

## West and Central Planning Committee

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



Wednesday 26 June 2024 - 2.00 p.m.

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### AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

- 3. MINUTE** - Minute of the meeting of West and Central Planning Committee of 29 May 2024. 4 – 6

**4. CHANGE OF MEMBERSHIP**

Committee to note that Councillor Carol Lindsay replaces Councillor Lesley Backhouse as a member of the West and Central Planning Committee.

- 5. 21/00791/PPP - LAND TO SOUTH OF THE PIGGERY THE AVENUE LOCHGELLY** 7 – 45

A major residential development of residential units, associated car parking, open space, landscaping, drainage and formation of new accesses onto The Avenue, Lochgelly.

- 6. 23/02886/EIA - COMRIE COLLIERY SALINE ROAD KINNEDDAR** 46 – 109

Major development: leisure & tourism, employment, retail, care village, residential, renewable energy, open space, landscape works, paths & associated works.

- 7. 23/00346/ARC - LAND TO SOUTH OF MAIN STREET COALTOWN OF WEMYSS** 110 – 146

Application for Matters Specified in Conditions for 125 residential units (including 3 no Affordable Housing units) and associated infrastructure, drainage and landscaping as required by condition 1 of 19/00385/PPP.

- 8. 23/00347/FULL - LAND TO SOUTH OF MAIN STREET COALTOWN OF WEMYSS** 147 – 160

Formation of SuDS basin and surface water outfall (associated with application 19/00385/PPP).

9. **24/00542/ARC - LAND EAST OF RIVER LEVEN ELM PARK LEVEN** 161 – 182  
Approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phases 1 and 2a).
10. **24/00646/FULL - LAND EAST OF RIVER LEVEN ELM PARK LEVEN** 183 – 197  
Formation of footpath including installation of lighting columns.
11. **APPLICATIONS 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  
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Finance and Corporate Services

Fife House  
North Street  
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19 June, 2024

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## **BLENDED MEETING NOTICE**

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

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

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

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

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

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

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

## 2024 WCPC 73

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

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

29 May 2024

2.00 pm – 4.00 pm

**PRESENT:** Councillors David Barratt (Convener), Lesley Backhouse, Alistair Bain, John Beare, James Calder, Dave Dempsey, Derek Glen, James Leslie, Gordon Pryde, Sam Steele and Andrew Verrecchia.

**ATTENDING:** Mary Stewart, Service Manager - Major Business & Customer Service, Emma Baxter, Planner and Bryan Reid, Lead Professional, Development Management, Planning Services; Steven Paterson, Solicitor, Gemma Hardie, Solicitor, Elona Thomson, Committee Officer and Emma Whyte, Committee Officer, Legal and Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Ian Cameron and Altany Craik

#### 169. DECLARATIONS OF INTEREST

Councillor Barratt declared an interest in Para 175 below – 20/03227/ARC Kincardine Eastern Expansion – as he was the author of one of the supporting documents for the application.

Councillor Steele declared an interest in Para 175 below – 20/03227/ARC Kincardine Eastern Expansion – as she had expressed a view on the development.

Councillor Steele advised that she had connection to Paras 173 and 174 below – 24/00624/FULL and 24/00625/LBC Main Street, Valleyfield – by virtue of having had discussions with council officers and Low Valleyfield Community Council on the application. However, having applied the objective test, she concluded that she had no interest to declare.

#### 170. MINUTE

The committee considered the minute of the West and Central Planning Committee of 1 May 2024.

##### Decision

The committee agreed to approve the minute.

#### 171. 23/03086/FULL - DUNCAN CRESCENT, DUNFERMLINE

The committee considered a report by the Head of Planning relating to an application a change of use from storage building (Class 6) to internal seating area (Class 3) and formation of outside seating area (retrospective).

##### Decision

## 2024 WCPC 74

The committee agreed to refuse the application for the two reasons detailed in the report and that appropriate enforcement action be taken with respect to the unauthorised activity.

### 172. 23/01581/FULL - HENDRY ROAD, KIRKCALDY

The committee considered a report by the Head of the Planning Services relating to an application for the erection of a mixed use development (Class 4, 5), self storage (Class 6) and bakery (Class 1A) including access, car park and landscaping.

#### Decision

The committee agreed (1) to approve the application subject to appropriate conditions and attendant reasons therefor; and (2) delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services and in agreement with the Convener to finalise the full terms of the appropriate conditions and reasons therefor to ensure that the formal Decision Notice was issued without undue delay.

### 173. 24/00624/FULL - MAIN STREET, VALLEYFIELD

The committee considered a report by the Head of Planning Services relating to an application for the erection of two 1.5 storey extensions to rear and side of dwellinghouse, alterations to boundary walls and installation of gate (part retrospective).

#### Decision

The committee agreed to refuse the application for the reason set out in the report and that appropriate enforcement action be taken with respect to the unauthorised works.

### 174. 24/00625/LBC - MAIN STREET, VALLEYFIELD

The committee considered a report by the Head of Planning Services relating to an application for Listed building consent for erection of two 1.5 storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows, re-rendering, alterations to boundary walls, installation of gate and formation of new openings.

Officers provided a verbal update advising that one representation had been received which had not been referred to in the report. This neither formally objected nor supported the proposal however sought clarification from the planning authority regarding the different positions taken between this application and planning applications submitted for a nearby site with regard to flood risk.

With regard to paragraph 2.2.6. of the report regarding the front door, it is stated that this would be of an aluminium finish which would not be supported due being modern and therefore not appropriate or in keeping. However, the door on the principal elevation is actually to remain as the door currently in this location which is timber. As such, this aspect of the proposed works would be considered to preserve the character & historic fabric of the B-listed building and is therefore considered acceptable.

**Decision**

The committee agreed to refuse the application for the reason set out in the report and that appropriate enforcement action be taken with respect to the unauthorised works.

*The meeting adjourned at 3.15 pm and reconvened at 3.20 pm.*

*Councillors Barratt and Steele left the meeting prior to consideration of the following item having earlier declared an interest.*

*Councillor Glen, Depute Convener took over as chair.*

**175. 20/03227/ARC - KINCARDINE EASTERN EXPANSION**

The committee considered a report by the Head of Planning Services relating to an application for approval of matters specified by condition 1 of 17/02330/PPP for erection of 507 dwellinghouses (including 80 affordable units), 36 flatted dwellings, retail units and associated access, roads, parking, open space, SuDS, landscaping, public art and infrastructure.

**Decision**

The committee agreed:-

- (1) to approve the application subject to the 38 conditions and for the reasons detailed in the report;
- (2) the conclusion of an amended legal agreement to reflect the updated position for providing affordable housing agreed through this AMSiC application;
- (3) that authority be delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic services, to negotiate and conclude the legal agreement through Section 75A of the Town and Country Planning (Scotland) Act 1997 (As amended); 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 & Democratic Services, to refuse the application.

**176. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

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

26 June 2024

Agenda Item No. 5

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**Application for Planning Permission in Principle**

**Ref: 21/00791/PPP**

**Site Address:** Land To South Of The Piggery The Avenue Lochgelly

**Proposal:** A major residential development of residential units, associated car parking, open space, landscaping, drainage and formation of new accesses onto The Avenue, Lochgelly.

**Applicant:** Omnivale Ltd, Manor House Farm Retford

**Date Registered:** 19 March 2021

**Case Officer:** Steve Iannarelli

**Wards Affected:** W5R08: Lochgelly, Cardenden And Benarty

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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## 1.0 Background

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### 1.1 The Site

1.1.1 The application site comprises an area of undeveloped non-prime agricultural land extending to approximately 6.8 hectares in size on the southern side of The Avenue in Lochgelly. The site slopes gently from the north to south-east. It is generally characterised by its use for agriculture (arable farming) with a modest hedgerow running along the site's northern boundary and a tree-belt running along the north-western corner of the site. The Avenue bounds the site to the north and runs east-west along the site's frontage. To the east and west lie agricultural fields, with an existing residential property and other residential dwellings located to the north-west. To the north of the site, beyond the Avenue, lies a new residential development nearing completion. Core Paths also bound the site to the east and west, connecting this part of Lochgelly to the wider footpath and cycling network. The site is also located within an area identified by the Coal Authority as a Development High Risk Area. The southern part of the site is also within a pipeline hazard consultation zone relating an existing gas pipeline running to the south and east of the site.

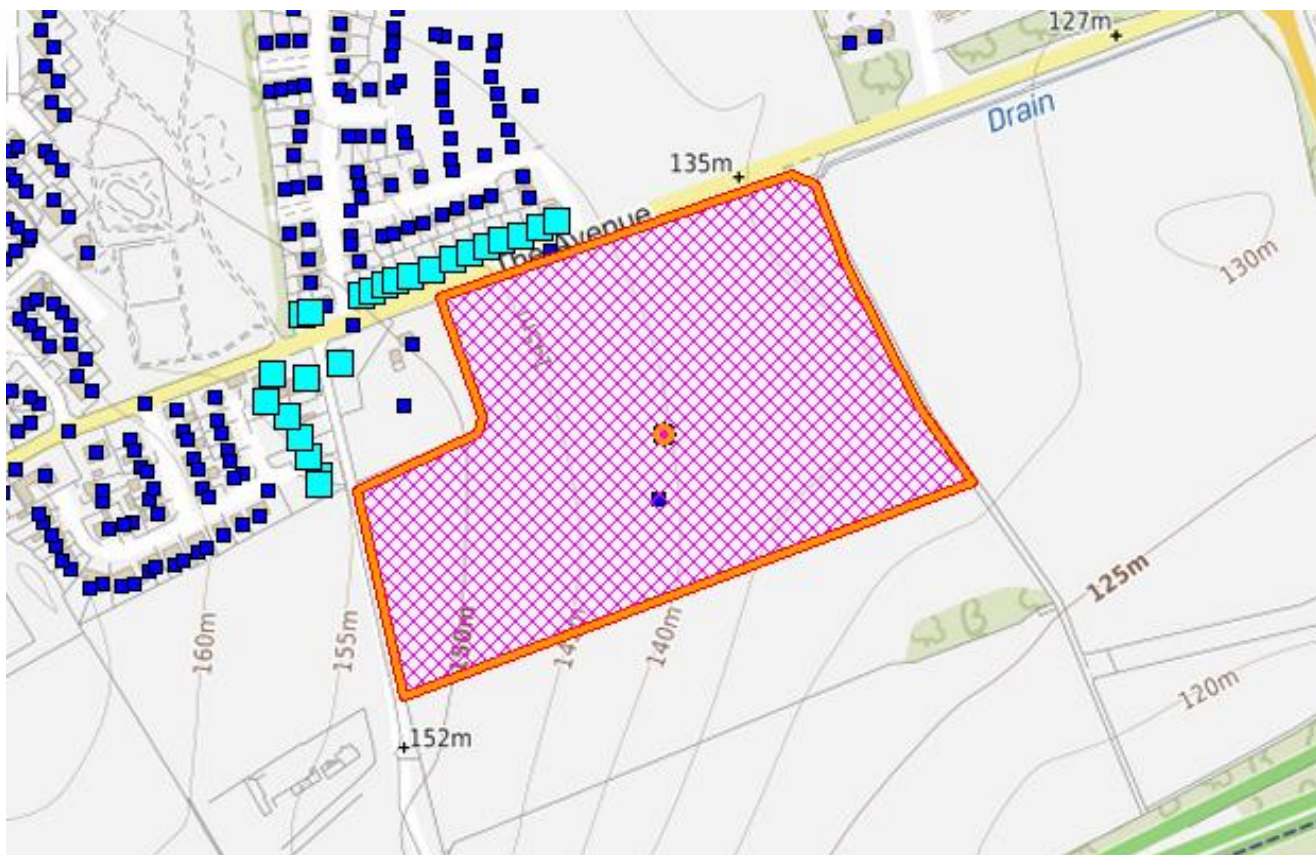
1.1.2 The site is allocated for future development within the Adopted FIFEplan 2017 (FIFEplan) as part of the Lochgelly Strategic Land Allocation (SLA) – Reference LGY 007. The site is also subject to a non-statutory Lochgelly Supplementary Planning and Transport Guidance (2011) which outlines broad urban design and sustainable development principles for the wider Lochgelly SLA. It was adopted in September 2011. Lochgelly SLA comprises multiple parcels of land totalling approximately 174 hectares that circle the existing Lochgelly settlement. The site sits within the southern part of the Lochgelly SLA.

1.1.3 The FIFEplan allocation sets out a series of site-specific requirements for future development for the Lochgelly SLA. Relevant objectives include:

- 2,550 houses including a minimum 5% affordable units.
- 36ha employment land; 12 ha at the east of Lochgelly north east and 24 ha at Lochgelly east are identified for employment use.
- Community facilities including healthcare.
- A new primary school with associated recreation and play facilities.
- A contribution to the Secondary School.
- Park and play area provision and/or contribution to enhancement of greenspaces close to residential areas.
- Structural landscaping.
- New and enhanced footpath/cycle routes linking to existing core paths, and surrounding parks/leisure facilities.
- Sustainable urban drainage systems based on the appropriate assessments of drainage requirements for the whole development area and designed to function as an integral part of the development.
- Access/junction upgrades (as identified in the Lochgelly Transport Assessment or information that supersedes that document).
- Introduction of a new/enhanced bus service to provide a sustainable and alternative mode of travel to key destinations within the town.
- Recycling facilities.
- CHP/Renewable provision for on-site energy generation.
- Health and Safety Executive' pipeline consultation zones must take account of the HSE Planning Advice for Development near Hazardous Installations (PADHI) guidance. The scale and type of development (in particular residential development) within these zones will be restricted.
- A flood risk assessment should be undertaken prior to development on Lochgelly North, Lochgelly East and Lochgelly south sites.
- Buffer strips are required along any watercourses. These buffer strips should be a minimum of 6m on either side of the watercourse, as measured from the top of the bank.
- Attention is drawn to the possibility of shallow coal deposits: the potential for extraction prior to or as part of any development shall be investigated.
- Green Network principles which seek to:
  - capitalise on existing landscape greenspace assets in forming a development strategy for the area;
  - provide high quality landscape with pedestrian and cycle links including connection to existing Dunfermline-Kirkcaldy cycleway and the wider countryside;
  - establish a high quality off-road active travel connection east-west along the Avenue, as a key 'missing link'.
  - Develop a new high quality landscape edge to the settlement along the southern boundary of the site, which incorporates active travel provision as part of a Lochgelly south round route.



## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The proposed development comprises an application for planning permission in principle for 145 residential units, associated car parking, open space, landscaping, drainage and formation of new accesses onto The Avenue in Lochgelly.

1.2.2 The development proposals are set out within the Development Framework accompanying the application which outlines general design principles and conceptual approaches that form an indicative layout showing residential pods, roads, open space, SuDS features, footpaths and structure planting. The Development Framework identifies that the residential development pods would be located within the central and northern parts the site, avoiding an existing gas pipeline exclusion zone. The remaining areas in the south of the site are nominated as open space and green space. The development would be set back from the north-western boundary, away from the existing residential dwelling at The Piggery with structure planting shown around this existing property. A primary access is located to the west of the site, connecting into The Avenue and facilitating creation of a link road running south through the western part of the site before turning west to create a connection into the adjacent land, which forms part of the Lochgelly SLA. It is anticipated that the proposed development would be delivered within one development.

## 1.3 Relevant Planning History

19/03377/SCR – An Environmental Impact Assessment ('EIA') Screening Request for residential development and associated facilities such as roads, drainage infrastructure, open space and landscaping was determined in December 2019 confirming that no EIA would be required to accompany any future planning application.

19/01433/PAN – A Proposal of Application Notice (PAN) to agree the pre-application consultation approach for proposed residential development, associated car parking, open space, landscaping, drainage and formation of new access was approved in June 2019.

## **1.4 Application Procedures**

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

1.4.2 The application was advertised in the Courier on 8<sup>th</sup> April 2021 for neighbour notification purposes.

1.4.3 The application site was visited by the case officer to inform the assessment of the proposed development. To aid Elected Members in their determination of the application, the Council's photographer has also visited the site to gather drone footage.

## **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 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 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 14: Design, quality and place

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

#### Policy 16: Quality Homes

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

#### Policy 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 24: Digital infrastructure

To encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

### **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 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

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

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

#### Policy 13: Natural Environment and Access

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

#### Policy 14: Built and Historic Environment

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

### **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.

#### 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.

### **Planning Policy Guidance**

Planning Policy Guidance: Lochgelly Planning and Transportation Guidance

The Lochgelly Supplementary Planning and Transport Guidance provides guidance on urban design and sustainable development for an area in and around Lochgelly.

Planning Policy Guidance: Planning Obligations Framework Guidance (2017) (endorsed as a material consideration By Fife Council Cabinet Committee in 2022)

Planning Obligations Framework 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 Policy Guidance: Development and Noise (2021)

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

### **Planning Customer Guidelines**

Daylight and Sunlight

Design and Access Statements

Garden Ground

Coal Mining Areas

Trees and Development

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Developer Contributions
- Affordable Housing
- Open Space and Play Areas
- Public Art
- Education
- Strategic Transport Interventions
- Other Infrastructure Considerations
- Community Benefit

## 2.2 Principle of Development

2.2.1 NPF4 Policies 15 and 16 of FIFEplan (2017) Policies 1 and 2, Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28, Fife Council's Housing Land Audit (HLA) 2022 and the Housing Need and Demand Assessment 2 (HNDA2) apply with regard to the principle of development for this proposal.

2.2.2 The principle of development for the proposal is tested against the above NPF4 and FIFEplan policies, including the site's allocation within the Lochgelly SLA and the corresponding site-specific policies.

2.2.3 NPF4 Policy 16 (Housing Quality) sets the current framework to assess the principle of development for residential development within the site. Policy 16a) outlines that development proposals for new homes on land allocated for housing in a Local Development Plan will be supported. As outlined above, the site's allocation within part of the Lochgelly SLA – and its designation for large-scale housing delivery – establishes support for the principle of development for housing within the site based on NPF4.

2.2.4 With respect to FIFEplan, the site is located within the Lochgelly Settlement Boundary and the principle of future development is defined by FIFEplan Allocation LGY007. Policy 1 of FIFEplan states that the principle of development will be supported if it is either within a defined settlement boundary and complies with policies for the location or in a location where the proposed use is supported by FIFEplan. The proposal must then meet the criteria set out within parts B and C of Policy 1. Where relevant, these will be addressed in subsequent sections of this report. Consequently, the principle of residential development in this location is therefore accepted by complying with Policy 1 part A of FIFEplan subject to compliance with other policy requirements (discussed below). In summary, the site is within a defined settlement boundary where housing is supported and compliant with the policies for that location.

2.2.5 Turning to FIFEplan Allocation LGY007, the following provides an assessment of the relevant site-specific requirements and prospective compliance with the relevant criteria to consider the relevant land use implications.

2.2.6 Similar to FIFEplan Policy 1, the proposal complies with Allocation LGY007 in that it seeks approval for residential development within a site allocated for housing as part of the Lochgelly SLA. No specific requirements are identified for each parcel of land forming the Lochgelly SLA and only a total indicative site capacity for the full SLA is nominated at 2,550 residential units. The site capacity is indicative given that it is only based on an estimated capacity without any detailed assessment of potential constraints. As such, given that a more detailed review of potential constraints impacting the design and future delivery of residential development on the site has now been provided within the applicants' submission, the proposal of up to 145 residential units within this part of the SLA is acceptable in principle based on the indicative design and development strategy for the site's future development within the accompanying Masterplan Development Framework. However, this is subject to detailed consideration as part of any future Approval of Matters Specified in Conditions Applications ('ARC') to ensure that any future detailed layout could meet the design, amenity and infrastructure requirements and other specific site allocation requirements for the site.

2.2.7 In terms of infrastructure delivery, please see the corresponding Infrastructure sections within this report which outline that infrastructure requirements including transportation, education, flooding and other requirements could be met, subject to more detailed assessments and/or relevant development contributions.

2.2.8 With respect to other LGY 007 Allocation requirements, 5% affordable housing would be secured via a S75 Legal Agreement (S75) according with the affordable housing requirements of the allocation. Moreover, the site is identified for residential use within the allocation and therefore, other parcels of land forming part of the SLA could accommodate future employment, recycling facilities and community facilities, complying with the site-specific requirements.

2.2.9 A Flood Risk Assessment and Drainage Strategy accompany the application, and both are discussed in more detail within the Flooding considerations section of this report below. This also includes a review of potential risk including climate change allowances and indicative drainage infrastructure to accommodate overland flow requirements within the site.

2.2.10 In relation to open space, greenspace, play areas and structural landscaping, it is acknowledged that the site represents only a small fraction of the total LGY 007 allocation. On this basis, the masterplan shows future delivery of extensive open and green space areas far in excess of the minimum requirements for a proposal of this scale, alongside sufficient areas for potential strategic landscaping. Opportunities for play provision can be assessed as part of future detailed design applications. Given the above, it is considered that the proposal would meet the terms of the Allocation.

2.2.11 The Masterplan Development Framework also identifies a series of accessible routes through the site, including enhanced 3m+ footpath cycleways linked to the existing Core Path network. This would create improved connectivity within this part of Lochgelly in line with the allocation requirements.

2.2.12 Land has also been identified in the Masterplan Development Framework to create sufficient no-build safeguarded areas or reduced development density to protect existing potentially hazardous pipelines and create sufficient buffer zones that will protect the amenity of future residents. These would meet the terms of the allocation, subject to detailed designs being agreed with the Health and Safety Executive.

2.2.13 With respect to Combined Heat and Power / Renewable energy generation, the Masterplan Development Framework includes sufficient futureproofing opportunities to allow for soft-service strips that could accommodate future heat network pipe runs and indicative development framework for the Lochgelly South part of the SLA. It suggests that future substations to accommodate any future network could be accommodated within these later phases of development. This arrangement accords with the requirement of the site-specific allocation.

2.2.14 In terms of the criteria within the Green Network Requirements there is a need to capitalise on existing landscape greenspace assets in forming a development strategy and provide high quality pedestrian and cycling links and a high quality off road active travel route east-west. The Masterplan Development Framework sets sufficient active travel and green corridors to address these requirements, including sufficient connections running east-west through the site, and away from the busier road network. This approach addresses the green network priorities for this part of the SLA and the respective allocation requirements.

2.2.15 Given the collapse of the domestic coal market in 2013, it is accepted that the extraction of any remaining coal reserves as part of the development is no longer a realistic option. The potential for shallow coal deposits is also noted within the accompanying Mining Risk report and notes a series of recommendations for future intrusive investigations to consider what future mitigation and remediation may be required. This would satisfy the requirements of the allocation with respect to this issue.

2.2.16 In terms of future-proofing for bus services, the Masterplan Development Framework identifies a spine road through the site that could be designed to accommodate future bus services should private operators be interested. Such design requirements would be specified within any future detailed design and this arrangement accords with the respective allocation requirements.

2.2.17 Requirements to assess and undertake relevant strategic transport improvements is also addressed in detail below – which outlines that the relevant upgrades will be addressed via developer contributions and secured via S75 legal agreement. This would accord with the site-specific requirements with respect to this issue. Contributions would also be received towards education infrastructure improvements to accommodate education demand from the proposal. These would also be secured via a S75 legal agreement.

2.2.18 Overall, the proposal meets the relevant policy terms of FIFEplan Allocation LGY 007 as it would deliver the strategic site-specific requirements of this Allocation. The proposal would deliver a suitable Masterplan Development Framework accommodating a suitable design and delivery strategy for the site's future development whilst meeting the other relevant policy requirements and sufficient infrastructure provision. The development is therefore considered to comply in principle with FIFEplan Policy 1. It would also accord with NPF4 Policy 16 as it would deliver residential development on a site allocated for housing within a Strategic Land Allocation. The principle of development is therefore supported by the Development Plan. This position is accepted subject to conditions requiring detailed assessments as part of future applications for detailed design to ensure compliance with the remaining Development Plan policy framework, as assessed below.

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

2.3.1 NPF4 Policies 3, 4, 12, 13, 14, 15, 16, 20, 21 and 23, FIFEplan Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) and Designing Streets (2010) apply with consideration of the design and layout of the proposed development.

2.3.2 A Development Framework for the has been prepared which assesses development constraints and opportunities within the site and includes a series of high-level design principles and a well-defined design rationale that articulates the future design requirements for development pods, open space, accessibility and other design matters related to the site's future development. This includes strategic design principles and placemaking objectives that should be taken forward for the site's future development as part of any detailed design.

2.3.3 The development proposals set out within the Development Framework identify the indicative location of residential development pods within the centre, north and west of the site, avoiding the aforementioned pipeline exclusion zone. The southern part of the site is identified as open space with SuDS infrastructure, including a SuDS Basin, located within the eastern part of the site and a linear filter trench running north-south along the site's eastern boundary. The development would be set back from the existing residential dwelling at The Piggery and structure planting is shown around its boundary. Primary access is located to the west of the site, connecting into The Avenue and facilitating the creation of a link road running south through the western part of the site, before turning west to create a connection into the adjacent land, which forms part of the Lochgelly SLA. A secondary access would be provided to The Avenue, linking the secondary road network within the site to The Avenue.

2.3.4 The development principles within the Development Framework have also been assessed against the six qualities of successful places and other relevant planning policies and demonstrate how the placemaking principles within Making Fife's Places could be successfully applied, subject to more detailed designs being reviewed as part of future applications. An indicative layout has then been included within the Development Framework which shows how the site could be developed, in line with these strategic design principles and parameters. It sets out the indicative arrangement of future residential development pods and non-development parcels including open spaces, footpaths, drainage roads infrastructure.

2.3.5 The Development Framework successfully identifies broad design criteria which set out prescribed design features which the detailed design will require to respond to. This accords with NPF4 Policy 14 and the 'six qualities of successful place' subject to review of future detailed designs. The Development Framework also includes suitable accessibly linkages to facilitate easy walking, wheeling and cycling within and beyond the site. Visually, the proposal would include suitable strategic landscaping and structure planting to allow is to establish a form of a residential development anticipated by an urban expansion of this part of the SLA within Lochgelly and establish a scale contemplated by the site's allocation within the SLA.

2.3.6 In terms of accessibility and how future road design could impact future development parameters, clear reference is made within the Development Framework to the principles within



Designing Streets Policy Guidance, Making Fife's Places and sustainability and how this would influence the shape and form of the residential development pods and how these areas would relate to the road and street network.

2.3.7 The Development Framework also includes a Landscape Masterplan which sets out a series of landscape principles to be followed. This includes a southern landscape buffer to provide an attractive transition between development and the wider countryside to the south and east. It generally leaves the southern and eastern edges of the site open, to create a meadow grass greenspace that helps with the above rural to urban transition and creates usable, attractive and biodiverse open spaces for future residents. Tree planting is also proposed along the western boundary, along the core path route, and along the primary spine road to create an appropriate green network along these routes. Collectively, these result in an acceptable landscape framework for the site's future delivery and accord with the corresponding Development Plan policy principles in this regard.

2.3.8 The Development Framework is based on a review of the existing character and architectural context as the basis for future design principles. It then introduces important design features that require to be incorporated into any detailed designs. This includes orientating dwellings towards the spine road for enhanced connectivity and creating character transition nodes introducing design features into key areas to create a sense of place. This is particularly important along the western boundary where the spine road meets the next parcel of land within the Lochgelly SLA. Green nodes are also included as an important design principle within the south-western corner of the site, to create differentiation between green routes and amenity open spaces. Design principles then introduce requirements for a clear street hierarchy that creates a clear definition between primary, secondary and tertiary roads and between public footpath and cycleways. This includes opportunities for dwellings to orientate to the street, be positioned 'forward' toward the carriageway or to introduce private access or shared driveways that will establish varied accessibility principles and a mix of building placements. Defined character area features have also been introduced into the Development Framework which includes a future transition zone along the existing core path to the west of the site, This would create active frontages and built form that faces the existing core path and would allow for successful integration with future development opportunities on the adjacent development site. Cumulatively, these design features are welcomed and would enhance the overall design rationale and create an acceptable design solution for the site's future development, subject to detailed designs being informed by and assessed through the design requirements.

2.3.9 The Council's Urban Design Officer was consulted on the original Development Framework and provided a series of recommendations required to enhance the urban design principles for the site's future development. Various amendments to the development framework were undertaken to address these comments. The Urban Design Officer was re-consulted on the final version of the Development Framework and did not object, accepting the updated document and agreeing that the Development Framework was acceptable. An Indicative Masterplan Report for Lochgelly South was also prepared by the applicant to provide a designed masterplan outlining how strategic transport and design principles could address the high-level aspirations within the non-statutory Lochgelly Supplementary Planning and Transport Guidance (2011). This Indicative Masterplan Report for Lochgelly South covered the southern part of the wider Lochgelly SLA (i.e. the SLA allocation south of The Avenue). It includes a series of strategic design parameters showing how the site would be integrated with the remainder of Lochgelly South and how strategic transport connectivity, landscape and open space principles could be addressed. Whilst this document is indicative, it is extremely well-constructed and provides a co-ordinated, functional design approach outlining how the site could be developed, cognisant of the cumulative development principles within the remainder of the Lochgelly South part of the SLA. This document, requested by the Urban Design Officer, was welcomed and successfully addresses aspirations to demonstrate how design and development objectives within this part of the SLA (i.e. Lochgelly South) could be achieved.

2.3.10 Turning to landscape and visual impacts, the applicant submitted a landscape and visual impact assessment (LVIA) assessing key visual receptors and 11 viewpoints which provides an appropriate broad overview of the potential landscape and visual impacts of the proposal. The report acknowledges the site's allocation and capacity to accommodate future development and to Fife Council's Screening Opinion, where the effects were identified as local. The report concludes that Landscape and visual effects would be limited in terms of their geographic extents, with minimal impacts on wider landscape character or visual amenity. These are considered to be consistent with what would be expected of any residential development and are an inevitable consequence of development of the type proposed. The Urban Design Officer accepted this position and did not object to the proposal on landscape or visual amenity grounds. Specifically, given the site allocation within FIFEplan - which establishes the principle of development within the site - and the general assessment/conclusion of the LVIA, the proposed development could be accommodated without significant harm to the wider landscape context. This complies with the Development Plan policy principles with respect to landscape and visual impacts.

2.3.11 Overall, the Development Framework and the Lochgelly South indicative Masterplan are considered acceptable for this stage of the development process and comply with the Allocation Policy LGY 007 and NPF4 Policies 3, 4, 12, 13, 14, 15, 16, 20, 21 and 23 and Policies 1, 10 and 14 of FIFEplan (2017) . The strategic design principles and design rationale for the site's future development are acceptable and provide important design principles that set out the design rationale for the site's future development. A condition should be included on any issued permission ensuring that the Development Framework for the site is approved and sets the design parameters for future detailed design applications. The proposed development would thus result in acceptable design and visual impacts subject to detailed designs being considered as part of any future applications.

## **2.4 Residential Amenity**

2.4.1 NPF4 Policies 14, 16, and 23, FIFEplan Policies 1 and 10, Fife Council Policy for Development and Noise (2021), Fife Council Customer Guidelines on Daylight and Sunlight (2018), Garden Ground (2016) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.4.2 In addition, a briefing note has been issued by the Royal Environmental Health Institute for Scotland (REHIS). This sets out considerations for noise impact in terms of development and the appropriate noise levels which should be achieved, stating that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided.

2.4.3 Fife Council's guidance 'Noise Guidance for New Developments' brings together the methodology to assess the impact of noise from development from the guidance and legislation to specify noise standard expectations for existing and future receptors following development and this is based on the WHO Guidelines (2015). As with the REHIS guidance, exceptional circumstances criteria have been included where the upper limit on noise standards and a closed window approach can be considered. The following examples are provided as benefits of the development which might allow the planning authority to consider the development to be an exceptional circumstance:

- Deliver high-quality, well-designed development which incorporates the principles set out in Making Fife's Places and Designing Streets;
- Delivering mixed use sustainable communities.
- Secure appropriate redevelopment of brownfield sites;
- Promoting higher levels of density near transport hubs,
- Securing higher density development in town centres and larger urban settlements;
- Development which secures the long-term future of a listed building, the character of a conservation area or other heritage asset;

- Achieving low/ zero carbon development.

2.4.4 As the Council's guidance has been through public consultation, approved by Committee and provides a local context, it has been given a greater status in terms of material consideration for the purpose of this report than the REHIS guidance.

2.4.5 Objectors raised concerns about potential noise impacts. The proposal for residential development itself would not give rise to any unacceptable noise impacts during operation, However, it could result in temporary noise impacts during construction, albeit these could be managed. In response to this, potential noise impacts associated with construction activities have been considered and a condition would be required seeking approval of a Construction Environmental Management Plan as part of detailed applications to identify potential measures required during construction to minimise potential noise impacts to any nearby residents.

2.4.6 In terms residential amenity, objectors also raised concerns that the proposed development would result in detrimental residential amenity impacts to the nearby residential properties including to residents of The Piggery, the closest residential property located to the north-west of the site. This application considers the principle of residential development on the site and therefore only the indicative location of future residential pods has been considered. Detailed designs as part future detailed applications would allow for potential impacts on residential amenity to be fully assessed with respect to loss of sunlight, daylight and privacy. However, no significant impact is likely as the Development Framework shows that the development area would be set back from this property and include a sufficient landscape buffer between any future residential development pods. The visual amenity for these properties would require further assessment with the future applications but again this impact would be dictated by detailed design.

