting would reduce the visual impact effects of the proposed development from the viewpoints to a significant degree. The proposals in relation to the core path and provision of a corridor with hedgerow to screen the solar panels is an appropriate means of retaining this important resource and mitigating the visual effect of the proposal. In relation to general landscape mitigation, the

proposals include tree planting, and hedgerow planting/reinforcement (maintained at 3m in height), which are considered appropriate, in keeping with the existing landscape context and with the potential to make a positive contribution towards the mitigation of the development when viewed from outwith the site. Landscape proposals also include wildflower meadows to the fringes with a grazing seed mix across most of the site.

2.4.10 Overall it is considered that the landscape has the ability to accommodate the changes associated with the proposed development without significant harm, and that the visual amenity impact from key views, movement routes and individual dwellings would be localised, but significantly reduced through the proposed mitigation measures.

2.4.11 Overall, the findings and conclusions of the LVIA are therefore accepted, and as evidenced by the submitted visualisations. It is considered that the scale of the proposal is such that no significant impact to the wider landscape would occur. In this instance, it is considered that the applicant has demonstrated through the siting of the development and the submitted LVIA that the expected landscape impacts of the proposed development are modest and localised, with visual and landscape impacts appropriately and successfully mitigated by carrying out improvements to existing landscape screening. In regard to cumulative impacts, it is acknowledged that there would be two major solar arrays visible within the landscape at one given time, along with other approved battery storage system approvals and wind turbines within the area. In regards to the solar farm to the South of Lohead Landfill site, given the limited distance between both developments, there is an increase in the landscape and visual effects but due to the nature of the local topography and screening influence provided by intervening vegetation, any rise in effect would be no more than a minor degree greater than those effects identified in relation to the proposed development when assessed in isolation. There would also be limited intervisibility between multiple developments and the proposed development when viewed from one location or sequentially from a linear route owing to the level of screening provided by intervening landform, and vegetation. Therefore, the overall effect would result in a rise in a minor degree greater than those identified in relation to the proposed development when assessed in isolation. The Development Plan framework indicates that, where impacts are localised and/or appropriate design mitigation has been applied for this type of development, they will generally be acceptable. In combination with the site selection process, it is therefore considered that any localised impact on the landscape, as described above, are acceptable. The proposal would, therefore, be visually acceptable, would have no significant detrimental impact on the site or surrounding landscape and would comply with the Development Plan in this respect. A condition is however recommended to secure the proposed mitigation planting.

2.4.12 A Cultural Heritage Assessment has been prepared which considers the impact of the proposed development on designated and non-designated heritage assets. The proposed development has been sited to avoid as far as possible cultural heritage and archaeological designations. The nearest receptor is Craigliscar, shielings and enclosure Scheduled Monument and there are two Category C listed buildings - the late 18th-century farmhouse (LB 3772) at Craigliscar, with an adjoining garden enclosure and a dovecot (LB 3739). Four Category B listed buildings (LB 3409; LB 3412; LB 3429; LB 43646) lie within 2 km of the site and there are 10 Category C listed buildings within 2 km of the site. Three further Scheduled Monuments lie within 2km of the site: Castle Craigs, fort (SM 803), Carnock, Parish Church (SM 829); and an enclosed settlement and souterrain northeast of Glenmoy (SM 8543). The Cultural Heritage Assessment concludes that the proposal would have a low to medium adverse impact on the setting of the Castle Craigs fort, particularly affecting southerly views to and from the fort but not adversely affecting intervisibility with possibly contemporary forts to the north. The proposed

development would have a negligible effect on the Enclosed settlement and souterrain northeast of Glenmoy, and a low adverse effect on the Shielings and enclosure west-northwest of Craigluscar.

2.4.13 Historic Environment Scotland (HES) has reviewed the proposals and noted that no direct/physical impacts on the scheduled ancient monuments are anticipated and that potential impacts on their setting have been assessed. HES agrees with the assessments and does not consider that the level of impact on the setting of the monuments is likely to be significant.

2.4.14 The proposed landscape impact of the proposal would be acceptable and there would be no significant detrimental impact on the landscape character of the area. Conditions are recommended which require that details of all finishing materials are submitted to this Planning Authority for approval before any works commences on site, and to secure the mitigation planting. The proposal subject to conditions, would therefore, be visually acceptable, would have no significant detrimental impact on the landscape or the Cullaloe Hills and Coast Landscape area and would comply with the Development Plan in this respect.

2.5 Amenity Impact including Noise and Glint and Glare

2.5.1 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity. Policy 11 of the LDP states that development of low carbon energy schemes such as solar arrays will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact consideration. Fife Council's Low Carbon Fife Supplementary Guidance provides guidance on the application of Policy 10 and 11 of the LDP (specifically relating to the impacts on amenity of low carbon energy proposals). The guidance advises that proposals for large photovoltaic arrays should provide a glint and glare assessment as part of their submission.

2.5.2 A Glint and Glare Assessment (Pagerpower, February 2025) and a Noise Assessment (ion Acoustics, June 2024) have been submitted with this application. There are residential properties and farm steadings in the area around the site, including Craigluscar Farm Cottages, Keepers Cottage, Tank House, Bonnyton Farm, Lothead, Rosebank Mains and Cottage, Easter Clune Farm, Loanhead Farm, Luscar House and East Luscar House. The closest properties are located to the south (Bonnyton), and along Craigluscar Road (Keepers Cottage).

2.5.3 Objection comments note concern regarding solar reflections being predicted to affect one dwelling, for less than 3 months/year less than 60 minutes per day. Glint is a momentary, bright reflection of sunlight from a smooth, shiny surface, whilst glare is a more sustained and disabling condition caused by reflections that are too bright or too large in the field of vision, or both. The glint and glare assessment has predicted a moderate impact towards a 0.1km section of the U010, due to solar reflections being possible within a road user's primary field-of-view. To address this, mitigation planting has been proposed which is expected to reduce this to no impact once matured. To allow for instant mitigation from this impact, a temporary mesh screening is proposed along this location until the planting has established enough to fully mitigate this impact. A condition is proposed to ensure that the mitigation is in place. In terms of impact on dwellings, 75 dwellings have been assessed, and a potential impact is geometrically possible towards 20 of these dwellings. Where effects occur for less than three months per year and less than 60 minutes on any given day, or the closest reflecting panel is over 1km from the dwelling, the impact significance is assessed as being low, and mitigation is not recommended. There is one dwelling, located on Craigluscar Road, to the south west of West Craigluscar Reservoir, that solar reflections are predicted for, however this would be for less than three

months per year and for less than 60 minutes on any given day (April and September at approximately 6am GMT). This impact is therefore assessed as being a low impact for which no mitigation would be recommended. The proposal would therefore comply with Development Plan in this respect and would be acceptable in this instance.

2.5.4 Objection comments note concern regarding noise from the solar array during the operational period and also construction noise, including from Keepers Cottage. The Noise Assessment submitted with the application notes that an external noise limit of 35dB(A) at the façade of neighbouring noise receptors has been used, which is lower than the NR25 rating for bedrooms at night. The assessment sets out that most of the noise generating equipment is in a condensed location with equipment associated with the Battery Storage Energy System, including Heating Ventilation and Air Conditioning (HVAC) units for the battery containers, associated inverters, and transformers. The proposed facility consists of several fields with solar panels with 12 centralised solar inverters/transformers distributed throughout the site. The battery storage area which includes 24 containerised battery units, two power transformers, and three inverter units located towards the western edge site. Keeper's Cottage, properties by Craighluscar Activity Centre Farm Cottages and properties along Bonnyton Farm Track are adjacent to the site boundary. However, the noise-generating equipment and the solar panels are set further back from these properties. The batteries themselves do not generate noise. However, to provide stable climatic conditions within the battery containers, external HVAC units are provided with vents on the sides of the units. These would operate on demand but would be more likely to operate during the daytime to provide cooling. The batteries would be charged during periods of low electrical demand and fed back into the national grid during periods of peak demand and as such they could operate at any time. The nature of solar farms is such that electricity is only generated during daylight hours. It is noted that this may extend into hours considered to be part of the night (early mornings before 07:00 hours) and during evenings (after 19:00 hours) during the summer. Overall, the calculations indicate that operational noise from the proposed development, including the solar array and battery storage element would be low and would comply with the noise limits at the closest noise sensitive receptors during all periods of the day and night. One hundred percent operation is only expected on rare occasions during peak demand periods which is especially unlikely during the quietest periods of the night. Notwithstanding this, noise from the facility is unlikely to be audible and the resultant impact across all receptor locations is assessed as being low.

2.5.5 In regards to construction noise, any construction disturbance caused as a result of the proposal would be temporary in nature and developers should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Public Protection Team can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would likely be no significant impact on the surrounding area due to any associated construction works, particularly when considering the nature of the works proposed. A planning condition is recommended, requiring the submission of a Construction Environmental Management Plan ('CEMP') (comprising a Construction Method Statement, a Management Plan, Construction Traffic Management Plan (CTMP), an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site). The proposal would therefore be acceptable and would comply with the Development Plan in this respect. Given the above, it is considered that there are no noise-related issues associated with the proposal.

2.5.6 Objection comments note concern that the proposals would result in light pollution. No permanent lighting is proposed as part of the development as all cameras would utilise infrared technology, therefore no light pollution is expected as a result of the proposals.

2.5.7 Objection comments note concern regarding privacy issues resulting from the proposed CCTV. The applicant has advised that the CCTV would be directed towards the site, and not into neighbouring properties. No privacy issues would therefore arise as a result of the proposed CCTV.

2.5.8 In conclusion, the proposed development would be acceptable with regard to residential amenity considerations, complying with the relevant policies of the Development Plan and related guidance documents.

2.6 Transportation/Road Safety

2.6.1 NPF4 (2023) Policies 1, 2, 13, 14 and 15, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.6.2 A Transport Statement (TS) (Arden Consulting Engineers, September 2024) and a Glint and Glare Assessment (Pager Power, February 2025) has been submitted with the application. The Transport Assessment sets out the number of additional trips that would be generated to the site as a result of the construction period and when the site is operational. The Glint and Glare Assessment assesses any potential impact that the solar panels would have on the road network in terms of glint and glare, which would impact on road safety.

2.6.3 Objections have raised concerns regarding traffic impact to Craiguscar Farm Cottage. Concerns have also been raised by objectors regarding the impact that the proposals would have on surrounding narrow roads, particularly Drumtuthill Road. Objection concerns have also been raised regarding surface damage and traffic during construction. Concerns have been raised by objectors regarding who would maintain the access road into the site. It would be the responsibility of the developer to maintain the private access road. The Transport Statement notes that the construction phase would generate more traffic, but this would only occur over a 12-month period and during the operational phase, the trips would be minimal. An automatic traffic count was carried out on Drumtuthill Road approximately 50m east of the crossroads at Drumtuthill Road / Craiguscar Road to the west of the recycling centre. Peaks were between 8am – 9am and 3pm – 4pm. An accident review was undertaken and it was found that there were no obvious current road safety issues. The proposals are expected to have a negligible impact on road safety and traffic congestion, with the majority of anticipated development trip generation focused on the temporary construction period during which traffic management can be implemented to mitigate risks. It is anticipated that approximately 28 Heavy Goods Vehicle (HGV) movements would occur during the first two months of the construction period, which would lessen to 8 – 16 two way HGV movements for the remainder of the 12 month period. During site mobilisation and preliminary enabling works, it is anticipated that an average of 15 construction personnel would be present on site, resulting in a maximum of 30 vehicle movements per day (assuming the worst-case scenario of single occupancy vehicle travel) and during the peak construction period, 25 construction personnel would be expected, resulting in 50 vehicle movements per day. During the operational period the number of vehicles arriving/departing through the day would be negligible as visits are related to occasional maintenance trips. The percentage uplift of the predicted daily vehicle movements during the construction period would be 3-12 percent and during the operational period this is negligible. In

terms of the surrounding pedestrian and cycle network, it is noted that the roads in the surrounding area do not support any dedicated pedestrian or cycle infrastructure. The closest bus stops are located to the south of the site on the A907, within a 1.4km (17 minute) walk from the Craiguscar Road / Drumtuthill Road crossroads, which are central to the site. The stop is served by one service (6A) that provides evening services between Ferrytoll and Steeland. More regular services are available within a 30-minute walk from Blackburn Avenue. Stops here serve route 84 which provides an hourly service into Dunfermline. Regarding access, the proposals include 5 points of access which would be required for both construction access and maintenance purposes during the operation of the development. These junctions will be required to facilitate access to and from the development for large vehicles during construction. In regards to surface damage to roads, Transportation Development Management have recommended a planning condition which requires the applicant to carry out a dilapidation survey prior to works commencing on site, and for the roads to be repaired following the commencement of construction works, to ensure that they are not damaged as a result of construction. Wheel cleaning is also required through a planning condition to ensure that no debris materials are carried across the roads. Transportation Development Management Officers (TDM) have reviewed the proposals and have no concerns with the proposed accesses or visibility splays set out within the TS.

2.6.4 Objection comments note concern that the Glint and Glare Assessment shows that there would be a potential impact on the U010 public road and the proposed mitigation measures would take time to establish. Fife Council Transportation Development Management (TDM) Officers also initially had concerns that the Glint and Glare Assessment recognised that there would be a moderate impact towards a 0.1km section of the U010 public road due to solar reflections being possible within a road user's primary field of view. There was concern that the proposed mitigation in the form of a hedgerow would not establish straight away in order to have a mitigating impact on this issue. The applicant therefore proposes a mesh screening which would be located in front of the proposed panels adjacent to this road, and would create an instant mitigation to any possible reflections. TDM has accepted the applicant's updated Glint and Glare Report which advises that the mesh screening would reduce solar reflections to a low impact. TDM therefore has no objections to the proposals subject to conditions requiring the submission of a Construction Traffic Management Plan, suitable access provision and turning areas to be provided, adequate wheel cleaning provision for the construction period, adequate parking to be provided and for the installation of the mesh screening to be provided prior to the installation of the relevant solar panels to ensure that the screening would be effective and in place at the correct time. The proposed construction traffic route is the M90 junction 1 to the B914, to the A823 before joining Drumtuthill Road from which the solar array accesses can be reached. This route can accommodate large vehicles and limits the number of junctions and turns that vehicles would be required to make. The proposed route is agreed with Fife Council TDM Officers.

2.6.5 Whilst it is recognised that that application site will not be readily accessible by walking, cycling or public transport during the construction and operational phases, it is considered that the proposed development does not represent a significant travel generating use and therefore it would not be appropriate to refuse the application on the grounds of sustainable transport as the location of the development in the rural location has been found to be acceptable in principle

2.6.6 Transport Scotland was consulted due to the proximity to the M90 and advised that it does not advise against the granting of planning permission. It did not recommend any planning conditions.

2.6.7 In conclusion, the proposed development would be acceptable with regard to transportation and road safety considerations, complying with the relevant policies of the Development Plan and related guidance documents, subject to the aforementioned conditions recommended by TDM.

2.7 Flooding and Drainage

2.7.1 NPF4 (2023) Policy 22, FIFEplan (2017) Policies 1, 3 and 12, the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to flood risk and drainage infrastructure.

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

2.7.3 The application site lies on the edges of the Craiguscar reservoirs and compensation reservoir, which Carnock Burn is an outlet stream for. Carnock Burn passes under Drumtuthill Road and along the site boundary.

2.7.4 A Flood Risk and Drainage Impact Assessment (Kaya Consulting, July 2024) has been submitted with the application. The assessment considers the potential flood risk to the proposed development from all sources and provides a strategy for the management of surface water runoff. The site is not at risk of coastal flooding but may be at risk of fluvial flooding given the proximity to Carnock Burn. Reservoir flooding has been considered, due to the Craiguscar Reservoirs being in proximity of the site, however it is advised that flooding of this type is highly unlikely due to the strict regulations and maintenance in Scotland so the risk of flooding from reservoir breach or failure is considered low. The site is not at risk of groundwater flooding. According to the SEPA flood maps, parts of the site may be liable to pluvial flooding. All access points are predicted to be free from fluvial risk of flooding. Surface water modelling has predicted ponding of surface water flooding within the eastern corner of the site, close to the compound. As discharge to a watercourse cannot be achieved, disposal of surface water via infiltration is proposed. Existing ground levels at the site slope southwards. Following the development of the site, it is expected that post development ground levels will also fall gently to the south. It is proposed to route surface water generated by the impermeable areas via down pipes to an appropriately sized soakaway designed to accommodate the 1 in 200 year plus 39% event storm. During events in excess of the 200 year plus climate change uplift or in the event of a blockage to the soakaways, surface water will route through the site in a similar manner prior to the development being constructed. No new overland flow pathways will therefore be created as a result of the construction of the site. The proposed strategy is to take surface water runoff from the compound into filter drains. Runoff will then be routed to soakaways adjacent surrounding the compound. The applicant has also submitted relevant certificates required by Fife Council (Appendices 1- 4 and 8) which confirm that the flood risk assessment and drainage proposals are competent. Fife Council's Structural Services (Flooding, Shoreline and Harbours)

has confirmed that they have no objections to the conclusions of the flood risk assessment or drainage proposals.

2.7.5 In conclusion, the proposed development would be acceptable with regard to flooding and drainage considerations, complying with the relevant policies of the Development Plan and related guidance documents.

2.8 Contaminated Land And Air Quality

2.8.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

2.8.2 A Phase One Geo-Environmental Study (Desk Study) (GreenCat, September 2024) and a Coal Mining Risk Assessment (Greencat, May 2024) has been submitted with the application. The Coal Mining Risk Assessment recommends intrusive site investigations and mitigatory proposals to ensure that mine entries are inaccessible, and that the layout avoids them.

2.8.4 Fife Council's The Land and Air Quality Team has reviewed the submitted information and is satisfied with the assessment submitted. It is advised that a potential pollutant linkage (Mine Gas) has been identified for any enclosed building structure at the site, and therefore a Geo-Environmental Ground Investigation including Ground Gas Assessment is required to be undertaken to appropriately assess the southern area in terms of its suitability for the proposed end use. The Land and Air Quality Team advises that soil gas monitoring records and interpretation should be provided for comment. If, following any gas monitoring, there is a requirement to install gas mitigation measures, the details and specification of this should be provided and quality assurance information should be provided within a Validation Report. A suspensive condition is recommended to ensure any unforeseen contamination issues associated with the above site are suitably addressed, and conditions regarding gas mitigation are also recommended. Subject to the conditions, Fife Council Land and Air Quality has no objections to the proposals.