2.4.7 Public Protection has been consulted on the application and accepted the conclusions of the Noise Assessment report. They initially queried whether potential impacts could arise from surrounding non-residential uses including nearby employment, wind turbine, petrochemical plant and other SEPA license activities. Once the updated information was reviewed, Public Protection accepted that these nearby uses would not impact on the amenity of future residents as the noise generation from such uses had already been incorporated into the original Noise Assessment. They requested conditions to show compliance with the respective garden ground and internal noise levels nominated above.

2.4.8 Turning to the exceptional circumstances guidance above, the proposed development would meet the criteria of the exceptional circumstances in that approval of this development would help achieve the objectives set out within FIFEplan through the delivery of part of the Lochgelly SLA. The design concepts with the Development Framework would help to deliver high-quality, well-designed development achieving the principles set out in Making Fife's Places and Designing Streets. Whilst this would not be required for internal noise limits (see commentary below), a higher average noise limit of 55dB could be considered for garden ground noise in lieu of the lower 50dB average. The sound levels would still be within acceptable limits but at the higher end and could avoid unsightly barriers or larger standoff distances unless absolutely required. The final noise mitigation solution would be determined through the detailed design, however, flexibility of future mitigation options should be included. This would be based on all reasonable measures being taken to attempt to meet the lower standard (of 50dB) subject to good design principles.

2.4.9 With respect to external garden ground noise, the Noise Assessment outlines that noise mitigation measures would be required to attenuate potential road traffic noise from the north. This included scope for a 1.3 metre high acoustic fence along parts of residential properties whose gardens would face The Avenue. The Noise Report found that implementation of such mitigation measures would reduce noise levels within garden grounds to the lower limit of the acceptable levels based on the above policy requirements. As such a suitable condition should be included to allow for design options to demonstrate that the lower noise limit for garden ground noise would be met (i.e. with mitigation) or allow for exceptional circumstances to be

applied to allow for the higher noise limit within selected gardens where enhancements to the overall urban design could be achieved.

2.4.10 In relation internal noise limits, the Noise Report outlines that no mitigation measures would be required to achieve the relevant internal noise level limits within the respective guidance. Conditions could ensure that internal noise levels within any future design would meet these requirements.

2.4.11 Finally, there is a potential risk within the site relating to existing gas pipelines running through the southern part of the site. The Heat and Safety Executive (HSE) was consulted on the application and did not object to the proposal based on the latest Masterplan Framework. The Development Framework incorporates sufficient no-build 'safeguarded' areas or reduced development density specifically addressing previous requirements from HSE. These buffer zones would protect the amenity of future residents and those using the public open space within this part of the site. As such, the proposed development accords with the above Development Plan policies seeking to protect residential amenity and HSE's Planning Guidelines subject to detailed designs being agreed with HSE.

2.4.12 Overall, the proposed development would not give rise to adverse residential amenity concerns subject to conditions requiring detailed layouts being tested against the respective policy principles and guidelines to ensure that suitable attenuation would be introduced, if applicable. The Development Framework shows indicative development pods would be positioned to protect the privacy, sunlight and daylight provisions of the existing neighbouring property, whilst ensuring the proposed dwellinghouses could receive an acceptable standard of amenity, subject to review of future detailed designs/layouts. It would also avoid risks associated with existing hazardous pipelines. The proposal is therefore acceptable in principle with regard to residential amenity considerations subject to conditions and would therefore accord with NPF4 Policies 14, 16, and 23 and FIFEplan Policies 1 and 10 and the respective guidance.

## **2.5 Transportation/Road Safety**

2.5.1 Policies 13, 14 and 15 of NPF4, Policies 1, 3,4 and 10 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) and Scottish Government Designing Streets (2010) apply with regard to this proposal.

2.5.2 A Transport Assessment was submitted to consider the modes of travel for the site and the impact on the road network including a subsequent Addendum to respond to comments from Transportation Development Management (TDM). The TA and Addendum ('the TA'), consider the sustainable transport implications of the proposal.

2.5.3 Objectors raised concerns that there would be insufficient pedestrian footpaths or cycleways along The Avenue for safe movements. Concerns were also raised that there would be limited crossing points on The Avenue for school children nor suitable provision for any future bus stop/link. These issues have been considered and additional requirements for a footway/cycleway along the site's frontage, suitable crossing points along The Avenue and provision of bus stop infrastructure have been introduced, addressing these concerns. Further details are provided within the paragraph 2.5.4 below.

2.5.4 In terms of sustainability, the TA states that the site is in a location which could be highly sustainable given the presence of relatively close public transport facilities (including bus and train services), local shops/services and a series of sustainable travel routes adjacent or within close proximity to the site - including Core Paths 505, 506 and 507. It states that the development is well located for access to local amenities, with a series of local shops, services and amenities located approximately 950m to the north of the site in Lochgelly town centre. Lochgelly Train Station would be approximately 25 mins walk from the site and the nearest existing bus stop is located approximately 800m from The Avenue to the west. The applicant has also agreed to the provision of bus stops at either side of the site, should this be required,

to accommodate any future private bus service. Despite this, the TA outlines a series of footpath and cycleway improvements to ensure that these sustainable links are utilised by the site. This includes the provision of a 3m wide shared footway/ cycle way along the southern side of The Avenue, along the site frontage.

2.5.5 TDM has accepted the above and outlined that the following requirements to provide sufficient pedestrian/cycling and sustainable transport accessibility for future residents:

- Dropped kerb pedestrian crossing points on The Avenue to the east of the public park access.
- Dropped kerb pedestrian crossing points on The Avenue on the public park access.
- 1 No. pair of bus stops, boarders, flags, poles, and road markings on The Avenue frontage of the site.

These requirements could be secured by condition and would promote pedestrian accessibility and sustainable transport connections to the surrounding local network.

2.5.6 Turning to parking, objectors outlined concerns that the proposed development would result in insufficient car parking. The application seeks planning permission in principle so only indicative parking areas and transportation principles have been shown in the Development Framework. An assessment of car parking against the requirements within Making Fife's Places parking guidance would be undertaken as part of any future detailed design application. In terms of the potential internal road design, driveways, the Development Framework includes two potential site accesses via the Avenue to the north. The western access would accommodate a primary access leading to a spine road and potential footpath-cycleway running south then turning west to allow for future connection to the remaining parts of the Lochgelly Strategic Land Allocation to the west (and within the applicant's control). The second access would provide localised access to the eastern part of the site. Opportunities to include secondary roads with varied widths/design features is also provided, alongside various traffic nodes at key junctions to slow traffic and create a sense of place. These arrangements are supported by TDM in principle subject to conditions on any detailed design applications to confirm suitable provision of visibility splays, accommodate a future bus route, road design details, parking requirements and other transportation specifications. These can be included via condition on any issued permission and would ensure that the parking provision and future detailed design and would be in accordance with Designing Streets (2010) and Making Fife's Places Supplementary Guidance (2018) by incorporating road geometry, forward visibility, road hierarchy, street trees and open spaces at the heart of future detailed designs to slow vehicular traffic through the site.

2.5.7 The delivery of the spine road is seen as an important placemaking mechanism and for overall transport mitigation and it would function as a primary access for the development and to accommodate future vehicular connections from the other parts of the Lochgelly South part of the wider SLA. The potential for shared surfaces, raised tables, varying street widths and pedestrian connections to/from the site boundary would promote pedestrian permeability and meet streets for people principles. Street hierarchy principles would also be introduced through transportation principles in the Development Framework to use secondary streets with narrower carriageways and dwellings brought closer to the carriageway edge. The design principles for the spine road, and the other pedestrian and road specifications are therefore supported in principle as they would result in sustainable, safe and accessible access arrangements within the site subject to the above conditions.

2.5.8 With respect to safer routes to school, the TA outlines that all 3 primary schools in Lochgelly would be located within a convenient 20-minute walk (some closer) with the secondary school a 30-minute walk (10-minute cycle) from the site, providing excellent accessibility for future residents to education facilities. TDM has accepted that all are within an acceptable distance, subject to the above pedestrian footpath improvement along The Avenue.

2.5.9 Concerns were expressed from objectors that there would be significant, and unreasonable, traffic generation associated with the proposed development, particularly on nearby roads. In addressing this, the TA assessed the potential impacts on the existing road

network and the likely level of improvements / mitigation to the road network to accommodate demand from the proposed development. Following initial concerns from TDM Transport Scotland on the limited scope of this assessment, the assessment was updated from a 'stand-alone' TA - based solely on the impact of the approx. 145 dwellings - to a comprehensive assessment assessing the proposal against the cumulative impact of traffic associated with the delivery of the full Lochgelly SLA for approximately 2,550 residential units and employment use. To address recommendations from TDM, the TA was also updated to consider the assessment requirements of the Lochgelly Strategic Transport Assessment 2011 ('Strategic TA') that formed part of the evidence base for the preparation and examination of FIFEplan. This Strategic TA outlines a series of key junctions that could be impacted by growth associated with the SLA and a number of potential mitigation measures that would require to be considered should the Lochgelly SLA be delivered. In responding to this requirement, the applicant then based their assessment on key junctions and the local road network on the Strategic TA principles, including the trip generation and distribution parameters for the 2,550 residential units and approximately 63,000 square metres of industrial floorspace, and the applicant's more recent traffic surveys for the proposal (i.e. 145 units). The results concluded that strategic transport improvements, would be required in the form of upgrades to existing road infrastructure, on the following junctions:

- Junction 1: Station Road/Bank Street/Auchterderran Road mini-roundabout: signalisation of the junction with removal of on-street parking on Auchterderran Road;
- Junction 2: The Avenue / B9149 roundabout: increase in the size of the roundabout, with increased flare lengths provided on the western and southern approaches; and
- Junction 3: A92 / B9149 eastbound on and off-slip crossroad: signalisation and provision of a left-turn slip onto the eastbound on-slip.

2.5.10 Reviewing the traffic generation split, the TA found that the proposal would generate approximately 17 arrivals and 60 departures in the AM peak hour (304 arrivals and 1072 departures for the Lochgelly SLA residential component of 2550 units). This was set against 41 arrivals and 21 departures (726 arrivals and 368 departures for the Lochgelly SLA residential component) in the PM peak hour. The trip distribution through respective junctions was also analysed in the TA and showed approximately 50% of trips would travel via the eastbound A92 junction (above). Based on these findings, the TA concluded that the proposal for approximately 145 residential units would equate to 4.3% of the total SLA allocation (when compared against c2,550 residential units and the allocated employment uses within the SLA). As such, the applicant confirmed agreement to developer contributions of 4.3% of the costs of the three above mitigation measures. TDM agreed that this figure accurately reflects the likely proportional impact on junctions relative to the wider Lochgelly SLA traffic.

2.5.11 Transport Scotland was also consulted on the updated assessment and agreed with the proportional impact and consequential contribution figure of 4.3%. However, the planning authority required confirmation of indicative costs for each mitigation measures in order to understand the final contribution figure. To this extent, the applicant prepared a Construction Costs Estimate Report for the three mitigation measures. This showed the estimated breakdown of costs based on Q1 2024 Costing and inflation until construction in Q2 2026 as follows:

- Junction 1: Station /Bank/ Auchterderran – £235k Approx;
- Junction 2: The Avenue / B9149 - £295k Approx;
- Junction 3: A92 / B9149 eastbound £415k Approx

Total:                      £945k Approx.

2.5.12 Based on the above, and the 4.3% proportional contribution rate, this would amount to developer contributions towards strategic infrastructure of around £40,000 based on costing in

Q1 2024. The Planning Obligations section of this report will go into more detail on the relevance of this and the mechanisms available to secure this contribution.

2.5.13 With respect to the potential timings of the delivery of the mitigation measures, the TA suggested that all three measures would require to be delivered by 27% of the residential element within the Lochgelly SLA. This amounted to a trigger on prior to the 688<sup>th</sup> residential unit. However, concerns were expressed from Transport Scotland on the timing of the trigger for the Trunk Road junction at the A92 / B9149 eastbound (i.e. Junction 3 above). This assessment was based on the principles of accommodating a full stopping distance to the back of any queue forming within the slip road. In reality, this meant that vehicles leaving the eastbound A92 would be contained within the slip-road and not the A92 carriageway. In terms of the assessment, it was noted that this junction was already operating over practical capacity in the PM Peak (with a maximum queue of 8 vehicles i.e. around 50m). Transport Scotland stated that considering the cumulative impact of the SLA, the forecast would significantly worsen and the operational capacity would be exponentially worse, with a maximum queue of approximately 180 vehicles and a level of impact that would be unacceptable, without any mitigation, given that queues would extend down the off-slip onto the A92. Given the above, Transport Scotland agreed that mitigation was required, but advised that the delivery should be far earlier than the applicant suggested.

2.5.14 Firstly, the assessment found that the A92 eastbound slip is shorter than original anticipated at approximately 360m instead of 400m as assessed. As such, only 31 vehicles (or 185m) could be accommodated when the minimum stopping sight distance is applied to the lower slip road length. Also, Transport Scotland suggested that the assessment was based on a situation where the junction was exceeding its operational performance which meant the assessment can be unstable and queue lengths can be unpredictable. As such, Transport Scotland noted that it would be more appropriate to apply a more conservative trigger point for this junction where the absolute capacity was reached to remove such unpredictability. In this instance, this was found to be a development level of 340 units (13% of the SLA allocation) based on a linear relationship. Transport Scotland therefore do not object to the proposal subject to a condition being included requiring delivery of the above mitigation prior to occupation of the 340 residential units within the Lochgelly SLA. TDM also has no objection to this arrangement and deferred to Transport Scotland on the timing of delivery for this improvement.

2.5.15 With respect to the remaining two strategic transport improvements, TDM agreed with the applicant's position that these could be delivered prior to the 688<sup>th</sup> Residential Unit within the Lochgelly SLA via condition. Collectively, this approach is acceptable to the Planning Authority and would ensure the timely delivery of proportionate strategic transport infrastructure improvements in line with any predicted need, meeting the 'infrastructure first' principles within FIFEplan Policy 3 and NPP4 Policy 18. Delivery mechanisms to secure such measures are discussed within the Planning Obligations section of this report.

2.5.16 Overall, the proposal will have an acceptable impact on the existing and proposed road network subject to contributions towards the implementation of strategic transport improvements within Lochgelly to mitigate the impact of the proposal cognisant of the cumulative impact of the development and the wider Lochgelly SLA on the wider road network. The applicant has agreed to pay their proportionate financial share towards these contributions which include the three junction improvements including the eastbound slips for the A92 / B9149 junction. The proposal would be well connected to the surrounding Lochgelly area and highly permeable as show within the accessibility principles in the Masterplan Framework. The site in within a sustainable in location given the close proximity to Lochgelly town centre, bus links, and pedestrian and cycling links. However, improvements are required to ensure upgraded connections to the existing sustainable transport links, to take into account the additional population. Planning conditions would ensure sufficient delivery. With appropriate conditions and contributions being collected, the development is considered acceptable and in accordance with the LGY 007

Allocation requirements, NPF4 Policy 13 14 and 15 and Policies 1, 3, 4, 10 of FIFEplan in this regard.

## **2.6 Flooding And Drainage**

2.6.1 NPF4 Policies 16 and 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 drainage and infrastructure of development proposals.

2.6.2 The SEPA Flood Maps shows that the site lies outwith any fluvial, tidal and surface water flooding. An accompanying Flood Risk Assessment (FRA) outlines that, potential for fluvial flooding from a nearby unnamed watercourse would be of low risk as any overland flows are being directed away from the site and this watercourse sits at a lower level than the site. It outlines that the culvert associated with this unnamed watercourse under the B9149 is located approximately 280m to the east of the site and understood to be circa 10m lower than the sites eastern boundary, thereby it is not considered to pose a risk to the site if the culvert blocks. The FRA notes that the future potential groundwater risks should be confirmed as part of any detailed design application to consider any relevant risks and that an appropriate drainage strategy is prepared in line with best practice to consider the surface water management strategy to accommodate overland flows within the site. The FRA concludes that, the site is deemed to be at a low risk of flooding and as such lies within an appropriate location for residential development in line with NPF4

2.6.3 In this regard, a Drainage Strategy Report also accompanies the application and identifies two indicative SuDS basins within the eastern part of the site. The Development Framework shows these as one larger SuDS detention basin within the eastern part of the site and a smaller, linear, swale running north-south within the site's north-eastern corner. The Drainage Strategy outlines that discharge from the site would be addressed using a combination of filter trenches, and porous paving before leading to the detention basin and a swale in line with CIRIA C753 The SUDS Manual. It states post development runoff will be restricted to 3.3 l/s/ha (10.0 l/s) downstream of the detention basin before discharging to the unnamed watercourse immediately to the north-east of the site adjacent. The assessment has been provided based on 1 in 30-year storm event plus climate change, and attenuation storage based on a 1 in 200-year storm event inclusive of climate change in line with Fife Council's requirements. It shows foul drainage would be accommodated via gravity to a pump station located on the south-eastern boundary before being pumped via a rising main and connecting to the existing Scottish Water combined sewer. The drainage strategy concludes by suggesting that acceptable methods of surface water and foul drainage disposal would be provided for the proposed development.

2.6.4 Scottish Water has not objected to the proposed development and confirmed sufficient capacity at the Levenmouth Waste Water Treatment Works to service the development. They noted that there may be more detailed investigations required to confirm specific requirements. They suggested this should be undertaken via separate regulatory requirements as part of Scottish Water's Pre-Development Enquiry process as part of any future Scottish Water Technical Approval process.

2.6.5 The Council's Flooding, Shorelines and Harbour's Team was consulted on the application and following a request for updated assessment information, they outlined no objection to the proposal from a flood risk or surface water management perspective. SEPA was also consulted and outlined no objections to the proposals, agreeing with the findings of the FRA and Drainage Strategy and suggesting that a detailed review of flooding should form part of any detailed design application. This has been addressed by condition.

2.6.6 Overall, it is considered that the site would not be at any significant flood risk and a Drainage Strategy has been proposed to show how potential drainage infrastructure could mitigate any impacts from the proposal. The proposed development is therefore considered to be acceptable with regard to flood risk and drainage considerations and is in accordance with the Development Plan and guidance on this matter subject to conditions.



## **2.7 Contaminated Land And Air Quality**

2.7.1 NPF4 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 Coal Mining Risk Assessment (CMRA), Air Quality Assessment, Phase 1 Site Investigation Report and Air Quality Impact Assessment accompany the application. Information is also presented within the Development Framework showing how constraints of the site have been taken into consideration when designing the proposed development.

2.7.3 The Phase 1 Site Investigation Report accompanying this application identified potential land contamination and stability issues within part of the site. Specifically, related to previous mining activities and other historic uses, including the potential use of part of the site for opencast extraction of coal. In this regard, it identified 28 previous underground mining records within the site and scope for potentially unrecorded shallow mine workings. As such, the report recommended that future intrusive investigations are undertaken to quantify and qualify the scope of any potential contamination and previous mining activity and confirm the scope of future remediation required to attenuate risk to future residential use within the site.

2.7.4 The Coal Authority was consulted on this application to provide comment on the CMRA and Phase 1 Site Investigation Report. They advised that the site was located within a high-risk development area with previous coal mining activities and that additional intrusive investigations would be required to confirm the location and conditions of previous activity; what treatment works would be required to remediate/stabilise these features; and the location of any no-build zones. The Coal Authority therefore did not object to the proposal subject to conditions to provide the above assessments and confirm that suitable investigations have been undertaken to influence the future detailed design and safeguard the amenity of future residents from any potential previous contamination, land instability and mining activity. These conditions would be included on any issued permission to satisfy the Coal Authority's requirement and subject to these conditions, it is considered that the coal mining risks associated with the site can be adequately mitigated to ensure the site is safe for residential development in line with NPF4 Policy 9 and 23 and FIFEplan Policy 10 and the respective guidance.

2.7.5 With respect to air quality impacts, the accompanying Air Quality Assessment concludes that the proposal would not result in any significant air quality impacts with respect to future emissions (i.e. NO<sup>2</sup> or PM<sup>2.5</sup> concentrations) including emissions from increased vehicular use. Land and Air Quality colleagues were consulted on this application and did not object to the proposal subject to conditions requiring that more detailed air quality investigations are submitted for approval with any future detailed design. These can be secured via condition on any issued permission. Subject to this condition, it is therefore accepted that the proposed development would not give rise to adverse air quality impacts and would accord with the policy principles within the above NPF4 and FIFEplan policies with respect to air quality.

2.7.6 Overall, it is noted that the site is subject to previous mining activity and potential contamination, however, further intrusive investigations of such matters via conditions could be ensured that appropriate assessment is undertaken of potential contamination and any remediation required to ensure the site would be safe for future residential use. Additionally, the proposal does not give rise to any adverse air quality concerns and a more detailed review of this matter would be undertaken based on future design of any future detailed application. The proposal is therefore considered to comply with the Development Plan and associated guidance in relation to contamination, land and air quality subject to conditions.

## **2.8 Natural Heritage And Trees**

2.8.1 NPF4 Policies 1, 3, 4, 6 and 20, FIFEplan (2017) Policies 1, 10 and 13, 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 and biodiversity enhancement.

2.8.2 NPF4 Policy 1 requires decision makers to place significant weight on addressing the nature crises when assessing development proposals. Further, NPF4 Policy 3 requires that development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including future biodiversity management.

3.8.3 Making Fife's Places Supplementary Guidance states that where large semi-mature/mature trees are present on and adjacent to a development site, separation distances between the properties and trees greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the trees at its final canopy height.

2.8.4 Objectors raised concerns that impacts on the natural habitat and wildlife should be taken into account during the assessment of this application. This matter has been addressed and sufficient information has been provided to suitably address this concern. Specifically, to address the above policy requirements a Preliminary Ecological Appraisal has been submitted which outlines that the proposed development would not impact on any native woodland, which is located approximately 280m to the east of the site. It states that only two habitats are present. An arable field, with low ecological value, and hedgerow, with moderate biodiversity qualities. Boundary features provide suitable habitat for foraging and commuting bats, with selected Ash trees located to the south-west of the site providing opportunities for roosting bats. Additional opportunities along a dilapidated stone wall at the south-western boundary of the ecological study area also provide potential habitat for hibernating reptiles. However, the respective surveys undertaken outlined that no protected species were present within the site. Three ponds approximately 320m to the east of the site were also reviewed for great crested newt habitat. The assessment found that there was limited connectivity between the ponds and the site, including intensively managed fields (over 17 years) which would be an unsuitable terrestrial habitat for great crested newts. Also, the A92 between the site and Loch Gelly provides another important barrier, detracting potential great crested newt movement to the site. The 3 ponds were scored against a Habitat Suitability Index to consider whether further assessment would be required. Two of the three ponds resulted in poor scores, dictating no further assessment. One pond was considered to be satisfactory but based on the above significant constraints, focusing on the unsuitable terrestrial habitat between the pond and the site, this pond was also removed without the need for additional surveys. This assessment methodology was accepted by both Natural Heritage and Nature Scot.

2.8.5 The applicant has also provided a Biodiversity Enhancement Strategy which indicatively quantifies the potential biodiversity enhancements based on the indicative Landscape Framework. This shows potential enhancement of the existing arable field in the west of the site and other overarching enhancements. These include additional tree planting, new wetlands (SUDS ponds), street tree planting, meadow planting and amenity/native grasslands alongside species enhancement measures (bat and bird boxes). This strategy identifies that the principle of such enhancements could achieve biodiversity gains significantly exceeding the existing poor-quality habitat within the arable field. This meets Nature Scot Draft Guidelines which requires a qualitative review of potential enhancement over any prescriptive minimum biodiversity net gain parameters being met. Building on this, enhancement biodiversity specifications will require to be confirmed for any detailed designs, once a detailed landscape plan is available. Conditions will require submission of a detailed Biodiversity Enhancement and Management Plan to show such measures and to show compliance with the latest Nature Scot guidance on Biodiversity Enhancement at the time of any future decision.

2.8.6 NPF4 Policy 4 then goes on to require that development that have an unacceptable impact on the natural environment will not be supported whilst NPF4 Policy 6 requires that development proposals avoid adverse impact on woodlands. To address this, the proposal generally avoids development within the north-western part of the site and creates structure planting around the existing scrub trees within this location. This would avoid any unreasonable

detrimental impacts to existing trees or the natural environment in line with NPF4 Policies 4 and 6 in this instance, subject to conditions requiring suitable tree protection and detailed planting etc. The proposal would also create suitable blue and green infrastructure, responding to the site context complying with NPF4 Policy 20.

2.8.7 The Scottish Government's Woodland Removal Policy applies in circumstances where woodland removal is accepted where public benefits (including social, economic and environmental benefits) and compensatory planting can be undertaken to contribute towards economic growth. The proposed development does not seek to remove any woodland given that the site generally comprises agricultural fields. Potential removal of selected trees or hedgerows may be required, depending on the detailed designs of any future applications. At that time, more detailed assessment of any potential impacts would be required to avoid any unreasonable removal of important landscaping features, if relevant. Consequently, the proposal would meet the terms of the above Policy as no woodland is proposed to be removed.

2.8.8 The Council's Natural Heritage Officer supported the updated documentation assessing impacts on the natural environment and did not object, subject to conditions to quantify the nature and scale of biodiversity enhancements (net gain) within any future detailed design.

2.8.9 Overall, there is unlikely to be significant impacts on the natural environment. The landscape framework shows that the majority of the landscape principles seek to create new landscape habitat and features within the site, enhancing the existing offer within the existing arable field that has limited ecological value. Updated protected species surveys will be required to inform the Biodiversity Enhancement and Management Plan to ensure that suitable protection and enhancements best reflect any current species within the site. The proposal is therefore considered to comply with NPF4 policies 1,3,6 and 20 and Policies 1,10 and 13 of FIFEplan relating to ecology, trees and natural heritage.

2.8.10 Overall, the proposed development would not adversely impact on any protected species, with suitable landscaping and biodiversity enhancement measures identified. Conditions would require more detailed surveys of potential protected species to avoid any risk and to secure appropriate landscaping, biodiversity protection, enhancement and management plan and suitable tree protection provision via conditions. To this extent, the proposal is considered to be acceptable in principle with regard to natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) subject to conditions.

## **2.9 Sustainability**

2.9.1 NPF4 Policies 1, 2, 12, 13 and 19, FIFEplan (2017) Policies 1 and 11, Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (2019) apply in relation to low carbon and sustainability.

2.9.2 The critical importance of NPF4 Policy 1 in decision making is acknowledged as it requires that significant weight is given to global climate and nature crises when considering all development proposals. As such, this policy should be afforded significant weight when balancing competing considerations as part of the assessment and determination of planning applications. NPF4 Policy 2 goes on to outline the requirement for developments to be sited and designed to minimise/reduce emissions.

2.9.3 Turning to FIFEplan Policy 11, it states that planning permission will only be granted for new development where it has been demonstrated that, amongst other matters, the proposal would result in a carbon dioxide emissions reduction target using Low and Zero Carbon Generating technologies contributing at least 20% of any reduction and other sustainability requirements on sustainably sourced materials, water conservation, recycling, and accessibility.

2.9.4 In relation to the above policy context, the applicant has submitted a District Heat Feasibility Study and a Low Carbon Checklist in accordance with Policy 11 and the Low Carbon Supplementary Guidance. The submitted Masterplan Development Framework, Planning

Statement and Air Quality Impact Assessment also contain relevant information regarding sustainability.

2.9.5 The above Feasibility Study suggests that it would not be technically feasible or financially viable for this proposal (as a modest scale residential development), to create or connect to an existing or approved heat network given its detachment from any such facilities. They also suggested the linear heat density tests would not be met. Whilst there are proposals within FIFEplan for potential heat network aspirations and strategic ambition for connection to and/or formation of heat networks within the Council's Local Heat and Energy Efficiency Strategy (LHEES), detailed proposals for such opportunities have not yet been published. Despite this, the applicant has confirmed that they would future proof the development by identifying land safeguarded for future district heat network pipe runs to be installed within the site to allow future connection to a heat network should it become available. This reflects requirements from the Planning Services Climate Change and Zero Waste Team who did not object to the proposal subject to conditions requiring the above safeguarded land for future pipe runs within any future detailed application. This can be secured by a condition on any issued permission. Moreover, the Feasibility Study reviewed the land requirements for potential energy centres associated with any future heat network, suggesting that later phases within the Lochgelly SLA (on land to the west of the site within the applicant's control) could provide land to facilitate sub stations or small energy centres associated with any future heat network. This approach is accepted and is considered to comply with NPF4 Policy 19 with respect to facilitating and futureproofing development to accommodate heat network provision.

2.9.6 With respect to the Low Carbon Checklist, the applicant has agreed to establishing 'fabric first' design principles in any future design, alongside high levels of insulation and air tightness to minimise heat loss. Scope for low and zero carbon technologies is accepted and could be included in future detailed designs to reduce emissions arising from future dwellings. SuDS infrastructure would be provided in accordance with SEPA/Council requirements to ensure suitably controlled surface water discharge. There is a commitment to the provision of internal and external spaces for the storage of mixed recycling facilities for future properties. The future proofing of heat network connection also accords with the respective requirement and enhancements to footpath cycleways to enhance accessibility to/from the site and links to the existing bus stop on The Avenue, linking the site to Lochgelly and the local area. Combined, this accords with the respective requirements, subject to conditions requiring details of such low carbon measures as part of any detailed design application.

2.9.7 Overall, it is considered that the proposal complies with the Development Plan with regard to sustainability including NPF4 Policies 1, 2, 12, 13 and 19 and Policies 1 and 11 of FIFEplan.

## **2.10 Affordable Housing**

2.10.1 NPF4 Policy 16 (Quality Homes) aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

2.10.2 NPF4 policy 16 outlines that housing, including affordable housing, will be supported within land allocated for housing. This is the case in this instance, given that the site forms part of an SLA where residential and other uses are supported. A Statement of Community Benefit has also been submitted to respond to NPF4 Policy 16 demonstrating that the proposal meets local housing requirement, including for affordable homes. Policy 16e) also outlines requirements to provide at least 5% affordable housing within residential development proposals. In this instance the 5% requirement has been met, aligning with NPF4 Policy 16 and meeting the Council's separate requirements (within FIFEplan and Fife's Affordable Housing Supplementary Guidance). To this extent, the applicant has accepted a requirement to provide at least 5% affordable housing, equating to eight dwellings within the site, if the maximum 145 residential units can be delivered.

2.10.3 The Development Framework does not show the location of future affordable housing within the site. Future detailed applications will confirm the detailed design for affordable housing, showing that they are fully integrated with market housing and indistinguishable in design. The proposed S75 Legal Agreement will confirm the quantum, siting, delivery approach and other necessary requirements for affordable housing within the site.

2.10.4 The Affordable Housing Team was consulted on the application and did not object subject to provision of appropriate mechanism to secure 5% affordable housing delivery within the site and for the mix and tenure requirements to be confirmed with Affordable Housing as part of any future application.

2.10.5 Overall, the above approach accords with the relevant requirements within NPF4 Policy 16, subject to conditions and the conclusion of a S75 Legal Agreement setting out the above affordable housing requirements.

## **2.11 Open Space and Play Areas**

2.11.1 NPF4 Policies 18, 20 and 21, FIFEplan Local Development Plan (2017) Policies 1, 3 and 4, Making Fife's Place Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017), Fife Greenspace Audit (2010) and Play Sufficiency Assessment (2023) apply with regard to the consideration of open space and play provision.

2.11.2 Policy 1(C) of the Adopted FIFEplan (2017) states that development must provide required on-site infrastructure or facilities and provide green infrastructure as required in settlement proposals and identified in the green network map. Policy 3 of the Adopted FIFEplan (2017) outlines that green infrastructure complying with specific green infrastructure and green network requirements contained in the Making Fife's Places Supplementary Guidance (August 2018) and settlement proposals should be provided within developments. Policy 3 states that green infrastructure includes green infrastructure and green network considerations for relevant proposals including the provision and maintenance of open space (including equipped play and sport areas), amenity planting, Sustainable Drainage Systems (SUDS), paths (including those in the Core Path network), cycleways and bridleways and allotments.

2.11.3 Making Fife's Places Supplementary Guidance provides further detail in this regard. It states that large scale developments should provide a hierarchy of spaces from large park areas of over 4 hectares designed to serve the neighbourhood, to smaller pockets of open space of half or quarter of a hectare designed to serve a very local need. The number and scale of the spaces required will depend on the local context and the size of the development proposed, but generally for larger developments there will be an expectation that larger areas of active open space are provided. Fife Council aspires to provide access to a large area of open space (over 4ha) within 500m of a house and access to smaller areas of open space (around 0.2 Ha) within 250m. There should also be other pockets of very small spaces provided which serve a very local need. New housing proposals of 10 houses or more are required to provide a minimum of 60sqm of total open space per household, alongside accessible and secure equipped play, sport and recreational facilities commensurate to the scale of development. Local equipped play areas must be provided on site for developments which have over 200 houses that are more than 500m from an existing equipped play area.

2.11.4 The Development Framework contains a series of interconnected open spaces, greenspace and blue (drainage) infrastructure networks throughout the site, proportionate to accommodate the needs of future residents. This includes larger open space areas within the southern part of the site for recreation, scope for informal play (including kickabout areas) and greenspace areas, including wetland planting in the eastern boundary as part of the SuDS features and structure planting along the north western boundary separating the proposal from the existing residential development at The Piggery. The Landscape Framework outlines an indicative strategy showing how new and existing greenspace areas would be interconnected without compromising the strategic offer of existing features. This approach accords with NPF4 Policy 20b) which supports enhanced networks and requires suitable type, mix and quantum of multi-functional open space and green/blue infrastructure, subject to conditions to assess how

detailed landscape layout proposed within any future applications would accord with the above landscape principles. The site will also provide sustainable connections to the west towards future development areas in the SLA and to the north towards other public parks including xx Park, providing sufficient open space and greenspace opportunities for future residents. These areas would be well located and accessible to future residents with scope for potential future play areas should they be required.

2.11.5 Overall, the development would meet the requirements NPF4 and FIFEplan, Making Fife's Places Supplementary Guidance (2018) subject to detailed landscaping information being required through any subsequent detailed design applications.

## **2.12 Public Art**

2.12.1 NPF4 (2023) Policy 31, FIFEplan Local Development Plan (2017) Policy 4, Planning Obligations Framework Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) apply with regard to consideration of public art.

2.12.2 The key test under a NPF4 Policy 31 seeks to ensure sufficient provision for public art with new public spaces and that it reflects the diversity, culture and creativity of the local area. In this regard, the Development Framework and accompanying documentation does not confirm details for the public art strategy within the site. Requirements to provide a public art strategy can be included as a condition whereby specific public art details will be provided as part of any future detailed application. This would include a requirement to address the public art guidance within Making Fife's Places.

2.12.3 Overall, it is considered that public art proposals meeting the requirements of NPF4 Policy 31, FIFEplan Policy 4 and the respective guidance can be secured by condition.

## **2.13 Education**

2.13.1 NPF4 Policy 18, FIFEplan (2017) Policy 4, Fife Council Planning Obligations Framework Guidance (2017), HLA 2022 and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply when considering education contributions.

2.13.2 NPF4 Policy 18 requires that the impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported if it can be demonstrated that provision is made to address the impacts on infrastructure based on 'infrastructure first' principles, to ensure suitable capacity to accommodate demand.

2.13.3 Policy 4 of FIFEplan states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity, which includes contributions towards provision of additional capacity or improved/new infrastructure to mitigate the impact of a proposed development. This is reinforced in the Planning Obligations Framework Guidance which advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity.

2.13.4 In this regard, respective education contributions will be required where the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers. The Obligations Framework Guidance and the Lochgelly SLA Policy allocation within FIFEplan set out the education requirements for Lochgelly SLA including the potential for a new primary school within the wider SLA to provide future capacity for the whole SLA.

2.13.5 The Education Service has been consulted and indicates that this development is within the catchment of Lochgelly High School and St Andrew's RC High School and Lochgelly South Primary School and St Patrick's RC Primary School. In relation to the proposal and its potential cumulative impacts with respect to the Lochgelly SLA, the Education Service confirmed that there would be direct impacts from the proposal on Lochgelly South Primary School. They

outlined that modular accommodation planned for Lochgelly South Primary School would be required to provide sufficient education capacity within the school and nursery to accommodate future demand from the proposed development. As such, there is a requirement for a proportionate contribution towards this modular accommodation in Lochgelly South Primary School. Originally, the indicative cost of this modular accommodation was estimated at approximately £350,000 based on Q1 2021 costing. However, the project has now been finalised and tender costs from the Education Service confirm the cost at £483,884.25. The applicant will be required to pay their proportionate share of these contributions (indexed).

2.13.6 In reviewing the education requirements above, the Planning Authority consider that the future phasing and delivery of other parts of the Lochgelly SLA play a critical role considering the appropriateness of any education solution going forward. The delivery of the proposed development would come forward substantially in advance of any other parts of the SLA. To this extent, only one part of the SLA has come forward for development (i.e. the application site) with no known interest from any other sites within the SLA, outwith applicant's control. As such, the remainder of the SLA is continually constrained per Fife's Housing Land Audit. Provision of proportionate contributions toward the modular accommodation would mitigate the education demand from the proposed development. Such mitigation would be provided substantially before any of the remaining non-effective development sites within wider SLA come forward for development. Given this unusual situation, it is appropriate to consider the education solution to mitigate proportionate demand from the proposed development. A wider review of educational demand from the wider SLA would be more appropriately assessed at the time of any future delivery of these wider parcels of land within the SLA, which could be a substantially long time. At that time, review of the appropriate education solution will be required – to confirm whether a new school is required to accommodate demand from the delayed sites within the wider SLA. Alternatively, whether other delivery mechanisms may be appropriate including, for example, restricted build out rates. Consideration of any potential SLA-wide solution will be required to be assessed at a future date, when/if any development proposal are taken forward on the wider parts of the Lochgelly SLA. Therefore, whilst the SLA represents a small portion of the SLA coming forward, the unique circumstances and lack of progress with the remaining parts of the SLA, dictate that the Planning Authority consider the proposed development in isolation from the remainder of the wider SLA allocation. In conclusion, the development will be providing a contribution to directly mitigate the impact of this development on the existing school. At this time, the development would not trigger the need for a new primary school and the need for a new primary school is likely to be many years from now based on likelihood of other parts of the SLA coming forward in the near future. This site would not prejudice on the delivery of those sites or contribute to the need for the primary school and it is not considered appropriate for this site to contribute to contribute to a new primary school in this instance given the above.

2.13.7 The Education Service has outlined that as the site lies 'north of the A92' it may intercept both the catchment boundaries of Lochgelly South and Lochgelly West Primary Schools, albeit the assessment was undertaken based Lochgelly South. On this basis, Education Services confirmed that there is no capacity risk expected Lochgelly West Primary. They also confirmed that there is no capacity risk at St Patrick's RC Primary, Lochgelly High School or St Andrew's RC High. As such, no developer contributions will be required to address secondary school provision nor any demand at Lochgelly West Primary School.

2.13.8 Overall, there is a requirement for the proposed development to provide proportionate contributions towards new modular accommodation within Lochgelly South Primary School. The developer has agreed to provide these contributions. Additionally, no contributions are required towards secondary school provision for this proposal. The infrastructure delivery requirements associated with the proposal would therefore be accommodated by proportionate contributions towards education infrastructure. As such the education demand for the proposed development would be appropriately mitigated by the above approach according with NPF4 Policy 18 and Policy 4 of FIFEplan subject to conclusion of a S75 Legal Agreement securing respective contributions.

## 2.14 Strategic Transport Interventions

2.14.1 NPF4 Policies 13 and 18, FIFEplan (2017) Policies 3 and, Planning Obligations Framework Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply in regard to Strategic Transport Intervention Measures.

2.14.2 The Planning Obligations Framework Guidance requires suitable strategic transport mitigation is delivered to mitigate transport impacts associated with the development, as part of the Lochgelly SLA whilst the FIFEplan Policy Allocation LGY 007 requires upgrades to existing accesses or junctions based on the Lochgelly Strategic TA.

2.14.3 In this instance, appropriate developer contributions would be secured via a S75 Legal Agreement amounting to 4.3% of the total costs (indexed) of delivering three strategic transportation improvements identified within the Lochgelly Strategic TA. This includes the improvements to the below junctions as follows:

- Junction 1: Station/Bank/Auchterderran mini-roundabout: signalisation of the junction with removal of on-street parking on Auchterderran Road by the 688<sup>th</sup> residential unit within the wider Lochgelly SLA;
- Junction 2: The Avenue / B9149 roundabout - increase in the size of the roundabout, with increased flare lengths provided on the western and southern approaches by the 688<sup>th</sup> residential unit within the wider Lochgelly SLA
- Junction 3: A92 / B9149 eastbound on and off-slip crossroad – signalisation and provision of a left-turn slip onto the eastbound on-slip by the 340<sup>th</sup> residential unit within the wider Lochgelly SLA.

2.14.4 The agreed infrastructure delivery would also include the following pedestrian and footpath infrastructure constructed by the applicant:

- Footway/cycleway creation along the site frontage (The Avenue).
- Internal link road, secondary roads and pedestrian/ cycleway provision within the site, including connections to the existing Core Path network

2.14.5 TDM and Transport Scotland have been consulted and did not object to the above approach. Transport Scotland focused solely on the improvement to Junction 3 (A92/B9149) and considered that incorporation of a sufficient mechanism by the Planning Authority to ensure delivery of this upgrade by the 340<sup>th</sup> Unit would be acceptable. They agreed the above contributions and a planning condition would address this requirement. TDM also supported the proposed approach for all three improvements. They consider receipt of the above contributions would result in proportionate strategic transport improvements relative to the scale of development and would provide sufficient strategic transport infrastructure to mitigate the transport impacts of the proposed development.

2.14.6 The applicant has agreed to pay their proportionate share of contributions (i.e. 4.3%) to deliver the above strategic transport improvements within Lochgelly. The Planning Authority consider that this would satisfactorily mitigate the impact of the proposed development with respect to transportation and would result in an acceptable strategic transportation solution for Lochgelly this instance.

2.14.7 Overall, the proposal will contribute towards requisite Strategic Transport Interventions Measures applicable to the Lochgelly SLA according with infrastructure-first principles. This would provide sufficient transportation improvements that would mitigate transport impacts from the development, complying with NPF4 Policies 13 and 18 and FIFEplan Policy 3.



## 2.15 Other Infrastructure Considerations

2.15.1 NPF4 Policies 15, 16, 18, 24 and 27, FIFEplan (2017) Policies 3, 4 and 6, Fife Council Planning Obligations Framework Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply.

2.15.2 NPF4 Policy 18 requires that the impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported if it can be demonstrated that provision is made to address the impacts on infrastructure. NPF4 Policy 24 states that proposals that include sufficient digital infrastructure will be supported. Whilst such infrastructure would be provided at the detailed design stage, a condition can request confirmation of future provision accommodating this requirement.

2.15.3 The Lochgelly SLA Policy Allocation within FIFEplan outlines a series of potential infrastructure requirements to be considered as part of the wider SLA. As this site represents only approximately 5% of the wider SLA, some of the wider infrastructure delivery requirements are not applicable to the proposed development nor at this stage in the wider SLA delivery programme. Specifically, requirements to consider community facilities, including health care could be provided within other parts of the wider SLA and are not specifically relevant to this early residential phase. Also constraints in delivering on-site energy generation on such a modest proposal in an early phase of a wider development are also noted, however, the applicant has committed to safeguarding land to future proof district heat network pipe runs and to accommodate the modest land requirement for future substations or energy hubs as part of any future development to the west, on land within their control, should this be required. The requirements for a new, enhanced bus services through the SLA is not a specific need for this development. However, future proofing transportation design specifications and including scope to provide bus stops adjacent to or within the site can be included as conditions, per discussion within transportation section of this report, to ensure wider infrastructure requirements like this can be met. Cumulatively, this accords with the respective Development Plan policies above.

## 2.16 Community Benefit:

2.16.1 In relation to other community benefits, NPF4 Policy 16 (Quality Homes) requires a Statement of Community Benefit to explain the contribution housing proposals make towards meeting local housing requirements, providing/enhancing local infrastructure, facilities and services; improving the residential amenity of the surrounding area.

2.16.2 The applicant's Statement of Community Benefit identifies that there would be a balanced mix of housing to meet anticipated local needs and demands. Specific requirements would be confirmed via future detailed design applications and engagement with affordable housing providers, including the Council's Affordable Housing team. It also identifies a series of infrastructure and utility provision and enhanced community benefits within and beyond the site - including addressing existing constraints.

2.16.3 Overall, the above complies with NPF4 Policies 16, 18 and 24 and Policies 3, 4 and 6 with regard to infrastructure delivery and community benefits, subject to conditions or conclusion of a S75 Legal Agreement to secure respective infrastructure or contributions.

## 3.0 Consultation Summary

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Climate Change And Zero Waste, Planning Services	No objection subject to condition relating to futureproofing heat network pipe runs.
Urban Design, Planning Services	No objection.
Scottish Water	No objection.

Community Council	No response.
Transport Scotland	No objection subject to condition requiring strategic transport improvements or proportionate contributions.
The Coal Authority	No objection subject to conditions relating to intrusive investigations to confirm mining remediation.
Archaeology Team, Planning Services	No objection subject to condition.
Land And Air Quality, Protective Services	No objection subject to conditions relating to contamination and remediation.
Education (Directorate)	No objection subject to contributions to accommodate education demand.
Housing And Neighbourhood Services	No objection subject to S75 requiring provision of affordable housing.
Parks Development And Countryside	No response
Health And Safety Executive	No objection.
Environmental Health (Public Protection)	No objection.
Structural Services - Flooding, Shoreline And Harbours	No objection.
Scottish Environment Protection Agency	No objection.
Urban Design, Planning Services	No objection.
TDM, Planning Services	No objection – subject to conditions relating to transportation, including proportionate contributions towards strategic transport improvements.
Natural Heritage, Planning Services	No objection – subject to recommendations within Ecological Assessment.
NatureScot	No objection - Satisfied with the findings and recommendations in Ecology Report.

## 4.0 Representation Summary

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4.1 1 objection has been received in response to this application and 1 petition with 16 signatures. The issues raised in the submitted representations are summarised below.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Significant traffic generation.	2.5.9
b. Potential impact to adjacent residential property	2.4.6
c. Insufficient car parking	2.5.6
d. unreasonable noise pollution, including during construction.	2.4.5
e. Impact on natural habitat and wildlife should be taking into account	2.8.4
f. Lack of paving for pedestrians and cyclists on The Avenue	2.5.3
g. Limited crossing points for school children and no safe routes to school	2.5.3
h. requirements to introduce a bus service.	2.5.3

#### 4.2.3 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
a. Impacts to road condition from additional traffic/construction traffic	The condition of roads would be covered by Roads and Transportation Colleagues who would review suitability and consider when upgrades to the road conditions are required.
b. Impacts of construction traffic	A Construction traffic Management Plan will form part of the Construction Environmental Management Plan to minimise impacts from construction traffic on the local road network and nearby residents.
c. Traffic speeds and limited speed reduction on The Avenue	Transportation has reviewed the application and not sought additional speed reduction measures beyond those already in place on The Avenue.
d. Poor water pressure issues	This issue goes beyond the remit of this planning application and requires to be reviewed by Scottish Water or other authorities under separate regulatory regimes.
e. Views of the loch being removed	Whilst a view is not protected by Planning, the visual impact of the proposed development has been assessed and considered that it would not result in unacceptable visual amenity impacts to nearby residents.

## 5.0 Conclusions

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The assessment of this application has considered the application submission documents, the representations received from third parties and the replies to the consultation process. The proposed development is in accordance with the National Planning Policy 4 (2022) and the Adopted FIFEplan (2017) in that the site forms part of the Lochgelly Strategic Land Allocation (SLA). The development as proposed is in accordance with the Lochgelly SLA Allocation Policy LGY 007 in that the proposal is for residential development within the settlement boundary and is within part of the SLA specifically identified for housing. The accompanying Masterplan adequately demonstrates suitable design principles that will inform an acceptable layout that would have no significant adverse impact on visual amenity and the landscape. The development would have no significant impact in terms of residential amenity, transportation, drainage or natural heritage subject to mitigation and controls being implemented in the detailed applications, during the lifetime of the development and via contributions secured by a s75 Legal Agreement. The development is in accordance with the Development Plan in all regards, and there are no material considerations which would outweigh the Development Plan in this instance. The proposal is therefore considered acceptable.

## 6.0 Recommendation

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

A. A legal agreement securing the following matters:

- Securing proportionate financial contributions towards the costed modular accommodation within Lochgelly South Primary School (indexed).
- Securing proportionate contributions (of 4.3%) towards the total costs (indexed) of delivering the strategic transport improvements within Lochgelly relating to:
  - o Junction 1: Station Road/Bank Street/Auchterderran Road mini-roundabout signalisation of the junction with removal of on-street parking on Auchterderran Road;
  - o Junction 2: The Avenue / B9149 roundabout - increase in the size of the roundabout, with increased flare lengths provided on the western and southern approaches
  - o Junction 3: A92 / B9149 eastbound on and off-slip crossroad – signalisation and provision of a left-turn slip onto the eastbound on-slip
- Footway/cycleway creation along site frontage (The Avenue) in line with development phases.
- 5% Affordable Housing within the site.

B. That authority is delegated to the Head of Planning Service in consultation with the Head of Legal & Democratic Services to negotiate and conclude the legal agreement necessary to secure the obligations set out in paragraph A, above.

C. That should no agreement be reached within 12 months of the Committee's decision, authority is delegated to the Head of Planning in consultation with the Head of Legal & Democratic Services to refuse the application should this be deemed appropriate.

D. The following conditions and reasons:

### **PRE-COMMENCEMENT CONDITIONS:**

16. 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](http://www.fifedirect.org.uk/contaminatedland).

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

21. Prior to commencement of development on each phase of development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that that part of the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.

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

27. BEFORE ANY WORKS START ON SITE, 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 with 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.

### **CONDITIONS:**

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

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

2. 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) the construction of residential development and associated infrastructure (including affordable housing);

(b) the development of the road, cycleway and footpath network;

(c) engineering operations associated with infill, regrading or remediation;

(d) play provision, open space and landscaping; and

(e) the construction of SUDS facilities and drainage including all associated engineering works.

No work shall be started on the development until the written permission of this 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. Every application for Approval of Matters Specified by Condition submitted under the terms of conditions 2(a-e) shall be submitted for the written permission of this Planning Authority with the following supporting information, unless agreed otherwise between the parties, each acting reasonably:-

(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 Framework, relevant Development Brief 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 re-grading and retaining walls;

(k) Biodiversity Protection, Enhancement and Management;

(l) Updated Ecological surveys (if a year has passed since the last one was carried out);

(m) Details of the public art;

(n) A Flood Risk Assessment and detailed Drainage Strategy with validation certificates;

(o) Site investigation and remediation strategy;

(p) Construction Traffic Management Plan (including details of wheel washing facilities);

(q) Construction Environmental Management Plan (including details of contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil);

(r) Maintenance details of SUDS, water courses, drains, culverts, open space and play areas;

(s) Tree surveys of any trees to be removed and tree protection measures for trees being retained including a scheme of Supervision for the tree protection measures;

(t) locations for safeguarded land for future heat network pipe runs and future connections to potential heat networks for residential units;

- (u) Transportation Statement;
- (v) Noise assessment;
- (w) Intrusive Coal Mining Investigations and Remediation Strategy;
- (x) low carbon checklist.
- (y) Air quality impact assessment;
- (z) details addressing HSE requirements for major accident hazard pipelines; and
- (aa) landscape and visual appraisal based on agreed viewpoints from the approved LVIA.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Development Framework and supporting information approved as part of this application.

4. The residential development can include Class 9 dwellinghouses and flatted dwellings and the number of residential units developed across the whole site shall not exceed 145 units.

Reason: To clearly define the maximum number of residential units reflected within the application documentation. Also, to ensure that the scale of development does not exceed that assessed by the Transport Assessment and that the scale/operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

5. BEFORE WORKS COMMENCE ON SITE, a Biodiversity Protection, Enhancement and Management Plan required by Condition 3 shall be submitted to the Planning Authority for approval and shall include the following details unless otherwise agreed:

- Confirmation of biodiversity enhancement (overall net gain)
- Details of all biodiversity enhancement measures including, but not limited to, nature-based solutions and nature networks, linking to and strengthening habitat connectivity within and beyond the development;
- Rain gardens, swift blocks, bird and boxes, where appropriate;
- Enhancement and replacement of any trees removed;
- Planting of berry rich plants, pollinators and fruit bearing plants;
- Buffers to retained trees;
- Planting of Species rich vegetation;
- Mitigation measures identified through updated ecological survey work; and
- No vegetation clearance during the bird breeding season unless it is proven that no breeding birds are within that area of the site or mitigation is provided.

The plan shall include details of the timescale for implementation and arrangements for the long-term retention and monitoring of the biodiversity interventions proposed. Upon approval the Biodiversity Protection, Enhancement & Management Plan shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To demonstrate biodiversity enhancement within the site, avoid any significant impact on species, provide mitigation and create suitable enhancement for habitat within the area.

6. No more than 340 residential units, including this development, shall be occupied within the Lochgelly Strategic Land Allocation until strategic transport improvements at the junction of the

A92 Eastbound On & Off Slips with the B9149, generally as illustrated in Figure 4.7 “Indicative Junction Layout” in the WSP Transport Assessment Addendum (dated 2nd November 2023), have been completed; unless an alternative timescale for completion or alternative mitigation has been agreed in writing with Fife Council as the Planning Authority, in consultation with Transport Scotland.

Reason: To ensure that the impact of the development on the road network and operation of the trunk road network is adequately mitigated, cognisant of any cumulative delivery impacts associated with the Lochgelly Strategic Land Allocation.

7. No more than 688 residential units, including this development, shall be occupied within the Lochgelly Strategic Land Allocation until strategic transport improvements at the junction of Station Road/Bank Street/Auchterderran Road and the junction of The Avenue and B9149 roundabout, generally as illustrated in Figures 4.5 and 4.6 “Indicative Junction Layouts” in the WSP Transport Assessment Addendum (dated 2nd November 2023), have been completed; unless an alternative timescale for completion or alternative mitigation has been agreed in writing with Fife Council as the Planning Authority.

Reason: To ensure that the impact of the development on the road network and operation of the trunk road network is adequately mitigated, cognisant of any cumulative delivery impacts associated with the Lochgelly Strategic Land Allocation.

8. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction. Work shall ensure the carriageway width of The Avenue is not less than 6 metres.

9. 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. Where relevant applications for Approval of Matters Specified by Condition 1 are submitted they shall incorporate the following design requirements unless otherwise agreed in writing with the Planning Authority:

- The streets shall be designed to ensure vehicle speeds  $\leq 20\text{mph}$  and  $\leq 10\text{mph}$  on any shared surface streets.
- The route between the proposed western access on The Avenue and the western site boundary shall be designed and constructed to allow for potential bus services with a minimum carriageway width of 6 metres. The route shall be constructed to the western boundary of the site, or the land required to extend the road westwards being prospectively adoptable.
- The provision of a shared footway/cycleway 3 metres wide on The Avenue frontage of the site including the provision of a 140mm upstand carriageway kerb on the southern channel line.
- The provision of 1 pair of bus stops, boarders, flags, poles, and road markings on The Avenue frontage of the site.
- Dropped kerb pedestrian crossing points on The Avenue to the east of the public park access.
- Dropped kerb pedestrian crossing points on The Avenue on the public park access.



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

10. Prior to every vehicular access coming into use, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of every vehicular access with The Avenue 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.

11. Prior to occupation of the first dwelling visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal junctions and the junctions of private car parks with the internal streets 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.

12. Prior to occupation of each dwelling, all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

13. Prior to occupation of each dwelling off street parking, including visitor parking spaces, being provided in accordance with the current Fife Council Parking Standards contained within Making Fife's Places PPG and the current Fife Council Transportation Development Guidelines (Appendix G). A garage can be counted towards a parking space allocation. However, any change of use will result in less availability of parking and increased pressure to on-street parking. For this reason, a garage will only be counted subject to it being a minimum internal dimension of 7.0 metres x 3.0 metres. ELV charging points shall be provided within private parking courts.

Reason: In the interest of road safety; to ensure the provision of adequate space for parking.

14. All garages adjacent to dwellinghouses being located at least six metres from the road boundary and all driveways in front of dwellings having a minimum length of six metres from the road boundary.

Reason: In the interest of road safety; to ensure the provision of adequate space for parking.

15. Adequate wheel cleaning facilities approved by Fife Council as Planning Authority being provided and maintained 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. Details shall be submitted with the first approval required by condition application.

17. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to Condition 16. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all development work on site (save for site investigation work) shall cease immediately and the 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.

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 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.

19. The Intrusive Coal Mining Investigations and Remediation Strategy required by Condition 3 shall include a scheme of intrusive investigations which shall be carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by past shallow underground mine workings, recorded mine entries and opencast extraction. These works shall be carried out in accordance with authoritative UK guidance.

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

20. Any application seeking approval of a detailed layout of development, shall be accompanied by: the findings of the intrusive site investigations (required by Condition 19); a proposed layout plan which identifies the positions of the recorded mine entries, the extent of their potential

zones of influence, and defines suitable 'no build' zones around these features; and a proposed layout plan which identifies the alignment of buried highwalls and defines an appropriate 'no build' zones over these features.

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

22. Prior to the first occupation of each phase of development, a signed statement or declaration prepared by a suitably competent person confirming that each phase has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks.

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

23. The Air Quality Impact Assessment required through Condition 3 shall include evidence to the local authority demonstrating that the National Air Quality Strategy objectives would not be exceeded. The methodology shall be agreed with the Council and other relevant regulatory bodies, and shall include an appropriate air quality impact assessment of the proposed development. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and other relevant regulatory bodies, and thereafter implement it in accordance with said details.

Reason: To protect air quality

24. The Construction Environmental Management Plan (CEMP) required through Condition 3 shall include a pollution protection measures to avoid an impact on the environment. 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 provide the following details:

- Site working hours;
- Tree protection measures for trees within the site to be retained and trees outwith the site to be protected;
- Adherence to good practise in protecting the environment and ecology;
- Measures to comply with the Biodiversity Protection, Enhancement and Management Plan;
- Noise and vibration suppression;
- Dust Management Plan; and
- Protection of water environment.

Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provision of the approved Scheme. Any amendment to such a Scheme will require the prior written approval of the Planning Authority following appropriate consultation.

Reason: To ensure the environment in and around the site and residential amenity is protected during construction.

25. The Construction Traffic Management Plan (CTMP) required by Condition 3 shall provide a construction traffic routing plan and phasing arrangements for the site. It shall include also

include 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, site operatives parking area, traffic management required to allow off site operations such as public utility installation shall also be provided.

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

26. NO BUILDING SHALL BE OCCUPIED UNTIL a noise assessment required by Condition 3 demonstrates that the detailed 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 the roads and any other noise generators. 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 urban design requirements of the Masterplan hereby approved:

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with Development Framework 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 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 BS 8233:2014 or other method approved in writing by the 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 urban design requirements of the approved Masterplan Framework.

In relation to noise levels in outdoor amenity areas, 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 urban design requirements of the approved Masterplan.

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.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Steve Iannarelli, Strategic Development Manager

Report reviewed and agreed by Mary Stewart, Service Manager

26 June 2024

Agenda Item No. 6

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**Application for Planning Permission (EIA Development)**

**Ref: 23/02886/EIA**

<b>Site Address:</b>	<b>Comrie Colliery Saline Road Kinneddar</b>
<b>Proposal:</b>	<b>Major development: leisure &amp; tourism, employment, retail, care village, residential, renewable energy, open space, landscape works, paths &amp; associated works</b>
<b>Applicant:</b>	<b>Comrie Development Company Ltd, 17 Links Gate Lytham St Anne's</b>
<b>Date Registered:</b>	<b>18 October 2023</b>
<b>Case Officer:</b>	<b>Martin McGroarty</b>
<b>Wards Affected:</b>	<b>W5R01: West Fife And Coastal Villages</b>

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**Reasons for Referral to Committee**

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This application requires to be considered by the Committee because it is a Major application under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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## 1.0 Background

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### 1.1 The Site

1.1.1 The proposed development site is located on brownfield land within a rural landscape to the northwest of the village of Comrie in the west of Fife. The proposal relates to the site of the former Comrie Colliery (which was sunk and began production between 1936 and 1939, and which closed in October 1986), and its environs; covering a total area of 181.3 hectares within an irregular application boundary, enclosing undulating land at levels mainly between 85m and 110m AOD. There are also peripheral areas of enclosed farmland and plantation woodland within the proposed development site.

1.1.2 The site sits around 500m to the north of the settlements of Blairhall and Comrie, 730m west of Kinneddar Park, and 1.5km southwest of the village of Saline. The main site access (currently the HGV access for the site) is taken from the A907 Dunfermline to Alloa road, whilst a secondary access (currently used for car access) is taken off the private road which runs

west/east from the C19, Oakley to Saline, road at its junction with Kinneddar Park. Lockshaw Mosses Site of Special Scientific Interest (SSSI) lies immediately to the western edge of the proposal site. To the southwest, outwith the application site, sits the Orica explosives facility. To the north are the agricultural field units around Standalane Farm; to the east are the field units associated with Bickramside Farm and 12 hectares of despoiled land associated with the former colliery entrance and main colliery site, whilst to the south are the field units associated with Shepherdlands Farm.

1.1.3 Originally covering in excess of 400 hectares, including 50 hectares of spoil heap (or “bing”), the former Comrie Colliery site is a significantly degraded site, recognised as the largest remaining area of post-industrial dereliction in Fife, and within the top 20 such sites in Scotland. The formation of the bing at Comrie Colliery was the result of deep-mined colliery waste being tipped on virgin ground since the early 1940s, and at its maximum extent rose around 40m from ground level and was subject to spontaneous combustion. Over the last two decades however, the bing has (in a piecemeal fashion) been extinguished, reduced, re-profiled, and largely removed from the site.

1.1.4 This piecemeal approach to the rehabilitation of the site has taken various forms over the years. Some areas of shallow coal were removed from the site, with profits from that allowing work to be done on the bing to uncover and extinguish the burning areas, and to gradually reduce the height of the bing. The bing was also the subject of recycling attempts, which led to some reduction and reshaping of the bing, but progress towards a comprehensive restoration of the wider colliery site from these was painfully slow, given the size of the task and the marginal economic nature of the recycling work being carried out. More significant progress towards rehabilitation of the site was made in 2021/2022, when the last 2 hectares of the bing were transported off site and relocated to the Valleyfield Ash Lagoons, to be used as capping material in a land reclamation project associated with the closure of the Longannet Power Station.

1.1.5 Despite steady, but slow, work to rehabilitate the colliery bing carried out under various owners/operators over the last two decades, this remains a significantly environmentally degraded site and its challenges remain substantial. The former Colliery pit head area extends to around 12.1 hectares. In addition to remaining areas of concrete hardstanding, the former pit-head area also contains foundations for previous buildings, drainage culverts and service ducts. Two access shafts (for the winding of men and materials) also exist on the site, which are the subject of proposals to access the minewater below the ground for geothermal heat as part of this application. Of the former buildings on site, only the Pug Shed remains in any form (a Pug is a shunting train) and this is also the subject of proposals for a museum as part of this application. The remainder of the site contains some stockpiled mineral material, settlement and water management ponds, an existing water-filled void, and an area of land at Bickramside that was previously subject to opencast mining, and which needs to be reinstated.

1.1.6 Also within the application boundary is the site of the former Rexco smokeless fuel briquette plant, Bickram Wood and the line of the former mineral railway which runs southeast out of the site towards the village of Comrie. The application boundary also contains, to the north of the Colliery site, a triangular area that was formerly opencast and has been restored to agriculture.