2.8.5 The Coal Authority has been consulted on this application and has advised that the site has been subject to past coal mining, including mine entries. The Coal Authority recognises that the proposals satisfies their exemption criteria, owing to the nature of the development, however it does advise that an informative is provided within any decision notice, advising that potential hazards could be found within the site area and information outlining how former mining activities may affect the proposed development and mitigation measures should be submitted alongside any application for Building Standards approval. Subject to the advisory note, The Coal Authority has no objections to the proposals.

2.8.6 In conclusion, the proposed development would be acceptable with regard to land and air quality considerations, complying with the relevant policies of the Development Plan and related guidance documents.

2.9 Natural Heritage And Trees

2.9.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 11 and 20, Scottish Government's Control of Woodland Removal Policy (2009), Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation

Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.9.2 The site does not contain or affect any Tree Preservation Orders (TPOs) or Conservation Areas. However, it contains or borders multiple areas of Ancient Woodland. A Tree Protection Report has been submitted with the application, as has a Landscape Plan.

2.9.3 Objection comments have been received with concerns regarding damage to the Ancient Woodland. Objection comments have also been received which raise concerns that NPF4 states that developments which have an unacceptable impact on the natural environment will not be supported. During construction, the proposals would result in the removal of a small number of hedgerow and hedgerow tree species to facilitate access. This would constitute a small portion of the total hedgerow and hedgerow tree coverage along the roadsides of Craighluscar Road and Drumtuthill Road. The existing woodlands onsite and immediately adjacent to the boundaries of the site would be retained and protected as far as practicable during construction. Proposed mixed native hedgerow and hedgerow tree planting would be provided along selected field boundaries of the application site, to better integrate the proposals with the surrounding area. New hedgerow and hedgerow tree planting is also proposed along existing hedged boundaries to infill gaps in the existing hedgerow. Areas around the solar PV panels would be appropriately seeded.

2.9.4 With regard to arboricultural impact, a comprehensive survey has been undertaken and all tree removals and root protection zone incursions have been clearly indicated. The removal of 5 trees would be required, with a further 10 requiring elements of root disturbance. This level of tree removal is not significant, and the tree survey schedule sets out that all trees to be removed are smaller in height, of typically semi-mature or younger life stage, and are of poorer physiological condition. A B category 17m Scots Pine would require removal to construct the access road, but this degree of tree removal is not significant, and relative to the proposed planting plans, this removal would entirely be offset. For all trees where a root protection area incursion would be required, these areas have been mapped, and a method statement has been provided setting out how this will be approached and undertaken. The root protection area of one tree would be affected by 26%, however the surfacing proposed would not be impermeable hard surfacing, and it is preferable that the applicant is attempting to retain the tree rather than proposing to remove the tree potentially unnecessarily. In the context of the proposed planting, this impact is acceptable.

2.9.5 With regards to new planting, this proposal would deliver significant numbers of new hedgerow plants, hedgerow trees, shrubs, and woodland trees. These have all been suitably mapped, and species mixture, height at time of planting, number of plantings, and percentage mixture are all provided, alongside planting methods. The choice of species range would utilise mixed mostly native broadleaf trees, with some non-native noble firs, which will bring a biodiversity increase to the site, and will help to create a future woodland of increase adaptability and resilience. Different final canopy heights and phenological cycles have also been factored in to increase structural diversity and periods of year with fruit and flowers available. With regards to mitigating initial arboricultural impact, this would offset impact and then deliver far beyond mitigation amounts expected. With regards to tree protection, a suitable explanation has been given within the Tree Protection Report. However, if security fencing is to act as protective fencing, where HERAS fencing would usually be expected, it should be confirmed that security fencing would be erected prior to the commencement of any other construction activities, to fully ensure all extant trees and woodlands, especially ancient woodland areas, are properly protected. This matter has been discussed with the applicant who has confirmed that suitable tree protection measures would be installed prior to works

commencing on site, and they have agreed that a suitable planning condition could cover this requirement.

2.9.6 NPF4 Policy 6 does not support a development which damages ancient woodland, results in woodland fragmentation, and details woodland removal must be in accordance with the Scottish Government Policy on the Control of Woodland Removal. This proposal would sufficiently protect adjacent ancient woodland, would involve minimal tree removals, and would deliver significant new diverse planting. As such, this proposal is supportably by NPF4 Policy 6. The Scottish Government Policy on the Control of Woodland Removal states that woodland removal with compensatory planting will be appropriate where it contributes to: helping Scotland mitigate and adapt to climate change; enhancing sustainable economic growth or rural/community development; supporting Scotland as a tourist destination; encouraging recreational activities and public enjoyment of the outdoor environment; reducing natural threats to forests or other land; or increasing the social, economic or environmental quality of Scotland's woodland cover. This proposal will contribute to improving woodland cover, helping Scotland mitigate and adapt to climate change, and would require minimal woodland removal, so is supportable by this policy.

2.9.7 Protected Species and Wildlife Habitats

2.9.7.1 A preliminary ecological appraisal report (PEA) which includes a phase 1 habitat survey has been submitted in support of this application. The extended Phase I Habitat survey considers habitats and species of plant present and the potential presence of relevant European Protected Species (bats and Otters), Water Voles, Badgers, and potential for use by breeding birds, with particular reference to those species with enhanced statutory protection.

2.9.7.2 Objection comments have been received in regards to the detrimental impact on wildlife and protected species, including birds. Objectors have raised concern that a nature reserve is nearby and there are many protected species in the area which would be impacted on although the study submitted shows that the proposals would be unlikely to significantly impact on them. There is concern that this is hypothetical. The PEA advises that several signs of badger were found and there is suggestion of possible badger setts within 30m of the proposed infrastructure. A NatureScot badger license would therefore be required for this proposal. The PEA advises that monitoring of potential sett entrances with trail cameras is recommended to confirm which setts may be active, prior to the commencement of construction works; a badger species protection plan (SPP) should be produced and the recommendations set out within the PEA should be followed. The presence of great crested newt was confirmed in a pond adjacent to the application site. In this instance, NatureScot has advised that the proposed non-licensed method statement provided is appropriate and that, due to the nature of the proposed development and the distances from the ponds involved, a license would not be required. A red squirrel sighting and a possible drey was found in proximity to the proposed solar infrastructure. If the use of the drey is confirmed then, the working area would extend to within 50m of the drey; and if works take place during the breeding season (February-September inclusive), a red squirrel license would be required. A red squirrel SPP should be produced. The PEA identified otter presence along the burn, therefore an otter SPP should be produced prior to construction works commencing. The proposed development meets the required buffers therefore, no changes to the proposed development layout or plans is required. No potential bat roost features were noted within any of the existing vegetation, which is recommended to be felled, therefore no further bat surveys would be required. However, a Phase 2 bat survey should be undertaken if any trees with bat roost potential are to be felled or otherwise disturbed. The PEA advises that pre-construction surveys for nesting birds would be necessary and should be carried out during the breeding bird season, March-August (inclusive), prior to works commencing.

2.9.7.3 NatureScot would determine whether separate licences should be granted for the proposed works and conditions requiring that the measures set out within the SPP are carried out in full before any works commence on site are recommended. The proposal subject to conditions would, therefore, cause no harm to protected species as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The proposal, would, therefore, be acceptable subject to conditions and would comply with the Development Plan in this respect.

2.9.7.4 The PEA advises that pre-construction surveys should be carried out to determine any changes in protected species distribution or change in habitat composition within the site, prior to works commencing, including updated surveys for otter, and badger surveys up to 100m from proposed development. These surveys would inform Species Protection Plans (SPP). The PEA recommends that updated vegetation surveys should be done during the optimal survey season (April – September) and should be used to inform recommended seed mixes for grassland restoration within the site.

2.9.7.5 Pre-construction surveys for nesting birds should be carried out during the breeding bird season, March to August (inclusive), prior to works commencing. Potential nesting habitat includes semi-improved grassland, hedges, and trees. Particular attention should be made to the potential for ground nesting lapwing. This species is classified in the UK as Red under the Birds of Conservation Concern 4: the Red List for Birds (2021). It is a Priority Species under the UK Post-2010 Biodiversity Framework and is listed as near Threatened on the global IUCN Red List of Threatened Species.

2.9.7.6 Craiguscar Compensation Reservoir Wildlife Site, which the proposal is adjacent to, is designated as a Local Nature Conservation Site (LNCS). The purpose of LNCSs is to: “safeguard biodiversity and geodiversity of at least local importance”. The PEA assesses the Craiguscar Compensation Reservoir (CCR) Local Wildlife Site. It advises that the CCR is designated for swamp habitat, supporting around 1% of Fife's swamp habitat. The CCR is surrounded primarily by swamp and willow carr woodland which is dominated by goat willow. Swamp forms a band around the water body and is dominated by reed canary grass. The CCR is directly adjacent to the site boundary, however there would be no direct loss of habitat and all development would be outwith of the bounds of the wildlife site. As the site is predominantly designated for habitats, which will not be impacted, there is no identifiable impact on the qualifying features from the proposed development.

2.9.6.7 The PEA advises that plants on site were semi-improved neutral grassland, poor semi-improved neutral grassland, semi-improved grassland and poor semi-improved grassland, marshy grassland. Overall, the PEA advises that the field supports a generally low species diversity. Due to species composition the grassland likely classifies as National Vegetation Classification (NVC) which generally relate to the lowland meadow priority habitats. No species or habitats were found within the survey area. It is considered, therefore, that the proposal would not result in the significant loss of any significant plants within the area and would comply with the Development Plan in this respect.

2.9.6.8 The findings of the submitted PEA are accepted, and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. Conditions are recommended requiring that the proposed mitigation measures as set out in the PEA are carried out in full. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.9.7.9 Fife Council's Natural Heritage Officer advises that they are satisfied that no habitats of potentially high ecological value are at risk and that the development would be entirely on agricultural land of low extant ecological value. Additionally, the proposed mitigations and enhancements identified through the submitted reports would satisfy biodiversity requirements. They, therefore, have no objections subject to the proposed mitigations and enhancements being secured and the provision of a landscaping plan and any required biodiversity enhancement on the site.

2.10 Impact on Firth of Forth SPA and SSSI and the Loch Leven SPA

2.10.1 Policies 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP apply. The LDP allocation requires that detailed proposals, including applications for planning permission in principle, must demonstrate that the development would not adversely affect the integrity of the Firth of Forth SPA and the Loch Leven SPA either alone or in combination with other plans or projects. Fife Council is required to consider the effect of the proposal on these sites before it can be consented (commonly known as a Habitats Regulations Appraisal (HRA)).

2.10.2 There are a number of SSSIs within a 5km radius of the proposal, however it has been agreed by NatureScot that the sites further than 10km from the development area, such as Forth Islands (SPA), can be screened out due to the type and scale of the proposed development.

2.10.3 NatureScot advise that the proposal constitutes a likely significant effect (LSE) on Firth of Forth SPA and Loch Leven SPA because the proposal has the potential to disturb birds and will result in lost habitat, both directly via installation of panels and indirectly via environmental mitigation and enhancement for other species. Consequently, Fife Council, as competent authority, is required to carry out an 'appropriate assessment' in view of the sites' conservation objectives for their qualifying interests.

2.10.4 Subsequently, the applicant submitted a Report to Inform a Habitat Regulations Appraisal (January 2025) with the application. The report states that, after a full assessment in line with HRA principals, the proposal will not have any Likely Significant Effects alone, or in combination with, other assessments on either the Firth of Forth SPA or Loch Leven SPA. NatureScot has advised that there would be no adverse effect on the wintering waterfowl assemblage qualifying interest of the Loch Leven SPA as a result of the development and no adverse effect on the individual waterfowl assemblage qualifying interest of the Firth of Forth SPA. It is noted that only pink footed geese have the potential to be adversely impacted because it is the only qualifying interest likely to use the developable area. Any habitat loss, however, would be small scale and a small proportion of what the qualifying interest would use. There is sufficient habitat available elsewhere so the impact would be minimal. Fife Council's Natural Heritage Officer advises that the HRA document is comprehensive and presents the assessment very clearly. The report conclusions are in agreement with the conclusions of both the NatureScot and Fife Council assessments of the application.

2.10.5 A habitat regulations appraisal (HRA) as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) was carried out for this proposal. Under the Habitats Regulations, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, they must carry out an 'appropriate assessment'. This process is known as HRA. An Appropriate Assessment has concluded that, after a full assessment in line with HRA principals that the proposal will not have any Likely Significant Effects alone, or in combination with, other assessments on either the

Firth of Forth SPA or Loch Leven SPA. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.11 Biodiversity Enhancement

2.11.1 An Outline Biodiversity Management Plan (September 2024) and Landscape Masterplan has been submitted with the application. The Landscape planting proposed includes tree and hedgerow enhancement and native seed mixtures.

2.11.2 The overall aims of the proposals are to increase the ecological value of the land beneath the solar tables, increase the hedgerow resource and also enhance the woodland resource of the site area. These enhancements are intended to increase seasonal foraging and overwintering resources for a range of wildlife. The range of mitigations and enhancement planned, includes badger gates to retain access, herptile hibernacula, log and brash piles for invertebrates, wintering bird forage, and summer nesting/roosting boxes for birds and bats, which are all welcomed.

2.11.3 NatureScot recommends that the tree and hedgerow species sourced are of a local prominence and that the applicant refers to their solar farm pre-application and scoping advice, guidance from Solar Energy UK and their Developing with Nature guidance. It is recommended that biodiversity enhancement measures are implemented in a way which benefits the natural heritage interests of the surrounding area, including the Firth of Forth SPA and the Loch Leven SPA qualifying interests. A planning condition is recommended, which requires further detail to be provided which ensures further benefit to the surrounding SPAs.

2.11.4 The submitted information demonstrates that the proposal would contribute to the enhancement of biodiversity on this site. Conditions are also recommended requiring the submission of a further landscape plan which provides specific details of the species of plant to be utilised and which also requires the submission of further biodiversity enhancement measures as set out within NatureScot's Developing with Nature guidance. The proposal would, therefore, bring about a biodiversity enhancement to the site and surrounding area when compared to the existing previously developed site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Decommissioning the Proposal

2.12.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

2.12.2 Objection comments raise concern regarding the recycling of the solar panels once they have come to the end of their lives. The Planning Statement submitted by the applicant states that waste management details would be provided with a Construction Method Statement. A condition is recommended which requires this information to be provided, which would include details of recycling and waste management. The Planning Statement submitted by the applicant indicates that the proposed development would operate for a temporary period of 40 years, after which the land would then be returned to the original condition. The 40-year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of solar and battery energy storage equipment. A condition has been proposed requiring that on expiry of the temporary period (40 years), the battery storage

facilities (and ancillary equipment) shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.12.3 To ensure that sufficient funds are available to decommission and restore the site, a Section 75 Legal Agreement requiring a financial bond has also been proposed, which the applicant has agreed to.

2.12.4 The proposed development, subject to the aforementioned conditions and legal agreement would therefore be acceptable and would comply with the Development Plan in this respect.

2.13 Economic and Community Benefit

2.13.1 Policies 11 and 25 of NPF4, Policy 11 of FIFEplan (2017) and Low Carbon Supplementary Guidance (2019) applies in regard to community and economic benefits.

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

2.13.3 A Socio-Economic Impact Assessment has been submitted with the application, which states that the development would provide substantial investment into the local economy and provide a number of construction and longer-term job opportunities (through scheduled maintenance visits and landscape management) and through the generation of power for around 40% of the households in Dunfermline all year round. The Statement states that the proposal would result in approximately 84 jobs created directly or indirectly.

2.13.4 Based on the submitted information, it is considered that the proposal would provide economic and community benefits as required by the Policy 11 of NPF4 and Policy 11 of FIFEplan. The proposals would also be supported by Policy 25 of NPF4 in that they would ensure the use of local supply chains and services, and aid in local job creation. The proposal would, therefore, be acceptable and would comply with NPF4 and the Development Plan in this respect.

2.14 Core Paths and Rights of Way

2.14.1 Policies 11 and 20 of NPF4 (2023) and Policies 1 and 13 of FIFEplan shall be taken into consideration when assessing impacts on the Core Path Network and rights of way.

2.14.2 Objection comments have raised concern regarding the impact on recreation as a result of the proposals. Core path Inzevar to Gowkhall (ref: GWKGN01) runs along the Carnock Burn, north to south. Luscar Dean Link to Craigluskar (ref: P598/03 - R598) Core Path runs east to

west, along Drumtuthill Road and down to the west through the woodland. Carnock Moor to Craighluscar (ref: R599 - P599/01) Core Path runs through the site, to the east of the Craighluscar Compensation Reservoir, north to south through the site boundary.

2.14.3 It has been advised by the applicant that all core paths within the site will remain open to the public throughout the duration of the development. From reviewing the submitted site layout plans, the Planning Authority is satisfied that the proposed development would be suitably set back from the core path and rights of way routes to ensure the paths would not require to be permanently re-routed. There is the potential however that access to the routes could be restricted temporally during construction works. A condition is therefore recommended to ensure that all core paths and rights of way routes are protected during construction works, with suitable temporary re-routing put in place if necessary in the interests of public safety.

2.14.4 In conclusion, the proposed development would not have any adverse impacts on existing core path and rights of ways routes, with a condition recommended to ensure access to routes is maintained during construction. The proposed development is therefore considered to comply with the policies of the Development Plan in this regard.

2.15 Archaeology

2.15.1 NPF4 (2023) Policies 7 and 11, FIFEplan (2017) Policies 1, 11 and 14, HES Historic Environment Policy for Scotland (2019) and Planning Advice Note (PAN) 2/2011: Planning and Archaeology apply with regard to archaeological considerations.

2.15.2 The site is not covered by any area-wide historic environment designations and no statutorily protected sites/deposits/monuments are recorded within the proposal boundary. However, as noted in the applicant's submitted Heritage Statement, a number of archaeological sites are known within the development footprint and there is potential for further, unrecorded, sites to exist.

2.15.3 In consultation with the Council's Archaeologist, despite the fact that the site is not covered by any area-wide historic environment or archaeological impact area designations, given the identified potential for further, unrecorded, sites to exist across the application site, it is recommended that a pre-development archaeological survey and evaluation be carried out. A condition is recommended to secure the implementation of an archaeological survey.

2.15.4 In conclusion, the proposed development has the potential to impact on unrecorded archaeological sites and a condition is therefore recommendation to ensure appropriate archaeological investigations are carried out. Subject to compliance with this condition, the application is considered to comply with the relevant policies of the Development Plan.

2.16 Health and Safety

2.16.1 Policy 23 of NPF4 (2023) and FIFEplan (2017) Policy 5 applies in relation to Health and Safety.

2.16.2 Scottish Gas Network (SGN) pipelines E01, E02 and E08 cross the application site, originating to the south of Drumtuthill Road and crossing the field to the north of this road in a 'v' shape. The pipeline to the northeast of the application site covers a distance of 322m and the pipeline heading in a north west direction covers 691m. Solar panels are proposed along the

first 310m of this pipeline, with an access track crossing point further located to the north. NPF4 Policy 23 states that development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another. SGN initially objected to the proposals due to the potential impact on their pipeline, advising that the proposed development could cause electrical interference and have an adverse effect on the SGN pipeline. To address this, the applicant has submitted a Pipeline Consultation Report (Locogen, September 2024). The Pipeline Consultation Report sets out the location of the pipelines within the vicinity of the application site. SGN have requested that additional information and updated plans be submitted to SGN before commencing construction works. The applicant has advised that they will undertake consultation with SGN before any development commences at the site to ensure no damage is caused to the pipelines and that access to the pipelines will always be possible to SGN, in line with any Deed of Servitude. During construction of the development, the applicant has advised that the SGN guidance SGN/WI/SW/2 will be always followed. The applicant has advised that they would undertake an assessment and modelling, as required, to determine what the interference levels would be on the SGN adjacent pipeline from any electrical infrastructure associated with the proposed development, taking into consideration the nearby SGN pipeline and associated equipment. SGN has agreed to a planning condition, requiring this information to be provided prior to the commencement of construction works.

2.16.3 Subject to the aforementioned condition, the proposals would comply with the relevant policies regarding Health and Safety.

3.0 Consultation Summary

TDM, Planning Services	No objections, subject to conditions.
NATS Air Traffic Services	No objections.
Highlands And Islands Airports Ltd	No objections.
Edinburgh Airport	No objections.
Tayside Aviation Ltd	No objections.
Mining Remediation Authority	No objections, subject to Informative.
Historic Environment Scotland	No objections.
Scottish Environment Protection Agency	No comments.
Community Council	No response.
Transport Scotland	No objections.
Office For Nuclear Regulation	No objections.

Parks Development And Countryside - Rights Of Way/Access	No response.
Archaeology Team, Planning Services	No objections. Condition recommended for archaeological works.
Policy And Place Team (West Fife Area)	No comments.
Natural Heritage, Planning Services	No objections. Condition recommended regarding biodiversity enhancement.
Trees, Planning Services	No objections. Conditions recommended regarding tree protection measures.
Urban Design, Planning Services	Comments provided.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Parks Development And Countryside	No response.
Health And Safety Executive	Do not advise against.
NatureScot	No objections. Condition recommended regarding biodiversity enhancement.

4.0 Representation Summary

4.1 46 support comments and 4 objection comments have been received in response to this application. Many of the support comments could not be addressed as they did not state any reason for supporting the proposals.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Traffic and noise disruption to Craiguscar Farm Cottage.	2.6.3 and 2.5.5
b. Detrimental impact on wildlife and protected species, including birds	2.9.7.2
c. Loss of agricultural land (impacts on food/security)	2.3.2
d. Landscape and visual impact, changing the area from agricultural to industrial	2.4.5

e. Would not contribute to carbon reduction for 20 years.	2.2
f. Views from and to Craigluscar Hill and Castle Craigs Fort would be ruined.	2.4
g. European Landscape Convention promotes landscape protection	2.4
h. NPF4 Policy 4 states that developments which have an unacceptable impact on the natural environment will not be supported.	2.9-2.10
i. Light pollution	2.5.4
j. No properties were visited during the LVA assessment.	2.4.6
k. Impact on ancient woodland	2.9
l. Impact on surrounding narrow roads, particularly Drumtuthill Road	2.6.3
m. Road surface damage and traffic during construction	2.6.3
n. Noise during construction	2.5.5
o. Concerns regarding who will maintain the access road	2.6.3
p. Concerns regarding recycling of the solar panels	2.12
q. CCTV cameras able to view homes	2.2.5
r. Priority should be given to brownfield sites rather than agricultural	2.2.5
s. Glint and glare assessment shows that there will be an impact to road users until the hedge reaches maturity, so there will be a danger to road users until then. Solar reflections are predicted to affect one dwelling, for less than 3 months/year less than 60 minutes per day.	2.5.3 and 2.6.4
t. Noise impact during operational period	2.5.4
u. Construction access not acceptable, single-track road with no passing places.	2.6.3
v. Keeper's cottage magnitude of change would result in moderate effect. No views are taken from the area around this property and panels will be visible from this location.	2.4.4
w. A nature reserve is nearby and there are many protected species in the area which would be impacted on although the study submitted shows that the proposals would be unlikely to significantly impact on them. There is concern that this is hypothetical.	2.9.7.2
x. Impact on recreation	2.14.3

4.2.2 Support Comments

Issue

- a. Will supply much needed energy to business and villages
- b. Will provide a financial boost to local communities
- c. Will ensure future sustainable energy supply
- d. Will donate funding for projects in the local area
- e. Will benefit local biodiversity
- f. Will bring economic benefit and create jobs
- g. Aligns with Scotland's climate and energy goals
- h. Will contribute to local and national energy needs
- i. The design and layout is appropriate to the site
- j. Will help reduce the cost of fuel
- k. Solar on non-productive farmland adjacent to landfill should be encouraged

4.2.3 Other Comments

Issue

a. Trees surround the site, so the efficiency of the solar array is questioned

The applicant has chosen this site based on its efficiency for generating solar energy, amongst other reasons. There is no reason to question its efficiency, and this is a matter for the applicant to consider.

5.0 Conclusions

The principle of this renewable energy development in this location is considered to be acceptable in meeting the terms of the Development Plan and national guidance. Approval of the development would result in a step forward in addressing the global climate emergency by assisting the National Electricity Grid to transition to more renewable sources of electricity generation and storage. The development can be carried out without unacceptable impacts on the local environment or residential amenity, with it also considered that no adverse road safety, contaminated land, flooding or cultural heritage issues would be raised by the development. Additionally, by securing appropriate biodiversity enhancement and landscaping, it is considered that there would be no significantly adverse visual or natural heritage impacts arising from an approval of this application.

6.0 Recommendation

It is accordingly recommended:

A. That the application is approved subject to the undernoted conditions and reasons, following the conclusion of an agreement to secure the necessary planning obligations, namely:

- a bond to address the arrangements and costs of decommissioning, site restoration and aftercare of the development.

B. That authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to negotiate and conclude the legal agreement necessary to secure the planning obligations.

C. That should no agreement be reached in relation to the planning obligations within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to refuse the application.

PRE-COMMENCEMENT CONDITIONS:

1. PRIOR TO THE COMMENCEMENT OF WORKS, the applicant shall submit an assessment and modelling, as required to determine the interference levels on the Scotland Gas Networks' adjacent pipeline from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the nearby SGN pipeline and associated equipment. This includes:

- Any steady state AC or DC Interference

- Fault Condition Interference in accordance with the limits in BS EN50122-1:2022

If required, the applicant shall also design appropriate mitigation to ensure that levels of AC and DC interference are within acceptable limits (as described by SGN/PM/ECP/2, BS EN ISO 18086:2020 and BS EN 50162:2004).

The results of this modelling (and mitigation, if required) shall be submitted for the prior written approval of Scotland Gas Networks and the Planning Authority. Thereafter any required mitigation shall be carried out in line with the approved details of this condition and shall be retained for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interest of safety; to ensure no detrimental impacts to the gas network.

2. PRIOR TO THE COMMENCEMENT OF WORKS, the applicant shall submit a Construction Traffic Management Plan (CTMP) for approval by Fife Council as Planning Authority. The CTMP shall specify that all HGV's and other large vehicles shall travel to the site via the M90 junction 4, B914 and the A823 before using Drumtuhill Road/Craigluscar Road to the sites. The reverse of this route shall be used on the return journey. The CTMP shall also specify the amount of construction traffic movements that would be associated with the various phases of the development. Once the CTMP is approved, all the measures within the CTMP shall be implemented and remain operational for the full duration of the construction phase.

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

3. PRIOR TO THE COMMENCEMENT OF WORKS, there shall be provided within the curtilage of each separate site a turning area for vehicles suitable for use by the largest size of vehicles expected to visit or be used by occupants of the premises. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development

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

4. PRIOR TO THE COMMENCEMENT OF WORKS, 3m x 60m visibility splays shall be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of each construction vehicular access and the public road, in accordance with the current Fife Council Making Fifes Places Appendix G. The visibility splays shall be retained for the lifetime of the development.

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

5. PRIOR TO THE COMMENCEMENT OF WORKS, full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by Fife Council as Planning Authority. Any subsequent approved details shall, thereafter, be provided and maintained in an operational manner throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads".

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

6. PRIOR TO THE COMMENCEMENT OF WORKS, details of the proposed off-street parking areas for contractor's vehicles shall be submitted for approval by Fife Council as Planning Authority. Once approved, these parking areas shall be provided prior to any works commencing on the installation of the solar array or battery storage facilities and shall be retained and available for use for the full duration of the construction phase.

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

7. PRIOR TO THE COMMENCEMENT OF WORKS, the applicant shall carry out a dilapidation survey in the presence of Fife Council's Roads and Transportation Services officers on the full length of the U010 (Drumtuthill Road) between its junctions with the A823 and the B913 and the U011 (Craigluscar Road) road between its junction with the U010 and the A907 (Carnock Road). Any subsequent damage to the carriageway and roadside verges as identified by Fife Council as Planning Authority shall be repaired by the applicant to a standard acceptable to Fife Council, within 6 months of the completion of the construction works, unless an alternative timescale is agreed in writing by the Planning Authority. The applicant shall enter into a Section 96 Agreement under the Roads (Scotland) Act 1984.

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

8. PRIOR TO THE COMMENCEMENT OF WORKS, the developer shall secure the implementation of a programme of archaeological work, in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of archaeological importance.

9. PRIOR TO THE COMMENCEMENT OF WORKS, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or from the energisation of the development, whichever is the sooner.

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

10. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced

annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

11. BEFORE ANY WORKS START ON SITE, a tree protection plan shall be submitted for approval in writing by this Planning Authority. Thereafter, the Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the construction process and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery

Reason: In order to ensure that no damage is caused to neighbouring trees during development operations.

12. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

13. PRIOR TO THE COMMENCEMENT OF WORKS, Biodiversity Enhancement Measures which have a stronger focus on wetland and wetland bird features such as wader scrapes, ponds and/or appropriate grassland management shall be submitted for approval in writing by this Planning Authority in consultation with NatureScot. Thereafter, the biodiversity enhancement measures and landscaping shall be carried out in accordance with these approved details.

Reason: In the interest of biodiversity enhancement and ensuring enhancement is relevant to the surrounding habitat.

14. BEFORE ANY WORKS START ON SITE; a Construction Environmental Management Plan ('CEMP') (comprising a Construction Method Statement, a Management Plan, an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site) shall be submitted to, and approved in writing by, Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" shall be consulted. All construction works shall then be carried out in full accordance with the approved details

Reason: In the interests of safeguarding amenity

15. BEFORE ANY WORKS START ON SITE, full details of the external finishing colour of all structures, including substations, control rooms, switch rooms, inverters, transformers, battery storage elements and all approved fencing shall be submitted to and approved in writing by Fife Council as planning authority.

Reason: In the interests of safeguarding visual amenity

16. PRIOR TO THE COMMENCEMENT OF WORKS, pre-construction surveys shall be carried out to determine any changes in protected species distribution or change in habitat composition within the site, including updated surveys for otter, and badger surveys up to 100m from proposed development. These surveys shall inform Species Protection Plans (SPP) which shall be submitted and approved in writing by Fife Council as planning authority.

Reason: In the interest of protected species.

CONDITIONS

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

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

18. 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.

19. Where a soil/mine gas risk is identified at the site, works shall not commence until a gas mitigation (membrane) specification/foundation design, and a verification methodology (detailing proposed installation, testing and verification methods) have been submitted to the Local Planning Authority for comment and approval.

Reason: To ensure the proposed gas mitigation design and verification methodology is suitable.

20. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT, mitigation shall be carried out and completed in accordance with the agreed gas mitigation design and verification methodology (including; installation of gas membrane, testing and collation of verification information) of approved pursuant to condition 21.

Reason: To ensure gas mitigation works are carried out to the agreed protocol

21. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT, following installation and testing of the approved gas mitigation system a verification report (containing all verification elements) shall be submitted to the Planning Authority for comment and approval.

Reason: To provide verification that the approved gas mitigation has been installed, tested and validated to the approved standard.

22. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT the mitigation measures shall be completed in accordance with the approved gas mitigation design and a verification report in respect of those mitigation measures shall be submitted and approved in writing by the local planning authority.

Reason: To ensure that the approved gas mitigation has been installed prior to the site coming into use.

23. PRIOR TO ANY CONSTRUCTION WORKS COMMENCING ON THE INTERNAL ACCESS TRACKS, FOUNDATIONS OR OTHER INFRASTRUCTURE, the 3 separate construction access bellmouths from the public road shall be constructed in accordance with the current Fife Council Making Fifes Places Appendix G.

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

24. PRIOR TO THE INSTALLATION OF THE RELEVANT AREAS OF SOLAR PANELS, the mitigation measures (including the section of mesh screen fencing) specified in Section 6.3.1 of Pager Power's Glint and Glare Assessment shall be implemented to the satisfaction of Fife Council as Planning Authority. Suitable measures shall be retained for the lifetime of the development to prevent any glint and glare issues on the U010 at road receptor 52 (as identified in the approved Glint and Glare Assessment).

Reason: In the interest of road safety; to avoid drivers of vehicles on the public road experiencing the effects of glint and glare.

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

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

26. The permission hereby granted shall be for a period of 40 (FORTY) years from the date of energisation of the project (such date to be notified in writing in advance to Fife Council as Planning Authority) and, on expiry of that period, the solar array, battery energy storage systems and all ancillary equipment shall be dismantled and removed from the site within the following twelve months and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority, taking into account the provisions of conditions 27 and 28 of the planning permission hereby granted, all unless retained with the express prior planning application approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the period of planning permission expires.

27. 12 MONTHS PRIOR TO THE DECOMMISSIONING OF THE DEVELOPMENT, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats that may have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

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

28. 6 MONTHS PRIOR TO THE DECOMMISSIONING OF THE DEVELOPMENT, a decommissioning and site restoration scheme shall be submitted for the prior written approval of Fife Council as Planning Authority, detailing how plant and equipment located within the site of the development hereby approved would be decommissioned and removed, informed by the ecological survey required by condition 27 of the planning permission hereby approved.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the development period expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

29. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the solar farm and battery storage facility fails to export electricity to the grid for a continuous period of 12 months, the developer shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the solar farm and battery storage facility and its ancillary equipment and associated infrastructure shall be removed from the site and the ground fully restored; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within 12 months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the solar array facility should it become redundant, and to ensure that the site is restored.

30. No tree works or scrub clearance shall occur on site from 1st March through to 31st August, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, inclusive, an appropriate bird survey shall be carried out by a Suitably Qualified Ecologist (SQE) within 48 hours prior to works commencing in the proposed clearance area. Confirmation of the survey and ecological permission to proceed with the clearance works shall be submitted to this Planning Authority as proof of Condition Compliance. This proof should usually be in the form of a Site Note/Site Visit Report issued by the Suitably Qualified Ecologist.

Reason: In order to avoid disturbance during bird breeding seasons.

31. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT, the biodiversity enhancements AGREED THROUGH CONDITION 13 shall be established in full unless otherwise agreed in writing by the Planning Authority. A verification report, confirming that the approved biodiversity enhancement measures have been established, shall be submitted for the written approval of this Planning Authority prior to the energisation of the development.

Reason: In the interests of biodiversity enhancement.

32. The developer shall secure the implementation of a watching brief for otters, badgers and water voles, to be carried out by a suitably qualified professional, during site clearance and development work. The retained qualified professional shall be afforded access at all reasonable times to observe work in progress. In the event evidence of protected species or their habitats are discovered on site, no further site clearance or development works shall be undertaken until a report of findings and recommended mitigation measures has been submitted to and approved in writing by Fife Council as Planning Authority. The approved mitigation measures shall thereafter be carried out in full at the period in the development specified within the report.

Reason: In the interests of protecting badgers and their setts, otters and water voles.

33. The route of all identified core paths within vicinity of the site shall be protected throughout the duration of the construction phase. In the event access to any core paths has to be

restricted in the interests of public safety during the construction phase, no restrictions shall be established by the developer until details of a temporary alternative core path route has been submitted for approval in writing by this Planning Authority. The agreed temporary route, including installation of appropriate signage for the public, shall thereafter be established by the developer and maintained until such time as the restrictions to the identified route are no longer required, after which the restrictions and signage shall be removed.

Reason: In the interests of protecting access to core paths.

34. WITHIN 3 MONTHS OF THE COMPLETION OF THE SUSTAINABLE DRAINAGE SYSTEM; appendix 6 (Confirmation of SUDS Constructed to current best Practice) of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022), or any subsequent revision, shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of surface water management; to ensure that an acceptable and working sustainable drainage system has been provided.

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

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

36. Updated vegetation surveys shall be carried out during the optimal survey season (April – September) and shall be used to inform recommended seed mixes for grassland restoration within the site.