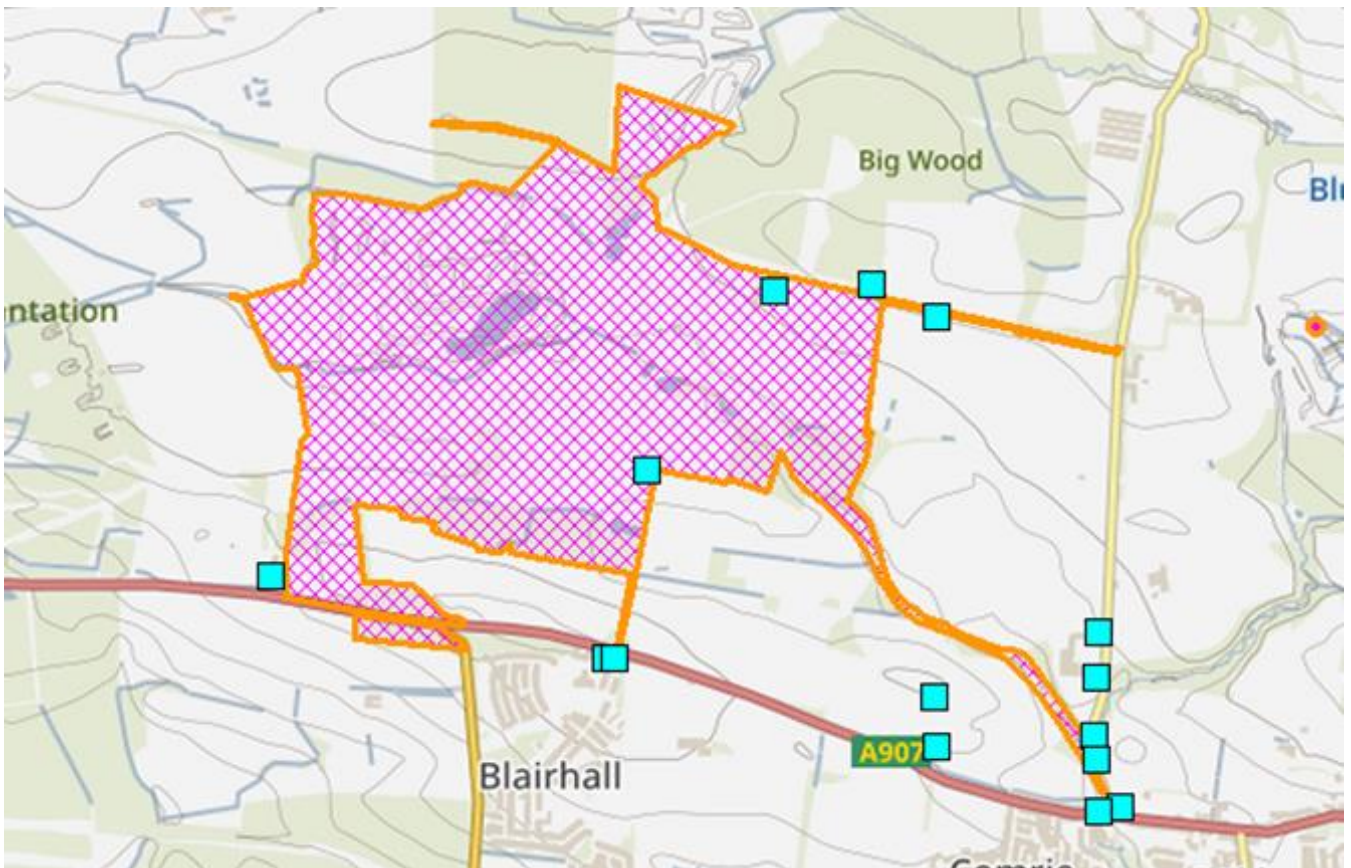
1.1.7 The former Rexco smokeless fuel briquette plant was located to the east of the pit head area near Bickram Wood. This site was operated under lease from 1963 until its closure in 1986, covers approximately 7 hectares, and is characterised by its thin soils and weed cover on the ground. The adjacent Bickram Wood is now securely fenced off as previous intrusive sampling from the area has shown high cyanide concentrations. This contamination has, over the years, variously been attributed to residue scraped from the bottom of locomotives that would have been stationed nearby to the north on the former railway tracks leading to the colliery, and/or to the unauthorised dumping of the chemical “Blue Billy” during World War Two.

Discussions in 2019 between the previous landowner, Fife Council's Land and Air Quality Team, and SEPA, established that the best practicable environmental option for dealing with this fenced-off site of legacy contamination was to leave it undisturbed, and this position is maintained in this development proposal.

1.1.8 Unlike recent successful West Fife land reclamation projects overseen by Fife Council at the huge abandoned opencast sites of St Ninians, Muirdean and Blair House, the dereliction caused at the site of the former Comrie Colliery did not come about through an opencast coal operation which had a significant restoration bond attached to its planning permission. This site represents a long-term legacy of deep mining and associated contaminating uses and no significant funds are therefore available to the public purse or the landowner to deliver an appropriate and comprehensive restoration of the site in a timely and economic manner. Some funding was directed towards keeping site reclamation going around 15 years ago from the value created from two housing sites – one in Blairhall and one in Saline – under the original site owner. A modest financial bond of around £400k arising from an earlier planning permission on the site was also called upon around 2018/2019; the proceeds of that were used to re-survey the bing and provide capital funding to allow reclamation and re-profiling of the bing to continue whilst the original site owner was in liquidation.

1.1.9 All of this leads to a position where the development proposal being made is required to represent a viable economic proposition, in its own right, so that the value created from the various land uses proposed can cover the significantly abnormal land engineering costs attached to the site's development. To that end, the applicant has submitted an economic business case appraisal, on an "open book" basis, to detail the costs of the development and evidence how the higher value proposed land uses (such as housing) are required to offset the significantly abnormal land remediation and development costs.

#### 1.1.10 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The proposed development is a major Planning Permission in Principle (PPiP) application for a leisure- and tourism-led masterplan development also comprising employment, retail, retirement homes, residential, renewable energy, open space, landscape works, paths & associated works. An indicative masterplan showing a proposed development layout is submitted with the application.

1.2.2 The Comrie Colliery site is allocated in the FIFEplan for restoration, to provide tourism and leisure uses.. Whilst a level of rehabilitation has been undertaken, as indicated in paragraph 1.1.3, the site remains significantly degraded and is currently not suitable for development. The Colliery requires a significant level of remediation, restoration and earthworks to restore the land to a viable landform profile and enable site revegetation to improve biodiversity, re-establish sustainable surface drainage and realise the tourism and leisure and environmental opportunities for the site. These works include:

- Site Investigations and development of phased Earthwork Strategy;
- Bulk earthworks to complete grading and infilling of working areas and voids;
- Bulk shaping / grading and landforming;
- Profiling of landform to stable profiles and levels;
- Creation of platforms for development;
- Profiling of surface water courses and retention/detention of drainage ponds;
- Soil and sub-soil management and soil deposition / grading for restoration;
- Local remediation/ disposal of localised unsuitable on-site materials; and
- Local grading and shaping to secure levels meeting accessibility requirements.

1.2.3 In addition to the bulk earthworks and grading pre-development site-wide works would involve:

- Development of site-wide access infrastructure (all transport modes);
- Development of service wayleaves and corridors for site utilities;
- Provision of major site utilities (power/water/telecom-digital networks);
- Provision of Waste Water Treatment Plant; and
- Re-establishment of surface water drainage networks.

1.2.4 Once remediated and prepared for development, the site is proposed to accommodate the following key land uses:

- Up to 420 Tourism Chalets/Lodges (24.76Ha);
- Up to 160-bed Hotel/Spa/Hospitality complex (10.86Ha);
- Up to 320-unit Care Village complex (10.7Ha);
- Up to 40.4Ha of renewable (solar) energy;
- No less than 5,000m<sup>2</sup> floorspace of Employment (industrial) land (9.36Ha);
- Up to 1,000m<sup>2</sup> floorspace of Farm Shop/Garden Centre retail;
- Up to 1,000m<sup>2</sup> floorspace of ancillary retail;
- Up to 185 Residential units (15ha);
- Pug Shed Heritage Centre (Up to 1,800m<sup>2</sup>);
- 9-hole Pitch and Putt Golf Course (Up to 19Ha);
- No less than 40Ha of Greenspace (Central Park, Woodland, Habitat Zones and Waterbody).

### Leisure and Tourism Uses

1.2.5 Chalet & Holiday Pod Accommodation providing up to 420 units (c25ha) of tourism/leisure style resort development accompanied by a services support building, all set within a landscape

environment. Hotel and Hospitality uses (hotel/licensed leisure visitor centre/gym/spa) clustered centrally (c10.86ha) providing a destination for visitors and service support, and leisure facilities for the whole site. The hotel will look to support a range of facilities linked to the small conference/wedding and tourism markets (Fife Golf Leisure / Knock Hill Events / Outdoor Leisure). The proposals include a multi-purpose visitor centre, Par 3 golf course, outdoor active leisure and high amenity waterside lochan and event space (weddings/conferences/events), which would be co-located with the hotel.

### Care Village

1.2.6 Up to 320 retirement properties providing a mix of housing (retirement homes/sheltered housing - warden assisted living/supported care, including ancillary services health care/leisure day centre facilities within a village setting. The care village concept is modelled on an existing facility in South Lanarkshire, in which a community spirit is fostered with activities and facilities all provided within strolling distance.

### Renewable Energy

1.2.7 Up to 40.4Ha (100 acres) of the site are reserved for renewable energy development, in the form of solar farm. Energy generation will support a private wire local energy network (net zero) with future capacity in other areas of renewables. Other elements of renewables will include battery storage, ground source heat pumps, and/or district heating based on ongoing geothermal feasibility studies (using the mine water from the shafts of the former Comrie Colliery).

1.2.8 Comrie Colliery represents an opportunity to create a flagship low-carbon heating system for residential, commercial or leisure site development, with options to use both geothermal heating and thermal energy storage on the site. Strathclyde University, working with the applicant, has undertaken a series of detailed site assessments and technical modelling of the Comrie Site for geothermal heat recovery, which has concluded that Comrie represents potentially one of the best sites in Central Scotland for geothermal heat recovery. The mine water resource at Comrie is estimated to be at least 18°C and covers a subsurface area of 4 km<sup>2</sup>. Similar flooded workings elsewhere have been estimated to contain up to 4 billion litres of warmed water. Successful development of the Comrie Colliery Mine Water project would support NPF4's overarching objective of achieving a Just Transition to Net Zero and support investment in carbon neutral development in West Fife; could be an exemplar of Net Zero development; and be a highly attractive site for carbon-conscious tourists and prospective home or business owners.

### Employment Uses

1.2.9 The provision of no less than 5,000m<sup>2</sup> floorspace of flexible, sub-divisible light industrial units providing small/micro workspace and small business space for local enterprise activity would represent a much-needed investment in local job opportunities for the West Fife Villages area.

### Retail Uses

1.2.10 The proposed development includes up to 1,000m<sup>2</sup> Farm Shop/Crafts/Garden Centre, paired with up to 1,000m<sup>2</sup> ancillary hospitality (hotel /leisure cluster) accounting for a combined total of up to 5,000m<sup>2</sup> of supporting retail/commercial uses across the site. These are to be co-located with the Pug Shed cultural heritage facility, providing a central site destination to strengthen the local living aspirations of the proposed development, in the context of enhancing facilities for the surrounding villages of Saline, Kinneddar Park, Blairhall, Oakley and Comrie.

### Residential

1.2.11 Up to 185 units of medium and low density residential advanced as enabling development to support site remediation and site masterplan commitments, including affordable housing units integrated with mainstream housing.

#### Landscape and Blue/Green Network Uses

1.2.12 Native woodland planting will be provided on site to encourage a biodiverse habitat accessible via a network of paths. The remainder of the development areas would be given to associated landscaping, service facilities, surface water drainage, internal access roads and paths, infrastructure (including rail infrastructure), parking and other ancillary development.

#### Community Heritage Hub

1.2.13 A new community based cultural heritage centre of up to 1800m<sup>2</sup> is proposed in the old Pug Shed in the north of the site, which will preserve and re-use the last visible structural link with the former Colliery Colliery. This will be co-located with the proposed retail elements, providing a central site destination to strengthen the local living aspirations of the proposed development, in the context of enhancing facilities for the surrounding villages of Saline, Kinneddar Park, Blairhall, Oakley and Comrie.

#### Proposed Development Phasing

1.2.14 The applicant proposes to develop the site in 4 phases, which would be Tourism and Leisure uses led, along with the provision of place-making and environmental/greenspace core infrastructure, in Phases 1 and 2, with the proposed housing elements being proposed to be developed in Phases 3 and 4. A detailed breakdown of all the uses and their proposed phasing is as follows:

- PHASE 1: Lodges and chalets (40% complete); engineering infrastructure (40% complete); Place-Making (core infrastructure); Greenspace/Environmental (core greenspace).

- PHASE 2: Lodges and chalets (80% complete); engineering infrastructure (80% complete); Solar Renewables (50-80% complete); Employment and Industry (80% complete); Pug Shed redevelopment (100% complete); Garden Centre (100% complete); Place-Making (core infrastructure); Greenspace/Environmental (core greenspace).

- PHASE 3: Hotel and Spa (60% complete); Lodges and chalets (100% complete); Employment and Industry (100% complete); Retail (70% complete); Golf Course (100% complete); Housing (40% complete); engineering infrastructure (100% complete); Solar Renewables (100% complete); Retirement Village (40% complete); Geothermal Heat (100% complete); Greenspace/Environmental (100% complete).

- PHASE 4: Hotel and Spa (100% complete); Retirement Village (100% complete); Retail (100% complete); Housing (100% complete); Greenspace/Environmental management (ongoing).

### 1.3 Relevant Planning History

99/01056/WEIA - Extraction of coal by opencast methods; the reclamation of derelict land, the remediation and disposal of contaminated material, formation of access roads and ancillary mining development, with restoration to agriculture and woodland - Refused - 27/03/02

07/00605/WFULL - Deposition of inert soil material and formation of temporary containment pond with associated car park, offices and wheel wash - Withdrawn - 24/10/07

08/00607/EIA - Reclamation of derelict colliery bings and the extraction of coal and fireclay by surface mining methods with supporting ancillary infrastructure - Approved with Conditions following the conclusion of a legal agreement - 15/03/10

09/02742/PAN - Proposal of application notice for mineral extraction by opencast methods - Agreed - 19/04/10

10/01458/EIA - Reclamation and extraction of coal and red shale by surface mining methods, restoration and re-profiling of existing colliery bings and associated contaminated land, and the formation of an ancillary haulage road, staff and storage facilities - Approved with Conditions following the conclusion of a legal agreement - 18/08/11

13/03396/FULL - Reclamation and extraction of coal and red shale by surface mining methods, restoration and re-profiling of existing colliery bings and associated contaminated land, and the formation of an ancillary haulage road, staff and storage facilities (Variation of Condition 55 (timing of completion of site restoration works) of planning permission 10/01458/EIA) - Approved with Conditions - 06/02/14

19/00616/FULL - Erection of construction and demolition waste recycling facility as part of the restoration of the former Comrie Colliery Bing - Pending Legal Agreement

19/00843/FULL - Restoration of former Comrie Colliery Bing (Phase 1) - Pending Legal Agreement -

21/03214/PN - Prior Notification of the removal of colliery bing material - Approved with Conditions - 15/10/21

22/02561/PAN - Proposal of Application Notice for Major development comprising leisure and tourism, employment, retail, retirement homes, residential, geothermal energy, open space, landscape works, paths and associated works - Agreed - 11/08/22

22/04311/SCR - Screening request for mixed use development including leisure and tourism uses, employment, retail, retirement homes, residential, renewable energy, open space, woodland planting and management, path and cycle network and associated works – EIA Required - 02/02/23

23/01062/SCO - EIA Scoping Opinion for proposed redevelopment of Comrie Colliery including residential, leisure, tourist accommodation, care village, golf course, employment uses, retail, renewable energy (including geothermal heat extraction) open space, woodland planting and associated works (following EIA Screening Opinion 22/04311/SCR) - Scope of EIA Agreed - 31/05/23

## **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 Major development comprising leisure and tourism, employment, retail, retirement homes, residential, geothermal energy, open space, landscape works, paths and associated works was submitted to Fife Council and approved on 11th August 2022. 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 The application was advertised in the Courier as being a Schedule 3 ('potential bad neighbour') Development.

Environmental Impact Assessment Process

1.4.4 A Screening Opinion issued by Fife Council under reference 22/04311/SCR determined that this application requires assessment in accordance with the Environmental Impact Assessment (Scotland) Regulations 2017, and an Environmental Statement (ES) has been submitted with this application. A subsequent Scoping Opinion issued by Fife Council (23/01062/SCO) provided guidance on the various matters that the ES would have to address when the application was submitted.

1.4.5 The ES which accompanies this planning application includes chapters on:

- Biodiversity, Protected Species and Habitats;
- Land Use, Geology and Soils;
- The Water Environment;
- Air Quality;
- Noise;
- Landscape and Visual Assessment, Traffic and Transport;
- Climate Change; and
- Disruption Due to Construction.

1.4.6 Each chapter of the ES includes information relating to the key planning and policy context of the relevant impact being examined in the chapter, baseline conditions of the site and its surroundings, an identification and evaluation of key impacts (including cumulative impacts), details of design-based mitigation and other proposed mitigation, and the residual effects of the development. The Environmental Impact Assessment (Scotland) Regulations 2017 suggests consideration should be given to alternative development options for a site, and the submitted ES presents the reasoning for the choice of the site and its location, as well as the development land uses mix being proposed.

1.4.7 With the submission of the ES, the relevant statutory consultees have been 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)**

1.5.1 NPF4 sets out the overarching spatial strategy to achieve a net-zero, sustainable Scotland by 2045. The policies of NPF4 that are most relevant to this application are as follows:

- Policy 1 (Tackling the climate and nature crises)
- Policy 2 (Climate mitigation and adaptation)
- Policy 3 (Biodiversity)
- Policy 5 (Soils)
- Policy 6 (Forestry, woodland and trees)
- Policy 7 (Historic assets and places)
- Policy 9 (Brownfield, vacant and derelict land and empty buildings)
- Policy 11 (Energy)
- Policy 12 (Zero waste)
- Policy 13 (Sustainable transport)
- Policy 14 (Design, quality and place)
- Policy 15 (Local Living and 20-minute neighbourhoods)
- Policy 16 (Quality homes)
- Policy 17 (Rural homes)
- Policy 18 (Infrastructure first)
- Policy 19 (Heat and cooling)
- Policy 20 (Blue and green infrastructure)

- Policy 21 (Play, recreation and sport)
- Policy 22 (Flood risk and water management)
- Policy 23 (Health and safety)
- Policy 24 (Digital infrastructure)
- Policy 25 (Community wealth building)
- Policy 26 (Business and industry)
- Policy 27 (City, town, local and commercial centres)
- Policy 28 (Retail)
- Policy 29 (Rural development)
- Policy 30 (Tourism)
- Policy 31 (Culture and creativity)

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

1.5.2 The Local Development Plan (LDP) for Fife is the adopted FIFEplan, and the LDP policies that are most relevant to this application are as follows:

- Policy 1 (Development Principles)
- Policy 2 (Homes)
- Policy 3 (Infrastructure and Services)
- Policy 4 (Planning Obligations)
- Policy 5 (Employment Land and Property)
- Policy 6 (Town Centres First)
- Policy 7 (Development in the Countryside)
- Policy 8 (Houses in the Countryside)
- Policy 10 (Amenity)
- Policy 11 (Low Carbon Fife)
- Policy 12 (Flooding and the Water Environment)
- Policy 13 (Natural Environment and Access)
- Policy 14 (Built and Historic Environment)

### **National Guidance and Legislation**

- Local Living and 20 Minute Neighbourhoods – Draft for Consultation (Scottish Government, April 2023)

### **Supplementary Guidance**

1.5.3 The pieces of Supplementary Guidance (SG) to the adopted FIFEplan that are most relevant to this application are as follows:

- Making Fife's Places SG (August, 2018);
- Affordable Housing SG (October, 2018); and
- Low Carbon Fife SG (January, 2019).

### **Planning Policy Guidance**

- PAN 1/2011 Planning and Noise

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development (2.2)
- Visual Impact/Design and Layout (2.3)
- Residential Amenity (2.4)
- Transportation/Road Safety (2.5)
- Flooding and Drainage (2.6)
- Contaminated Land and Air Quality (2.7)
- Natural Heritage and Trees (2.8)
- Impact on the Cultural Heritage (including Archaeology) (2.9)
- Sustainability (2.10)
- Affordable Housing (2.11)
- Education (2.12)
- Community and Economic Benefit (2.13)

## 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 The global climate emergency and the nature crisis have therefore formed the foundations for 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 The Fife Local Development Plan (LDP) – FIFEplan – was adopted in September 2017. FIFEplan LDP encourages the delivery of sustainable urban growth and regeneration, seeking new, high-quality development to achieve this.

2.2.4 As has been outlined in Section 1.0 of this Report of Handling, there is a specific reason why this site is being promoted for development. It is important therefore to highlight, in terms of assessment against the Development Plan policy framework, that this proposal does not involve a random site, with no planning status, chosen by the developer to exploit the benefits of building in the countryside. Rather, there is an overriding and long-established need to rehabilitate the most significant remaining area of post-industrial dereliction in Fife, and to repair the damage caused by years of coal mining and other injurious industrial uses in this location.

2.2.5 This settled position has been the driving force behind the Development Plan policy framework for this site for many years, and the former Comrie Colliery site is identified as proposal LWD018 in FIFEplan. The site is noted as an "Other Proposal" which presents an opportunity to assist the funding of the rehabilitation of this derelict and contaminated site through:

- on-site coal operations.
- off-site housing development (Blairhall and Saline); and
- post rehabilitation leisure or tourism activity and associated housing.

Proposal LWD018 further indicates that “no specific housing allocation is identified at this time given the nature of ground conditions on site. A housing allocation can however be considered where this enables tourism and leisure led activity as part of the site’s long-term remediation.”

2.2.6 Given that the FIFEplan was adopted in 2017, the first two of these mechanisms have been overtaken by the passage of time, as outlined in paragraph 1.8 of this Report of Handling. This leaves the current LDP policy framework for the post-rehabilitation development of the site predicated on the delivery of leisure or tourism related activity and associated housing development. With the 2017 LDP position clear, therefore, the acceptability of the principle of this proposed development on this site now falls to a consideration of the policies of the newer NPF4 and whether the increased emphasis on sustainable development in addressing the climate emergency over-rides the settled LDP position of land rehabilitation and tourism-led redevelopment of the site.

2.2.7 This is the fundamental point in assessing whether this development proposal is acceptable in principle – on balance, do the benefits to the environment, climate, community and economy that would be likely to arise from this development outweigh the adverse effects on those parameters brought about by the introduction of new development in this countryside location? The reason for this development being promoted in this specific location has already been set out in paragraph 2.2.4 of this Report of Handling, but a crucially important element that needs to be addressed in the context of reading NPF4 as a whole is to establish why this site “needs” to be rehabilitated and redeveloped at all.

2.2.8 The first point in establishing need is the impact which the continued degradation of the land is having on the local communities. Two recent major studies have highlighted the negative and adverse impacts of vacant and derelict land (VDL) on communities and the need to accelerate brownfield land restoration. This important factor in interpreting the overall NPF4 approach to guiding development in Scotland relates to the impact that living in the vicinity of despoiled, degraded and contaminated land has on people. Such published research into economy, health and wellbeing underpins the inclusion in NPF4 of policies such as Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings).

2.2.9 The Scottish Government’s Scottish Vacant and Derelict Land Survey (SVDLS) 2019 notes evidence of a spatial association between interaction with VDL and impacts on physical health regarding poorer health outcomes, population health and life expectancy. As well as reducing the need to build on greenfield sites therefore, promoting and facilitating the reuse of VDL sites such as Comrie Colliery specifically addresses the impacts on physical and mental health experienced by people living in and around degraded environmental sites. The SVDLS also indicated that VDL can negatively impact community wellbeing; reported effects range from increased anxiety levels, agitation and anger to increased incidence of crime and antisocial behaviours. Perceptions of risk to health from contaminated sites can also impact wellbeing and may contribute to poorer physical health outcomes, whilst VDL may inhibit or prohibit movement through an area influencing feelings of personal safety and restricting interaction/use. Evidence also suggests that communities in areas of higher deprivation interact with VDL. For context: 9650 people live within 5kms of this site and over 53,000 people live within 10 kms of this site; within that 10km radius of the site, there are 5 of the top 20 Most Deprived (20 percentile) areas in Scotland, as indicated by the Scottish Index of Multiple Deprivation.

2.2.10 The 2020 Transforming Vacant and Derelict Land report by the Scottish Land Commission notes that life expectancy in Scotland is lower than elsewhere in the UK and that this cannot simply be explained by differences in socio-economic conditions. Even after adjusting for differences in poverty and deprivation (the main causes of poor health in any society) around 5,000 more people die in Scotland each year than should be the case. Research has been undertaken to understand the major causes of Scotland’s “excess mortality” and one of the factors identified was an “adverse physical environment.” The report further indicates that “it is difficult to think of a single major area of Scottish public policy that would not benefit from a concerted national effort to bring these sites back into use. Focusing on these sites as a vehicle for delivery could help to enhance policy coordination across civic Scotland by



concentrating effort and resources where they are most needed – a tangible example of the Place Principle in action.”

2.2.11 The second, and perhaps more fundamental, point in establishing need and setting the context within which NPF4’s policy aims must be judged when considered as a whole document, is the principle of “Just Transition”. “Just Transition” is the first of NPF4’s six overarching spatial principles for planning Scotland’s future places. This principle reflects the Scottish Government’s intention to empower people to shape their places and ensure the transition to net zero is fair and inclusive and is listed as having a policy impact on 32 of the 33 NPF4 policies – more than any of the other 5 overarching spatial principles in NPF4. The communities affected by the legacy of coal mining and other injurious industry on this site, whilst initially having the benefit of local employment, have since had to accept the loss of jobs and the significant despoilation and contamination of a huge swathe of land in their local environment. This has been the position that has existed for many years in the area around Comrie, Oakley, Blairhall, Kinneddar and Saline, and the decline in the environment mirrors the decline in local employment opportunities and economic wellbeing. In much the same way as accepted Planning practice emphasises that the exploitation of minerals can only occur where those minerals lie, it follows logically that dealing with the legacy of that mineral exploitation can only occur where that exploitation occurred. To ensure that the transition to a net zero society is fair and inclusive – i.e. a “Just Transition” – opportunities for the sustainable rehabilitation and redevelopment of sites such as Comrie Colliery, which offer the prospect of restoring the local environment and providing economic benefits to the surrounding communities after years of injurious exploitation, should be encouraged.

2.2.12 It is within the above Development Plan policy context then, that the acceptability in principle of this mixed-use development proposal must be assessed. It should also be borne in mind that, as this is an application for Planning Permission in Principle, so at this stage the proposal requires simply to evidence that the proposed uses either already are, or could be made to be, compliant with the Development Plan, subject to greater detail on the final make-up of the development proposal, the imposition of conditions and further dialogue with statutory consultees that would come through at the detailed planning application(s) stage.

2.2.13 NPF4 Policy 9 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 order to fully assess the acceptability of the principle of the development proposal as a whole, it is essential to examine compliance with the development plan in terms of each of the component uses.

#### Leisure and Tourism Uses

2.2.14 Leisure and Tourism uses are specifically envisaged in the FIFEplan proposal (LWD018) covering the application site. The form and scale of the Leisure and Tourism uses proposed needs to be assessed in further detail against all relevant Development Plan policies, but the principle of a Leisure and Tourism-led redevelopment of the site has been established through the adopted FIFEplan, under proposal LWD018.

2.2.15 Policy 29 (Rural Development) of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected. This policy further states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and consider the transport needs of the development as appropriate for the rural location.

2.2.16 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. This policy requires that tourism related development will take into account the contribution made to the local economy; the compatibility with the surrounding area in terms of

the nature and scale of the activity and impacts of increased visitors; the impacts on communities, for example by hindering the provision of homes and services for local people; opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas; accessibility for disabled people; measures taken to minimise carbon emissions and opportunities to provide access to the natural environment.

2.2.17 The Community Heritage Hub proposed as part of the development mix would fall within the Leisure and Tourism heading, and would also align with the policy intent of NPF4 Policy 7 (to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places) through saving the old Pug Shed building, which is the last of the colliery buildings standing on site. The retention and re-use of the building also serves to provide a tangible link to the historic use of the site, thus providing a key element for the creation of a development which has a sense of place.

#### Residential Uses (including Care Village)

2.2.18 NPF4 Policy 16 (Quality Homes) states that development proposals for new homes on land allocated in the LDP will be supported. Whilst enabling residential development is specifically envisaged in the FIFEplan proposal (LWD018) covering the application site, the site is not specifically allocated for residential development.

2.2.19 NPF4 Policy 16 (f) sets out the circumstances in which development proposals for new homes on land not allocated for housing in the LDP will be supported provided that the proposal is supported by an agreed timescale for build-out and that it is otherwise consistent with the plan spatial strategy and other relevant policies, including local living and 20 minute neighbourhoods and the proposal is consistent with policy on rural homes.

2.2.20 NPF4 Policy 17 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.

2.2.21 NPF4 Policy 16 also states that proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. NPF4 Policy 16 indicates that such provision could include homes for older people, including supported accommodation, care homes and sheltered housing. FIFEplan LDP Policy 2 (Homes) notes that Fife Council will seek to ensure that there is a distribution of residential care provision throughout Fife. Whilst this is envisaged primarily to be in or adjacent to existing predominantly residential areas, the establishment of residentially based care in the community facilities in other areas can be supported where a good quality residential environment can be assured and where there are no other locations available, or where other special circumstances prevail.

2.2.24 The need to restore the site is accepted and restoration has strong support from NPF4. It is also accepted that restoration will not occur without intervention, given the size of the site and the investment required.

2.2.22 Up to 185 units of medium and low-density residential development is proposed, along with a retirement village comprising up to 320 properties providing a mix of retirement homes, sheltered housing with warden assisted living / supported care, including ancillary leisure and day centre facilities.

2.2.23 Whilst FIFEplan proposal (LWD018) accepted that residential development would be required to fund the restoration of the site, it was envisaged that allocated housing sites in the surrounding area would provide the required funding. Since the site was allocated, restoration work has proceeded as envisaged, but it is estimated that full restoration of the site will require a further investment in excess of £10 million.

2.2.24 Whilst the form and amount of enabling residential development required to facilitate remediation and redevelopment of the whole site needs to be assessed in further detail against

all relevant Development Plan policies, the principle of residential development on the site can be accepted in terms of the support offered by NPF4 Policy 17.

## Renewable Energy Uses

2.2.25 Policy 11 (Energy) of NPF4 states that proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and these include enabling works, such as grid transmission and distribution infrastructure. The policy further 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 also advises that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Renewable energy development, in the form of a solar farm, is a major element of the enabling development required to fund the remediation and land restoration of the site prior to development taking place. Significant energy generation on site also creates the opportunity for the whole development, of itself, to be as sustainable as it can be in this location, supporting a private wire local energy network (net zero) with future capacity in other areas of renewables including battery storage, ground source heat pumps, and/or district heating based on ongoing geothermal feasibility studies (using the mine water from the shafts of the former Comrie Colliery). The solar element of the proposal would also comply, in its own right, with Policy 29 of NPF4 as it is essential infrastructure, and Policy 29 supports essential infrastructure applications of this type within the countryside.

## Employment Uses

2.2.26 Policy 29 of NPF4 states that proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including essential infrastructure. This policy further advises that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area, whilst they should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.27 Approximately 5000m<sup>2</sup> floorspace of flexible, sub-divisible light industrial units providing small/micro workspace and small business space for local enterprise activity, as is proposed here, could be considered in compliance with the Development Plan framework, depending on greater detail being provided. The inclusion of employment opportunities within the development proposal also supports local living for both future residents of the development and the surrounding rural communities and this use is therefore acceptable in principle at Planning Permission in Principle stage.

## Retail Uses

2.2.28 NPF4 Policy 28, part c, offers policy support for proposals for new small scale neighbourhood retail development where the proposed development contributes to local living, including where relevant 20-minute neighbourhoods and/or can be demonstrated to contribute to the health and wellbeing of the local community. NPF4 Policy 28, part d, offers policy support for proposals for shops ancillary to other uses such as farm shops, craft shops and shops linked to petrol/service/charging stations where: it will serve local needs, support local living and local jobs; the potential impact on nearby town and commercial centres or village/local shops is acceptable; it will provide a service throughout the year; and the likely impacts of traffic generation and access and parking arrangements are acceptable.

2.2.29 The proposal provides for a single retail unit of up to 1000m<sup>2</sup> in the form of a farm shop / garden centre and up to 1000m<sup>2</sup> of ancillary convenience retail. It is recognised that the creation of 20-minute neighbourhoods in rural areas is difficult to achieve, but 2000m<sup>2</sup> of retail uses across the site, both as a financially enabling development and as development supporting access to local retail opportunities and helping to create a local living neighbourhood, could therefore be made to comply with the Development Plan, subject to detailed analysis against other relevant policies.

## Landscape and Blue/Green Network Uses

2.2.30 The new “central park” element of the proposed development aligns well with a number of NPF4 policies, including policies 1, 2, 3, 5, 6, 9, 14, 15, 20, 21 and 30. Policy 20 (Blue and Green Infrastructure), part b, states that: “Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals”.

2.2.31 This proposal would incorporate at least 40Ha of blue green space including a central park and waterbody and native woodland planting to encourage a biodiverse habitat accessible via a network of paths. A further area of up to 19Ha would provide a 9 hole pitch and putt course. The remainder of the development areas would be given to associated landscaping, service facilities, surface water drainage, internal access roads and paths, infrastructure, parking and other ancillary development. This element of the development proposal, as well as supporting the proposed development, would also support the wider communities of Oakley, Comrie, Blairhall, Kinneddar and Saline, and is acceptable in principle.

### Summary

2.2.32 In drawing together the various threads of the assessment of the acceptability of the basic principle of the proposed development, it is fair to say that there are some elements of the proposal which are more strongly aligned to the policy position established by the development plan than is the case for some other elements. Whilst it is almost inevitable that a mixed-use development of this scale in a countryside location will conflict with elements of policy, the assessment of compliance in principle of the development as a whole will rely on the weighting attached to those policies.

2.2.33 Fife Council’s Policy and Place team considers that, whilst the principle of the re-use of the site for tourism-led development with enabling housing development has been established through the FIFEplan, the proposed development is contrary to a number of policies of NPF4, particularly around the significant weight given to NPF4 Policy 1 (Climate Change) and advises that because of the impact of having car-borne visits to the site due to its countryside location, the development should be considered contrary to the Development Plan.