Reason: In the interest of biodiversity; to ensure that the seed mixes are suitable for the surrounding context.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

National Guidance and Legislation:

PAN 1/2011: Planning and Noise

PAN 51: Planning, Environmental Protection and Regulation (2006)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Other Guidance:

Fife Council Planning Policy Guidance:

Development and Noise (2021)

Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note

Report prepared by Natasha Cockburn

Report reviewed and agreed by Derek Simpson, Lead Officer (10.04.25)

Committee Date: 23/04/2025

Agenda Item No. 7

Application for Planning Permission in Principle	Ref: 24/00732/PPP
Site Address:	Land At Grange Farm Steading Burntisland Fife
Proposal:	Planning permission in principle for the erection of 8 dwellinghouses and formation of access
Applicant:	Grange Leisure Ltd, Seaforth House Seaforth Place
Date Registered:	9 April 2024
Case Officer:	Lauren McNeil
Wards Affected:	W5R09: Burntisland, Kinghorn And West Kirkcaldy

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

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

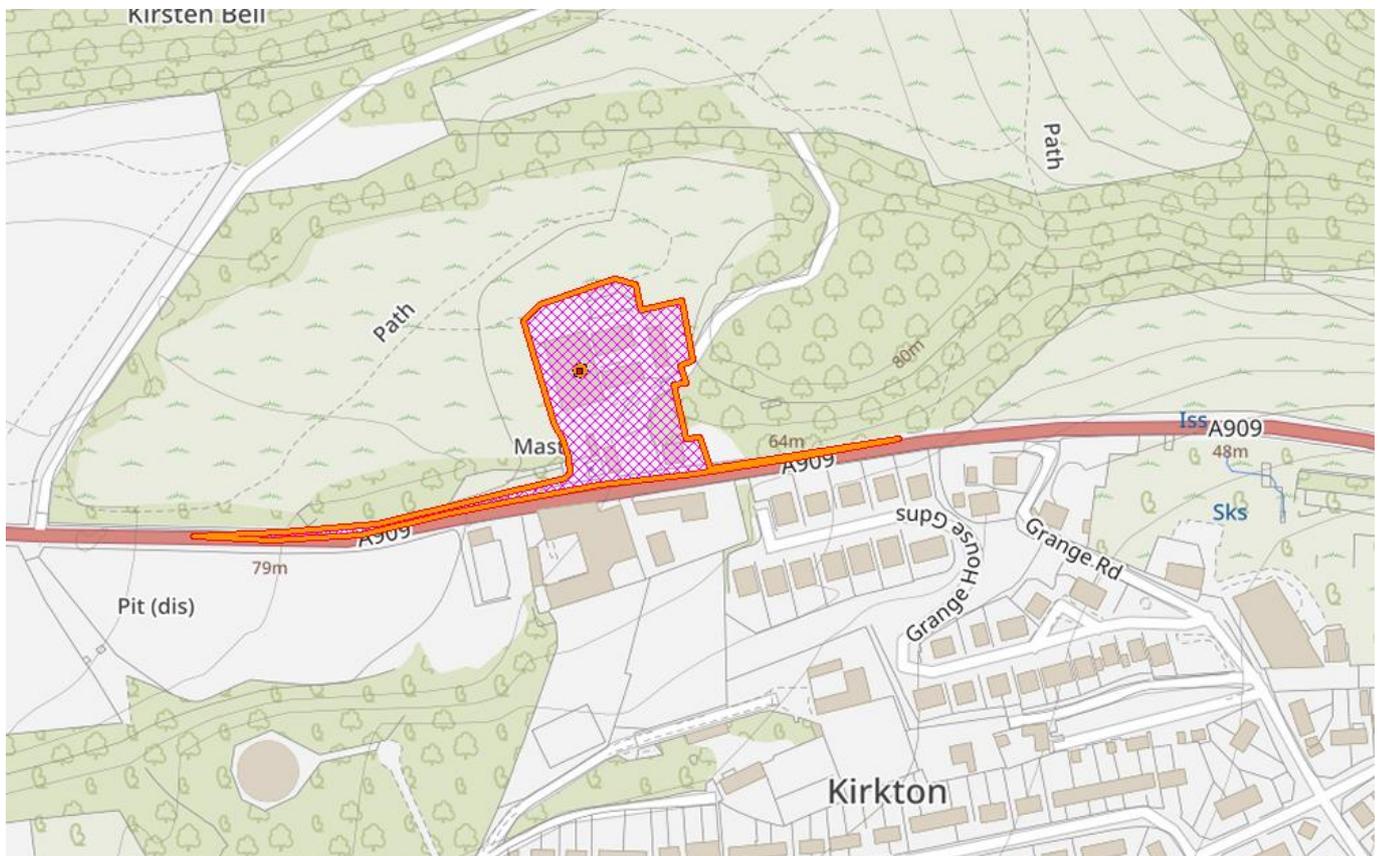
The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

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

1.1 The Site

1.1.1 This application relates to a brownfield site situated to the north of Grange Farm located along the western approach to Burntisland. The development site measures approximately 0.76 hectares in size and at present comprises of a derelict single storey dwellinghouse and various dilapidated redundant agricultural buildings. The development site is situated within a countryside location located approximately 30 metres north-west of the Burntisland settlement boundary and forms part of the Cullaloe Hills and Coast Local Landscape Area, as defined within the Adopted FIFEplan (2017). The development site is also identified within Fife's Vacant and Derelict Land Audit 2024 (site reference: MF041). The development site is bound to the south by the A909 and is surrounded by open grassland and semi-natural broadleaf woodland. Further south of the A909 lies Grange Farm which is characterised by various traditional style dwellinghouses and steading buildings.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks planning permission in principle for the erection of 8 dwellinghouses and the formation of a new vehicular access.

1.3 Relevant Planning History

1.3.1 The planning history for the site can be summarised as follows:

1.4 Application Procedures

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

1.5 Procedural Matters

1.5.1 A physical site visit was undertaken by the case officer on the 16/01/2025. The following evidence was also used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software, and
- Site photographs provided by the applicant/agent.

Therefore, it is considered the evidence and information available to the case officer is sufficient to determine the proposal.

1.6 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

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

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 17: Rural Homes

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy 18: Infrastructure first

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 4: Planning Obligations

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

Policy 7: Development in the Countryside

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

Policy 8: Houses in the Countryside

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

National Guidance and Legislation

Planning Advice Note 1/2022: Planning and Noise

The Royal Environmental Health Institute of Scotland Briefing Note 017: Noise Guidance for New Developments (2020)

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

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

Planning Policy Guidance

Planning Policy Guidance: Planning Obligations (2017)

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

Planning Customer Guidelines

Daylight and Sunlight (2018)

Minimum Distances between Window Openings (2011)

Garden Ground (2016)

Other Relevant Guidance

Fife Council Transportation Development Guidelines

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements

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

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Garden Ground
- Road Safety/Transportation
- Flooding and Drainage
- Land Stability/Contamination
- Natural Heritage/Biodiversity
- Green Networks/Access
- Low Carbon Fife
- Houses in Multiple Occupation

2.2 Principle of Development

2.2.1 Policy 9 a) (Brownfield, vacant and derelict land and empty buildings) of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

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

- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. Will be accessible by public transport, ideally supporting the use of existing services;

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

Further to this, Policy 13 d) states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

2.2.3 Policy 14 b) (Design, quality and place) states that development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, adaptable.

2.2.4 Policy 15 a) (Local Living and 20 minute neighbourhoods) of NPF4 states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- * sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- * employment;
- * shopping;
- * health and social care facilities;
- * childcare, schools and lifelong learning opportunities;
- * playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- * publicly accessible toilets;
- * affordable and accessible housing options, ability to age in place and housing diversity.

2.2.5 Policy 16 (f) (Quality Homes) of NPF4 states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; and amongst other criteria
- iii. the proposal is consistent with policy on rural homes.

2.2.6 Policy 17 a) (Rural Homes) of NPF4 states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development reuses brownfield land where a return to a natural state has not or will not happen without intervention. Also, Policy 17 b)

states that development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

2.2.7 Policies 1, 2, 7 and 8 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1, Part A stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 2 states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply; on sites allocated for housing in this Plan; or on other sites provided the proposal is compliant with the policies for the location. Policy 7 states that development in the countryside will only be supported where it is for housing in line with Policy 8 (Houses in the Countryside). Policy 8 states that development of houses in the countryside will only be supported where it is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits. Both Policy 7 and 8 stipulate that in all cases, development must be:

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

2.2.8 Comments both in support and objection to the principle of the development were received. Support comments received raised matters concerning the redevelopment of a brownfield site, local demand for housing, and generation of local employment. Objections received raised concerns regarding the sustainability of the rural location and the increased reliance on the private car. Despite its proximity to the settlement of Burntisland, the development site is situated outwith the Burntisland settlement boundary therefore in policy terms the proposal would be situated in a countryside location, as defined within the Adopted FIFEplan (2017). The proposal would involve the redevelopment of a longstanding brownfield site which would be supported by Policies 9 and 17 of NPF4, however parts of the site have naturalised over time and from the Preliminary Ecological Appraisal accompanying this application it is understood that the habitats within the site and surrounding area are suitable for some protected species. Therefore, it is considered that the development site in its current form has some biodiversity value, albeit some of the established trees/shrubbery along the southern boundary of the site have recently been removed, and the development site would likely naturalise further without intervention. Nevertheless, as detailed within Section 2.9.3 of this report of handling, the standard natural heritage requirements for this application have been met and appropriate biodiversity enhancement measures have been identified, however further information would require to be submitted to establish the proposals impact on impact on trees and address any outstanding natural heritage issues. In addition, whilst the redevelopment of the site has the potential to have a positive impact on the visual appearance of the site, insufficient information has been submitted to demonstrate that the proposal would result in a significant visual improvement. Although detailed design matters are typically dealt with within the subsequent ARC (Application for matters reserved by condition) following the granting of planning permission in principle, given this proposal seeks to create a new housing cluster in a countryside location, in line with Criterion 3 of Policy 8 of the Adopted FIFEplan (2017) securing a significant visual benefit is imperative to establishing the principle of the proposed development. For the reasons set out in Section 2.3 of this report of handling, it is considered that the proposal fails to demonstrate that the proposed development would result in a

significant visual benefit, therefore the proposal fails to meet the provisions of Criterion 3 of Policy 8 of the Adopted FIFEplan (2017). Likewise, whilst there are some services/amenities within a 15-minute walk from the site, for example Burntisland Primary School, a small convenience shop, some playgrounds/greenspaces and some local/regional bus services, there is no pedestrian footway on the north side of the A909 therefore future residents would have to cross the busy A class road to access these services. The footway on the south side of the A909 also has substandard dimensions and a large portion (approximately 580 metres) of the footway is unlit, therefore it is not considered safe and convenient for future residents to access these services via active transport modes. Furthermore, the number of residential units proposed would introduce a significant increase in traffic movements which would increase reliance on the private car given the unsustainable location of the development site. Therefore, the proposal fails to comply with Policies 13, 14, 15, 16 and 17 of NPF4.

2.2.9 In light of the above, whilst the redevelopment of a longstanding brownfield site would be supported, the proposal fails to comply with Policies 13, 14, 15, 16 and 17 of NPF4 and Policies 1, 2, 7 and 8 of The Adopted FIFEplan (2017). As such, the principle of 8 residential units would not be considered acceptable in this instance. It should be noted that the redevelopment of this site for a residential use could be supported subject to securing a significant visual benefit, however any visual benefit must be weighed against the unsustainable location of the site and the deficiency in the eastern visibility splay at the access to the site. As such, the case officer invited the applicant to consider a reduction in the number of residential units proposed coupled with the submission of further information to demonstrate a high-quality design solution could be achieved, however after discussion with the applicant/agent no amendments were made to the proposals.

2.3 Design/ Visual Impact

2.3.1 Policy 14 (a) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 (b) of NPF4 also goes on to stipulate that development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, adaptable. Whilst not wholly applicable, Policy 16 (g) of NPF4 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

2.3.2 Policies 1 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) apply in this regard. Policies 1 and 10 aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design.

2.3.3 Comments both in support and objection to the visual impact of the proposal were received. Support comments received raised matters such as the prominent location of the development site, the brownfield nature of the site and the proposals associated impact on the wider Burntisland area. Objections received raised concerns regarding the scale of the proposed housing and the general visual impact of the proposal. An indicative layout has been submitted illustrating that the proposed dwellinghouses would be set out in a centralised arrangement overlooking the proposed access road, with the exception of Plot 1 which would front the main road (A909). The design statement submitted details that the proposed dwellinghouses would be two-storey in scale and would take design references from the local

area in terms of materials, and architectural form and style. However, whilst some indicative images have been provided a clear design approach has not been demonstrated. Furthermore, although the indicative layout attempts to recreate a steading type layout, the proposal fails to respond to its rural setting with respect to the indicative images submitted which drawn upon suburban design characteristics which would be incongruous in this rural context.

2.3.4 Fife Council's Urban Design Officer was consulted on this application and advised that they have no concerns with the conclusions of the Landscape and Visual Appraisal submitted alongside this application, although it should be noted that no viewpoint images are included with indicative massing models shown to indicate the visual impact of the proposed development which would typically be required given the potentially sensitive location. However, Fife Council's Urban Design Officer raised significant concerns regarding the design statement submitted alongside this application, namely:

- the built environment contextual assessment provided which addressed issues such as urban grain, height and massing, failed to consider the rural context of the site and focuses mainly on the built environment context within the Burntisland settlement,
- little information is provided to demonstrate how the proposed development would appropriately respond to the context of its surrounds. Also, the example images provided do not reflect local vernacular or distinctive house types
- the proposal fails to appropriately respond to the 6 qualities of successful places,
- a design strategy for boundary treatments should be included at this stage, and
- design principles for car parking should also be set out at this stage.

As such, Fife Council's Urban Design Officer objected to the proposal on urban design grounds concluding that the proposed design approach is not appropriate for its location.

2.3.5 These matters were discussed with the applicant/agent, including the need to establish a significant visual benefit in order for the principle of the development to be considered acceptable, however no further design detail has been submitted.

2.3.6 In light of the above, whilst the redevelopment of the site has the potential to positively impact on the visual appearance of the site given its current condition, insufficient information has been submitted to demonstrate that the proposal in principle would result in a significant visual improvement which would be appropriate to the rural context of the site. Therefore, the proposal would not be considered acceptable in this instance and would fail to comply with Policies 14 and 16 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017).

2.4 Residential Amenity

2.4.1 Policy 16 (g) of NPF4 states that householder development proposals will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Whilst this policy refers to householder developments, these requirements are also considered materially relevant to new build residential units and the need to protect amenity standards for both existing and future occupants. Policy 23 e) (Health and safety) states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.4.2 Policies 1 and 10 of Adopted FIFEplan (2017), Planning Advice Note 1/2022: Planning and Noise, The Royal Environmental Health Institute of Scotland Briefing Note 017: Noise Guidance for New Developments (2020) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) also apply in terms of residential amenity. Policy 1 Part B states development proposals must protect the amenity of the local community. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines; and the loss of privacy, sunlight and daylight.

2.4.3 As this application seeks planning permission in principle, a detailed assessment of the residential amenity impact of the proposal would not be required at this stage as this would be addressed at detailed planning stage. Nevertheless, the majority of the proposed housing would be situated greater than 18 metres from the neighbouring properties at Grange Farm, with the exception of Plot 1 which would be situated within 16 metres from Grange Farm Mews. Whilst this plot would replace an existing single storey dwellinghouse, it is acknowledged that this unit has been vacant for over a decade, the existing hedging which has since been removed would have afforded some degree of screening, and the proposed dwellinghouse at Plot 1 would comprise of a two-storey design. Therefore, it is considered that the proposal would introduce some overlooking concerns, however these could reasonably be addressed at detailed design stage. Likewise, given the development site is surrounded by woodland and open countryside and would be separated from the neighbouring residential properties via the A909 it is therefore considered that the proposal would not introduce any significant daylight/sunlight concerns. Given the proposals proximity to the A909 a Noise Impact Assessment was submitted to determine the impact on the amenity of the future residents as a result of road traffic noise. The Noise Impact Assessment produced by Ellendale Environmental determined that the residential property at Plot 1 would be the most exposed to road traffic noise from the A909 and that this location represents the worst-case scenario for the site. The Noise Impact Assessment identified the recommended noise attenuation required to ensure satisfactory internal noise levels based on a closed window scenario and alternative ventilation methods, and advised that whilst the external noise levels would exceed the target thresholds at this location, this would be the worst-case scenario for the site and the other residential properties proposed which would be set further back from the A909 would be exposed to reduced road traffic noise levels. Any further detailed application could also incorporate appropriate screening to mitigate external noise levels. Although The REHIS Briefing Note: Noise Guidance for New Developments (2020) stipulates that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided, given the proposal would involve the redevelopment of a brownfield site for a small-scale housing opportunity it is therefore considered that the proposal would comply with the exceptional circumstances outlined within this guidance note.

2.4.4 In light of the above, the proposal subject to conditions would be considered acceptable and would not introduce any significant residential amenity concerns in terms of loss of privacy, daylight, sunlight, and noise. These conditions would include the submission of an appropriate site layout plan at detailed planning stage demonstrating that the proposal would not introduce any significant overlooking concerns, and ensuring any future development is developed in compliance with the recommendations of the Noise Impact Assessment submitted. However, given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground applies in this instance and advises that for all new detached dwellinghouses the ratio of buildings to garden must be at least 1:3 and each dwellinghouse must be served a minimum of 100 square metres of useable private garden ground. Fife Council's Planning Customer Guidelines on Garden Ground also advises that for new housing developments front gardens must be at least 4.5 metres deep to give residents privacy, and back gardens must be at least nine metres long to create a private area

2.5.2 The proposed site plan submitted demonstrates that each of the residential dwellinghouses proposed would be served by more 100m² of private garden ground and would meet the standard 1:3 plot ratio. Whilst the dimensions of some of the front/back gardens of the proposed dwellinghouses would not meet Fife Council's Garden Ground Guidance it is considered that the site is of a size which would be designed to meet these guidelines, and these matters would be assessed at detailed planning stage. However, given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.6 Road Safety/Transportation

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

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

Further to this, Policy 13 d) states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area

2.6.2 Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines also apply in this respect. Policy 1 Part C states that development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to

ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.6.3 Representations received raised concerns regarding road and pedestrian safety, increased reliance on the private car, and the sustainability of the rural location. Fife Council's Transportation Development Management Team were consulted on this proposal. Their comments/concerns have been broken down into 3 categories; sustainable transport, access/visibility, and the location of the existing telecommunications mast.

Sustainable Transport

Fife Council's Transportation Development Management Team advised that given the remote rural location, vehicular trips would have the greatest modal share of person trips by prospective residents and their visitors.

Fife Council's Transportation Development Management Team also raised that there is no public footway on the north side of the A909, the public footway on the south side of the A909 has substandard dimensions (measuring 1 metre wide at points), the footway is not illuminated until it reaches the built-up area of Burntisland, and there is no safe crossing point for pedestrians to utilise.

Furthermore, Fife Council's Transportation Development Management Team raised that there are no bus services running along the A909.

Therefore, Fife Council's Transportation Development Management Team concluded that there would be no safe illuminated routes for pedestrians, cyclists and public transport users between the proposed development and the surrounding services/amenities and due to the poor connectivity for pedestrians, cyclists and public transport users, the development would be reliant on car borne trips which wouldn't be considered sustainable or acceptable in terms of pedestrian safety and road safety.

Access/visibility

Fife Council's Transportation Development Management Team has a policy against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety.

The A909 is subject to a 60mph speed limit at the location of the proposed vehicular access. According to the current Fife Council Making Fife's Places Appendix G, 4.5 metres x 210 metre visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the proposed new vehicular access and the public road. However, the results of the speed survey undertaken by Tracsis Traffic and Data Services demonstrate that the majority of vehicles speeds at this location were 50.5mph when travelling eastbound and 49.2mph when travelling westbound. As such, the proposed new junction must have the provision of 4.5 metres x 180 metre visibility splays, in accordance with the current Fife Council Making Fife's Places Appendix G.

Following Fife Council's Transportation Development Management Team's initial response further detailed drawings were submitted by the applicant/agent demonstrating that the 4.5 metre x 180 metre visibility splay could be achieved in a westerly direction, however the maximum visibility splay achievable in the eastern direction would be 4.5 metres x 163.6 metres. As such, the proposed vehicular access would be served by a substandard visibility splay in an easterly direction which would introduce a conflict between the residents of the proposed development and road users of the A909.

Location of telecommunications mast

Fife Council's Transportation Development Management Team raised a query regarding the location of the existing telecommunications mast and its associated compound at the entrance of the site.

The detailed drawings submitted illustrate that the existing telecommunications mast/compound would be situated outwith the necessary visibility splay. Written confirmation was also provided from the applicant/agent to clarify this matter. Further to this the agent has provided written confirmation that the applicant is in control of all the land within the visibility splays shown on the plans submitted and as such reserves the right to remove all obstructions in place to provide the necessary visibility splays.

2.6.4 In light of the above, given the number of residential units proposed and the lack of safe and convenient sustainable transport opportunities within the immediate surrounding area it is considered that the proposal would increase reliance on the public car. Also, the proposed vehicular access would be served by a substandard visibility splay in the easterly direction which would introduce a conflict between the residents of the proposed development and road users of the A909 which would be exacerbated due to the number of units proposed. As such, the proposal would fail to comply with Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines. However, it should be noted that notwithstanding the substandard visibility splay, a residential development of a reduced scale in terms of the number of units proposed may be looked upon favourably when balanced against the redevelopment of the brownfield site whereby the proposal would secure a significant visual and environmental improvement, and in the context of the traffic generation of the previous use.

2.7 Flooding and Drainage

2.7.1 Policy 22 (c) (Flood risk and water management) of NPF4 states that development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface

2.7.2 Policies 1, 3 and 12 of the Adopted FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also apply in this respect. Policy 1 Part B of FIFEplan (2017) states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including avoid flooding and impacts on the water environment. Policy 3

states that where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.7.3 Representations received raised concerns regarding flooding and drainage. According to SEPA Flood Maps, parts of the development site are identified as being at risk of surface water flooding. As such, a Flood Risk Assessment was submitted alongside this application which identified the site as being at medium risk of surface water flooding. The proposal seeks to mitigate this by installing an upgradient runoff drainage management system and The Flood Risk and Drainage Assessment Report submitted alongside this application concluded that utilising these methods the residual surface water flood risk to the site would be considered low. As such, The Flood Risk and Drainage Assessment Report set out that there is no impediment to consent being granted in principle for the proposed development on the flooding/drainage grounds.

2.7.4 Fife Council's Structural Services, Flooding, Shoreline and Harbours Team were consulted and advised that whilst the SEPA flood maps do show the site to be potentially at risk from surface water flooding, they are content that the proposed interception ditch will mitigate the risk of surface water flooding to the site. As such, Fife Council's Structural Services, Flooding, Shoreline and Harbours Team raised no objections on flooding grounds. Also, Fife Council's Structural Services, Flooding, Shoreline and Harbours Team advised that the level of information provided regarding the drainage design for the proposed development is adequate at this stage. Therefore, Fife Council's Structural Services, Flooding, Shoreline and Harbours Team raised no objections on drainage grounds.

2.7.5 In light of the above, the proposal would be considered acceptable in this respect and on the whole would be in compliance with Policy 22 of NPF4 and Policies 1, 3 and 12 of the Adopted FIFEplan (2017). However, given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.8 Land Stability/Contamination

2.8.1 Policy 9 (c) (Brownfield, vacant and derelict land and empty buildings) of NPF4 stipulates that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

2.8.2 Policies 1 and 10 of the Adopted FIFEplan (2017) also apply in the respect and advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area. Where risks are known to be present, appropriate mitigation measures should be agreed with the Council and where possible remediation strategies should be agreed prior to the determination of any planning application.

2.8.3 Representations received raised concerns regarding land contamination within the site. Fife Council's Land and Air Quality Team were consulted on this application and advised that they are generally satisfied with the Environmental Desk Study Report submitted alongside this application, however further investigations/assessments would be required prior to the

development of this site, namely a Geo-Environmental Investigation and Gas Assessment, and where required a Remediation Strategy.

2.8.4 In light of the above, the proposal subject to the further investigations/assessments being submitted prior to any development taking place on site would be considered acceptable and would be in compliance with Policy 9 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017). However, given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.9 Natural Heritage/Biodiversity

2.9.1 Policy 3 c) (Biodiversity) of NPF4 states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Policy 4 a) (Natural Places) of NPF4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 4 d) of NPF4 furthers this and states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

Furthermore, Policy 4 f) of NPF4 states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

2.9.2 Policies 1 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) also apply in this respect. Policy 1 Part B states development proposals must safeguard the character and qualities of the landscape. Policy 13 states development proposals will only be supported where they protect or enhance natural heritage and access assets including 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; and landscape character and views.

2.9.3 Fife Council's Natural Heritage Officer was consulted on this application and advised that the standard natural heritage requirements for this application have been met, however the pre-works assessments and mitigations measures recommended within the Preliminary Ecological Appraisal submitted alongside this application should be applied to the development of the site. Additionally, the Natural Heritage Officer advised that the measures identified within the Biodiversity Enhancement Plan would be deemed appropriate and would deliver a substantial enhancement to the site over the current ecological baseline.

2.9.4 Fife Council's Tree Officer was also consulted on this application and advised that there are a number of substantial trees bordering the site which could be adversely affected by construction. As such, an arboricultural impact assessment and tree protection plan would be required to determine the overall impact on trees. This has not been submitted over an extended period of time. It is also noted that a large portion of trees and shrubbery have already been removed along the southern boundary of the site.

2.9.5 In light of the above, whilst the proposal as presented would not wholly comply with Policies 3 and 4 of NPF4 or Policies 1 and 13 of the Adopted FIFEplan (2017), the standard natural heritage requirements for this application have been met and appropriate biodiversity enhancement measures have been identified. Typically, appropriate conditions could be imposed to ensure that the outstanding issues relating to the proposals impact on trees and natural heritage are suitably addressed within any future detailed planning application, however given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.10 Green Networks/Access

2.10.1 Policy 20 (Blue and green infrastructure) of NPF4 seeks to protect and enhance blue and green infrastructure and their networks.

2.10.2 Policies 1 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) also apply in this respect. Policy 1 Part B states development proposals must safeguard the character and qualities of the landscape. Policy 13 states development proposals will only be supported where they protect or enhance natural heritage and access assets including core paths, cycleways, bridleways, existing rights of way, and established footpaths. Policy 13 safeguards core paths, cycleways, bridleways, existing rights of way and established footpaths. This means that these routes need to be kept open and free from obstruction by new development. Making Fife's Places outlines that new development must integrate and enhance existing routes and ensure that all routes are attractive, safe, and well maintained. Making Fife's Places also sets out that new pedestrian and cycle routes need to be accessible and provide direct links to places people want to go (such as schools, shops, greenspaces etc.)

2.10.3 Representations received raised concerns regarding the proposals impact on access to the countryside and various rights of way, local paths, and core paths within and surrounding the site. Upon review of Fife Council's GIS mapping, which includes Fife's Core Path Network, it was acknowledged that there are no claimed rights of way, local paths or core paths running through the site. However, it appears that there is an informal footpath situated to the north of the site which creates linkages between the site and the land to the west, as well as the P480/04 core path which provides onward connections to Binn Hill. There are also two core paths situated within 300 metres of the site and a local path situated directly opposite. The proposed layout would in effect sever any connection between the site and this informal footpath which would not comply with the provisions of Policy 20 of NPF4 or Policy 13 of the Adopted FIFEplan (2017), nor does the proposal seek to provide any new/enhanced connections to the nearby core paths. Therefore, the proposal fails to integrate the site with the surrounding green networks. However, as this application is for planning permission in principle it is considered that these detailed matters could be addressed within any future detailed planning permission.

2.10.4 In light of the above, the proposal as presented would not comply with Policy 20 of NPF4 or Policies 1 and 13 of the Adopted FIFEplan (2017) and whilst typically appropriate conditions could be imposed to ensure that these matters are suitably addressed within any future detailed

planning application, given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.11 Low Carbon Fife

2.11.1 Policy 1 (Tackling the climate and nature crises) of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises. Also, Policy 2 (Climate mitigation and adaptation) of NPF4 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.

2.11.2 Policies 1 and 11 of the Adopted FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (2019) also apply in this respect. Policy 1 Part C of FIFEplan states that development proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant including provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland; provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments; provide for energy conservation and generation in the layout and design; and 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. Policy 11 states that planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
2. Construction materials come from local or sustainable sources;
3. Water conservation measures are in place;
4. sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run off in peak conditions or detrimental impact on the ecological quality of the water environment; and
5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

2.11.3 A low carbon checklist and sustainability statement were submitted alongside this application detailing that:

- The proposed dwellinghouses would be well insulated with energy efficient materials,
- The proposed dwellinghouses would be orientated to maximise solar gain,
- Where possible, construction materials would be locally sourced, and
- The proposal would make provisions for the management of surface water.

2.11.4 In light of the above, the proposal would be designed in compliance with Policies 1 and 2 of NPF4 and Policies 1 and 11 of the Adopted FIFEplan (2017). However, given the principle of the proposed development would not be considered acceptable, this is not considered to be a determining issue in this instance.

2.12 Houses in Multiple Occupation

2.12.1 Policies 1 and 2 of the Adopted FIFEplan (2017) stipulate that houses in multiple occupation (HMO) will not be supported if it is a new dwelling, unless purpose built for HMO use; or it is for the conversion of an existing building in an area where restrictions on HMOs are in place. In this case, the applicant does not propose to use the proposed dwellinghouses as HMOs. As such, the proposal would be considered acceptable in this respect and would be in compliance with Policies 1 and 2 of the Adopted FIFEplan (2017).

3.0 Consultation Summary

Scottish Water	No objections.
TDM, Planning Services	Recommend refusal on pedestrian and road safety grounds.
Transportation And Environmental Services - Operations Team	No response.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Land And Air Quality, Protective Services	Generally satisfied with the Environmental Desk Study Report submitted, however further investigations/assessments should be undertaken.
Natural Heritage, Planning Services	The standard natural heritage requirements for the submission have been met.
Trees, Planning Services	Arboricultural assessment and tree protection plan required
Housing And Neighbourhood Services	Confirmed the site is below the threshold for any contribution towards affordable housing.
Education (Directorate)	Confirmed the site is below the threshold for any contribution towards education provision.
Urban Design, Planning Services	Object on urban design grounds.
Parks Development And Countryside	No response.

4.0 Representation Summary

4.1 A total of 19 representations were received; 4 objections, 12 supporting comments and 3 general comments.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph(s)
a. sustainability of the rural location	2.2.8
b. traffic movements/increased reliance on the private car	2.2.8 and 2.6.3
c. visual impact	2.3.3 - 2.3.5
d. road and pedestrian safety	2.6.3 – 2.6.4
e. flooding	2.7.3 - 2.7.5
f. land contamination	2.8.3 – 2.8.4
g. impact on rights of way/local paths/core paths	2.10.3

4.2.2 Support Comments

Issue	
a. redevelopment of a brownfield site	2.2.8
b. local demand for housing	2.2.8
c. local employment generation	2.2.8
d. visual impact of the proposal on the wider area	2.3.3 - 2.3.5

4.2.3 Other Concerns Expressed

Issue	
a. access to the countryside	2.10.3
b. surface water drainage	2.7.3 – 2.7.5

4.3 Other Non-Material Planning Considerations Raised

- a. Addressing anti-social behaviour on site.

5.0 Conclusions

Considering the above, whilst the redevelopment of a longstanding brownfield site would be supported in principle, the proposal would involve the creation of a new housing cluster in a countryside location and insufficient information has been submitted to demonstrate that the proposal would result in a significant visual improvement. Also, when balancing the number of residential units proposed against the unsustainable location in terms of the lack of safe and convenient sustainable travel opportunities for future residents it is considered that the proposal would increase reliance on the private car. Furthermore, the proposed vehicular access would be served by a substandard visibility splay in the easterly direction which would introduce a conflict between the residents of the proposed development and road users of the A909 which would be exacerbated due to the number of residential units proposed. As such, the proposal fails to comply with the relevant provisions of the Development Plan.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character of the countryside; the proposal would involve the creation of a new housing cluster in a countryside location and insufficient information has been provided to demonstrate that the proposal would respect the character of the surrounding area and result in a significant visual improvement. As such, the proposal fails to comply with Policies 16 and 17 of NPF4 and Policies 1, 2, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of sustainability and supporting local living and the creation of well-connected networks; given the unsustainable location in terms of the lack of safe and convenient sustainable travel opportunities/linkages and due to the number of residential units proposed it is considered that the proposal would increase reliance on the private car. As such, the proposal fails to comply with Policies 13, 14, 15, 16 and 17 of NPF4 and Policies 1, 3, 7, 8 and 10 of the Adopted FIFEplan (2017).
3. In the interests of road safety; the proposed vehicular access would be served by a substandard visibility splay in the easterly direction which would introduce a conflict between the residents of the proposed development and road users of the A909 which would be exacerbated due to the number of units proposed. As such, the proposal fails to comply with Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Lauren McNeil, Planner.

Report reviewed and agreed by Derek Simpson Lead Officer (10.04.25)

Committee Date: 23/04/2025

Agenda Item No. 8

Application for Full Planning Permission

Ref: 24/01338/FULL

Site Address:

Wee Causeway House Little Causeway Culross

Proposal:

Change of use from domestic outbuilding to dwellinghouse (Class 9) and external alterations including installation of replacement windows and doors, alterations to boundary wall to form new vehicular access, and formation of parking area

Applicant:

Mrs Jennifer Syme, 55 Beveridge Street Dunfermline

Date Registered:

27 September 2024

Case Officer:

Lauren McNeil

Wards Affected:

W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and it is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

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

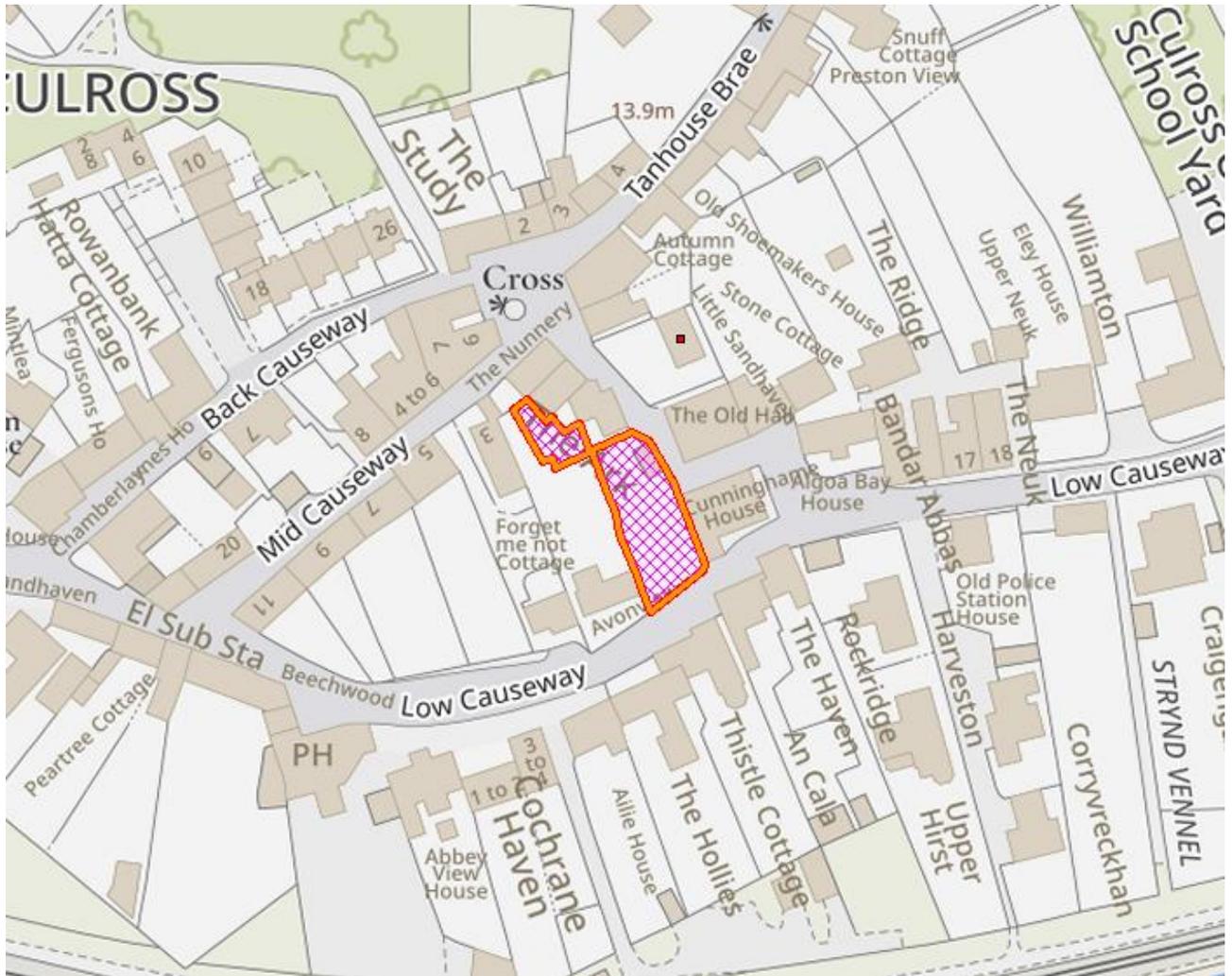
The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

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

1.1 The Site

1.1.1 This application relates to an eighteenth-century Category C listed single storey former cottage/outhouse located on Little Causeway in Culross. According to the Historic Environment Scotland listing, the building has been redundant since 2001. The significance of the property, although modest in scale, is attributed to its age, its relationship with the streetscape of Little Causeway and the retention of its clay pantiled roof which is a typical feature in Culross. The rubble boundary walls surrounding the property also form part of the listing. The historic property and its curtilage are situated within the Culross Conservation Area and are surrounded by various Category B and C listed buildings including the former Stephen Memorial Hall, which was recently converted into a residential dwellinghouse, and Cunninghame House which was converted into flats in 1983. The property is also situated within walking distance of The Mercat Cross which is Category A listed.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks full planning permission for a change of use from a domestic outbuilding to a dwellinghouse (Class 9) and external alterations including the installation of replacement windows and doors, alterations to the boundary wall to form a new vehicular access, and the formation of a parking area.