2.2.34 There is an emerging body of appeal and court decisions which are beginning to establish some fundamental principles regarding the interpretation of NPF4 policies. It is clear that NPF4 for example, being the most recent policy document, overrides the adopted LDP policies and, if there are instances where adopted LDP policies or proposals no longer conform with NPF4’s new emphasis on sustainable development and addressing the climate emergency, then NPF4 policies will take precedence. On the other hand, recent decisions by the Scottish Ministers in Section 36 (Electricity Act) cases have also established, however, that a proposal need not satisfy or conform with every NPF4 policy – rather, the Scottish Ministers have concluded that development proposals have complied with NPF4 when read as a whole.

2.2.35 However, taking NPF4 as a whole document, in relation to the key spatial principles set out in NPF4, significant elements of the proposed development in principle align well with the overall thrust of five of NPF4’s six core aims and objectives:

- Just Transition: the restoration of the largest Vacant and Derelict Land Register site in Fife is essential to ensure that the transition to net zero is fair and inclusive, with no communities left behind;
- Conserving and Recycling Assets: the opportunity to re-purpose minewater, usually seen as a negative legacy of the coal mining industry, for use in providing sustainable heat to development in the vicinity of the resource is a significant factor in meeting the overall aims of NPF4;

- Local Living: when viewed in the context of the proposed development site being at the heart of surrounding adjacent West Fife settlements such as Oakley, Blairhall, Comrie, Kinneddar and Saline, the introduction of job opportunities, leisure opportunities and retail facilities would strengthen this part of West Fife in terms of encouraging such features to be accessed in the local area, rather than travelling to Dunfermline or other larger settlements;
- Rebalanced Development: the proposed development would create opportunities for communities and investment in an area of decline, supporting the principle of rebalanced development.
- Rural Revitalisation: NPF4 seeks to actively enable rural development, distributing investment and infrastructure strategically, with the aim of retaining and increasing the population of rural areas. The proposed development would bring about environmental benefits, support the local economy and underpin rural revitalisation.

2.2.36 In this case, whilst it is recognised that there are significant elements of both national guidance and the LDP which discourage development within the countryside, the applicant has submitted sufficient supporting information which details the reasoning for the facility to be situated at this location (principally, it is required as enabling development for the necessary remediation and redevelopment of this environmentally degraded site). Overall, the remediation and restoration of the colliery site that would be brought about by the implementation of the development proposed in principle in this application would align with the key aims of NPF4 in terms of providing significant environmental benefits and contributing towards addressing the climate and nature crises. Once restored, the site then would be able to accommodate the Leisure and Tourism, and associated enabling Housing development, for which the site is earmarked in Proposal LWD018 of the adopted FIFEplan (which establishes the site's suitability as a location for development). Further, the development proposals would make a positive contribution to the delivery of FIFEplan's spatial strategy in relation to rural areas, including:

- the redevelopment of brownfield land;
- the remediation of contaminated land;
- the diversification of the economy to support rural communities;
- the use of tourism as a key driver for the rural economy; and
- the protection of Fife's rural environmental assets.

2.2.37 Scottish Government planning guidance on Local Living and 20 Minute Neighbourhoods (Draft April 2023) states that Scotland's diverse urban and rural geographies require flexibility of approach in relation to 20-minute neighbourhoods which is reflected in the NPF4 through a wider emphasis on local liveability. It is therefore acknowledged that whilst accessing the majority of daily needs within a 20-minute walk, wheel or cycle in a rural location may not be achievable, the proposal supports local living through planning for a connected, attractive and sustainable place. The proposed development would contribute towards local liveability as appropriate to the rural location of the site. The majority of amenities and services to support the daily needs of residents would be provided on site, reducing the need for residents to travel.

2.2.38 Taking all the above into account, and on balance, it is considered that the proposed development aligns with the fundamental principles of NPF4 when the document is read as a whole. The overall acceptability of such a development must, however also meet other policy criteria and the proposal should not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated. These issues are considered in detail in the following sections of this Report of Handling.

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

2.3.1 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further advises that development proposals will be supported where they are consistent with the six qualities of

successful places (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 and 10 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 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.

#### Landscape and Visual Impact Assessment (LVIA)

2.3.4 The proposal site is not located in any Local Landscape Area (LLA) as identified in the Adopted FIFEplan LDP. The submitted LVIA notes that the nearest LLAs are the Cleish Hills LLA (2.6km northeast of the site) and the Forest LLA (3.5km west of the site). The LVIA concludes that the proposed development would have potentially significant effects on the Cleish Hills LLA, with the site being extensively visible from the southwestern slopes and summits above Saline. The LVIA, however, also indicates that development of the site would have only indirect effects on the Forest LLA, with the site being patchily visible from parts of the area, but over 3km distant. The LVIA further identifies Gardens and Designed Landscapes and Conservation Areas within the study area (all outwith the site), and Listed Buildings and Natural Heritage Designations within 1km of the site (again, all outwith the site), concluding that visual and landscape effects on these natural and cultural heritage assets would not be significant.

2.3.5 The submitted LVIA includes a zone of theoretical visibility (ZTV) and photos taken from ten viewpoints. The ten viewpoints identified to illustrate the potential visual impacts of the development are as follows:

- Viewpoint 1 from Core Path 627 near Bickramside.
- Viewpoint 2 from Core Path 628 east of Shepherdlands Wood.
- Viewpoint 3 from junction of A907/Rintoul Place, Blairhall.
- Viewpoint 4 from A907 west of southern entrance.
- Viewpoint 5 from Core Path 777 near Overton.
- Viewpoint 6 from A907 near Mains of Comrie.
- Viewpoint 7 from Kinneddar Park.
- Viewpoint 8 from Upper Kinneddar, Saline.
- Viewpoint 9 from Core Path 622, by Saline Golf Course.
- Viewpoint 10 from Saline Hill, West Cairn.

2.3.6 The applicant's landscape assessment concludes that, while the proposed mixed-use development involves a fundamental change to the site, significant landscape and visual effects will be limited to receptors within or close to application the site. This will include users of core

paths, residents in settlements and single properties, users of roads and walkers in nearby hills. Wider visual effects, where experienced, will not be significant as the proposals will be partially or fully screened by the surrounding rolling topography and woodlands.

2.3.7 The LVIA indicates that significant impacts to the landscape character of the application site and the closer surrounding landscape character would result from the fundamental change from a partially restored mine site to an extensive mixed-use development. The nature of the changes would vary between beneficial, neutral and adverse given the balance between restoration of a derelict site and introduction of extensive built development, including nighttime lighting, into a predominantly rural context. However, there would be no wider significant landscape impacts on other landscape character types or on the closest local landscape designation of the Cleish Hills LLA.

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

- Retention of existing woodland areas combined with extensive new structure planting.
- Sensitive siting of development areas and design of buildings and structures to complement the rural context.
- Integration of surface drainage and infrastructure with existing water bodies and structure planting.
- Lighting design measures to minimise light leakage and nighttime skyglow.
- Careful design of entrance points and access routes.
- Design of active travel routes to integrate with the rural context and landscape structure.

2.3.9 The LVIA indicates that visual effects vary from beneficial to adverse, depending on the visual context and degree to which different aspects of the proposed development would be seen. There would be significant visual effects on sensitive receptors at distances of up to around 0.5km. Beyond this distance, views of the proposals would be increasingly screened by intervening landforms, tree belts, hedges and other buildings, with visible change forming too small a change in the wider view to be significant:

- The highest magnitude of change and significant visual effects would be seen from the immediate surroundings of the site including users of the core path crossing the site and the closest residential properties on Bickramside.
- Views from the closest roads and settlements such as Blairhall, Saline and Comrie are limited by topography and woodland, with few significant effects.
- More comprehensive views are available from the higher ground of the Cleish Hills and Foothills further to the northeast and east. However, at these distances the site is seen as part of a wider panorama of a rural landscape with scattered settlements and effects are not significant.

2.3.10 Fife Council's Urban Design specialist notes that the LVIA supports the Landscape Context section of the Development Framework and provides a robust assessment of features and assets that can contribute to future design opportunities, as well as potential constraints. NatureScot was also consulted on the proposed development and notes that, as part of any future detailed Masterplan for this site, further details of the proposed built environment should be clearly presented, including the massing, layout, scale, height, and orientation, alongside all associated infrastructure, including roads, paths, landscaping and planting etc. The LVIA for this site should include these elements.

2.3.11 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 and successfully mitigated. Given the significantly environmentally and visually degraded current site status, it is considered that any localised impact on the landscape, as described above, can be accepted. The proposal, therefore, would comply with the Development Plan in this respect at this Planning Permission in Principle stage.

## Design Matters – Development Framework

2.3.12 With respect to the design aspects of the proposal put forward in the Development Framework, Fife Council's Urban Design specialist notes that, whilst it is not expected that detailed design solutions will be presented at this Framework stage, the Development Framework document should, however, establish clear strategic principles for a wide range of design matters, to guide the next design stage(s), and these should be accompanied by illustrations/photographic examples.

2.3.13 The submitted Development Framework is therefore considered to be deficient in establishing design principles that are responsive to the site context. The nature of the Development Framework document should be to establish the key design and development principles that future, more detailed, proposals should reference. Subsequent design documents (e.g. Development Briefs, Design and Access Statements) should have clear principles from which to draw elements at these stages. Urban Design considers that the Local Settlement Context and the Site Context elements of the Development Framework could be stronger, leading to the potential for future design and layout proposals emerging in subsequent Development Briefs and Design and Access Statements which have not considered the development in its place context. This risks development being of a generic suburban typology and not reflective of its more rural locational influences. As indicated in paragraph 2.3.9 of this Report of Handling, the Landscape Context is well described, being supported by a robust LVIA.

2.3.14 Further guidance on improving the Development Framework has been provided to the applicant and it is recommended that a revised Development Framework document is submitted, addressing the areas of deficiency. This is a matter that can be secured by condition of any planning permission that may be granted. Following that, Fife Council's Urban Design specialist recommends that a further planning condition should require the submission of a Development Brief for each phase (or phases), and subsequently a Design and Access Statement to address detailed proposals, all of which should be consistent with the design principles established in an approved Development Framework document.

2.3.15 The proposal, therefore, subject to planning conditions requiring a revised Development Framework document and subsequent Development Brief(s) and Design and Access Statement(s), could be made to respect the site context at Local, Landscape and Settlement levels and would therefore comply with the Development Plan in this respect at this Planning Permission in Principle stage.

## **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.

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

### Noise

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 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.

2.4.5 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.

2.4.6 An Environmental Noise Impact Report has been submitted in support of this application. The nearest existing noise sensitive receptors are indicated as follows:

- Rintoul Place, Blairhall;
- Haldane Grove, Comrie;
- Kinneddar Park; and
- Bickram House.

2.4.7 The proposed noise sensitive receptors within the development site would be:

- Eco Homes development;
- Care Village development; and
- Tourism Lodges development.

2.4.8 The Noise Assessment submitted as Chapter 10 of the EIA carried out a detailed assessment and considered the construction and operational phase noise and vibration levels of the Proposed Development. A baseline noise survey was undertaken at noise monitoring locations representative of proposed and existing noise sensitive receptors within and in proximity to the Proposed Development. The impacts assessed include increases in road traffic noise at existing sensitive receptors, anticipated noise levels at proposed sensitive receptors and impacts from proposed commercial premises on existing and proposed receptors.

2.4.9 The use of noise limits for proposed industrial/commercial elements of the Proposed Development will ensure that the Proposed Development can operate within accepted levels of disturbance. Mitigation measures, during both construction and operation, have been proposed. Mitigation during construction will be largely secured within the Construction Environmental Management Plan (CEMP). Mitigation measures to ensure a satisfactory environment for future occupiers will be developed through the detailed design phase and may include such measures as the use of buffer areas and/or noise barriers between residential properties and proposed commercial and transport noise sources.

2.4.10 Overall, it is concluded in the applicant's Noise Assessment that there will be no likely significant residual effects arising from the Proposed Development during the construction and operational phases and that the site is suitable for its intended use.

2.4.11 Fife Council's Environmental Health Public Protection team advised that the approach taken in the noise assessment is suitable for the context of this site in terms of the methodology of the report. It would be the case that, should permission in principle be granted, further Noise Impact Assessment(s) would be required to accompany any detailed application(s) for the site at the next stage. For the purposes of this Planning Permission in Principle stage, however, it is considered that the applicant has demonstrated that the proposed development could be made to comply with the Development Plan and relevant technical guidance in the form of PAN 1/2011.

#### Construction Impacts

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

2.4.13 Policies 1 and 10 of the LDP advise that development will only be supported if it does not have a detrimental impact on amenity in relation to construction impacts.

2.4.14 The applicant has submitted a Construction Impacts report. This concludes that construction impacts will arise from several sources:

- noise emissions and dust arising from vehicles, plant, machinery, and earthworks;
- the visual impact of construction sites and large plant;
- impacts of construction traffic on the local road network; and
- disruption to access caused by construction activities.

2.4.15 The principal receptors of construction impacts are likely to be existing residents neighbouring the site. Visitors to the local area may experience minor, temporary disruptions. Construction activities can also impact the natural environment. Some construction impacts will be unavoidable and will need to be controlled through mitigation by standard conditions, restrictions and responsibilities placed upon the site. A draft CEMP has been prepared and there is also a commitment to producing a Construction Traffic Management Plan (CTMP). The proposal, subject to conditions of any planning permission granted that secure the submission of detailed CEMP and CTMP reports, would be acceptable and would comply with the Development Plan in respect of construction impacts.

### Light Pollution

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

2.4.17 Policies 1 and 10 of the LDP state that proposals will only be supported where they will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses. Policy 10 further states that development will only be supported where it will have no significant detrimental impact on amenity in relation to light pollution and the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.4.18 It is considered that due to the location of the site that there would be no significant impact on any surrounding residential areas because of light pollution. Existing planting and trees would provide mitigation against this, which would be increased as the proposed landscape enhancement planting matures, along with the employment of directional lighting filters to ensure that excess light does not spill from lighting columns/lamp posts. Any infra-red CCTV lighting (for security purposes at the solar farm, or related to hotel, chalets and/or employment areas, for example) could, however, impact on nearby habitats. A condition of any planning permission granted is recommended, requiring the submission of a lighting plan, to ensure that light pollution is not an issue either within, or outwith, the site. The proposal, subject to such a condition, would be acceptable and would comply with the Development Plan in this respect.

## **2.5 Transportation/Road Safety**

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

significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

2.5.2 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 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 Transport Assessment (TA) prepared by Systra on behalf of the applicant has been submitted in support of the application, and the development proposal aims to capitalise on the opportunities for good permeability and linkages, both within the various parts of the site itself, and from the site out to the surrounding countryside, as well as to the nearby settlements of Blairhall, Comrie and Oakley.

2.5.4 NatureScot was consulted on this application and recommends that the Masterplan for the site provides further details of public access provision across the whole site. A high-quality path network throughout the site will be a key element in ensuring a sustainable and accessible development. Linking new paths to existing core paths/National Cycle Route network beyond the site is also crucial to its success. These should include a range of active travel routes as part of the application, including links to existing settlements and proposed/existing employment areas.

2.5.5 The submitted TA has been assessed as follows by Fife Council's Transportation Development Management (TDM) team.

#### Technical and Road Engineering Considerations

2.5.6 TDM considers that the submitted TA has followed the Transport Scotland "Transport Assessment Guidance" in its preparation. The TA has considered person trips, not car trips and cover access by all modes of transport - walking, cycling, public transport, and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport.

2.5.7 TDM notes that the proposed development site is bounded by the A907 to the south, and countryside to the north, east and west. There are three existing vehicular accesses to the site. The original vehicular access is from the derestricted C19 Oakley – Saline Road. The second vehicular access is from the A907 as it passes Blairhall within a 40mph speed limit. It would appear to only provide access to a single derelict dwelling. Both vehicular accesses are shown as core paths, but the core path on the second vehicular access is closed due to the restoration works. The third vehicular access is from the derestricted A907 Dunfermline – Gartarry Road and was formed in approximately 2012 as a temporary vehicular access as part of the restoration of the former Comrie Colliery. Condition 20 of planning application reference 10/01458/EIA (for the working of opencast coal) required the vehicular access from the A907 to be stopped up and reinstated as a grass verge on completion of the site restoration (though application 10/01458/EIA neither envisaged, nor considered, the re-use of the site upon completion).

2.5.8 The TA indicates that vehicular access to the site will be two-fold, one access taken via a 3-arm roundabout from the A907 and a second access via Bickramside/C19. The two vehicular accesses will be linked by a spine road through the site. TDM has a policy against the formation of new access roads or intensification of existing accesses and junctions on unrestricted roads out with established built-up areas. From a transportation point of view a built-up area is defined as the area within a 30 or 40mph speed limit. 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. Consideration can be given to relaxing the above policy if the proposed development complies with the Local Development Plan and subject to any road safety issues being addressed.

2.5.9 The existing vehicular accesses to the site from the A907 and C19 are both located within the national speed limit of 60mph. The existing “temporary” vehicular access/A907 junction is located where passing vehicle speeds are high with long forward visibility allowing overtaking opportunities. Without a 3-arm roundabout (either centred on the A907 or on a realignment of the A907 to locate the junction further north into the site, slowing vehicle speeds on the westbound approach of the roundabout), vehicles on the A907 slowing to turn right would be at risk from collisions from the rear and would be at risk from eastbound vehicles on the A907 if they misjudge the oncoming vehicle speed/gap. The Indicative Masterplan (document 02A) shows the latter option and the layout shown on drawing 61032-003 Rev P01 in Appendix A of the TA is considered by TDM to be reasonable at this Planning Permission in Principle stage. The detailed design would need to be for a 60mph design speed, including street lighting, and would need to factor in the existing topography of the site (which would require cutting into the land to accommodate the roundabout). TDM indicates that similar issues exist with the Bickramside/C19 junction, but a simpler solution by means of upgrading the private road, provision of junction visibility splays, upgraded street lighting, and perhaps consideration of a 40mph speed limit on the C19 covering the upgraded junction and Kinneddar Park would be appropriate. The proposed vehicular access arrangements must be supported by Stage 1 Road Safety Audits at detailed planning stage.

2.5.10 The TA recommends that Fife Council should consider altering the speed limit on the A907. TDM indicates that speed-limits should largely be self-enforcing and that, at present, there is nothing to justify extending the existing 40mph speed limit on the A907 adjacent to the Rintoul Avenue junction westwards to include the vehicular access to the application site. Whilst the speed limit would not be reduced just to facilitate development, TDM considers that there may be justification provided that:

- the primary vehicular access is constructed as a roundabout that physically reduces vehicle speeds;
- a shared footway/cycleway is incorporated on the north side of the A907 between the proposed toucan crossing and roundabout; and
- the street lighting is extended westwards to include the roundabout.

This all aligns with what is proposed for this development at this Planning Permission in Principle application stage.

2.5.11 The A907 between Blairhall and Comrie is subject to the national speed limit of 60mph, notwithstanding it includes a shared footway/cycleway on the south side. The applicant’s Transport Response Note (TRN) (document 21) notes that the applicant would incorporate a shared footway/cycleway “along the north side of the A907, between the proposed development roundabout access and the new toucan crossing”. TDM welcomes this, but evidence would need to be submitted to ensure that the applicant could deliver the whole route, particularly the section outside the red line application boundary.

2.5.12 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 2015 FIFEplan TA (FTA) concluded that the transportation intervention measures identified within the 2012 Dunfermline and West Fife Local Plan could accommodate the trips generated by the additional FIFEplan allocations, but that the proposed Northern Link Road should extend both westwards to Carnock Road and eastwards to link with the Halbeath Bypass via Kingseat Road by means of a bridge crossing of the Fife Circle Railway. The FTA does not include potential trip generating

development within the above planning application site and the submitted TA does not include an assessment to establish if the additional trips generated by the Comrie Colliery require any additional mitigation measures and the impact on the mitigation measures trigger points. The submitted TA shows that the proposed development would generate some 487 two-way trips in the AM peak and 540 two-way trips in the PM peak. Some 70% of these trips would distribute eastwards with some 10% cross-forth. Whilst TDM considers that these figures are under-estimates, it would be very unlikely that the additional trips would require additional mitigation measures. In the absence of a specific analysis in the TA however, a condition of planning permission is required to ensure that the proposed development of this site contributes appropriately to the strategic transportation intervention measures identified in FIFEplan and its Supplementary Guidance on the Planning Obligations Framework. Alternatively, the above requirement could be set aside if the applicant agrees to a contribution towards the Dunfermline Strategic Transportation Intervention Measures in accordance with paragraph 4.13 of the Planning Obligations Framework 2017.

#### TA Evidence and Transportation Policy Considerations

2.5.13 Aside from the technical road engineering matters, TDM has commented upon aspects of the TA, the submitted Indicative Development Framework, and the applicant's TRN and indicated areas in which these are currently deficient when assessed against NPF4 and Transportation policy.

2.5.14 These areas can be summarised in the following three categories:

- A. Where the TA makes unsupported claims or assumptions regarding traffic generation and modal split;
- B. Where the location of proposed development shown on the submitted Indicative Development Framework, and lack of supporting detail/analysis in the TA gives rise to concerns that the proposed development has not been able to demonstrate compliance with NPF4/Transportation policy; and
- C. Where the principle of development in this location fails to meet the necessary tests for compliance with NPF4 policies, particularly Policy 13 (Sustainable Transport).

#### Category A

2.5.15 With regard to Category A matters, the submitted TA indicates that Bickramside is a 20mph road. Bickramside is a private road and is not subject to a speed limit of 20mph.

2.5.16 The TA suggests that there would be a 50/50 split of vehicle trips between the vehicular access from the A907 and vehicular access from the C19. The applicant's TRN suggests that altering the distribution from 50/50 at each access would result in little or no difference and not change conclusions of the traffic impact assessment, but the TRN does not supply evidence to support this position. TDM would be concerned if the junction of Bickramside and the C19 was to become the main junction serving the proposed development, as the C19/A907 junction has substandard visibility in both directions and would require junction improvements that the applicant may not be able to deliver. TDM considers, however, that this is unlikely, and takes the view that the present site access/A907 junction (with proposed 3-arm roundabout) would be more likely to be the primary vehicular access. In this scenario, TDM has no concerns from a junction capacity perspective.

2.5.17 The TA outlines expected trip rates and mode share for the various proposed uses. The mode share for the proposed housing and industrial/business (and conference centre but not

stated as such) uses has been based on the 2011 Census for Blairhall. This results in 80% car trips; 8% car passenger; 9% public transport; 1% walking; and 1% cycling. TDM considers that the 11% total for walking, cycling and public transport is overly optimistic in the absence of definitive Active Travel measures being proposed, which could have a knock-on effect for the traffic impact assessments included in the TA. These assessments have been carried out on the two proposed site access junctions and 6 nearby public road junctions., with all junctions shown to operate well within their practical capacity in the AM and PM peaks in the 2030 base + traffic growth + full development scenario. The traffic impact analysis would require to be re-visited at the next stage of the planning process with a more realistic modal split assumption in the absence of definitive Active Travel measures being proposed.

2.5.18 The TA indicates that the “site is relatively accessible on foot”. Given that walking routes between the site, Blairhall and Saline are on roads subject to 60mph speed limit, with no footways and no street lighting, TDM takes issue with this statement, whilst recognising that the core path through the site (an unmade track) is currently closed for restoration purposes. This core path – core path R612 – on the south side of the A907 between Blairhall and Comrie is a shared walking, cycling, wheeling and horse-riding route, but currently there is no direct link between R612 and the application site.

### Category B

2.5.19 With regard to Category B matters, TDM is concerned that there is a lack of detail related to the provision of Active Travel Routes. There are currently no designated on or off-road cycle routes north of the A907, and there are no footways on the A907 west of Blairhall. The Development Framework (document 06A) chapter 3.7 – pedestrian accessibility – notes there “is an established network of footways throughout the nearby villages” that provide “links to local amenities including bus stops on the A907”. TDM accepts this but considers that the framework does not contain any proposed indicative deliverable mitigation measures to provide high quality active travel routes that link the site with these facilities.

2.5.20 The applicant has stated that there will be a dedicated shared footpath/cyclepath between the site and Blairhall on the route of the closed core path with a toucan crossing provided on the A907. TDM welcomes this but notes that the provision of active travel/sustainable links between the site and Saline to the north via the C19, and to Comrie via the route of the former mineral railway/ Bourtree Burn must also be considered and detailed. Such consideration should also extend to the promotion of active travel routes and links outwith the red line boundary of the site to existing routes, including the West Fife Way, and proposed routes under consideration by Roads and Transportation Services. The applicant’s TRN notes “details of the proposed paths, routes and networks will be developed at the detailed design stage in accordance with Designing Streets and Making Fife’s Places” and, whilst this commitment is welcomed, its provision must be secured by condition of planning permission.

2.5.21 In respect of public transport, the TA indicates that discussions have taken place with Stagecoach regarding the potential for bus services to divert through the site at an early stage to encourage public transport use. TDM welcomes this but notes that these discussions have not resulted in any definitive proposals only the recommended inclusion of a planning condition requiring the submission of a “public transport strategy”. The applicant has submitted a Framework Travel Plan, but this is a generic/non-site-specific document that does not provide the required supporting information to justify the proposed development and show what measures would be promoted to actively encourage non-car trips. A link road suitable for use as a bus route between the A907 and C19 would be required, potentially with an improvement to the C19/A907 junction. The applicant would need to provide such infrastructure early in the phasing programme, which would have cost implications for the applicant.

2.5.22 The closest existing bus stops to the housing, tourism, and employment areas within the site are generally in excess of 1km walking distance. The existing bus services are limited, but with reasonable services between Blairhall and Dunfermline Bus Station (some via Saline) and a limited Falkirk – Queen Margaret Hospital service. The TRN notes this can be addressed by a condition requiring a Public Transport Strategy, but it remains unclear as to whether this would achieve positive results. It would be possible to cover the requirement for public transport infrastructure within the site (through route suitable for buses, bus stops, shelters, etc). However, the provision of new or diverted bus services serving the site cannot be delivered by a planning condition. Bus operators would only serve the site if economically viable to do so. To secure a bus service, particularly in the early stages of development, would require the developer to annually subsidise a bus service. The annual subsidy could run indefinitely. This cannot be controlled by a planning condition.

2.5.23 All of these TDM concerns in relation to Active Travel measures would be definitively addressed in any subsequent detailed planning application(s).

### Category C

2.5.24 Finally, in respect of Category C matters, TDM indicates that the rural location of the site and lack of any existing sustainable transport infrastructure (or definitive details of Active Travel measures) means that the site would rely on private vehicle trips, which runs contrary to NPF4 Policy 13 (Sustainable Transport). TDM considers that the adoption of 20-minute neighbourhood principles would be difficult to comply with, though the retail unit being occupied early and providing essential goods would assist this. Also, Blairhall Primary School would be within a 20-minute walk distance of the indicative housing site. Access to employment, medical and dental practices, secondary education, and shopping would require trips to Dunfermline or Alloa primarily by private car, but TDM accepts that within the site a network of active travel routes would be provided, and that if the ancillary retail is provided it would encourage non-car trips within the site.

2.5.25 TDM also indicates, however, that elements of the proposed development either are, or can be made to be, compliant with elements of Policy 13, including:

- Making a minimum of 5% of the total car parking provision EV charging points, with the remaining spaces being future-proofed for conversion to EV charging points;
- Safe, secure and convenient cycle parking to meet the needs of users can be provided in accordance with cycle parking standards within Making Fife's Places SG – Appendix G Transportation Development Guidelines;
- The internal road and street network design can be designed to encourage low vehicle speeds that do not require formal controlled crossings. The link road between the A907 and the C19 can be designed for a 30mph speed limit with all other prospectively adoptable streets designed for a 20mph speed limit. Additional controlled crossings may be required on the A907; and
- The internal design of streets avoiding car dominance integrating safe active travel could be by condition.

2.5.26 The areas of non-compliance with Policy 13 are largely related to the fundamental principle of allowing traffic-generating development to be built in this location. Section 2 (Principle of Development) of this Report of Handling addresses the question of the principle of the development in this location, and the reasoning behind why the specific circumstances of this proposal merit a broader interpretation of the policies of NPF4 when the document is read as a whole. Regarding the lack of detail on Active Travel measures, as indicated in paragraph

2.5.21 of this Report of Handling, these would have to be definitively addressed in any subsequent detailed planning application(s).

## Transportation Considerations Summary

2.5.27 Overall, having considered the applicant's submitted TA, TRN and the Indicative Development Framework, Fife Council's TDM team proposes nine transportation related conditions aimed at ensuring compliance with both NPF4 Policy 13 (Sustainable Transport) and established technical road engineering specifications when a subsequent detailed planning application(s) is submitted. These are all matters that can appropriately be addressed by conditions of planning permission.

## 2.6 Flooding And Drainage

2.6.1 Policy 11 (Energy) of NPF4 states that development proposals will only be supported where they demonstrate how effects on hydrology, the water environment and flood risk have been addressed. 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 Policy 20 (Blue and Green Infrastructure) of NPF4 states that proposals for or incorporating new or enhanced blue infrastructure will be supported and where appropriate, this will be an integral element of the design that responds to local circumstances. This policy further states that proposals that include new or enhanced blue infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

2.6.4 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).

2.6.5 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.

2.6.6 A resident of Saline Road has objected to the development due to concerns that the proposed development will exacerbate flooding issues they have been experiencing on the road at their house, indicating that their house is suffering from damp and that this is affecting their health.



2.6.7 Chapter 8 of the submitted EIA Report presents the findings of the assessment of the potential effects the proposed development may have on the water environment. This includes the Bourtree Burn and downstream watercourses, groundwater, water & drainage network assets, Lockshaw Mosses SSSI and flooding.

2.6.8 The Bourtree Burn flows into the site along its western perimeter before cutting through the former tip areas and pond, via culvert. The Burn then flows along the site's southern perimeter towards the southeast where it meets the Blair Burn and then subsequently the Comrie/ Grange Burn SEPA record abstractions and discharges to the burn in the vicinity of the site. The Bourtree Burn flows through the site and the nearest classified surface water bodies are of "Poor" status. The largest pond on the site is Loch Kinneddar, a man-made feature constructed during restoration works at the former colliery. The pond is fed from seasonal drainage from the west, off the bing, and water then flows out the eastern end of the pond. The water then flows through a series of three settlement lagoons in the central southern portion of the site before meeting the Bourtree Burn in the southeast. The importance of the surface waters at the site is classified as "Medium".

2.6.9 There are no known Groundwater Dependent Terrestrial Ecosystems (GWDTEs) on the site, however the Lockshaw Mosses SSSI is located immediately northwest of the site and the SSSI itself is considered to have "Very High" importance. Due to the recorded superficial geology and the recent opencast history of the site, it is anticipated that superficial groundwater will be considered a non-aquifer and therefore of "Low" importance. Should up to date site investigations confirm otherwise this assessment would require to be revisited.

2.6.10 SEPA records the groundwater body beneath most of the site as the Culross groundwater body (ID: 150528). SEPA classified the overall status of the water body as "Poor" in 2020 with pressures from legacy pollution by mining or quarrying. SEPA records the groundwater body beneath a small section in the northwest corner of the site as the Longannet groundwater body (ID: 150484). SEPA classified the overall status of the water body as "Good" in 2020, with no recorded pressures. Despite SEPA's "Poor" classification of bedrock groundwater, the presence of the Lockshaw Mosses SSSI adjacent to the site, which may include GWDTEs, means the groundwater represents an important resource and therefore is classified as having "High" importance.

2.6.11 There are no known groundwater abstractions on or in the vicinity of the site and Fife Council confirmed within their information request response that they were not aware of any private water supplies within 1km of the site. Water supplies are classified as being of "High" importance. The EIA Report recommends early consultation with Scottish Water regarding its assets, and Scottish Water's processes, standards and policies in relation to dealing with asset conflicts must be complied with. Scottish Water has been consulted on this application and has no objection to the proposed development.

2.6.12 The applicant has submitted a flood risk assessment (FRA) which noted limited flood risk from the Bourtree Burn and limited potential for overland flows impacting on the site due to small catchment areas. Other sources of flooding were also classified as low risk. Therefore, the importance of flooding at the site is "Low". With adherence to SEPA, Fife Council and other relevant guidance, the FRA concluded that residual impacts are considered to be "Neutral" for surface waters, groundwater, water supply and flooding. Each development will require its own connection to the Scottish Water supply, where applicable, and foul drainage system and SuDS design.

2.6.13 With respect to cumulative impacts on the water environment, three proposed developments eventually discharge to the Bluther Burn, of which the Bourtree Burn is a tributary, namely:

- 22/03568/PAN - Proposal of Application Notice for 160 houses at Blairhall, approximately 650m south of the site boundary;
- 22/00341/FULL - Full planning for erection of wind turbine in Saline, approximately 750m north of the site boundary; and

- 23/00922/PAN - Proposal of Application Notice for solar farm and battery store at Craighluscar, approximately 4km to the east of the site.

There are, however, significant watercourse lengths and contributing catchment areas between these features. Due to proximity, there is also unlikely to be any groundwater interaction, although the wind turbine and Blairhall are also located within the Culross Groundwater body, which has a total area of almost 60km<sup>2</sup>, and the solar farm is within the adjacent Dunfermline and Kirkcaldy groundwater body.