1.3 Relevant Planning History

1.3.1 The relevant planning history for the proposed site can be summarised as follows:

- 23/01157/FULL: Change of use from outbuilding to form a dwellinghouse (Class 9) and internal and external alterations including installation of new windows, installation of replacement doors, formation of boundary wall opening and associated access and car parking area- Application Withdrawn
- 23/02277/LBC: Listed building consent for internal and external alterations including the installation of new windows, replacement doors and part demolition of boundary wall- Application Returned

An associated application for Listed Building Consent has also been submitted (planning reference: 24/01301/LBC).

1.4 Application Procedures

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

1.4.2 This application was advertised in the local newspaper on the 03/10/2024. A site notice was also displayed on a nearby lamppost on the 17/10/2024.

1.5 Procedural Matters

1.5.1 A site visit was conducted by the case officer on 12/12/2024. The following evidence was also used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software, and
- Site photographs provided by the applicant/agent.

1.6 Relevant Policies

National Planning Framework 4 (2023)

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 9: Brownfield, vacant and derelict land

and empty buildings

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

Policy 10: Coastal development

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (2019)

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries (2010)

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Customer Guidelines

Garden Ground

Minimum Distances between Window Openings

Other Relevant Guidance

Culross Conservation Area Appraisal and Management Plan (2009)

Fife Council Transportation Development Guidelines

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development

- Design/Visual Impact on the Character and Appearance of the Conservation Area and Setting of the Listed Building
- Amenity
- Garden Ground
- Road Safety/Transportation
- Flooding and Drainage
- Land Stability/Contamination
- Archaeology
- Natural Heritage

2.2 Principle of Development

2.2.1 Policy 9 a) of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

2.2.2 Policy 15 a) of NPF4 states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

2.2.3 Policy 16 (f) of NPF4 states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out;
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; and
- iii. the proposal is for smaller scale opportunities within an existing settlement boundary.

2.2.4 Policies 1 and 2 of the Adopted FIFEplan (2017) also apply with regard to the principle of the development. Policy 1, Part A of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 2 states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year

effective housing land supply on other sites provided the proposal is compliant with the policies for the location.

2.2.5 Objections received raised concerns regarding the intended use of the building and the proposals impact on local tourism as a result of the proposed physical alterations. The development site is situated within the Culross settlement boundary therefore there is a presumption in favour of development, subject to satisfactory details. The proposal would also involve the redevelopment of a longstanding vacant building within an established settlement boundary which would be supported by Policy 9 of NPF4. Whilst there is no town/local shopping centre within Culross, the proposal would be situated within an appropriate walking distance from a primary school, various greenspaces including a public park, a community garden, public transport links, and some other basic amenities. Therefore, on the whole it is considered the proposal would comply with Policies 15 and 16 of NPF4. Matters relating to the visual impact of the proposal are considered in section 2.3 of this report of handling.

2.2.6 The principle of the development would therefore be considered acceptable, however the overall acceptability of any such development must satisfy other policy criteria which are considered in detail below.

2.3 Design/Visual Impact on the Character and Appearance of the Conservation Area and Setting of the Listed Building

2.3.1 Section 59 and 64 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, The Historic Environment Scotland Policy Statement (2019) (HEPS), and Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (2019) and Boundaries (2010) apply in this respect.

2.3.2 Policy 7 of NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. More specifically, Policy 7 (c) of NPF4 states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Also, Policy 7 d) of NPF4 states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

Furthermore, Policy 7 e) of NPF4 states that development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

2.3.3 Policy 14 (a) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Whilst not wholly applicable, Policy 16 (g) of NPF4 states householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

2.3.4 Policies 1 and 14 of the Adopted FIFEplan (2017) and The Culross Conservation Area Appraisal and Conservation Area Management Plan (2009) also apply in this respect. Policy 1 Part B states that development proposals must safeguard the characteristics of the historic environment, including archaeology. Policy 14 stipulates that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans; or listed buildings and their setting, including structures or features of special architectural or historic interest.

2.3.5 Objections received raised concerns regarding the proposals impact on the character and setting of the Category C listed former cottage/outhouse and the character and appearance of the Conservation Area. Principally the proposal seeks to repair and redevelop a historic listed building in a conservation area which is in a poor state of repair. A condition survey was not submitted as part of this application, however the photographs provided by the applicant/agent and those taken by the case officer during the site visit conducted, evidence the poor condition of the property and its associated amenity space. Therefore, there would be merit in the redevelopment of this site to secure the long-term future of the listed property. Where possible, the proposal seeks to utilise the existing openings, would repair the existing clay roof pantiles and where not possible would replace with similar materials which would be supported. Also, given the historic use of the property for storage, the length of time the property has laid unused, and the current condition of the property, it is considered that the interior of the property would likely be of low architectural/historic merit

2.3.6 The proposal seeks to remove a portion of the eastern boundary wall to create a new vehicular access at the corner of Little Causeway and Little Sandhaven. Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries (2010) advises that 'Alterations or repairs to a historic boundary should protect its character. Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape.' Further to this, Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries (2010) advises that 'The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design.' Whilst it appears that the southern boundary wall of the site was historically altered to create a doorway opening which has since been blocked up, as evidenced by Google Street View and confirmed during the site visit conducted by the case officer, the eastern boundary wall remains largely intact and insufficient information has been submitted to demonstrate that a historic opening exists along this elevation. In addition, a large portion of the eastern boundary wall (approximately 4.8 metres in length) is proposed to be removed to create this new opening which would alter the enclosed nature of the site and would have an associated impact on the streetscape of Little Causeway of which the boundary treatments and traditional paving are key features in navigating traffic through this route to other frequently used thoroughfares such as Mid Causeway and Back Causeway.

2.3.7 Fife Council's Built Heritage Team were consulted and advised that whilst they are supportive of the principle of the redevelopment of the historic building, they have concerns regarding the level of detail provided with respect to the internal works (outwith the scope of this application and has been covered within the assessment of the associated Listed Building Consent application), and the removal of a substantial portion of the listed boundary wall which, in their professional opinion, is likely to have a negative impact on the special interests of the listed building and the character and appearance of the conservation area.

2.3.8 Whilst there is merit in the redevelopment of the building to secure the long-term future of the listed property, the removal of a large portion of the listed boundary wall for the creation of a

new vehicular access would not be considered acceptable as it would have an adverse impact on the character of the Listed Building and the surrounding Conservation Area. As such, the proposal would not comply with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).

2.4 Amenity

2.4.1 Whilst not wholly applicable, Policy 16 (g) of NPF4 states that householder development proposals will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Policy 23 (e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.4.2 Policies 1 and 10 of the Adopted FIFEplan (2017) also apply with regard to residential amenity. Policy 1 Part B states development proposals must protect the amenity of the local community. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines; or the loss of privacy, sunlight and daylight. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.4.3 The residential use of the property would be compatible with its surrounds in simple land use terms and thus would not raise any significant noise concerns. In addition, whilst the proposed opening on the south elevation of the property would be situated within 18 metres of a neighbouring facing window on the north elevation of Cunninghame House, this would be at an angle and would not serve a habitable room. Moreover, given the proposed rooflight would be situated on the roof approximately 2.2m above ground floor level, it is therefore considered that the purpose of this opening is to allow daylight into the property and would not afford views into the neighbouring properties or their amenity spaces. Therefore, on balance it is considered that the proposal would not introduce any significant overlooking concerns. Further to this, given the proposal would involve the conversion of an existing building, it is considered that the proposal would not have a significant detrimental impact on the level of daylight/sunlight within the neighbouring properties or their amenity spaces.

2.4.4 In light of the above, the proposal would be considered acceptable and would not introduce any significant residential amenity concerns in terms of noise, loss of privacy, daylight or sunlight. As such, the proposal would be in compliance with Policies 16 and 23 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017)

2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground advises that new dwellinghouses must have at least 100 square metres of private garden ground, this does not include space for garages, parking or manoeuvring vehicles.

2.5.2 The proposed dwellinghouse would be served by approximately 268m² of garden ground therefore it is considered that the proposal would comply with Fife Council's Garden Ground Guidance. In addition, whilst the residential property to the south-west of the site (Avonview) would be served by approximately 80m² of private garden ground as a result of the proposed

development, this would be considered acceptable in this instance given the dense layout of the surrounding residential environment and there are various public greenspaces within an appropriate walking distance of the property.

2.6 Road Safety/Transportation

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

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

2.6.2 Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines also apply in this respect. Policy 1 Part C states that development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.6.3 Objections received raised concerns regarding parking and the proposals impact on pedestrian and road safety. The nearest bus stop would be situated approximately 50 metres from the site along Low Causeway. Also, the development site would be situated within an appropriate walking distance of a cycleway and the Fife Coastal Path, therefore it is considered there are opportunities for sustainable travel to/from the site.

2.6.4 Fife Council's Transportation Development Management Team were consulted on the proposal and initially queried the need for such a large parking area given the proposed one-bedroom dwellinghouse would only require the provision of one off-street parking space. This was raised with the agent who provided written confirmation that the proposed parking area is only intended to serve the proposed dwellinghouse however no further justification was provided for the size of the proposed parking area. Fife Council's Transportation Development

Management Team also raised that insufficient information has been submitted to evidence the presence of a historical vehicular access, therefore Fife Council's Transportation Development Management Team based their response on the formation of a new vehicular access. As such, Fife Council's Transportation Development Management Team advised that the proposed vehicular access would have a sub-standard visibility splay in the North direction at its junction with the public road which would create conflicts with pedestrians and other vehicles to the detriment of pedestrian and road safety.

2.6.5 In light of the above, whilst there are opportunities for sustainable travel to/from the site and sufficient off-street parking would be provided, the proposed vehicular access would not be considered acceptable as it would be served by a substandard visibility splay in the northern direction at its junction with the public road which would create conflicts with pedestrians and other vehicles to the detriment of pedestrian and road safety. As such, the proposal fails to comply with Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted FIFEplan (2017), and Fife Council Transportation Development Guidelines. It should be noted that given the development site is situated within an established settlement boundary and there are opportunities for sustainable travel, a lack of dedicated off-street parking alone would likely not constitute grounds for refusal on road safety grounds as it would comply with Policy 7 e) of NPF4. However, despite the case officer having relayed concerns regarding the proposed vehicular access in terms of built heritage and road safety impact the applicant chose to continue with the proposal as submitted which would not be supported for the reasons highlighted above.

2.7 Flooding and Drainage

2.7.1 Policy 10 a) of NPF4 states that development proposals in developed coastal areas will only be supported where the proposal:

- i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- ii. is anticipated to be supportable in the long-term, taking into account projected climate change.

2.7.2 Policy 22 a) of NPF4 states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

2.7.3 Policy 22 (c) of NPF4 states that development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green

infrastructure. All proposals should presume no surface water connection to the combined sewer;

- iii. seek to minimise the area of impermeable surface

2.7.3 Policies 1, 3 and 12 of the Adopted FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also apply in this respect. Policy 1 Part B of FIFEplan (2017) states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including avoid flooding and impacts on the water environment. Policy 3 states that where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.7.4 According to SEPA Flood Maps, parts of the site are identified as being at risk from surface water and coastal flooding. As such, Fife Council's Structural Services, Shoreline and Harbours Team were consulted and advised that in addition to the SEPA flood mapping, Fife Council's Flood Study Report for the Kincardine and Culross area produced in November 2019 highlights that majority of the site including the property itself would be at risk of coastal flooding based on a 1 in 200 year plus climate change coastal flood event. Therefore, given the proposal involves the redevelopment of an existing redundant building to a highly vulnerable use, as defined within SEPA's Flood Risk and Land Use Vulnerability Guidance (2024), and given the first occupied floor level would not be situated above the flood risk level, it is therefore considered that the proposal would not be in compliance with Policy 22 of NPF4. Fife Council's Structural Services, Shoreline and Harbours Team also raised that no surface water management proposal was included within the application submission, however as the proposal involves the change of use of an existing building and no new buildings or hardstanding would be created, in line with Section 4.2 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements the proposal would be exempt from the requirement to provide a Surface Water Management Plan but the best available option for surface water drainage is expected to be demonstrated. The proposed parking area would comprise of a permeable material therefore it is considered the proposal makes some provision for the management of surface water.

2.7.5 In light of the above, whilst the proposal would make some provision for the management of surface water, the proposal would fail to comply with the provisions of Policy 10 and 22 of NPF4 in relation to flooding. NPF4 promotes avoidance as a first principle within flood risk areas and seeks to reduce vulnerability of future development to flooding. Therefore, given the proposal seeks to locate a highly vulnerable land use within an area which would be at risk of surface water and coastal flooding and thus would increase the risk to people from flooding, the proposal would therefore not be considered acceptable in this instance.

2.8 Land Stability/Contamination

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

2.8.2 Policies 1 and 10 of the Adopted FIFEplan (2017) also apply in the respect and advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area. Where risks are known to be present, appropriate mitigation measures should be agreed with the Council and where possible remediation strategies should be agreed prior to the determination of any planning application.

2.8.3 The development site is situated within the Mining Remediation Authority's (formerly the Coal Authority) defined Development High Risk Area, as such the Mining Remediation Authority were consulted on his application and advised that given there would be no operational development resulting from this proposal that materially intersects the ground and could therefore present risks to the coal mining features, a Coal Mining Risk Assessment would therefore not be required in this instance. The Mining Remediation Authority also raised no objections to the proposal, however they did request that the recommended informative notes be attached to any such consent. Fife Council's Land and Air Quality Team were also consulted and advised that they have no comments on the proposal.

2.8.4 In light of the above, the proposal would be considered acceptable and would not introduce any significant land stability/contamination issues. As such, the proposal would be in compliance with Policy 9 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017).

2.9 Archaeology

2.9.1 Policy 7 (o) of NPF4 states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

2.9.2 Policies 1 and 14 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B states that development proposals must safeguard the characteristics of the historic environment, including archaeology. Policy 14 states that all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where:

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

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

2.9.3 The development site is situated within an Area of Archaeological Regional Importance, however given the proposal predominantly involves the conversion of an existing building and as such no significant ground works would take place, it is therefore considered that the proposal would not raise any significant archaeological issues.

2.9.4 In light of the above, the proposal would be considered acceptable in this instance and would not raise any significant archaeological issues. As such, the proposal would be in compliance with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).

2.10 Natural Heritage

2.10.1 Policy 3 c) of NPF4 states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Policy 4 a) of NPF4 states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 6 b) of NPF4 states that development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.

2.10.2 Policies 1 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) also apply in this respect. Policy 1 Part B states development proposals must safeguard the character and qualities of the landscape. Policy 13 states development proposals will only be supported where they protect or enhance natural heritage and access assets including woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value; and biodiversity in the wider environment.

2.10.3 A Stage 1 bat survey conducted by David Dodds Associated Ltd in September 2023 was submitted alongside this application which concluded that no evidence of bats was found within the structure of the building or surrounding the building during the survey conducted and the building was assessed as having negligible suitability for roosting bats.

2.10.4 Fife Council's Natural Heritage Officer was consulted on this application and advised that the standard natural heritage requirements for the application have been covered within the overall submission. Fife Council's Natural Heritage Officer also raised that the Preliminary Roost Assessment conducted in 2023 remains valid until the 29th of March 2025 after which point it is advisable that the structure be resurveyed. Whilst it is noted that this could be controlled through the imposition of appropriate conditions, given the proposal would ultimately be considered unacceptable due to its impact on built heritage, pedestrian and road safety, and its failure to comply with Policies 10 and 22 of NPF4, no such condition could be imposed and therefore the Preliminary Roost Assessment conducted would be considered out of date. Further to this, Fife Council's Natural Heritage Officer highlighted the need for some form of biodiversity enhancement within the proposal to demonstrate its compliance with the relevant NPF4 policies noted above.

2.10.5 Objections received raised concerns regarding the proposals impact on trees. Fife Council's Tree Officer was consulted on this application and advised that further information would be required to determine the proposals impact on trees, namely information pertaining to the location and diameter of the existing trees within the site, and the distance between the existing trees and the proposed areas of development. Subject to the submission of this information, further details on aspects such as tree protection, replacement planting and root zone overlap with the development may also be required.

2.10.6 In light of the above, it is considered that insufficient information has been submitted to demonstrate that the proposal would not have a significant detrimental impact on natural heritage. As such, the proposal fails to comply with Policies 3, 4 and 6 of NPF4 and Policies 1 and 13 of the Adopted FIFEplan (2017).

3.0 Consultation Summary

Land And Air Quality, Protective Services	No comment.
Mining Remediation Authority	No objections.
Transportation And Environmental Services - Operations Team	No response
TDM, Planning Services	Recommend refusal.
Natural Heritage, Planning Services	The standard natural heritage requirements for the application have been met.
Structural Services - Flooding, Shoreline And Harbours	Recommend refusal on flooding/drainage grounds.
Trees, Planning Services	Further information required.
Scottish Water	No objections

4.0 Representation Summary

4.1 A total of 8 objections, including one from Culross Community Council were received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph(s)
a. The intended use of the building	2.2.5
b. Impact on local tourism	2.2.5
c. Impact on the character and setting of the listed building	2.3.5 – 2.3.8
d. Impact on the character and appearance of the Conservation Area	2.3.5 – 2.3.8
e. Parking	2.6.3 – 2.6.5
f. Impact on pedestrian and road safety	2.6.3 – 2.6.5
g. Impact on trees	2.10.5

4.2.3 Other Concerns Expressed

Issue	Comment
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5.0 Conclusions

Considering the above, whilst a residential use within the settlement boundary would be acceptable in principle, overall the proposal would be considered contrary to the relevant provisions of the Development Plan as the removal of a large portion of the listed boundary wall for the creation of a new vehicular access would have a significant detrimental impact on the character and setting of the listed building; insufficient information has been submitted to demonstrate that the proposal would not have a significant detrimental impact on the character of the listed building and the character and appearance of the conservation area; the proposed vehicular access would be served by a substandard visibility splay in the northern direction at its junction with the public road which would create conflicts with pedestrians and other vehicles to the detriment of pedestrian and road safety; the proposal fails to comply with the provisions of Policy 10 and 22 of NPF4 in relation to flooding; and insufficient information has been submitted to demonstrate that the proposal would not have a significant detrimental impact on natural heritage.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and setting of the listed building and the character and appearance of the conservation area; the removal of a large portion of the eastern boundary wall for the creation of a new vehicular access would have a significant detrimental impact on the character and setting of the Category C listed building and the character and appearance of the Culross Conservation Area . As such, the proposal would fail to comply with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).
2. In the interests of road and pedestrian safety; the proposed vehicular access would be served by a sub-standard visibility splay in the northern direction at its junction with the public road which would create conflicts between pedestrians and other vehicles to the detriment of pedestrian and road safety. As such, the proposal would fail to comply with Policy 13 of NPF4, Policies 1, 3 and 10 of the Adopted FIFEplan (2017), and Fife Council Transportation Development Guidelines.
3. In the interests of safeguarding development from the risk of flooding; the proposal involves the redevelopment of an existing building to a highly vulnerable land use within a flood risk area which would increase the risk to people from flooding. As such, the proposal would fail to comply with Policies 10 and 22 of NPF4 and Policies 1 and 12 of the Adopted FIFEplan (2017).

4. In the interests of safeguarding the natural environment; insufficient information has been submitted to demonstrate that the proposal would not have a significant detrimental impact on natural heritage in terms of bats and trees. As such, the proposal would fail to comply with Policies 3, 4 and 6 of NPF4, Policies 1 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Lauren McNeil, Planner.

Draft Report reviewed and agreed by Derek Simpson Lead Officer (10.04.25)

Committee Date: 23/04/2025

Agenda Item No. 9

Application for Listed Building Consent

Ref: 24/01301/LBC

Site Address: Wee Causeway House Little Causeway Culross

Proposal: Listed building consent for internal and external alterations including the installation of new windows, replacement doors and part demolition of boundary wall

Applicant: Mrs Jennifer Syme, 55 Beveridge Street Dunfermline

Date Registered: 8 October 2024

Case Officer: Lauren McNeil

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and it is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

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

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

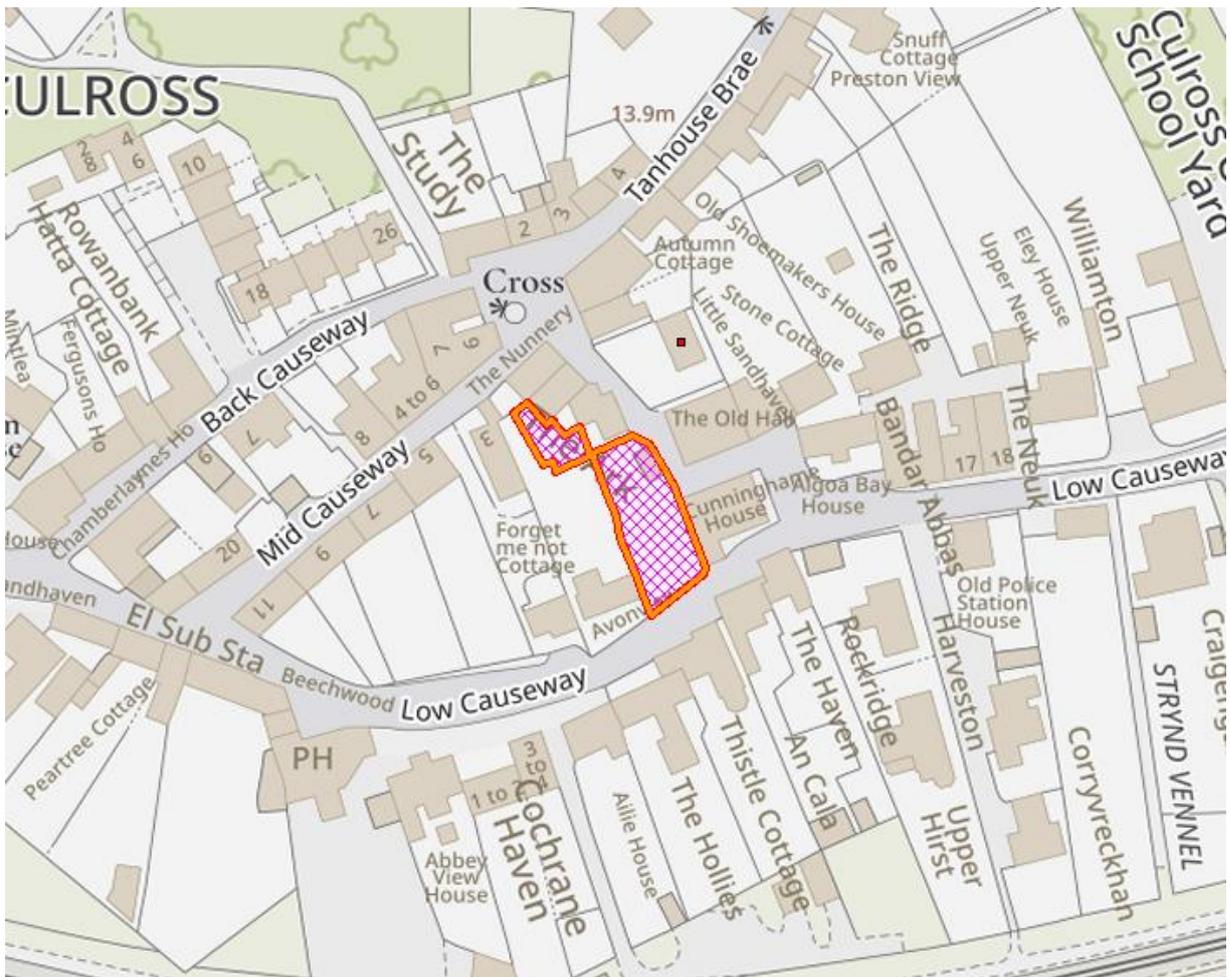
In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the Adopted NPF4 and the Adopted FIFEplan LDP 2017.

1.1 The Site

1.1 Application Site

1.1.1 This application relates to an eighteenth-century Category C listed single storey former cottage/outhouse located on Little Causeway in Culross. According to the Historic Environment Scotland listing, the building has been redundant since 2001. The significance of the property, although modest in scale, is attributed to its age, its relationship with the streetscape of Little Causeway and the retention of its clay pantiled roof which is a typical feature in Culross. The rubble boundary walls surrounding the property also form part of the listing. The historic property and its curtilage are situated within the Culross Conservation Area and are surrounded by various Category B and C listed buildings including the former Stephen Memorial Hall, which was recently converted into a residential dwellinghouse, and Cunninghame House which was converted into flats in 1983. The property is also situated within walking distance of The Mercat Cross which is Category A listed.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks listed building consent for internal and external alterations including the installation of new windows, replacement doors and the partial demolition of the eastern boundary wall.

1.3 Relevant Planning History

1.3.1 The relevant planning history for the proposed site can be summarised as follows:

* 23/01157/FULL: Change of use from outbuilding to form a dwellinghouse (Class 9) and internal and external alterations including installation of new windows, installation of replacement doors, formation of boundary wall opening and associated access and car parking area- Application Withdrawn

* 23/02277/LBC: Listed building consent for internal and external alterations including the installation of new windows, replacement doors and part demolition of boundary wall-Application Returned

An associated application for full planning permission has also been submitted (planning reference: 24/01338/FULL).

1.4 Application Procedures

1.4.1 Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.4.2 This application was advertised in the local newspaper on the 24/10/2024 and the Edinburgh Gazette on the 22/10/2024. A site notice was also displayed on a nearby lamppost on the 17/10/2024.

1.5 Procedural Matters

1.5.1 A site visit was conducted by the case officer on 12/12/2024. The following evidence was also used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software, and
- Site photographs provided by the applicant/agent.

1.6 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (2019)

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries (2010)

2.0 Assessment

2.1 Relevant Matters

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

- Design/Visual Impact on the Character and Setting of the Listed Building

2.2 Design/Visual Impact on the Character and Setting of the Listed Building

2.2.1 Section 59 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, The Historic Environment Scotland Policy Statement (2019) (HEPS), and Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (2019) and Boundaries (2010) apply in this respect.

2.2.2 Policy 7 of NPF4 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. More specifically, Policy 7 (c) of NPF4 states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.

2.2.3 Policies 1 and 14 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B states that development proposals must safeguard the characteristics of the historic environment, including archaeology. Policy 14 stipulates that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the

character or special appearance of listed buildings and their setting, including structures or features of special architectural or historic interest.

2.2.4 Objections received raised concerns regarding the proposals impact on the character and setting of the listed building. Principally the proposal seeks to repair and redevelop a historic listed building in a conservation area which is in a poor state of repair. A condition survey was not submitted as part of this application, however the photographs provided by the applicant/agent and those taken by the case officer during the site visit conducted, evidence the poor condition of the property and its associated amenity space. Therefore, there would be merit in the redevelopment of this site to secure the long-term future of the listed property. Where possible, the proposal seeks to utilise the existing openings, would repair the existing clay roof pantiles and where not possible would replace with similar materials which would be supported. Also, given the historic use of the property for storage, the length of time the property has laid unused, and the current condition of the property, it is considered that the interior of the property would likely be of low architectural/historic merit. However limited detail has been provided on the internal finishes/specifications therefore a full assessment of the proposals impact on the fabric of the listed building is not achievable.

2.2.5 The proposal seeks to remove a portion of the eastern boundary wall to create a new vehicular access at the corner of Little Causeway and Little Sandhaven. Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries (2010) advises that 'Alterations or repairs to a historic boundary should protect its character. Walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape.' Further to this, Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries (2010) advises that 'The formation of a new opening needs to be considered in light of the overall composition of the boundary and assessed as to whether it would be consistent with the existing design.' Whilst it appears that the southern boundary wall of the site was historically altered to create a doorway opening which has since been blocked up, as evidenced by Google Street View and confirmed during the site visit conducted by the case officer, the eastern boundary wall remains largely intact and insufficient information has been submitted to demonstrate that a historic opening exists along this elevation. In addition, a large portion of the eastern boundary wall (approximately 4.8 metres in length) is proposed to be removed to create this new opening which would alter the enclosed nature of the site and would have an associated impact on the streetscape of Little Causeway of which the boundary treatments and traditional paving are key features in navigating traffic through this route to other frequently used thoroughfares such as Mid Causeway and Back Causeway.

2.2.6 Fife Council's Built Heritage Team were consulted and advised that whilst they are supportive of the principle of the redevelopment of the historic building, they have concerns regarding the level of detail provided, and the removal of a substantial portion of the listed boundary wall which, in their professional opinion, is likely to have a negative impact on the special interests of the listed building and the character and appearance of the conservation area.

2.2.7 In light of the proposal, whilst there is merit in the redevelopment of the site to secure the long-term future of the listed property, the removal of a large portion of the listed boundary wall for the creation of a new vehicular access would not be considered acceptable and insufficient information has been submitted to demonstrate that the proposal would not have a significant detrimental impact on the character of the listed building. As such, the proposal would not comply with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).

3.0 Consultation Summary

Built Heritage, Planning Services

We are supportive of the intention of repairing the historic building and returning it to use but have concerns about the level of information provided and the intended demolition of a substantial portion of the historic boundary wall.

4.0 Representation Summary

4.1 9 objections, including one from Culross Community Council were received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Impact on the character and setting of the listed building.	2.2.4 - 2.2.7

4.2.3 Other Concerns Expressed

Issue	Comment
a. Inaccuracy of site address details	This was queried and confirmed by the applicant
b. The intended use of the building	Issues b. to g. would be addressed within the assessment of the
c. Impact on tourism	associated 24/01338/FULL application.
d. Impact on the character and appearance of the Conservation Area	
e. Parking	
f. Impact on pedestrian and road safety	
g. Impact on trees	

5.0 Conclusions

Whilst there is merit in the redevelopment of the site to secure the long-term future of the listed property, the removal of a large portion of the listed boundary wall for the creation of a new vehicular access would not be considered acceptable and insufficient information has been submitted to demonstrate that the proposal would not have a significant detrimental impact on

the character of the listed building. As such, the proposal would not comply with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character of the listed building; insufficient information has been submitted to demonstrate that the that the proposal would not have a significant detrimental impact on the character of the listed building including details of the internal finishes and specifications. As such, the proposal would fail to comply with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).
2. In the interests of preserving the character and setting of the listed building; the removal of a large portion of the eastern boundary wall for the creation of a new vehicular access would have a significant detrimental impact on the character and setting of the Category C listed building. As such, the proposal would fail to comply with Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan (2017).

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Lauren McNeil, Planner.

Report reviewed and agreed by Derek Simpson Lead Officer (10.04.25)

Committee Date: 23/04/2025

Agenda Item No. 10

Application for Full Planning Permission

Ref: 24/01954/FULL

Site Address: 2 East Fergus Place Kirkcaldy Fife

Proposal: External alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows (retrospective) and doors, removal of rendering of exterior walls and formation of hardstanding (amendment to 22/00518/FULL)

Applicant: Mr Nigel Watson, 2 East Fergus Place Kirkcaldy

Date Registered: 6 August 2024

Case Officer: Gary Horne

Wards Affected: W5R11: Kirkcaldy Central

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

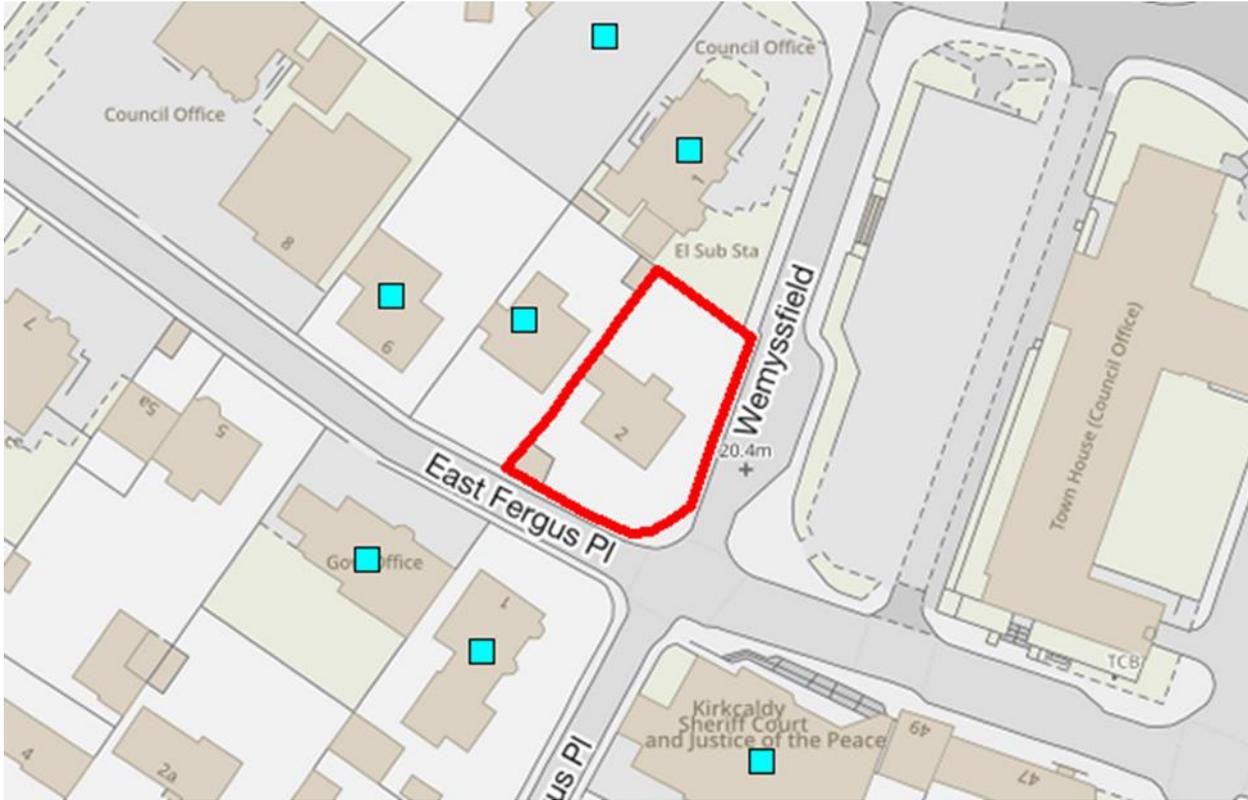
The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

1.1.2 This application relates to a detached early 19th Century two storey classical villa situated within the Abbotshall and Central Kirkcaldy Conservation Area. The property, which is a Category (B) Listed Building, is externally finished with harled wall with ashlar quoin strips, mansard style slated roof and timber sash and case windows, the majority of which are six-over-six. Modern single storey extensions have been added to the sides and rear and a modern garage extension has recently been demolished to the front of the site. The development site is located within a town centre mixed use environment set amongst dwellings and office buildings of a similar style and varying form, with the Kirkcaldy Sherrif Court and Fife Council's Town House set to the south beyond a large public open space.

1.1.3 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 External alterations to dwellinghouse including installation of replacement windows (retrospective), doors, re-location of heat pump, removal of existing side extension, re-rendering and formation of hardstanding. Alteration to previous application (22/00518/FULL)

1.2.2 Consent for the re-rendering of the building, the removal of a side extension, the removal of the garage, the erection of a porch canopy and car port and the installation of a single replacement window were previously approved in June 2022. This application seeks retrospective Planning Permission to replace 17no. additional sash and case windows with double-glazed sash and case alternatives, to relocate the approved air source heat pumps to the rear of the dwelling and proposed alternate designs for the installation of replacement exterior doors which was previously approved.