2.6.14 Most of the proposed developments' construction activities have the potential to coincide with the development at Comrie Colliery, although this will depend on planning determination, discharge of conditions and phasing. There is therefore a potential for cumulative runoff impacts from soil stripping of developments leading to erosion and increased flood risk. However, due to distances, and given that construction best practice, including surface water management plans / SEPA Construction Site Licence / minimising areas of soil stripping / sacrificial SuDS will be implemented during the construction phase at each scheme, it is considered that there would be no cumulative impact.

2.6.15 Fife Council requires discharges to be limited to the lesser of the 1:5-year greenfield runoff rate or 4l/s/ha. This represents significant reductions in flows during large storm events, with developments providing flood storage within the SuDS features on site. This will lead to improvements in flows during storm events, however due to distances between sites, and relative to the contributing catchment areas between sites, the impact will be negligible.

2.6.16 Cumulative effects on the groundwater body underlying the site are likely to be minimal due to the SuDS schemes at each development capturing run off. The overall size of the groundwater body compared with the Comrie Colliery and surrounding closer development sites and the "Poor" status of the groundwater body means that cumulative impacts are likely to be negligible. It is noted that remediation of soils and groundwater required at the site or surrounding developments may provide a beneficial impact to the groundwater body, however the pressure is noted to be due to legacy mining or quarrying and overall, therefore, due to the relative scale, results would be negligible.

2.6.17 NatureScot was consulted on this application and, in relation to the Lockshaw Mosses SSSI, which lies on the western periphery of the application site, notes that there is potential for the SSSI's hydrogeology to be affected by the development, recommending that a full and comprehensive hydrogeological survey should be carried out as part of this application, examining likely impacts on Lockshaw Mosses SSSI. The report should provide appropriate measures to avoid or mitigate impacts, alongside ways to enhance the qualifying features of the SSSI. The report should also consider the potential for contamination of the water resource associated with the development site and the SSSI. NatureScot also recommends that the design and layout of SuDS requirements for this site should be given full consideration at an early stage. These should involve an innovative approach e.g. the use of swales, rain gardens and living-roof technology. Connecting multi-functional wetland habitats will bring significant biodiversity benefits for the site.

2.6.18 The Scottish Environment Protection Authority (SEPA) was consulted on this application and initially submitted a holding objection to the proposed development on the basis that the submitted Flood Risk Assessment (FRA) requires more information on the assessment methodology around the proposed works to de-culvert the Bourtree Burn and tributaries which run through the site. SEPA indicates that no information has been presented on the removal of the culvert or how the new channel will be designed or sized. Whilst supportive of de-culverting and channel re-naturalisation in principle, SEPA needs to understand the flood risk baseline before further modelling work is undertaken to assess options. This is necessary to ensure that works to the channel do not exacerbate downstream risk. A revised FRA and morphological assessment are required to show how the Bourtree Burn will be remodelled using appropriate fluvial methods to support any de-culverting and channel re-naturalisation works, demonstrating that the works comply with NPF4 Policy 22. SEPA is content however, that the updated FRA

and morphological assessment can be secured at detailed planning stage(s) by a condition of this Planning Permission in Principle.

2.6.19 SEPA also expressed initial concern in relation to the potential impact that the proposed development could have on peat and carbon-rich soils at Lockshaw Mosses SSSI. SEPA indicates that the NatureScot Carbon and Peatland map (2016) indicates the presence of Class 5 peatland in the centre west of the site boundary as well as a small section on the southern border. To demonstrate compliance with Policy 5 (Soils) of NPF4 it is necessary to determine the extent of peatland, carbon rich soils and priority peatland habitat on site. The types of development that are allowed on these types of peat habitat are restricted and their presence might necessitate amendments to proposals on the periphery of the site. SEPA therefore asked the applicant to submit an (National Vegetation Classification Survey (NVCS) for parts of the site where peat and carbon rich soils could be present, as well as a peat probing where the survey results indicate the presence of peat habitats. The applicant duly submitted a Peat and Peatland Survey and associated Peat Assessment addressing SEPA's concerns. SEPA are now satisfied that, subject to development not encroaching onto the wooded slope on site, the redevelopment of the site will not impact Lockshaw Moss SSSI or the very limited areas of deep peat that extend within the boundary of the site. SEPA agreed that the survey has also confirmed no evidence of peat within the areas of Class 5 Peaty Soil as defined by the NatureScot Carbon and Peatland Map.

2.6.20 The EIA Report Non-technical Summary states that there are no known GWDTEs on the site, however the Lockshaw Mosses SSSI may include groundwater dependent peatland and ecosystems. SEPA therefore also indicated that, when detailed planning permission is sought for any part of the site adjacent to Lockshaw Mosses SSSI it will be necessary, in accordance with the Water Framework directive, to ensure that appropriate buffer strip is applied to any construction works that could disrupt groundwater flow and impact GWDTEs. SEPA therefore requests that a planning condition is applied requiring the submission of a map demonstrating that all GWDTEs, and existing groundwater abstractions, are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m. This is a matter that can be appropriately covered by the suggested condition of planning permission.

2.6.21 Fife Council's Flooding, Shorelines and Harbours Team advise that they have no objections to the proposed development subject to the addition of planning conditions related to the detailed design of the de-culverting and re-naturalisation of the Bourtree Burn (as per the SEPA advice above), and the provision of full attenuation capacity totals for impermeable finishes on the site and full calculation sheets. These are both matters that can be addressed by conditions of planning permission.

2.6.22 All of this being the case, the proposal would have no significant adverse impact on flooding, drainage or the Water Environment and would comply with the Development Plan in this respect.

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

### **Contaminated Land**

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.

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 Fife Council's Land and Air Quality team has been consulted on this application. It is noted from the applicant's submission that possible risks have been identified to human health, surface and groundwater from permanent ground gases, asbestos, metals, sulphates, acidity, petroleum- and poly-aromatic hydrocarbons, phenols, cyanides and volatile organic

compounds. The Land and Air Quality team advises that it has no objections to the proposal, subject to conditions of any planning permission that may be granted securing a series of phased ground investigations across the study area, including quantitative risk assessments for human health and water environment receptors, detailed ground and mine gas risk assessments, and investigation of the potential presence of buried structures and any tanks/pipe works. Subject to such conditions being applied, the proposal would have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in this respect.

#### Former Rexco Plant

2.7.4 The history of the former Rexco smokeless fuel briquette plant is outlined in paragraph 1.1.7 of this Report of Handling. As indicated there, it has been established that the best practicable environmental option for dealing with this fenced-off site of legacy contamination was to leave it undisturbed, and this position is maintained in this development proposal.

#### Mineral Support

2.7.5 The Coal Authority confirms that the application site falls within the defined Development High Risk Area. Within the application site and surrounding area, therefore, there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Coal Authority records indicate that there are 24 mine entries within the site and a further mine entry recorded within 20m of the site boundary. The site is also in an area of shallow coal workings and is within the boundary of a site from which coal has been removed by surface mining methods. These features pose a potential risk to surface stability and public safety.

2.7.6 The Coal Authority notes that the applicant's submission acknowledges the risks posed by the coal mining features recorded to be present and recommends that intrusive site investigations for both shallow mine workings and mine entries are carried out on site. The authors of the report state that the mine entries should be investigated to determine their size and condition and to accurately inform their zones of influence so that the layouts can be designed around them. The report authors also note that surface mining has been undertaken on site which poses a further risk. Where surface mining highwalls are present the Coal Authority expects these features to be located and the layout designed to avoid buildings straddling these. The Coal Authority concurs that the risks posed by coal mining features should be investigated and the findings of these works used to design any remedial work necessary and inform the development layout.

2.7.7 As noted in the applicant's report the Coal Authority expects the mine entries on site to be located, so that their exact location and calculated zone of influence can be used to inform the development layout. The Coal Authority is of the opinion that building over the top of, or near, mine entries should be avoided wherever possible, even after they have been capped, in line with the Coal Authority's adopted policy.

2.7.8 The Coal Authority advises that, where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

2.7.9 In specific relation to mine gas, the Coal Authority advises that, wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. Whilst Coal Authority data does not specifically indicate that gas emissions have been recorded on the site, gas risks may be present. This risk is mitigated by the suggested conditions of any planning permission granted recommended by Fife Council's Land and Air Quality Team in the Contaminated Land section of this Report of Handling, above.

2.7.10 Overall, the Coal Authority does not object to this proposal, subject to the application of suitable conditions to safeguard the matters discussed in this section. This being the case, the proposal would have no significant impact on amenity in relation to ground stability or mine gas emissions and would comply with the Development Plan in this respect. The Coal Authority's suggested conditions are appropriate to cover these matters.

#### Air Quality

2.7.11 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.

2.7.12 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 they would not lead to an adverse impact on air quality.

2.7.13 Chapter 9 of the applicant's submitted EIA report deals with Air Quality matters and concludes that the magnitude of change in annual mean nitrogen dioxide and particulate matter concentrations, during both the construction and operational phases, have been assessed as being Negligible and therefore Not Significant.

2.7.14 SEPA notes that there are few receptors nearby and the submitted Air Quality report used industry standard modelling and appropriate guidance from the Institute of Air Quality Management (IAQM). SEPA further notes that the proposed development is not within an existing Air Quality Management Area (AQMA) and that the air quality assessment uses industry standard modelling (ADMS Roads) and Defra background modelled pollution concentration maps to predict negligible impact at sensitive receptors and no exceedances of any National Air Quality Objective levels. SEPA agrees with this conclusion and the methodology used in the assessment, with the advisory that Fife Council will need to be satisfied that any subsequent impact on the surrounding road network, and in particular the impact of this development at near-by receptors, does not have the potential to lead to any future air quality issues and that conditions of the dust management plan are implemented.

2.7.15 Fife Council's Environmental Services' 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.

#### Potential Locational Hazards and Mitigation

2.7.16 Muirside Depot is an explosives facility operated by Orica UK Ltd, which lies to the west of the proposed development site. Orica UK's depot has a manufacturing element (which lies immediately adjacent to the proposed site entrance from the A907) and a storage element whereby explosives for the construction/quarrying industry are held in silos (the nearest silo to the development site is around 430m away). There is therefore a hierarchy of safety zones designated by the Health and Safety Executive (HSE), designed to ensure that any development close to Muirside Depot is assessed for vulnerability in the unlikely event of an explosion on site.

2.7.17 HSE was consulted on this application and indicated that, in its initially submitted form, the proposed development had the potential to significantly affect the quantity of explosives that could be stored and manufactured at Muirside Depot, resulting in the facility's explosives

capacity being reduced, possibly putting its commercial viability in jeopardy. Orica UK Ltd has also submitted a representation to the proposed development explaining its position relative to the Explosives Licence it holds for the storage and manufacture of ordnance, and how it is keen to work with the applicant to ensure that any proposed development at Comrie Colliery is both safe from unexpected events and designed such that Orica UK's Explosives Licence (and therefore its business) is not adversely impacted.

2.7.18 The Planning case officer, in assessing this application for Planning Permission in Principle, met with the HSE to discuss Orica UK's facility, its Explosives Licence, and the HSE safeguarding hierarchy in the zones around the Muirside Depot in the context of the proposed development at Comrie Colliery. As a result of that meeting, the applicant amended the indicative development framework to align with the requirements of the HSE safeguarding zones. These requirements are governed by the Control of Major Accidents Hazards (COMAH) Regulations 2015 and the Explosives Regulations 2014 and give advice on the scale and type of development that is permitted in each of the three zones (Inner, Middle and Outer) centred on Muirside Depot. The amended Indicative Development Framework is therefore now satisfactory in terms of having assessed both the safety of the proposed development and its potential impact on Orica UK's business (through its Explosives Licence). Detailed discussions between the applicant and Orica UK/HSE may be necessary at detailed planning stage(s) to ensure that the proposed development does not promote a building type or use that is incompatible with any of the HSE safeguarding zones but, for the purposes of this Planning Permission in Principle stage, the presence of Muirside Depot close to the proposed development does not raise an insurmountable barrier to the proposal.

2.7.19 Ineos FPS Ltd's BP Forties 36" Pipeline (Cruden Bay Terminal/Kinneil Terminal) runs in a north south direction adjacent to the eastern edge of the proposed development site. This pipeline's hazard consultation zone covers the easternmost part of the proposed development site and the pipeline itself runs beneath the line of the old mineral railway linking the former Comrie Colliery to Comrie and Oakley. Ineos FPS Ltd will require to be consulted at detailed planning application stage(s) to ensure that working practices do not affect the integrity of the pipeline but, for the purposes of this Planning Permission in Principle stage, the presence of the BP Forties 36" pipeline does not raise an insurmountable barrier to the proposal.

## **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 Policy 22 (Flood Risk and Water Management) aims to “to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.” The defined result is to ensure places are resilient to current and future flood risks; efficient and sustainable water resource use; and promote wider use of natural flood risk management to benefit people and nature. This will involve utilisation of the blue green infrastructure.

2.8.6 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.

2.8.7 FIFEplan proposal LWD018 contains the following advice on Green Network priorities for the site:

- consider the need to survey for Great Crested Newts, which are known to be present on a nearby site and are a European Protected Species (EPS), with particular licensing requirements; and
- deliver habitat and landscape improvements - in developing proposals for the site, consider its location adjacent to Lockshaw Mosses SSSI and the potential to deliver wider habitat network enhancements.

2.8.8 A resident of Saline Road has objected to the development on the basis that insufficient information has been supplied related to the removal of trees as part of the proposal.

2.8.9 The applicant has provided a comprehensive suite of documents covering all aspects of the Natural Environment in the application submission, including the following assessments and reports:

- Preliminary Tree Report;
- Biodiversity, Protected Species and Habitats Baseline Report;
- Ecological Impact Assessment;
- Land Use, Geology and Soils Assessment;
- The Water Environment;
- Summary of Environmental Commitments;
- Draft Construction Environmental Management Plan (CEMP);
- Drainage Assessment;
- Flood Risk Assessment; and an
- Ecological Technical Appendix.

2.8.10 Fife Council's Natural Heritage specialist has no objections to the proposal and considers that the information relating to the sites natural heritage resource provided by the submission documents is both comprehensive and appropriate to the detail required for determination of

this Planning Permission in Principle application. Mitigation measures are also deemed appropriate at this stage (including the retention of open mosaic habitat components, solitary trees, provision of bat and bird boxes etc.). Further detail relating to the landscape will be required at the full design stage – covering planting specification, species and maintenance schedule/s for the various development components. Retained trees will also require identification and a felling schedule will facilitate aerial survey for potential bat roosts. EIAR Chapter 6: Biodiversity, Protected Species and Habitats identifies a range of further ecological studies (bats, breeding birds, Great Crested Newts (GCN), invertebrates) that will be required to complete the impact assessment once the detailed design has been worked up. A range of Protected Species development licenses are likely to be required for the project. It should be noted that the preliminary information relating to GCN use of the application area previously concluded it to be regionally important to this species – a reserve was established, and animals translocated in 2014; however, two of three site ponds have been recolonised and therefore appropriate GCN population assessment and mitigation is of high importance to the proposed development. The detailed design will then facilitate a Metric-based Biodiversity Net Gain Assessment which requires the establishment of a landscape design including tree retention documents. Fife Council's Natural Heritage specialist anticipates that with all the matters identified in the EIAR addressed, future detailed application(s) will be compatible with the aims of the NPF4 and FIFEplan policies relating to biodiversity, the natural environment, access, flooding and the water environment.

2.8.11 Fife Council's Trees specialist indicates that the application site has large site boundary containing multiple woodland areas recognised on the ancient woodland index. These include Shepherdlands Wood, Bickram Wood, Maryfolds Wood, and Maggie Mckinlay's Wood. Ancient and long-established woodlands are an invaluable finite resource which need protecting; over time complex woodland structures can develop and diverse species structure establish, meaning aspects such as habitat potential and biodiversity can be high. Accordingly, the effect of any potential adverse impact from this proposal to such woodlands should be kept to a minimum, and there will be a presumption against the removal of woodlands recognised in the ancient woodland index. A comprehensive Arboricultural Impact Assessment is required with a finalised schedule of all required tree works. A Tree Protection Plan is also necessary, due to large number of trees and woodlands dispersed throughout the site. Where woodland removal is unavoidable, compensatory planting will be required. For any trees removed it will be expected that trees will be replanted in at least a 2:1 ratio since mature extant trees lost will not have the same environmental value as newly planted whips may for 30+ years. This ratio will also be expected to be higher if high quality tree removals are proposed (for example, 5:1 for A category trees, 4:1 for B category). This proposal should not create a net loss in tree life or biodiversity – rather environmental improvements should be created in order to demonstrate that this development is sustainable. These are all matters that can be covered by conditions of planning permission and address the objection from the resident of Saline Road detailed in paragraph 2.8.8 of this Report of Handling, given that this is an application for planning permission in principle and the level of detail requested by the objector is not appropriate for this stage of the planning process.

2.8.12 NatureScot has been consulted on this proposal and is broadly satisfied with the conclusions and recommendations of the EIA for this proposal. NatureScot appreciates the complexity and long-term nature of the development of the site and recommends that support and advice from qualified ecologists continues to be a fundamental part of the future development of the site. To help support this, an Ecological Clerk of Works (ECOW) should also remain part of the team involved in the site development. Each phase will require their ongoing input in order for the full potential benefits for people and nature to be realised over the long term. To this end, NatureScot supports the inclusion of both LEMP and CEMP documents to help deliver the phases of the proposal, both of which should be reviewed and updated on a regular basis. NatureScot recommends that full consideration is given to how this large-scale site can help to support the development of Nature Networks in this area, indicating that there are opportunities for significant areas of connected habitat to be enhanced and created across the site, and beyond. NatureScot welcomes the inclusion of up-to-date protected species



surveys, which clearly highlight the significant numbers of species present on the site, including bats, GCN, badgers and otters, and NatureScot supports the ecologists' conclusions and recommendations as outlined in the report. NatureScot advises that the proposed mitigation measures, as outlined in Chapter 15 of the EIAR (Summary of Environmental Commitments), are agreed and secured through appropriately worded planning conditions. Associated with the findings of these surveys, long term habitat management plans for the different areas of the site, including proposed phasing, will need to be developed. These should be fully costed, with responsibilities agreed and secured. Full details of impacts on existing water bodies, including standing water and burns/river should be included. This should also include proposed mitigation and enhancements of these habitats, and any associated protected species.

2.8.13 Taking all the above into account, the ecological, habitat and biodiversity information submitted with the planning application demonstrates that, with appropriate safeguards secured by conditions of planning permission, the proposal would be likely to bring about a significant biodiversity enhancement to the site and surrounding area when compared to the existing site. The proposal subject to those planning conditions would, therefore, be acceptable and would comply with the Development Plan in respect of the natural environment, ecology and biodiversity enhancement.

## **2.9 Impact on the 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 Fife Council's Scoping Opinion (23/01062/SCO) for this proposal, provided to the applicant in May 2023, scoped cultural heritage matters out of the EIA for this Planning Permission in Principle application. This was agreed on the basis that there are no cultural heritage designations within or near the development area and nothing is recorded in the Historic Environment Record. An archaeological evaluation of the site was conducted in 1999 by The Centre for Field Archaeology, which revealed several poorly preserved industrial archaeological remains of low archaeological value. No significant adverse impacts were anticipated at the Scoping stage therefore a detailed EIA chapter on the cultural heritage was not required for this application.

2.9.4 Fife Council's Archaeologist notes that the proposed development site has been extensively mined over a long period of time, which has rendered the site archaeologically sterile. No known archaeological sites/monuments/deposits are recorded on site. Fife Council's Archaeologist supported the scoping out of Cultural Heritage from the EIA and does not object to the proposed development, indicating that if planning permission in principle is granted, no archaeological conditions will be necessary.

2.9.5 Fife Council's Built Heritage specialist does not object to this application. No designated heritage assets are identified as likely to be immediately affected by the scheme through proximity, and the proposals to retain and refurbish the former pug shed in situ are welcomed, if carried out in a sensitive manner. The Built Heritage specialist comments that, whilst the

Council scoped out cultural heritage matters from the EIA, the submission of the various detailed and comprehensive reports associated with this application suggests some areas where further thought may be given to ensuring that impacts to built heritage assets are minimised at detailed planning stage(s). These largely relate to protecting the setting of local farmsteads such as Tapitlaw, Bickramside, Muirs of Kinneddar, Mains of Comrie, Cattle Moss, Stand Alane, the ruins of Shepherdlands Farm and remaining upstanding historic structures of the railway and the Bourtree Burn - all of which are non-designated heritage assets. Built Heritage recommends that Shepherdlands Farmhouse and Bickramside Farmstead should be sensitively redeveloped rather than cleared.

2.9.6 Historic Environment Scotland was also consulted on the proposals and offers no objection to the proposed development, noting that historic environment interests were scoped out of the EIA process.

2.9.7 Taking all the above into consideration, including the need to preserve the setting of non-designated historic assets as far as is possible in the specific circumstances, this proposed development would comply with the Development Plan in respect of the cultural heritage.

## **2.10 Sustainability**

2.10.1 NPF4 Annex C (Spatial Planning Priorities) indicates that, whilst predominantly urban, the Central Belt of Scotland benefits from a rich and diverse rural area and there are many areas where town meets countryside. These green areas and natural spaces are key assets, sustaining communities that could become better places to live if we can achieve this in a way that is compatible with our wider aims for climate change, nature restoration and 20-minute neighbourhoods. The recent Covid pandemic has demonstrated that many people are looking for more space at home and in their communities. It will be important to plan positively and imaginatively to make sustainable use of the countryside around our cities and towns.

2.10.2 Annex C acknowledges that these areas have important functions – productive agricultural land, providing vital ecosystem services and spaces for local food growing, outdoor access and recreation. They support carbon sequestration, including through peatland restoration, woodland creation and conserving natural habitats, and there is scope for innovation in key sectors including sustainable food production. Planning has the potential to address the impact of climate change on communities whilst also generating renewable heat and facilitating urban cooling from our rivers. Mine water, solar and onshore support for offshore renewables, including development that makes use of existing infrastructure at strategic hubs, all provide opportunities for decarbonisation.

2.10.3 Annex C of NPF4 further indicates that there are significant opportunities for investment in heat networks, energy storage and the circular economy to create more sustainable neighbourhoods. A more liveable Central Belt means that we will need to do more to reuse empty buildings and brownfield land, including vacant and derelict land, particularly spaces which have not been used for decades and can be accessed by sustainable modes. This will reduce further urban sprawl and improve local environments. A combination of incentives, investment and policy support for productively reusing brownfield land and buildings at risk will be required to steer development away from greenfield locations, whilst also acknowledging their biodiversity value and potential for urban greening. Public-sector led development can shape future markets and deliver development in places where change is needed the most and can deliver multiple benefits. Redevelopment should include, but not be limited to, housing development. By de-risking sites and taking an infrastructure first approach, this land can help to achieve a better distribution of new homes to meet our future needs. This will also reduce pressure in places where growth is no longer sustainable.

2.10.4 With specific reference to the potential to re-use mine water from the former Comrie Colliery shafts, as previously outlined in paragraph 1.2.8 of this Report of Handling, Comrie Colliery represents an opportunity to create a flagship low-carbon heating system for residential,

commercial or leisure development, with options to use both geothermal heating and thermal energy storage on the site.

2.10.5 Geothermal Heating: Given typical heat pump operating performance and a mine water extraction rate of 100 litres per second, a single well in the shaft may allow for delivery of 2.2 MW of heat, enough to meet the peak demand of over 550 properties. This could potentially be increased with higher extraction rates or alteration of heat pump operating conditions.

2.10.6 Heat storage: Excess power generated on the site in summer months could be used to raise the temperature of water in the Comrie No.1 Shaft for use in winter. The estimated 8,200m<sup>3</sup> of water in the shaft could be heated to 55°C (enough for direct use without heat pump temperature uplift) with 350 MWh of power, which could be met using the spare capacity of a 2 MW solar farm.

2.10.7 Successful development of the Comrie Colliery Mine Water project would support NPF4's overarching objective of achieving a Just Transition to Net Zero and support investment in carbon neutral development in West Fife; could be an exemplar of Net Zero development; and be a highly attractive site for carbon-conscious tourists and prospective home or business owners.

2.10.8 Taken in the round, therefore, and bearing in mind the assessment of the principle of the development when assessed against the policies of NPF4 as a whole document (as outlined in section 2.0 of this Report of Handling), the proposed development is in broad alignment with the thrust of NPF4's Annex C vision for the spatial planning priorities of the Central Belt of Scotland.

## **2.11 Affordable Housing**

2.11.1 NPF4 Policy 17 (Rural Homes) indicates 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). FIFEplan Policy 2 (Homes) gives policy guidance on the amount of affordable housing required in housing market areas across Fife, favours the redevelopment of brownfield sites, and aims to see affordable housing be well-integrated with mainstream housing tenures.

2.11.2 Fife Council's Housing and Neighbourhood Services Team has been consulted on this application and indicates that this development must provide 25% of the total units as affordable units. The Affordable Housing Requirement for this development is 44-46 affordable units, to be provided on-site. The units to be provided as part of the care home would be exempt from an affordable housing requirement. A S75 legal agreement will be required to ensure the units remain as a care home. If the units become mainstream housing in the future, a commuted sum would be required. The supported living units would be exempt from an affordable housing requirement if the units satisfy the characteristics of Specific Needs housing as detailed in the Affordable Housing Supplementary Guidance.

2.11.3 Scottish Planning Policy states that where permission is sought for specialist housing, as defined by that document, it would not be necessary to contribute to affordable housing. Specialist housing e.g. housing for the elderly will not qualify simply on the grounds of age requirements alone. To assess specialist housing, the applicant will require to submit evidence from the Architect to the Council's Housing Services that the units will include the list of features as detailed in the Affordable Housing Supplementary Guidance (Appendix I). The final mix and type of the new homes should be agreed at the detailed design stage following discussions with Fife Councils' affordable housing team who will provide detailed housing mixes based on identified housing needs. It should be noted that a minimum of 30% specific needs housing including 6.5% wheelchair housing and 5% housing for larger families will be required.

2.11.4 These are matters that can be controlled by conditions of planning permission and the proposed development is capable of conforming with the Development Plan in the context of providing affordable housing.

## **2.12 Education**

2.12.1 This application site is currently within the catchment areas for: Blairhall Primary School; Saline Primary School; St Margaret's Roman Catholic Primary School; Holy Name Roman Catholic Primary School, Queen Anne High School; and St Columba's Roman Catholic High School. The site maybe split across two catchments therefore it has been assessed on Blairhall Primary School and Saline Primary School Catchment. This site is also located within the West Fife Villages local nursery area.

2.12.2 Fife Council's Education Service has been consulted on this application and comments as follows, in terms of capacity risk, at each of the educational establishments:

- A capacity risk is expected at Queen Anne High School;
- A capacity risk is expected at Saline Primary School, but the situation is to be monitored;
- A capacity risk is expected at St Margaret's RC Primary School, but the situation is to be monitored;
- No capacity risk is expected at Blairhall Primary School;
- No capacity risk is expected at Holy Name RC Primary School;
- No capacity risk expected at St Columba's RC High School; and
- No capacity risk expected across the West Fife Villages local nursery area.

2.12.3 If planning permission is granted, the Education Service recommends the following:

- planning obligation payments to contribute to the costs of the mitigation across Dunfermline secondary schools and potentially at Saline Primary School, shared across all non-exempt housing development across the catchment area in accordance with the Fife Council Planning Obligations Framework Supplementary Guidance 2017, to be index linked against Building Cost Information Service (BCIS) standards;
- the Education Service be notified of any reviews to the build out rate, to allow the Education Service to monitor development progress and the timing of impact at the schools; and
- the Education Service to be consulted in drafting the terms of any section 75 agreement relating to the existing or proposed school estate.

2.12.4 The proposed development would not raise any significantly adverse impact upon educational infrastructure that could not be appropriately ameliorated through the use of planning obligations. This being the case, subject to the conclusion of a legal agreement, the proposed development is acceptable at this Planning Permission in Principle stage in the context of Education considerations.

## **2.13 Community and Economic Benefits and Planning Obligations**

2.13.1 Policy 25 (Community and Wealth Building) of NPF4 aims to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. The policy outcome NPF4 Policy 25 seeks to achieve is facilitating local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains. Policy 25 indicates that “development proposals which contribute to local or regional community wealth building strategies and are consistent with local

economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.”

2.13.2 Policy 11 (Energy) of NPF4 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, but only where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

2.13.3 Policy 18 (Infrastructure First) of NPF4 aims to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Policy 18 is designed to ensure that new development does not unreasonably impact on existing infrastructure and will seek the use of planning obligations, if appropriate, to ensure that new development delivers any new or upgraded infrastructure necessary to fulfil that requirement. Policy 18 also, however, seeks to ensure that existing infrastructure assets are used sustainably, prioritising low-carbon solutions.

2.13.4 Policy 20 (Blue and Green Infrastructure) of NPF4 aims to protect and enhance blue and green infrastructure and their networks, noting that communities benefit from accessible, high-quality blue, green and civic spaces.

2.13.5 Policy 31 (Culture and Creativity) of NPF4 aims to encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries. Policy 31 states that development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art.

2.13.6 Policy 13 (Sustainable Transport) of NPF4 states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

2.13.7 The adopted FIFEplan LDP Policy 4 (Planning Obligations) states that development proposals shall address their impact on infrastructure, communities, and their surrounding environment, noting that planning obligations and developer requirements can help to address issues that would block otherwise acceptable development. This includes the impact on infrastructure and services and so the Council expects that new development should not have a net detrimental effect on existing infrastructure and the local environment. This will be applied through conditions of planning permission, legal agreements and/or planning obligations, and can cover the provision of education, employment land, affordable housing, public art, and strategic transport interventions.

2.13.8 It has already been shown that the cost of rehabilitating this land is substantial, given the long history of coal and other industrial uses on site. Whilst a full, detailed assessment of the applicant’s submitted Strategic Cost Assessment (which details the significant amount of money required to address the post-industrial legacy of degradation and contamination of the site) has not been carried out, Fife Council’s Economic Development (Investment) Team has indicated that stated costs would appear to be consistent with a development of this scale and nature. The Team is supportive of the general principle that, in order to remediate the site, significant development to generate land value is required. It is expected that a full, detailed assessment of land costs versus expected land values would be required, on an “open book” basis, as the development progresses and this could be appropriately secured through a legal agreement. Nevertheless,

2.13.9 As established in paragraph 2.5.12 of this Report of Handling, development at this site will require to contribute towards the Dunfermline Strategic Transportation Intervention

Measures. Similarly, as indicated in paragraph 2.12.3, development at this site will also need to contribute towards the costs of the mitigation across Dunfermline secondary schools and potentially at Saline Primary School. Given the substantial remediation costs associated with this development then, it will be important to ensure that the imposition of planning obligations is set at a level commensurate with the economic realities of developing the site and does not make the proposed development economically unviable. The use of the “open book” approach, coupled with the proper assessment of land costs against land values by the District Valuer’s Office, will allow a fair application of those obligations that are required to ameliorate the impact on infrastructure that would be brought about by the proposed development.

2.13.10 Significant community benefit would arise from the remediation of the site and the repair of the local environment if this proposed development came to fruition, the introduction of a mix of uses aimed at growing the West Fife Villages’ capacity for economic growth and strengthening the opportunities to enhance local living would add significantly to this positive community impact.

2.13.11. Local job opportunities in the settlements surrounding the site are at a premium, with many residents requiring to take one or two buses to reach employment. Fife Council’s Economic Development (Investment) team therefore welcomes the proposal for modern industrial and business uses in an area that is lacking in such facilities. The proposed care village, leisure, tourism and retail uses would also provide local employment opportunities, with the applicant’s Outline Business Case estimating approximately 450 construction phase jobs and 400 operational phase jobs would be created.

2.13.12 Fife Council’s Economic Development (Tourism) team also welcomes the proposed development, indicating that although other sites with lodges and self-catering accommodation are planned in the wider area, there is very little in the way of serviced accommodation in West Fife, so a new hotel would be welcomed. These expected benefits to the community align well with Policy 25 (Community and Wealth Building) of NPF4, and its objectives to improve community resilience, reduce inequalities; increase spending within communities; ensure the use of local supply chains and services; and create local jobs. It is notable that the proposed development is welcomed and supported by both Saline and Steelend Community Council and the West Fife Woodlands group.

2.13.13 The importance of the creation of such “everyday” local jobs can be overlooked at the expense of trying to attract large-scale employment to areas requiring economic re-growth. The Fraser of Allander Institute at the University of Strathclyde has conducted regional economic studies in areas suffering from significant economic regional challenges and makes recommendations as to how complex socio-economic issues such as inequality and poverty can be addressed. The Institute has identified the importance of the “Foundational Economy”, which refers to organisations/businesses that provide services and products within their communities that support everyday life. Jobs in the foundational economy most notably refer to health, care, education, housing, utilities, tourism, food supply and retail. Investment in the Foundational Economy is recognised as being essential in ensuring that these vital sectors of the economy are supported, offering the chance to reverse the deterioration of employment conditions and reverse the leakage of money from communities. Addressing the Foundational Economy can assist in meeting challenges such as population decline, economic recovery in areas requiring regeneration, and dealing with poverty and inequality. All of this resonates with NPF4’s overarching spatial strategy theme of “Just Transition”, as outlined in paragraph 2.2.11 of this Report of Handling.

2.13.14 Taking all the above into consideration the applicant has demonstrated that, at this Planning Permission in Principle stage, the proposed development can conform to the Development Plan with respect to delivering community and economic benefits to the local area. In addition, and in line with NPF4 Policy 11 (Energy) and its aim to maximise net economic impact, the development could contribute to a community fund arising from the solar renewables element of the proposals. This would be subject to future discussions with local community organisations as it can only be secured outwith the formal planning process.

### 3.0 Consultation Summary

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Parks Development And Countryside - Rights Of Way/Access	No objection.
Scottish Environment Protection Agency	No objection, subject to planning conditions.
Archaeology Team, Planning Services	No objection.
Strategic Policy And Tourism	No objection.
Business And Employability	No comment.
Natural Heritage, Planning Services	No objection, subject to planning conditions.
Trees, Planning Services	No objection, subject to planning conditions.
Urban Design, Planning Services	No objection, subject to planning conditions.
Drone Footage	Footage available Link is <a href="https://vimeo.com/896940314">https://vimeo.com/896940314</a>
Land And Air Quality, Protective Services	No objection, subject to planning conditions.
Economic Development (Investment)	Support.
Economic Development (Tourism)	Support.
Education (Directorate)	No objection, subject to planning conditions.
Housing And Neighbourhood Services	No objection, subject to planning conditions.
Structural Services - Flooding, Shoreline And Harbours	No objection, subject to planning conditions.
TDM, Planning Services	No objection, subject to planning conditions.
Parks Development And Countryside	No comment.

Policy And Place Team (West Fife Area)	Contrary to FIFEplan LDP.
Built Heritage, Planning Services	No objection, subject to planning conditions.
Scottish Water	No objection.
NatureScot	No objection, subject to planning conditions.
The Coal Authority	No objection, subject to planning conditions.
Health and Safety Executive (Explosives)	No objection.

## 4.0 Representation Summary

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### 4.1 Representations Received

A total of six representations were received, including letters of support from Saline and Steelend Community Council, West Fife Woodlands Group and a planning adviser acting on behalf of a local resident. Two letters of objection were received, one from an adjacent business and one from a local resident, whilst another local resident posed a number of questions, neither supporting nor objecting to the proposals

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph(s)</b>
a. Orica UK Ltd submitted a holding objection due to concerns that the proposed redevelopment of Comrie Colliery would introduce development within its Muirside Depot Explosives Facility’s safeguarding zones, potentially affecting its Explosives Licence (and therefore its commercial viability).	2.7.11 to 2.7.13
b. A resident of Oakley, has objected to the development due to concerns that the proposed development will exacerbate flooding issues they have been experiencing. Also objects on the basis that insufficient information has been supplied related to the removal of trees as part of the proposal.	2.6.7 to 2.6.22 (flooding)  2.8.11 (tree removal)



## 4.2.2 Support Comments

### Saline and Steelend Community Council

Saline and Steelend Community Council support the application as the community council has promoted development of this site for many years, including support via local plan consultations.

- a. current proposals are far and away the best solution to remediation of a major derelict site. We feel that it meets many of Fife Council's key policies, particularly those relating to sustainable economic activity. At our local level, we welcome the opportunities for employment for people from a community where access to jobs is restricted for those without access to a car.
- b. The community council is also supportive of Saline and Steelend Community Development Trust's and West Fife Woodland's commitment to creating multi use paths linking Saline and Steelend to Oakley, Comrie and Blairhall. These will provide access to the development site without a need for motorised transport, contributing to net zero targets, but will also add a significant area of accessible countryside for locals and visitors' recreation and enjoyment.
- c. Comrie Development Company has already contributed to ongoing works and are committed to working with community groups in future developments. We also see the proposals as an opportunity to highlight what the West Fife Villages have to offer to prospective investors and visitors.
- d. The community council has held well-attended meetings in Saline and Steelend to assess community opinions. These meetings have been positive with no objections from those attending.
- e. The community council hopes that, if planning permission is granted, Fife Council will work with the communities and CDC to ensure that maximum benefit accrues from the development.

### West Fife Woodlands

- f. We, West Fife Woodlands Group are writing to express our support for the Comrie Pit Mixed-Use Development. We believe that this development will bring significant benefits to the local community and the wider area.
- g. The Comrie Pit Mixed-Use Development of the site will provide much-needed housing, as well as new opportunities for businesses and tourism. The development will also help to regenerate an area that has been underutilised for many years. Additionally, the new footpath link we are forming between Oakley and Saline, via Big Wood and through the Comrie site, will provide a safe and convenient way for residents to travel between these areas.
- h. We understand that there may be concerns about the impact of the development on the local environment and infrastructure. However, we believe that these concerns can be addressed through careful planning and consultation with the local community.
- i. In conclusion, we would like to express our strong support for the Comrie Pit Mixed-Use Development of the site. We believe that this development will bring significant benefits to the local community and the wider area, and I urge you to approve the planning application.

**Mr Alistair Smith, AMS Associates on behalf of a Local Resident**

- j. A resident of Bogside, offers support for the proposed development, indicating that it appears to be a comprehensive project which should, on completion, remove for all the endless blight of this derelict site on the community.
- k. The resident wishes the Planning Committee to ensure that a “belt and braces” approach to the assessment of the development is undertaken, given the site’s long history of failed companies and undelivered promises. (The site history is detailed in Section 1.0 of this Report of Handling and Fife Council can only deal with the planning proposal that has been submitted by the applicant.)
- l. The Planning Committee is urged to ensure that “cherry picking” of uses cannot happen, with robust conditions of planning permission in place to secure this, as it would be unfortunate if only half the proposals were realised, leaving the rest of the site undeveloped. (The applicant has provided a detailed Phasing Plan for the proposed development, prioritising site remediation and the provision tourism facilities and renewable energy before any housing elements are constructed, which would be secured by conditions of any planning permission in principle granted for this application.)
- m. The remediation of the Blairhall Bings, which were undoubtedly a huge blight to the area, are given as good examples of successful tree planting and are now very much part of the local environment and amenities in a great way. (A substantial element of the proposed development revolves around site remediation and the proposals would deliver a central community park, offering significant environmental, biodiversity, health and social benefits to the surrounding settlements.)
- n. Planning Committee is reminded that Orica UK Ltd’s explosives facility is adjacent to the site boundary and discussions will have to be had with the Health and Safety Executive to ensure that safety is maintained with a potential influx of visitors to, and users of, the site. (This matter is addressed in paragraphs 2.7.11 to 2.7.13 of this Report of Handling.)

#### 4.2.3 Other Concerns Expressed

##### Issue

- a. A resident of Kinneddar Park enquired why the C19 was being used by site traffic when the main access to the site from the A907 was currently blocked by large boulders.

##### Comment

This application for planning permission in principle requires to be assessed in the context of what the proposed traffic access arrangements are, rather than what operational arrangements are currently in place at the site.

## 5.0 Conclusions

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5.1 The potential benefits to the West Fife Villages from rehabilitating and redeveloping the largest remaining area of post-industrial dereliction in Fife are significant in an environmental, economic, health and social context. On balance, it is considered that the proposed development aligns with the fundamental principles of NPF4 when the document is read as a whole. The applicant has provided sufficient evidence for this Planning Permission in Principle stage to demonstrate that the proposal could be developed in a way such that it would not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated.

## 6.0 Recommendation

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

A. A legal agreement securing the following matters:

- Securing a financial contribution towards the Strategic Transport Interventions of £456 per dwelling, tourism lodge/chalet, live/work unit, smart clachan, care village unit (excluding affordable housing); plus a pro-rata contribution for the hotel;
- Securing 25% of the site's housing units as affordable housing;
- Securing the final delivery of landscaping and open space for development areas should the development stall for 3 years or more;
- Securing a financial contribution towards the costs of the mitigation across Dunfermline secondary schools and Saline Primary School;
- Defining the arrangements for periodic review of the education impact of the development.
- Defining the arrangements for periodic review of the financial viability of the development as a whole, the funding raised through development to date and the investment made in in site restoration and infrastructure, and quantifying the funding required to complete restoration works.

B. That authority is delegated to the Head of Planning Service in consultation with the Head of Legal & Democratic Services to negotiate and conclude the legal agreement necessary to secure the obligations set out in paragraph A, above.

C. That should no agreement be reached within 12 months of the Committee's decision, authority is delegated to the Head of Planning in consultation with the Head of Legal & Democratic Services to refuse the application should this be deemed appropriate.

D. The following conditions and reasons:

### **PRE-COMMENCEMENT CONDITIONS:**

19. PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE, a detailed Flood Risk Assessment (FRA) and a Drainage Strategy must be submitted and approved by Fife Council as Planning Authority (in consultation with SEPA). Evidence shall be provided that any works to the Bourtree Burn (re-naturalization and/or de-culverting) have a neutral or better effect on downstream flood risk, and the FRA shall take cognisance of the provision of drainage infrastructure on site (as this will impact the design flow of the Bourtree Burn). The issues of flood risk and drainage shall be progressed in tandem as plans for the overall site are progressed. The drainage strategy shall provide the drainage details for the proposed development with SUDS. This shall include details of how the culvert and drains within the site will be accommodated within the development. 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. Any Sustainable Urban Drainage Scheme shall be designed with long term maintenance plans which meet the needs of the development. The Drainage Strategy shall include a certification for a Chartered Engineer.

The water environment restoration and improvements identified shall be incorporated into the Strategic Infrastructure Delivery Plan and Development Brief for each phase, where relevant.

Reason: In the interests of protecting and improving the local water environment in accordance with the Development Plan; to avoid significant flood risk.

20. PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE, the developer shall submit a map demonstrating that all Groundwater Dependent Terrestrial Ecosystems (GWDTE), and existing groundwater abstractions, are outwith a 100m radius of all excavations less than 1m deep, and outwith 250m of all excavations deeper than 1m.

Reason: To protect the integrity of Groundwater Dependent Terrestrial Ecosystems on and adjacent to the site.

23. PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE, an Explosives Safeguarding Zone Assessment shall be submitted for the written approval of Fife Council as Planning Authority, in consultation with the Health and Safety Executive. This Assessment shall detail where development proposals coincide with the inner, middle and outer zones for Orica UK's Muirside Depot and identify areas where development is restricted. Where development is proposed within any of the safeguarding zones, detailed evidence shall be provided showing that the form and scale of development proposed conforms with the restrictions imposed by The Explosives Regulations 2014. This restriction may be removed should the HSE consultation zone be removed. An updated Development Brief would be needed in this circumstance.

Reason: In the interests of the Health and Safety of future residents and users of the site.

### **CONDITIONS:**

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

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

2. 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 Fife Council as Planning Authority:-

- (a) Engineering operations associated with the carrying out of the remediation, ground stabilisation works, or preventative measures associated with decontamination on site or previous mineral extraction;
- (b) Engineering operations associated with the creation of development platforms, including the infill, regrading or extraction of material and preliminary works;
- (c) The construction of SUDS facilities and flood attenuation including all associated engineering works;
- (d) The development of the road, cycleway and footpath network;
- (e) The development of Greenspace (including the Central Park, Woodland, Habitat Zones and Waterbody) and associated infrastructure;
- (f) The construction of Tourism Chalets/Lodges and associated infrastructure;
- (g) The construction of the Hotel/Spa/Hospitality complex and associated infrastructure;
- (h) The construction of the Retirement/Care Village complex and associated infrastructure;
- (i) The construction of the renewable (solar) energy facility and associated infrastructure;

- (j) The servicing/construction of the Employment (industrial) land and buildings and associated infrastructure;
- (k) The construction of the Farm Shop/Garden Centre retail and associated infrastructure;
- (l) The construction of the ancillary retail and associated infrastructure;
- (m) The construction of residential development and associated infrastructure;
- (n) The redevelopment of the existing Pug Shed as a Heritage Centre and associated infrastructure;
- (o) The construction of the 9-hole Pitch and Putt Golf Course and associated infrastructure;
- (p) The construction of play provision and associated infrastructure;
- (q) A Strategic Infrastructure Delivery Plan as defined by condition 12;
- (r) An updated Comrie Development Framework (when considered necessary by Fife Council as Planning Authority) as defined by condition 11; and
- (s) A Development Brief for each phase, as defined by condition 13.

No work shall be started on any element of 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 Fife Council as Planning Authority with the following supporting documents, unless otherwise agreed between the parties, each acting reasonably :-

- (a) An updated Comrie Development Framework as defined by condition 11;
- (b) An Active Travel Plan and Public Transport Strategy as defined by condition 26;
- (c) A detailed Landscape Framework as defined by condition 15;
- (d) An Employment Land Delivery Strategy as defined by condition 16;
- (e) A Biodiversity Action and Enhancement Plan as defined by condition 18;
- (f) A feasibility study for the restoration and de-culverting of the Bourtree Burn as defined by condition 19;
- (g) An Explosives Safeguarding Zone Assessment as defined by condition 23; and
- (h) A Conservation and Redevelopment Strategy for the Historic Pug Shed (condition 17).

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 in the areas identified.

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 Fife Council as Planning Authority with the following supporting information, unless agreed otherwise 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 treatments;
- (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 Development Framework, relevant Development Brief, Strategic Infrastructure Delivery Plan, Environmental Statement and any of the strategies required in conditions 2 and 3, 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 any retaining structures;
- (k) A 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) Details of the contractors' site facilities including storage, parking provision and areas for the storage of topsoil and subsoil;
- (o) A Sustainability Statement;
- (p) Details of any public art provision;
- (q) A Drainage Strategy with validation certificates;
- (r) Site investigation and remediation strategy in accordance with the agreed Site Investigation Strategy as defined by condition 33;
- (s) Air Quality Assessment;
- (t) A detailed CTMP (Construction Traffic Management Plan) as defined in condition 41;
- (u) A detailed CEMP (Construction Environmental Management Plan) as defined by condition 40;
- (v) An updated Flood Risk Assessment with mitigation;
- (w) Maintenance details of SUDS, water courses, drains, culverts, open space and play areas;
- (x) An Arboricultural Impact Assessment and Tree Protection Plan, detailing surveys of any trees to be removed and tree protection measures for trees being retained. This should comply with BS5837 guidelines and include a visual representation of tree placement, tree

root protection zones, areas of proposed works, protective fencing locations and the type of protective fencing to be used;

(y) An Integrated Site Management Plan for long term management and protection of created habitats for the different areas of the site, including proposed phasing, will need to be developed. These should be fully costed, with responsibilities agreed and secured. Full details of impacts on existing water bodies, including standing water and burns/river should be included. This should also include proposed mitigation and enhancements of these habitats, and any associated protected species;

(z) A Transportation Statement;

(aa) An energy statement with the first application of each phase as defined by condition 22.

(bb) A Noise Assessment as defined in condition 42;

(cc) A Lighting Plan; and

(dd) An updated Landscape and Visual Impact Assessment (LVIA), which should include the massing, layout, scale, height, and orientation of development areas, alongside all associated infrastructure, including roads, paths, landscaping and planting.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Development Framework and Environmental Statement

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

(a) A statement indicating the aggregate gross land take of the solar energy development being applied for and already approved through previous Approval of Matters Specified by Condition applications across the whole site at the time of submission.

For the avoidance of doubt, the total solar energy facility land take to be developed across the site shall not exceed 40.4Ha;

(b) A statement indicating the aggregate gross floor space of the Employment (industrial) land being applied for and already approved through previous Approval of Matters Specified by Condition applications across the whole site at the time of submission.

For the avoidance of doubt, the total Employment (industrial) floorspace to be developed across the site shall not be less than 5,000m<sup>2</sup>;

(c) Where relevant, a noise assessment and mitigation for the impact on existing residential properties and future residential areas set out within the Development Framework;

(d) Where relevant, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;

(e) Where relevant, the details of plant and machinery including the mechanical ventilation and noise output information;

Reason: To ensure sufficient information is submitted with each application to determine compliance with the masterplan, development brief, strategic infrastructure delivery plan and Environmental Statement.

6. Every Application for Approval of Matters Specified by Condition submitted under the terms of Condition 2(f), (g), (h) and (m) shall be submitted with the relevant details as required by

condition 4 and the following details and supporting information, unless agreed otherwise 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.

For the avoidance of doubt, the total number of residential units to be developed across the site shall not exceed 185 units, of which a minimum of 25% must be affordable housing;

(c) A statement indicating the aggregate number of Tourism Chalets/Lodges already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission.

For the avoidance of doubt, the total number of chalets/lodges to be developed across the site shall not exceed 420 units and the Hotel/Spa/Hospitality complex shall not exceed 160 beds;

(d) A statement indicating the aggregate number of Retirement/Care Village complex units already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission.

For the avoidance of doubt, the total number of Retirement/Care Village complex units to be developed across the site shall not exceed 320 units;

(e) 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;

(f) Detailed plans of open space 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;

(g) Noise and vibration assessment covering any approved or existing significant noise generating land uses, including road traffic noise, and noise from existing and proposed employment uses. The development shall comply with the noise assessment carried out for the Environment Statement unless these updated noise assessments justify otherwise.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Development Framework, development brief, strategic infrastructure delivery plan and Environmental Statement..

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

(a) A statement indicating the aggregate gross floor space of the retail 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.

For the avoidance of doubt, the total retail floorspace to be developed across the site shall not exceed 1,000m<sup>2</sup> of Farm Shop/Garden Centre retail and shall not exceed 1,000m<sup>2</sup> of ancillary retail.

Reason: To ensure sufficient information is submitted with each application to determine compliance with the Development Framework, development brief, strategic infrastructure delivery plan and Environmental Statement.



8. If any of the information required within conditions 4, 5, 6 and 7 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, development brief, strategic infrastructure delivery plan and Environmental Statement.

9. The development shall be carried out in accordance with the terms of the Environmental Statement 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 Statement which forms part of the application proposals.

10. The development shall be carried out in a phased manner in accordance with the terms of the approved Revised Indicative Phasing Strategy (Document 26 of the planning application submission documents), or any subsequent approved versions as per this condition or required through conditions 2 and 3 of this planning permission. The mix and layout of development on each phase and the number of units, quantum of floorspace, or area of development within that phase shall not be exceeded or altered as a result of the applications submitted under condition 2, unless any required changes to the Comrie Development Framework have first been agreed and approved by Fife Council as Planning Authority, and the impacts of the change to that phase outlined in the context of the whole development considered. For avoidance of doubt any new Comrie Development Framework or amendments thereto shall be submitted for the written approval of Fife Council as Planning Authority under the terms of this permission. However, Fife Council reserves the right, acting reasonably, to request an application for Matters Specified by Condition 2(r) if the Comrie Development Framework changes require assessment or consultation or a new application for planning permission in the event that the change to the Development Framework has a significant impact on the terms of the Development Plan current at the time of the request.

Reason: To ensure the development proceeds in accordance with the Development Framework and phasing plan and to put in place a mechanism for the variation of phasing and development over the development period.

11. The updated Development Framework required by condition 3(a) shall be submitted for the written approval of Fife Council as Planning Authority. This shall establish clear strategic principles for a wide range of design matters, accompanied by illustrations and/or photographic examples, so that subsequent design documents (e.g. Development Briefs, Design and Access Statements) have clear principles from which to draw guidance. The updated Framework should provide significant detail on contextual matters, including the local settlement context, examining settlement layouts, rural building patterns, the grain of development and its relationship to landscaping. A design narrative should then flow that connects the contextual appraisal to the indicative layout/masterplan so there is confidence that any proposals clearly relate to the place and context, and avoids development being of a generic suburban typology and not reflective of its more rural locational influence.

The Framework should consider how the leisure and tourism units could be clustered across the site, enclosed by a strong landscape framework. In residential areas, the opportunities for natural traffic calming measure which do not rely on a hard engineering approach via raised tables or speed cushions etc. should be considered and expressed.

The variety in built form should be clearly expressed and include:

- (a) a range of building heights, variation of roof lines, clustering of buildings to create informal site edges;
- (b) variation of building setbacks from the street to reinforce a range of street typologies creating a clear distinction between street types, from narrow lanes to wider principal tree lined streets (with cross sections included);
- (c) the design of nodal areas should reinforce character and distinctiveness;
- (d) landmark buildings should be positioned at key nodal points, and at vista terminations - they should be visible on approach and aid in place identity and orientation;
- (e) boundary edges should be well defined using buildings, walls, hedges and appropriately designed fences, this should reinforce local character;
- (f) car parking strategy, including design principles for courtyard parking – ref. multi-use courtyards, multiple access points, buildings overlooking, appropriate boundary treatment etc.;
- (g) architectural strategy – to ensure distinctiveness, sense of place, variation and a development of its time. Contemporary architecture is strongly supported;
- (h) social space and micro play – locational and design aspects – located across the development to encourage social interaction, sense of community and reflecting the streets for people/natural traffic calming principle.

This new framework document shall be the approved Comrie Development Framework for the site at this time.

Reason: To create a detailed Development Framework document which encompasses all the key principles for the site.

12. THE FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 2 SHALL BE/ OR ACCOMPANIED BY a Strategic Infrastructure Delivery Plan in accordance with condition 2(q) for written approval. This shall divide the Development Framework area into phased development zones to confirm the phasing of the delivery of strategic 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 linked to the updated Landscape Framework required by condition 3(c);
- (b) Number of units within each area/ phase (including affordable housing)
- (c) Public art (overall theme);
- (d) Strategic landscaping;
- (e) Advanced planting;
- (f) Details of existing assets for retention such as trees, hedgerows, walls;
- (g) Biodiversity Action and Enhancement Plan mitigation;
- (h) Temporary and permanent safe routes to school;
- (i) Delivery of SUDS including the early delivery of SUDS in line with the Environmental Statement;
- (j) Strategy and commitment to any Flood Risk measures identified within the Flood Risk Assessment;
- (k) Hierarchy of Open Space and delivery;
- (l) Woodland management and improvement;

- (m) Direction of build;
- (n) Strategy for land clearance in advance of development;
- (o) Strategy for retaining access to Rights of Way and Core Paths during construction;
- (p) Strategy for timings and delivery of upgrades to Rights of Way and Core Paths; and
- (q) A Site Investigation Strategy.

The timing of the delivery of each matter shall be associated to the phasing schedule. Updates to the Strategic Infrastructure Delivery Plan can be made through the submission for the written approval of Fife Council as Planning Authority of an amended Strategic Infrastructure Delivery Plan under the terms of this condition but the Council, reserves the right to request a new planning application through condition 2(l) in the event that the change to the Strategic 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 strategic infrastructure within development zones to ensure these areas are delivered in the interest of amenity, landscape impact and natural heritage.

13. Prior to or with the first application for each phase of development as defined by the phasing plan and the Strategic Infrastructure Delivery Plan, a Development Brief for that phase shall be submitted for written approval in accordance with condition 2(s). This shall set out the following (where relevant to that phase):

- (a) Character/ design themes, concepts, styles for the phase;
- (b) Identification of character areas, sensitive locations and constraints;
- (c) Set the design criteria for the character areas;
- (d) Protection of built heritage assets within the site and outwith and character areas associated with these.
- (e) Indicative heights of buildings;
- (f) Hierarchy of streets and footpath network;
- (g) Play area locations, form and age groups (including timescale for delivery);
- (h) Final public art theme for phase including locations and contribution level to be spent on phase and timescales for delivery;
- (i) Biodiversity enhancement locations and delivery;
- (j) Strategic landscaping and advanced planting;
- (k) Enhanced detailing locations including boundary treatment, gables and elevations;
- (l) Internal and external footpath and vehicular connections including the connections to existing settlements (where relevant, these should align with the transportation specifications as set out in conditions 27 to 32;
- (m) Hierarchy of open space.
- (n) Temporary and permanent safe routes to school;
- (o) Delivery of employment land;
- (p) Delivery of Active Travel Plan and Public Transport Strategy;
- (q) Proposed crossing points on roads and for Green Networks
- (r) How existing utilities on site would be managed, re-routed or protected;

- (s) Identification of the inner, middle and outer zones for Orica UK's Muirside Depot, identifying areas where development is restricted in accordance with the Explosives Safeguarding Zone Assessment required by condition 3(h) and detailed in condition 23;
- (t) Incorporation of utilities and any heat network associated with the on-site solar energy generating facility and/or geothermal heat facility (subject to a feasibility statement);
- (u) Connections to the countryside and adjoining settlements;
- (v) Strategy for integrating new development with existing residential properties, including suitable buffers where necessary;
- (w) Existing topography, gradients and landscape features;
- (x) Design solution for the topography, gradients and landscape feature;
- (y) Delivery of upgrades or re-routing Rights of Way and Core Paths;
- (z) Potential noise mitigation locations;
- (aa) Phasing for installation of ultrafast broadband.

Thereafter all applications for Matters Specified by Condition 2 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 schedule. 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(l) in the event that the change to the Development Brief 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 define the design concepts for each phase of development to ensure compliance with the Development Framework.

14. The Strategic Infrastructure Delivery Plan and Development Briefs received through conditions 12 and 13 shall provide the following detail to inform points (a) (h), (l), (o) and (p) of condition 12 and points (n), (z) of condition 13:

- The provision of the Green network shall be delivered concurrently with adjacent land parcels. The footpaths/cyclepaths shall be 3 metres wide and illuminated where appropriate;
- The Strategic Infrastructure Delivery Plan, where relevant, should align with the transportation specifications as set out in conditions 27 to 32;
- The Strategic 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 Pilgrims Way 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 Strategic Infrastructure Delivery Plan and associated Development Briefs. An alternative route shall be provided for temporary closures. The existing alignments of these routes are not necessarily fixed and consideration should be given to providing an alternative where there is such a requirement.

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

15. The Landscape Framework required through condition 3(c) shall demonstrate a minimum of 60sqm of open space per dwelling and the minimum of 40Ha of Green Space shown within the Development Framework. Any areas of fenced off SUDS ponds, inaccessible landscape planting or road verges shall not be included in the 60sqm measurements. Any playing fields to be included within this calculation must be accessible to the public. The Landscape Framework shall also provide the following additional detail:

- (a) The phasing and delivery of the open space, landscaping and green space to coincide with the Strategic Infrastructure Delivery Plan and Development Briefs;
- (b) Identification of the open space and landscaping to be delivered in each development phase;
- (c) A strategy for delivery of the landscaping and open space within the phase should development stall for three years;
- (d) Planting lists and strategies for the strategic landscaping areas and development edges;
- (e) Strategy for the enhancement of existing Green Networks and tree lines and advanced planting;
- (f) Identification of areas of planting, hedgerows and trees for protection;
- (g) Strategy for landscaped areas around existing properties; and
- (h) Adequate mitigation for any trees removed shall be specified, with trees removed being replanted in a minimum 2:1 ratio, or such higher ratio as is commensurate with the value of the tree(s) lost – e.g. 4:1 for Category B trees, 5:1 for Category A trees.

Updates to the Landscape Framework can be made through the submission for the written approval of Fife Council as planning authority of an amended Landscape Framework under the terms of condition 3.

Reason: In the interests of protecting the landscape and ensuring delivery of the Landscape Framework requirements of the Local Development Plan.

16. The Employment Land Delivery Strategy required by condition 3(d) shall set out a strategy for the delivery of employment land. This shall state how the land would be secured for employment purposes and designate suggested areas for the various land use classes proposed. Flexibility should be incorporated into this and current market demand shall also inform the delivery strategy. The delivery strategy should be reviewed and updated ahead of each development phase. The strategy should set out an indicative phasing plan separate from the main phasing plan reflecting the likely slower pace of delivery of the employment land compared with the residential land. Following the review and subsequent agreement of the delivery strategy, an agreed area of employment land within each phase shall be fully serviced with utilities to the site entrance, platforming where necessary and accessible by a road to the site entrance to wearing course standard unless otherwise agreed in writing with Fife Council as Planning Authority, acting reasonably. This preparation work should only be undertaken when the previous phase is substantially complete, and an agreed level of employment sites have been occupied. The triggers and phasing of this work shall be set out within the Delivery Strategy. A temporary use of the land (such as open space) shall be provided for any land being retained for employment purposes in the agreed delivery strategy and potential temporary uses shall be detailed in the Strategy.

Updates to the Employment Land Delivery Strategy can be made through the submission for the written approval of Fife Council as planning authority of an amended Employment Land Delivery Strategy under the terms of condition 3.

Reason: To provide a strategy for the delivery of the employment land.

17. The developer shall provide a Conservation and Redevelopment Strategy, as required by condition 3(h), for the retention and re-purposing of the historic Pug Shed building within the site. The Conservation and Redevelopment Strategy must consider the following:

- A condition survey of the building;
- A strategy for long term reuse of the building based on the survey results;
- The repair and renovation of the building as reasonably required and necessary;
- A maintenance strategy for protection and conservation of the building until it is redeveloped;
- Consideration of early redevelopment of this building;
- Timescale for completion of any works identified;
- Timescale for monitoring of the condition of the building.

Any works identified within the Strategy shall be completed in accordance with the timescales set out.

Reason: To ensure the redevelopment and re-purposing of the historic Pug Shed building on site is delivered as planned.

18. The Biodiversity Action and Enhancement Plan required by condition 3(e) shall be informed by updated species and habitat survey work, and shall include the following details:

- Mitigation measures identified through the updated ecological survey work; and
- Mitigation measures detailed in Chapter 15 of the Environmental Impact Assessment Report (Summary of Environmental Commitments).

Delivery of these measures shall be detailed within the Strategic 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.

21. In the event that any development is proposed within the wooded slope identified in the submitted Peat and Peatland Survey (Botanaeco, Comrie Colliery, Peat, 19/03/2024), an updated Peat Assessment shall be submitted, PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE, for the written approval of Fife Council as Planning Authority, in consultation with SEPA.

Reason: To guard against any potential adverse impacts to Lockshaw Mosses SSSI and area of associated raised bog on the western edge of the site.

22. THE FIRST APPLICATION SUBMITTED FOR EACH PHASE SHALL BE ACCOMPANIED BY an Energy Statement informed by a feasibility study (or updated previous statements and studies) of a potential localised power and/or heat generating station and/or network on-site. This shall explore a district heat network through either on-site heat generation or co-location with an existing or proposed heat source or existing network. It shall also explore the potential for renewable on-site sources of energy production, including the use of minewater from the former Comrie Colliery shaft(s) or the use of a thermal pit. The Energy Statement should be prepared in line with the Scottish Government's online planning advice "Planning and Heat" and assess the technical feasibility and financial viability of on-site generation and heat network/district heating for this site, identifying any available existing or proposed sources of

renewable energy and heat (within or outwith the site) and other factors such as where land will be safeguarded for future district energy and heating infrastructure.

Reason: To explore the possibility of a sustainable on-site source of energy or heat in accordance with Scottish Planning Policy and to assist in meeting Scotland's climate change targets.

24. No land or vegetation clearance shall occur prior to the written approval of the Strategic Infrastructure Delivery Plan and the strategy for land clearance, condition 12(n), 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 and environmental 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.

25. Notwithstanding the terms of the Town and Country Planning General Permitted Development (Scotland) Order 1992 (As Amended), or any Order revoking or replacing this Order, the introduction of mezzanine levels within any retail building within the site or the amalgamation of any approved retail floor space into one or more larger units, shall require further planning permission.

Reason: To clearly define the extent and nature of the retail floorspace approved under this permission and to ensure that any material changes are subject to further planning applications that can assess the impacts on the vitality and viability of the town and local centres within Dunfermline.

26. The Active Travel Plan and Public Transport Strategy required under condition 3(b) shall set out proposals for reducing dependency on the private car and detailing public transport measures to be introduced within and outwith the site to encourage the use of public transport during the build-out of the site. The Active Travel Plan and Public Transport Strategy shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. The land use shall not be brought into operation until the Travel Plan has been agreed and is in operation.

Reason: To be consistent with the requirements of the Development Plan and PAN 75 Planning for Transport.

27. Prior to the opening/occupation of the first leisure & tourism, or employment, or retail, or care village, or residential unit within the site, the roundabout access from the A907 shall be completed and open to traffic. The normal roundabout shall be designed fully in accordance with the Design Manual for Roads and Bridges CD 116 Geometric Design of Roundabouts. A detailed design shall be submitted for the prior written approval of Fife Council. The detailed design shall be supported by a Stage 1 Road Safety Audit.