1.3 Relevant Planning History

22/00517/CAC - Conservation area consent for demolition of garage, side extension and coal store (partial) - WDN - 05/04/22

22/00518/FULL - External alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows and doors, re-rendering of exterior walls and formation of hardstanding - PERC - 28/06/22

22/00528/LBC - Listed building consent for external alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows and doors and re-rendering of exterior walls - PER - 28/06/22

24/01954/FULL - External alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows and doors, removal of rendering of exterior walls and formation of hardstanding (amendment to 22/00518/FULL) - PDE -

24/01955/LBC - Listed building consent for external alteration to dwellinghouse including installation of windows, doors, re-location of heat pump, removal of existing side extension, removal of rendering, and formation of hardstanding. Alteration to previous application (22/00528/LBC) - PDE -

1.4 Application Procedures

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 14: Design, quality and place

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's Managing Change in the Historic Environment: Windows (2020)

Planning Customer Guidelines

Air Source Heat Pumps (2022)

Windows in Listed Buildings and Conservation Areas (2012)

Other Relevant Guidance

Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005)

2.0 Assessment

2.1 Relevant Matters

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

- Design / Impact upon the Character of a Listed Building and the Conservation Area
- Residential Amenity
- Sustainability

2.2 Design / Impact upon the Character of a Listed Building and the Conservation Area

2.2.1 Policy 7 of the National Planning Framework 4 (2023), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Fife Council's Windows in Listed Building and Conservation Areas (2012) and the Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005) apply in this respect.

2.2.2 The application form submitted with this application states that the proposed works were completed on the 26th July 2024, three days prior to the submission of the application. It was stated that the applicant was not aware that permissions would be required to replace seventeen windows within a Category (B) Listed Building sited in the Conservation Area despite the same applicant, using the same agent, applying for and being granted Planning Permission and Listed Building Consent two years prior for the replacement of a single window to the rear of this dwellinghouse. Upon receipt of the application, it was noted that the application did not include a condition report or window survey for the existing windows to be replaced and this was requested on the 26th August 2024. On the 7th October 2024 the agent confirmed that a condition report from the joiner who carried out the works would shortly be forthcoming and supplied a limited range of photos of the existing windows which, it is considered, do not indicate any severe damage to the existing windows outwith of some minor distress to the paint finish on some of the windows. On the 7th October the agent updated that the joiner did not in fact assess the condition of the existing windows prior to the new windows being installed. On the 30th October, a supporting statement was provided that stated the existing windows were beyond practical and economic repair and there was evidence of rot and the wood and window fixings had deteriorated extensively. This evidence has not been provided for assessment. On the 4th of February the agent stated that the applicant no longer had the required window condition survey as they 'didn't hang on to it' and that the company used to carry out the works had folded so that information could no longer be retrieved.

2.2.2 Without any tangible evidence that the existing windows were beyond reasonable repair, as stated as a requirement in Fife Council's and Historic Environment Scotland's replacement window guidance, the principle of the replacing the windows in this instance cannot be supported. Given that the same applicant and agent were involvement in previous Planning Permission and Listed Building Consent applications for a single replacement window at this property it is not clear why the applicant and agent considered that no permissions would be required for the removal of seventeen windows in a Category (B) Listed Building located within the Conservation Area. Were support to be offered for the unauthorised windows in this instance it would set an undesirable and dangerous precedent that would ultimately encourage applicants to carry out unauthorised works to a Listed Building or a traditional building within the Conservation Area and remove fabric from the building which has historic value and is not beyond repair and retention. Policy 15 of NPF4 states that development proposals should be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and should identify the likely visual and physical impact of any proposal, whilst also adding that proposals for alteration of a listed building will only be supported where they preserve its character, special architectural and historic interest. Adopted FIFEplan Policy 14 advises that all development to the built and historic environment will be required to address the six qualities of a well-designed and successful place as set out in Scottish Planning Policy, one of those qualities being 'resource efficiency'. It is considered that the proposed replacement windows, by virtue of not providing sufficient evidence that historic fabric within the building was beyond reasonable repair, does not meet the aims of both NPF4 and the Adopted FIFEplan.

2.2.3 Minor alterations elsewhere within the application, including the re-siting of air source heat pumps and the replacement of exterior doors are considered acceptable within the context of consents previously secured and would be supported were they applied for without the inclusion of the replacement of seventeen windows.

2.2.4 In light of the above, the proposal is considered to be unacceptable in terms of protecting the character of a Category (B) Listed Building and therefore does not comply with the Development Plan and relevant guidance.

2.3 Residential Amenity

2.3.1 Policies 14 and 16 of NPF4 (2023), Policies 1 and 10 of the Adopted FIFEplan apply in this respect.

2.3.2 The re-siting of the previously approved air source heat pumps from an elevated location to the side of the dwelling to a ground level location at the rear of the property is considered to be a minor amendment to the previous consents. Manufacturer's details for the units have not been provided however the pumps would be of a domestic size and would be suitably distanced from the shared boundary with the neighbouring property which includes a windowless gable facing onto the development site. The shared boundary is made up of high historic stone walls and mature trees and vegetation. As such, it is considered that the relocation of the air source heat pumps would not introduce any significant noise pollution concerns.

2.3.2 In light of the above, the proposal is considered acceptable in terms of amenity and land-use terms and as such would be in compliance with the Development Plan and associated guidance.

2.4 Sustainability

2.4.1 Policies 1 and 2 of NPF4, Policy 11 of the Adopted FIFEplan and Fife Council Planning Customer Guidelines on Air Source Heat Pumps (2022) apply in this respect.

2.4.2 There has been no information provided which offers an analysis of the lost carbon embodiment of the disposed windows, nor the carbon footprint locked into the construction, transportation and installation of the proposed windows. As such, it can not be confirmed that the proposed windows meet the aims of Policies 1 and 2 of NPF4 which seek to promote development which addresses the global climate emergency and facilitate development that minimises emissions.

2.4.3 In light of the above, the application can not be supported in this respect as satisfactory evidence has not been provided that the proposed development would meet the relevant sustainability policies within the Development Plan and associated guidance.

3.0 Consultation Summary

None

4.0 Representation Summary

4.1 One representation has been received, neither objecting to the proposal or offering support, but requesting minimal noise disruption in relation to the operation of the Court which is sited opposite the site. As the proposed works had already been completed this issue is considered to be non-material to the consideration of this application.

5.0 Conclusions

5.1 The proposal is considered to be unacceptable by virtue of the principle of replacing the existing windows not being established, due to lack of information and unauthorised works being completed prior to the submission of this application. An assessment of the condition of the existing windows was not possible, and historic fabric within a Category (B) Listed Building has been lost which is considered to be of significant detriment to the character of this Category (B) Listed Building. As such, the proposal is not in compliance with the Development Plan and its associated guidance.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and integrity of a Listed Building; the proposal is considered to be unacceptable by virtue of the extensive removal of historic fabric without satisfactory evidence to justify that the existing windows were beyond reasonable repair, to the detriment of the character of this Category (B) Listed Building and contrary to Policy 7 of NPF4 (2023), Section 59 and 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Policies 1 and 14 of the Approved FIFEplan (2017), Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2012) and Historic Environment Scotland's Managing Change in the Historic Environment: Windows (2020).

and

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Gary Horne

Report reviewed and agreed by Derek Simpson, Lead Officer (10.04.25)

Committee Date: 23/04/2025

Agenda Item No. 11

Application for Listed Building Consent

Ref: 24/01955/LBC

Site Address: 2 East Fergus Place Kirkcaldy Fife

Proposal: Listed building consent for external alteration to dwellinghouse including installation of windows, doors, re-location of heat pump, removal of existing side extension, removal of rendering, and formation of hardstanding. Alteration to previous application (22/00528/LBC)

Applicant: Mr Nigel Watson, 2 East Fergus Place Kirkcaldy

Date Registered: 2 August 2024

Case Officer: Gary Horne

Wards Affected: W5R11: Kirkcaldy Central

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

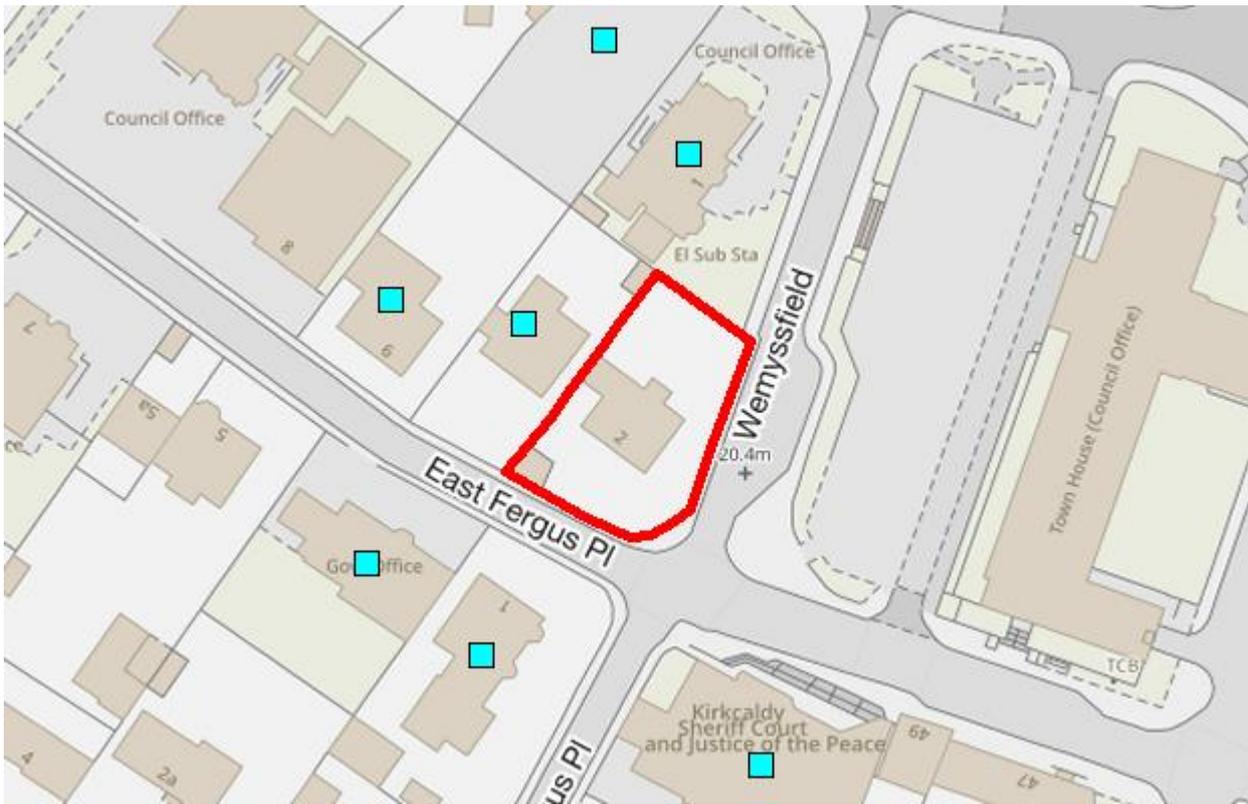
The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

1.1.2 This application relates to a detached early 19th Century two storey classical villa situated within the Abbotshall and Central Kirkcaldy Conservation Area. The property, which is a Category (B) Listed Building, is externally finished with harled wall with ashlar quoin strips, mansard style slated roof and timber sash and case windows, the majority of which are six-over-six. Modern single storey extensions have been added to the sides and rear and a modern garage extension has recently been demolished to the front of the site. The development site is located within a town centre mixed use environment set amongst dwellings and office buildings of a similar style and varying form, with the Kirkcaldy Sherrif Court and Fife Council's Town House set to the south beyond a large public open space.

1.1.3 Location Plan



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1.2 The Proposed Development

1.2.1 Listed building consent for external alterations to dwellinghouse including installation of replacement windows, doors, removal of existing side extension, re-rendering and formation of hardstanding. Alteration to previous application (22/00528/LBC)

1.2.2 Consent for the re-rendering of the building, the removal of a side extension, the removal of the garage, the erection of a porch canopy and car port and the installation of a single replacement window were previously approved in June 2022. This application seeks Listed Building Consent to replace 17no. additional sash and case windows with double-glazed sash and case alternatives and proposed alternate designs for the installation of replacement exterior doors which was previously approved.

1.3 Relevant Planning History

22/00517/CAC - Conservation area consent for demolition of garage, side extension and coal store (partial) - WDN - 05/04/22

22/00518/FULL - External alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows and doors, re-rendering of exterior walls and formation of hardstanding - PERC - 28/06/22

22/00528/LBC - Listed building consent for external alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows and doors and re-rendering of exterior walls - PER - 28/06/22

24/01954/FULL - External alterations to dwellinghouse including erection of car port, removal of existing side extensions, installation of replacement windows and doors, removal of rendering of exterior walls and formation of hardstanding (amendment to 22/00518/FULL) - PDE -

24/01955/LBC - Listed building consent for external alteration to dwellinghouse including installation of windows, doors, re-location of heat pump, removal of existing side extension, removal of rendering, and formation of hardstanding. Alteration to previous application (22/00528/LBC) - PDE -

1.4 Application Procedures

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's Managing Change in the Historic Environment: Windows (2020)

Supplementary Guidance

Planning Policy Guidance

Planning Customer Guidelines

Windows in Listed Buildings and Conservation Areas (2012)

Other Relevant Guidance

Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005)

2.0 Assessment

2.1 Relevant Matters

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

- Design / Impact upon the Character of a Listed Building
- Sustainability

2.2 Design / Impact upon the Character of a Listed Building

2.2.1 Policy 7 of the National Planning Framework 4 (2023), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Fife Council's Windows in Listed Building and Conservation Areas (2012) and the Abbotshall and Central Kirkcaldy Conservation Area Appraisal and Management Plan (2005) apply in this respect

2.2.2 The application form submitted with this application states that the proposed works were completed on the 26th July 2024, three days prior to the submission of the application. It was stated that the applicant was not aware that permissions would be required to replace seventeen windows within a Category (B) Listed Building sited in the Conservation Area despite the same applicant, using the same agent, applying for and being granted Planning Permission and Listed Building Consent two years prior for the replacement of a single window to the rear of this dwellinghouse. Upon receipt of the application, it was noted that the application did not

include a condition report or window survey for the existing windows to be replaced and this was requested on the 26th August 2024. On the 7th October 2024 the agent confirmed that a condition report from the joiner who carried out the works would shortly be forthcoming and supplied a limited range of photos of the existing windows which, it is considered, do not indicate any severe damage to the existing windows outwith of some minor distress to the paint finish on some of the windows. On the 7th October the agent updated that the joiner did not in fact assess the condition of the existing windows prior to the new windows being installed. On the 30th October, a supporting statement was provided that stated the existing windows were beyond practical and economic repair and there was evidence of rot and the wood and window fixings had deteriorated extensively. This evidence has not been provided for assessment. On the 4th of February the agent stated that the applicant no longer had the required window condition survey as they 'didn't hang on to it' and that the company used to carry out the works had folded so that information could no longer be retrieved.

2.2.3 Without any tangible evidence that the existing windows were beyond reasonable repair, as stated as a requirement in Fife Council's and Historic Environment Scotland's replacement window guidance, the principle of the replacing the windows in this instance cannot be supported. Given that the same applicant and agent were involvement in previous Planning Permission and Listed Building Consent applications for a single replacement window at this property it is not clear why the applicant and agent considered that no permissions would be required for the removal of seventeen windows in a Category (B) Listed Building located within the Conservation Area. Were support to be offered for the unauthorised windows in this instance it would set an undesirable and dangerous precedent that would ultimately encourage applicants to carry out unauthorised works to a Listed Building or a traditional building within the Conservation Area and remove fabric from the building which has historic value and is not beyond repair and retention. Policy 15 of NPF4 states that development proposals should be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and should identify the likely visual and physical impact of any proposal, whilst also adding that proposals for alteration of a listed building will only be supported where they preserve its character, special architectural and historic interest. Adopted FIFEplan Policy 14 advises that all development to the built and historic environment will be required to address the six qualities of a well-designed and successful place as set out in Scottish Planning Policy, one of those qualities being 'resource efficiency'. It is considered that the proposed replacement windows, by virtue of not providing sufficient evidence that historic fabric within the building was beyond reasonable repair, does not meet the aims of both NPF4 and the Adopted FIFEplan.

2.2.4 Minor alterations elsewhere within the application, including the replacement of exterior doors are considered acceptable within the context of consents previously secured and would be supported were they applied for without the inclusion of the replacement of seventeen windows.

2.2.5 In light of the above, the proposal is considered to be unacceptable in terms of protecting the character of a Category (B) Listed Building and therefore does not comply with the Development Plan and relevant guidance.

2.3 Sustainability

2.3.1 Policies 1 and 2 of NPF4 applies in this respect.

2.3.2 There has been no information provided which offers an analysis of the lost carbon embodiment of the disposed windows, nor the carbon footprint locked into the construction, transportation and installation of the proposed windows. As such, it can not be confirmed that

the proposed windows meet the aims of Policies 1 and 2 of NPF4 which seek to promote development which addresses the global climate emergency and facilitate development that minimises emissions.

2.3.3 In light of the above, the application can not be supported in this respect as satisfactory evidence has not been provided that the proposed development would meet the relevant sustainability policies within the Development Plan and associated guidance.

3.0 Consultation Summary

Historic Environment Scotland

“We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals.”

4.0 Representation Summary

4.1 One representation has been received, neither objecting to the proposal or offering support, but requesting minimal noise disruption in relation to the operation of the Court which is sited opposite the site. As the proposed works had already been completed this issue is considered to be non-material to the consideration of this application.

5.0 Conclusions

5.1 The proposal is considered to be unacceptable by virtue of the principle of replacing the existing windows not being established, due to lack of information and unauthorised works being completed prior to the submission of this application. An assessment of the condition of the existing windows was not possible, and historic fabric within a Category (B) Listed Building has been lost which is considered to be of significant detriment to the character of this Category (B) Listed Building. As such, the proposal is not in compliance with the Development Plan and its associated guidance.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character of a Listed Building; the proposal is considered to be unacceptable by virtue of the extensive removal of historic fabric without satisfactory evidence to confirm that the existing windows were beyond reasonable repair, to the significant detriment of the character of this Category (B) Listed Building and contrary to Policy 7 of NPF4 (2023), Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Policies 1 and 14 of the Approved FIFEplan (2017), Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2012) and Historic Environment Scotland's Managing Change in the Historic Environment: Windows (2020).

7.0 Background Papers

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

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Report prepared by Gary Horne

Report reviewed and agreed by Derek Simpson Lead Officer (10.04.25)