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

28. 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. The following principles shall apply:

- (a) The primary street through the site between the A907 and Bickramside/C19 junction, and vehicular access to the employment land, shall be designed for a 30mph speed limit with carriageway widths of 6 - 6.5 metres; 2 metres wide grass verges on both sides; 3 metres wide footway/cycleway on its southern/eastern side; and a 2 metres wide footway on the north side fronting the tourism and employment areas. The primary street through the site between the A907 and Bickramside/C19 junction shall be completed and open to vehicular traffic prior to occupation of the first residential or care village unit.
- (b) A local street network with carriageway widths of 4.5 – 5.5 metres (6 metres if on a prospective bus route) with 2 metres wide footways and/or 2 metres wide grass verges/service strips on both sides of the carriageway. The provision of a footway on one side of the carriageway with a 2 metres wide grass verge/service strip on the other side would be acceptable. The streets shall be designed for a 20mph speed limit. Shared surface streets shall be designed to encourage vehicle speeds <10mph.
- (c) The provision of bus stops with shelters, poles, flags and road markings and provision for safe crossing facilities on the primary and local street network. The locations would be identified as applications are submitted for the adjacent land parcels.
- (d) Prior to the opening/occupation of the first leisure & tourism, or employment, or retail, or care village, or residential unit within the site, the provision of a toucan crossing on the A907 to the east of its junction with Rintoul Avenue.
- (e) Prior to the opening/occupation of the first leisure & tourism, or employment, or retail, or care village, or residential unit within the site, the provision of a 3 metres wide shared footway/ cycleway behind a 2 metres wide grass verge on the north side of the A907 between the roundabout access and toucan crossing of the A907.
- (f) Prior to the opening/occupation of the first leisure & tourism, or employment, or retail, or care village, or residential unit within the site, the provision of a 3-metres wide shared footpath/ cyclepath between the A907 and Bickramside generally along the alignment of core path R627.
- (g) Prior to the opening/occupation of the 50th residential unit within the site, the provision of a 3-metres wide shared footpath/cyclepath between the site and C19 generally along the alignment of the former mineral railway.
- (h) A detailed design shall be submitted for the prior approval of Fife Council for items (d) – (g) above showing clearly that the works can be delivered on land within control of the applicant. The detailed design for (g) shall consider how the shared path could link with the A907 to provide a link with the existing shared path (R610) to Inzievar Woods and Dunfermline – Alloa cyclepath (R597), including a safe crossing facility of the A907.
- (i) The provision of toucan crossings at key crossing points on the primary street.

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

29. Prior to occupation of the first house, 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 Bickramside and C19 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.

30. Prior to vehicular accesses within the site coming into use visibility splays 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.

31. Prior to occupation of each residential unit, all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

32. Prior to occupation of each leisure & tourism, or employment, or retail, or care village, or residential unit, off street parking, including cycle, EV charging 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). The parking spaces shall be retained through the lifetime of the development.

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

33. The Site Investigation Strategy required as part of the Strategic Infrastructure Delivery Plan, as per condition 12(q), shall set out a phasing strategy for site investigation on site and provide an overall risk assessment for the entire site. It is accepted that given the size of site, that a single site investigation might not be appropriate. The Site Investigation Strategy shall break the site down to smaller zones for site investigation with the Site Investigation for these zones being submitted with the first application for Matters Specified by Condition within that zone. No works shall be carried out within any of the zones until the appropriate site investigation has been submitted for that zone.

Reason: To ensure that any potential contamination is adequately addressed on site.

34. Following completion of any measures identified in the Remediation Strategy required by condition 4(r) 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 relating to the Remediation Strategy shall be brought into use until such time as the remediation measures have been completed in accordance with the approved Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority.

Reason: To provide verification that remediation has been carried out to the planning authority's satisfaction.

35. 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.

36. Prior to, or concurrent with, the matters specified in detail for each phase, the findings from intrusive site investigations carried out to establish the risks posed to the development by past coal mining activity, mine entries, shallow coal workings and surface mining highwalls, if present in that phase, shall be submitted to Fife Council as Planning Authority for consideration and approval in writing, in consultation with The Coal Authority.

Reason: To ensure that all potential risks associated with the legacy of coal mining have been identified.

37. Prior to commencement of each phase of the development, the remedial works identified as required by the site investigations to address risks posed by coal mining features shall be implemented on site (in so far as they affect the area to be occupied by that phase of the development) as agreed, to ensure that the site is made safe and stable for the development proposed.

Reason: To ensure that all potential risks associated with the legacy of coal mining which have been identified are appropriately mitigated.

38. Prior to the first occupation of each phase of the development, as necessary, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Fife Council as Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that all potential risks associated with the legacy of coal mining which have been identified and appropriately mitigated have been completed to the requisite engineering standards.

39. An Ecological Clerk of Works (ECoW) shall be employed to oversee all works being carried out as part of the proposed development. In particular, the ECoW shall oversee and report on all works related to: tree protection, planting and removal; woodland management; securing the working practices and actions required to deliver the Biodiversity Action and Enhancement Plan; and ensuring the delivery of the updated species/habitat surveys and environmental mitigations detailed in the Environmental Impact Assessment (Chapter 15 - Summary of Environmental Commitments).

Reason: To ensure that existing trees and woodland are properly protected during the construction works, and that ecological, environmental and biodiversity objectives are delivered.

40. The Construction Environmental Management Plan (CEMP) required through condition 4(u) 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.

41. The Construction Traffic Management Plan (CTMP) required by condition 4(t) shall provide a construction traffic routing plan aligned with the approved 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, so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

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

42. The noise assessment required by condition 4(bb) 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 existing and future employment uses using the employment land delivery strategy, or from any other existing or proposed source. It must also address any risks or mitigation identified within the Environmental Statement 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 master planning 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 BS 8233:2014 or other method approved in writing by the 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 Development Framework and urban design requirements of the approved development.

In relation to noise levels in outdoor amenity areas (point 4 of this condition), 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 Development Framework and urban design requirements of the approved 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.

43. All applications for approval of matters specified in conditions must be made before:

- (a) the expiration of 30 years from the date of the approval of this decision; or
- (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

Reason: In order to ensure the timely delivery of the development in line with the Development Framework requirements, phasing plans and to align with approved infrastructure delivery requirements to mitigate the impact of the development.

### **Informatives**

The Coal Authority has requested the following Informatives be added to the decision notice, should planning permission in principle be approved:

1 - Ground Investigations. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance

can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property) .

2 - Shallow coal seams. In areas where shallow coal seams are present, caution should be taken when carrying out any on-site burning or heat-focused activities.

## 7.0 Background Papers

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

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

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

[PAN 1/2011 Planning and Noise](#)

[Scottish Vacant and Derelict Land Survey, The Scottish Government \(2019\)](#)

[Transforming Vacant and Derelict Land, The Scottish Land Commission \(2020\)](#)

Affordable Housing Supplementary Guidance, Appendix I ([Fife Council](#))

[Supplementary Guidance on the Planning Obligations Framework \(Fife Council\)](#)

Scottish Government planning guidance on Local Living and 20 Minute Neighbourhoods (Draft April, 2023)

The Explosives Regulations (2014)

Report prepared by: Martin McGroarty, Lead Professional (Minerals)

Report reviewed and agreed by Mary Stewart, Service Manager

26 June 2024

Agenda Item No. 7

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**Application for Approval Required by Condition(s)**      **Ref: 23/00346/ARC**

**Site Address:**                      **Land To South Of Main Street Coaltown Of Wemyss**

**Proposal:**                              **Application for Matters Specified in Conditions for 125 residential units (including 3 no Affordable Housing units) and associated infrastructure, drainage and landscaping as required by condition 1 of 19/00385/PPP**

**Applicant:**                              **Wemyss Properties, 4 Melville Crescent Edinburgh**

**Date Registered:**                      **3 March 2023**

**Case Officer:**                              **Bryan Reid**

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

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

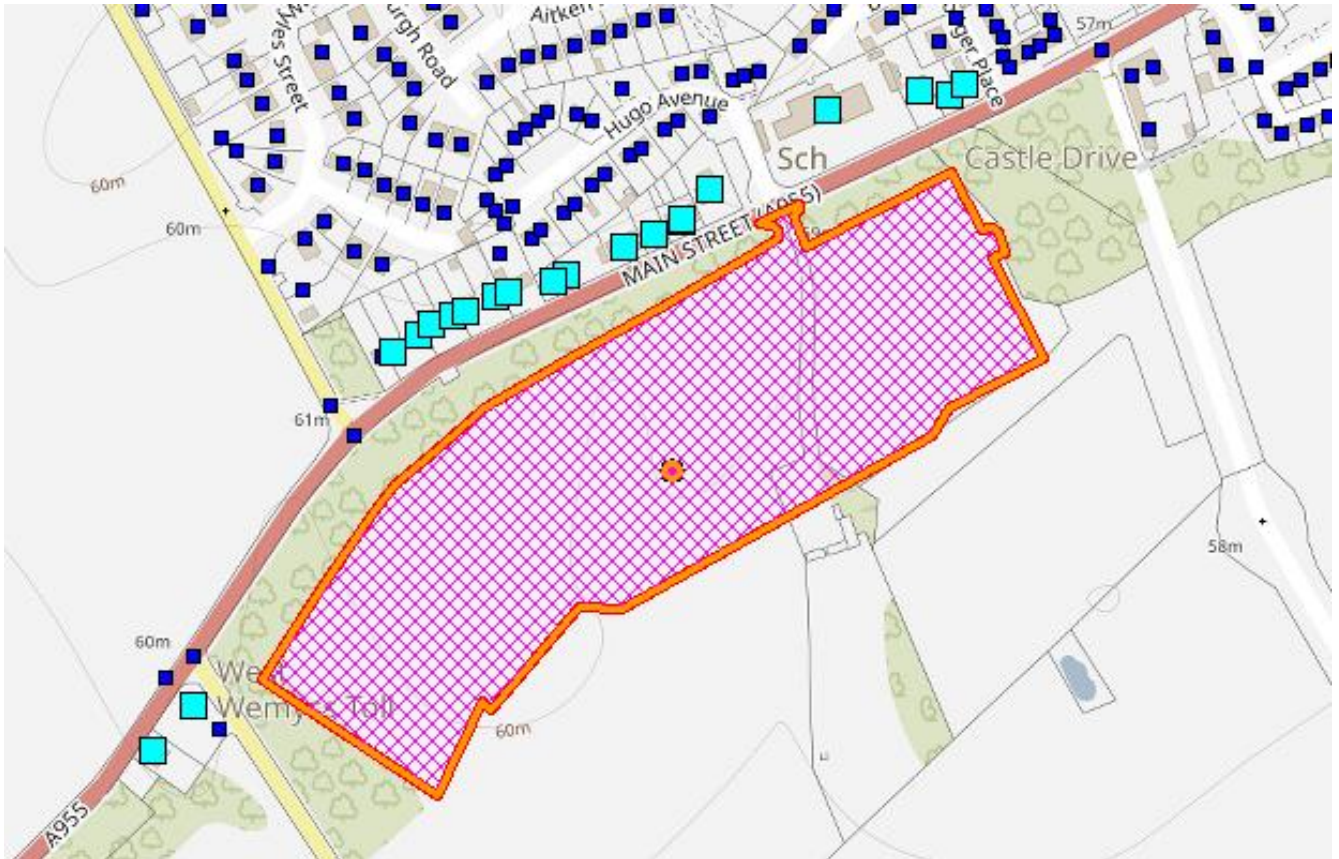
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### **1.1 The Site**

1.1.1 The application site relates to an area of 4.35 hectares on the southern side of Main Street (A955), Coaltown of Wemyss. The site is within the settlement boundary of Coaltown of Wemyss as a site (CLW002) allocated for residential development site within the Adopted FIFEplan (2017). The site is identified as being within the land of the former Wemyss Colliery. The northern boundary of the site is set back from Main Street and is separated by a mature woodland strip which continues round to both the east and west corners of the site. To the north of Main Street are residential properties and Coaltown of Wemyss Primary School. A stone boundary wall and a narrow grass verge divide the woodland strip from Main Street. The southern boundary of the site is bound by agricultural land, with the remains of two derelict steading buildings located approximately 30m south of the site. The eastern boundary of the site is contained by woodland with Castle Drive beyond. The site is also contained by woodland to the west, with Main Street (C18) running north-south between the Coaltown of Wemyss and West Wemyss (identified as Core Path P458/01) to the west of the woodland. The site is wholly contained within the northern fringe of the Wemyss Castle Historic Garden and Designed

Landscape, a coastal 18th - 19th century landscape park overlying an earlier formal landscape associated with the 15th century West Wemyss Castle and Chapel tower-house. Wemyss Castle is designated as a Category A listed building. The Wemyss Castle park extends across coastal hills directly north-west of West Wemyss, the designed landscape lies south of the A955 Kirkcaldy-Methil road, stretching between East Wemyss and West Wemyss. Coaltown of Wemyss has a Conservation Area which straddles the main street to the north and south and extending east from the Primary School. The application site is outwith the boundary of the Conservation Area. The site itself comprises of two agricultural fields.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This Application for Matters Specified in Conditions (AMSiC) application is for 125 residential units (including 3 no Affordable Housing units) and associated infrastructure, drainage and landscaping as required by condition 1 of 19/00385/PPP.

1.2.2 The application proposes a mix of 13 different housetypes, with properties consisting of 2 and 3 (including 3 with study) bedroom terraced, semi-detached and detached dwellinghouses. The proposed three affordable units would be grouped together as a terrace. The majority of units are two storey, with a small number of 2.5 storey homes with roof lights and dormer windows. A simple palette of finishing materials is proposed, including a mix of natural colours of render, buff brick basecourses and red and grey coloured roof tiles.

1.2.3 The proposed development is designed to reflect the rectilinear pattern of the historic core of Coaltown of Wemyss, with short stretches of straight roads and uniform building lines proposed. Narrow pedestrian only paths between properties are also incorporated into the site layout which is reflective of the lanes within the village. Open space is provided throughout the

site, including a focal area, positioned at the eastern access into the site, with a further area of open space proposed in the west of the site.

1.2.4 Vehicular access to the site would be via two raised table priority junctions with the A955, located opposite Checkbar Road and Hugo Avenue. A shared pedestrian/cyclepath connection is proposed to the west of the site. As part of the development, it is proposed to relocate and improve the existing bus stops/shelters on the A955 at Hugo Avenue.

1.2.5 In order to facilitate development, existing trees within the site and woodland area require to be felled. Compensatory tree planting within the site is proposed, with woodland tree planting to the south of the site also proposed to take place.

1.2.6 It is proposed for surface water runoff within the site to drain via gravity to a dry SuDS basin to the west of the site boundary, with filter trenches and porous paving proposed to connect to the basin. The surface water outfall from the basin would drain to the south via an installed underground pipe, ultimately discharging into the Firth of Forth. It should be noted however that the SuDS basin and outfall are located outwith the site boundary and are proposed through related application 23/00347/FULL.

### **1.3 Relevant Planning History**

1.3.1 An outline planning permission (Ref: 90/L/0040) for land to the north of Main Street, the current application site and land to the south of the application site was approved for a mixed use development consisting of a golf course, country club, business park and residential development. A Reserved Matters application (02/03791/CARM) approved details (through a masterplan) for 208 dwellinghouses, 4 light industrial units, an 18 hole golf course and associated clubhouse. The commencement of development on a residential site to the north of Main Street (Lady Grosvenor Gait) secured the planning permission in perpetuity. The original outline permission and subsequent reserved matters application showed 63 residential units wholly within the boundary of the current application site. The house types approved within this boundary were predominantly large, detached villas.

1.3.2 A further planning application for Planning Permission in Principle (11/02388/PPP) was submitted in 2011 and approved on 6 June 2013. This followed the conclusion of a legal agreement requiring the submission of developer contributions for education, offsite play provision, public art and affordable housing.

1.3.3 Planning permission 11/02388/PPP was the subject of a Section 42 application 16/00139/PPP to vary condition 2. This Section 42 application 16/00139/PPP was granted on 30th June 2016 and effectively created a new permission, prolonging the period in which AMSiC application(s) could be submitted by a further 3 years and extending the period in which development could be commenced. This is because condition 3 of permission 16/00139/PPP states that the period for commencement is two years after the final AMSiC application is granted. An updated Section 75 agreement was required and signed for 16/00139/PPP although the broad terms of this remained as per the previous agreement for 11/02388/PPP. Another Section 42 application (19/00385/PPP) was thereafter submitted to amended condition 2 of 16/00139/PP to further extend the timescale for submitting AMSiC applications by a further 3 years, with this application approved (again with an updated Section 75 agreement) on 25<sup>th</sup> July 2019.



1.3.4 The duration of planning permission 19/00385/PPP was extended under Schedule 7 of the Coronavirus (Scotland) Act 2020 and the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022, permitting AMSiC applications to be submitted up to 31<sup>st</sup> March 2023. The current AMSiC application was submitted on the 3<sup>rd</sup> March 2023.

1.3.5 As the current AMSiC application is limited to the site boundaries of the PPP, the applicant has concurrently submitted application 23/00347/FULL for the formation of a SuDS basin and surface water outfall. This application is directly related to the current AMSiC application, with the proposed development to provide drainage infrastructure to service the residential development.

## **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 59(1) 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 As an AMSiC, this development needs to receive a formal permission, but it is not in itself planning permission. Any permission granted is read entirely in accordance with the terms of the PPP. Additionally, as an AMSiC application, the applicant was not required to submit a Proposal of Application Notice (PAN), nor carry out any public consultation events.

1.4.3 The application was advertised in the courier on 20<sup>th</sup> April 2023 given the potential impact on the setting of a listed building. A site notice was also erected.

1.4.4 The application site was visited by the case officer to inform the assessment of the proposed development. To aid Elected Members in their determination of the application, the Council's photographer has also visited the site to gather drone footage.

## **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 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 31: Culture and creativity

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

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

#### Policy 1: Development Principles

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

#### Policy 2: Homes

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

#### Policy 3: Infrastructure and Services

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

#### Policy 4: Planning Obligations

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

#### Policy 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

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

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

#### Policy 13: Natural Environment and Access

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

#### Policy 14: Built and Historic Environment

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

## **National Guidance and Legislation**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

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)

PAN 2/2010: Affordable Housing and Housing Land Audits

PAN 33: Development of Contaminated Land (2000)

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Historic Environment Scotland Historic Environment Policy for Scotland (2019)

Historic Environment Scotland Managing Change in the Historic Environment: Setting (2010)

## **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;
- 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: 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**

Trees and Development  
Garden Ground  
Daylight and Sunlight  
Design and Access Statements

### **Other Relevant Guidance**

Coaltown of Wemyss Conservation Area Appraisal and Management Plan

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Archaeology

### **2.2 Principle of Development**

2.2.1 NPF4 (2023) Policies 5, 9, 15, 16 and 28, FIFEplan (2017) Policies 1 and 2, Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28, Fife Council's Housing Land Audit (HLA) 2022 and the Housing Need and Demand Assessment 2 (HNDA2), and the requirements of the PPP apply with regard to the principle of development for this proposal.

2.2.2 The principle of development does not need to be considered for an AMSiC application given as the principle of developing a high density 125 unit development on the site has already been considered acceptable through the approval of a PPP (19/00385/PPP). The current application has been submitted under the terms of 19/00385/PPP and must therefore demonstrate compliance with the conditions of the PPP. The number of houses proposed would comply with the PPP and raises no issues in terms of compliance with the development as approved through PPP, nor the Adopted FIFEplan Local Development Plan (2017) site allocation.

2.2.3 Concerns have been raised in the submitted objections regarding the need for additional housing in the area. In response to this concern, as above, the principle of residential

development on this site has already been established through the PPP. A concern has also been raised regarding impacts on the greenbelt, however it should be noted that the application site and surrounding land is not designated as a formal greenbelt within the Development Plan.

2.2.4 Condition 1 sets out the information which is required to be submitted in support of any AMSiC application:

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

- (a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- (b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;
- (c) Detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used externally on walls and roofs;
- (d) Detailed designs including appropriate technical reports for the SUDS and other drainage infrastructure associated with the development, including management of surface water drainage and potential flooding;
- (e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention for existing trees and details of all hard landscaping elements, including surface finishes and boundary treatments;
- (f) Details of the future management and aftercare of the proposed landscaping and planting;
- (g) Details of all street lighting;
- (h) Detailed design drawings, including construction and material specifications, showing all new and upgraded access requirements for the site;
- (i) Detailed design drawings, including construction and material specifications, showing the internal road network including all parking and turning and manoeuvring circles and driveways;
- (j) Details of the methodology and delivery of the on site Affordable Housing, including tenure;
- (k) Details of all footpath links through and around the site;
- (l) A vegetation clearance and tree removal scheme including dates of proposed works;
- (m) Details of a protection strip from the existing trees to any proposed dwellinghouse;
- (n) A report on intrusive site investigations confirming ground stability in terms of mining legacy associated with the site and a scheme of remedial measures where necessary. The scheme of intrusive site investigations shall be agreed with the Coal Authority prior to being undertaken.
- (o) A public art strategy for the whole development site;
- (p) a statement on the compliance of the development with the terms of the Fife Council's Sustainability Checklist 2010 or any future amendment of that document;
- (q) A full scheme of traffic calming measures on the A955 between its junction with the road to West Wemyss and the Coaltown of Wemyss Primary School that addresses, raised junctions at Check Bar Road and Hugo Avenue, a mini roundabout at the Check Bar Road junction, pedestrian crossing(s) and the provision of new or relocated bus stops. For avoidance of doubt this matter shall be submitted before any other application for approval of the matters listed above or with the first application submitted under this condition.

No work shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

2.2.5 The application has been supported by each of the above documents and therefore meets the submission requirements of Condition 1 of the PPP. Conditions 2, 6 and 9 set out further requirements for relevant information to be submitted with AMSiC applications, with the application also compliant with these submission requirements.

2.2.6 Conditions 3-5, 7 and 8 set out requirements for the design and timing of delivery for roads within the site and upgrades to the surrounding road network. Compliance with these conditions shall largely be covered in Section 2.5 of this report.

2.2.7 Overall, it is considered that, in principle, the proposed development complies with the PPP and Development Plan requirements for the site, and has met the general submission requirements for the relevant conditions where appropriate. The details submitted to meet the required matters specified in the conditions shall be considered in the subsequent sections of this report.

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

2.3.1 NPF4 (2023) Policies 3, 4, 7, 12, 13, 14, 15, 16, 20, 21 and 23, FIFEplan Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Designing Streets (2010), Coaltown of Wemyss Conservation Area Appraisal and Management Plan, and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (2019) and Managing Change in the Historic Environment: Setting (2010) apply with consideration of the design and layout of the proposed development.

2.3.2 Whilst an indicative site layout and housetypes were presented in the PPP submission, other than two points of vehicular access from the A955 being required, there are no conditions within the PPP which define how the site should be developed. The PPP design statement set out proposals for a high quality development which reflected the design, density and form of the historic pattern of Coaltown of Wemyss, whilst also incorporating good footpath links. Key features presented in the PPP design statement include:

- Two points of access from Main Street (A955) connected by an internal primary route;
- Open space addressed by new homes, located to the west of the site;
- View towards existing landscaping to the east of the site retained;
- Open space located adjacent to arrival into site, overlooked by new homes; and
- Views through the site created through arrangement of new homes

2.3.3 The FIFEplan site allocation (CLW002) requirements reaffirm that two points of access from the A955 are required. The FIFEplan site allocation does however identify green network priorities for the site, setting out that (amongst other priorities) development should provide a high quality landscape edge along the southern boundary of the site; which incorporates access provision and connections to Main Street (C18) and the north-south lane (Castle Drive) that runs along the eastern boundary of the site; and that account must be taken of the ancient woodland adjacent to the site, with it likely that a protective strip will be required.

2.3.4 The conditions of the PPP set out relevant submission requirements to assess the design and visual impact of the development, with these requirements considered to have been met. A Design and Access Statement (DAS) has been submitted as part of the application, explaining

the rationale behind the chosen layout and how this responds to the constraints of the application site and how the proposal responds to its location. The development proposals are considered by the DAS in relation to the six qualities of successful places and other relevant planning policies and demonstrates how the placemaking principles within Making Fife's Places and its Evaluation Framework have been successfully applied. Relevant plans and additional documents have also been submitted. The submission requirements detailed within the PPP conditions have been met. The design information submitted discusses the context and various uses surrounding the site and informs how the proposed development provides an appropriate response to these.

2.3.5 Informed by contextual analysis, the proposed development takes inspiration from the historic core of Coaltown of Wemyss and the unique features which define the character of the conservation area. Rather than winding streets and use of buildings to reduce forward visibility which are generally encouraged in modern residential developments, the proposed development is designed to reflect the rectilinear pattern of the historic core of Coaltown of Wemyss, with short stretches of straight roads and uniform building lines proposed. Narrow pedestrian only paths between properties are also incorporated into the site layout which is reflective of the lanes within the village. The historic settlement pattern is also referenced through the design/size of garden areas and overall density of development. Additionally, it is proposed to incorporate 900mm high stone walls (including walls constructed of duntaken stone from existing site boundary wall) to contain the front garden areas of visually important units, reflecting the low boundary walls and shallow front garden areas of properties along Main Street which add a distinctive character to the Coaltown of Wemyss Conservation Area. The proposed simple palette of finishing materials, including a mix of natural colours of render, buff brick basecourses and red and grey coloured roof tiles, are also considered to be contextually relevant to the existing settlement and conservation area. Contextually, it is considered that the proposed development responds well to its setting within Coaltown of Wemyss, with the residential development designed as a modern, complementary expansion of the settlement which incorporates design cues from the historic core of the village to ensure a distinctive place is provided. Through the appropriate design of the proposed development, and as the site shall be well screened (discussed below), it is considered that the proposal would not adversely impact on the setting of the conservation area.

2.3.6 The application site is located within the Wemyss Castle Garden and Designed Landscape Designation. The impact on the setting of the landscape, and Category A listed castle itself, must therefore be considered. It will not be possible to view the castle from within the proposed development and vice versa given the distance and intervening landscaping, however views of the site would be possible along the access road to the castle (Castle Drive), and from within the designed landscape designation. Given the potential impacts, Historic Environment Scotland (HES) was consulted on the application, noting the outstanding historical, architectural, archaeological and scenic interest of the castle and gardens. Whilst HES did not object to the proposed development, they did note that the 'high quality landscape edge along the southern boundary of the site', highlighted in the FIFEplan green network priorities of the site, had not been incorporated in the originally submitted plans. The absence of planting along the southern boundary would have resulted in the proposed dwellings backing directly onto the open land of the designated landscape to the south, with the resultant potential impact on the historic setting. In response to the comments from HES, which were concurred with by the Planning Authority, a revised layout was submitted which incorporated woodland tree planting to visually contain the proposed dwellings and better screen the development from views from the principal drive to Wemyss Castle. The proposed woodland planting would not however form a continuous visual buffer, with breaks proposed to line up with the north/south roads and parking courts of the development, allowing for visually permeability between the site and countryside beyond. This approach is considered acceptable as it would sufficiently screen the massing of



the proposed development. It is noted that the proposed woodland planting to the south of the development is located outwith the redline boundary of the application/PPP site, and a Grampian style condition is therefore recommended to secure the planting. Additionally, giving regard to the comments from HES and the green network priorities for the site to create a connection from the site to Castle Drive it is considered that such a connection (through the existing woodland) could potentially detract from the purposeful design of Castle Drive as the entrance to Wemyss Castle and as such the potential connection has not been requested. Overall, it is considered that the proposed development would not have a significant adverse impact on the setting of Wemyss Castle, nor its Designed Landscape Designation.

2.3.7 In accordance with the requirements of the PPP and FIFEplan site allocation requirements, two points of vehicular access are proposed from the A955. The woodland planting to the north, east and west of the site would be largely preserved, with minimal felling proposed (discussed in detail later in this report) primarily in the interests of providing access to the site. The retention of the woodland, identified as a green network priority in FIFEplan, is supported, as this would assist to create a welcoming place which, combined with the proposed planting and views to the south, feels connected to the natural environment. The retained woodland would visually contain the development and ensure the development would not adversely impact on the setting of the historic environment and countryside. In addition to retaining the woodland, it is proposed for the existing stone boundary walls to be largely retained, with only small sections identified to be taken down in order to provide vehicular access to the site. The dismantled stone would be utilised within the development, which is welcomed.

2.3.8 A variety of housetypes and sizes are proposed, with properties consisting of 2 and 3 (including 3 with study) bedroom terraced, semi-detached and detached dwellinghouses. In total, 13 different houseypes are proposed. The proposed three affordable units (housetypes L and M) would be grouped together as a terrace, with the design of the units considered to be indistinguishable from the market units. The majority of units are two storey, with a small number of 2.5 storey homes with roof lights and dormer windows. The form of the proposed units would include features such as projecting gables, entrance lobbies and integral garages to add visual interest and definition to the units. Active gables and side elevation windows are proposed for units located on corner plots and along the routes of the internal path network. The mix of housetypes would be fairly evenly spread throughout the 4.35ha site, ensuring no parts of the development appear visually cramped (i.e. an over concentration of smaller terraced units confined to a corner of the site), with the garden areas proposed for the properties generally proportioned to the size of the dwelling.

2.3.9 The orientation and set back of buildings in relation to streets, open spaces, public paths and parking courts is welcomed, with active building fronts and gables facing public spaces and closing down key nodes, adding visual interest and encouraging passive surveillance. Key views when entering and moving through the site are generally framed by building fronts, with open views to the countryside to the south available between buildings and the proposed woodland planting.

2.3.10 The proposal includes a street hierarchy through a primary road connecting the two vehicular access points, with narrower secondary roads leading from the primary road. The design of the road layout would encourage low vehicle speeds through the development. The road hierarchy would be aided through the use of differing surface materials and colours. The road hierarchy would also be defined through pedestrian accessibility, with secondary roads

designed as shared surface streets or with a footpath only on one side of the carriageway. In addition to footpaths along the road network, dedicated pedestrian only paths are proposed to connect through the site, providing short and attractive movement routes for pedestrians between properties. These path links between properties could also be utilised as shared social spaces. The use of road hierarchy, shared surfaces, raised tables, varying street widths, absence of cul-de-sacs and use of pedestrian footpaths would promote pedestrian permeability and meet streets for people principles. Whilst it is noted that the majority of driveway parking spaces are located at the front of properties, it is considered that sufficient steps have been taken to remove parked cars from view at key nodal points within the site (the proposed front boundary treatments would aid in this), with continuous stretches of driveways on either side of carriageways also generally avoided. A number of parking courts are included throughout the development, with these considered to be generally well-designed and overlooked. Modern street lights are proposed throughout the site, the design of which is considered to be acceptable as they would continue the design of street lights located throughout the surrounding area (including the conservation area). The proposed development is considered to generally be well designed in accordance with *Designing Streets* (2010) and *Making Fife's Places Supplementary Guidance* (2018). A condition is recommended to secure the colour and type of road and footpath materials.

2.3.11 Rear boundary treatments would primarily comprise of 1.8m high timber fencing for individual dwellings, however views of these from public vantagepoints when travelling through the site would be limited, with 1.8 high walls proposed in more visually prominent locations. As discussed above, low boundary walls are proposed to contain front garden areas of dwellings along the primary road network near the entrances to the site, reflecting a key characteristic of the conservation area. Low boundary hedges are also proposed as a front boundary treatment throughout the site. It is recommended that a condition be included for material samples of the proposed boundary treatments to be submitted for approval prior to the commencement of development.

2.3.12 Open space is provided throughout the site, including a focal area, positioned at the eastern access into the site, forming a welcoming gateway arrival; this area has been identified as being a potential location of an equipped play area and/or public art installation (discussed later in this report). A further area of open space is proposed in the west of the site, complimenting the retained woodland just beyond the site boundary and adjacent to the proposed SuDS basin. Tree and shrub planting is proposed throughout the site, within front gardens and along streets. The proposed landscape planting would define spaces, with species providing seasonal interest and enhancing identity within the site.

2.3.13 Whilst the application site does not feature significant slopes or level changes, cut and fill works are proposed to create a level building platform and to direct surface water runoff to the proposed SuDS basin. The proposed cut and fill works are not considered to be extensive and would not give rise to any significant visual impacts given the visual containment of the site.

2.3.14 As set out above, the conditions of the PPP did not define any specific design criteria for the development, however giving regard to the PPP design statement it is considered that the development proposed through this AMSiC application accords with vision of delivering a high quality development on this site which reflects the design, density and form of the historic pattern of Coaltown of Wemyss.

2.3.15 In conclusion, the proposed development is considered to be acceptable within its setting and has been well supported by robust contextual analysis. The general form, materials, layout and architectural style, as well as the mix of housetypes, of the proposed units are considered to be acceptable in this location, as is the road layout, with the retained and proposed woodland

planting, landscape planting and areas of open space giving a clear sense of identity to the development. Through its design and layout, the proposed development is thus considered to be acceptable for its location is therefore supported as it is in accordance with the aforementioned development plan policies, supplementary guidance and design guidance documents.

## **2.4 Residential Amenity**

2.4.1 NPF4 (2023) Policies 14, 16, and 23, FIFEplan (2017) Policies 1 and 10, Fife Council Policy for Development and Noise (2021), Fife Council Customer Guidelines on Daylight and Sunlight (2018), Garden Ground (2016) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.4.2 Appropriate information has been submitted to allow the assessment of impacts on privacy and daylight/sunlight for neighbouring properties. Firstly, considering the relationship and distance between proposed and existing properties, as all proposed dwellings are more than 18m from existing properties and screened by woodland, the proposed development is not considered to raise any significantly adverse privacy impacts for existing properties. Additionally, given the positioning of the proposed dwellings, height and planting density of existing woodland (to be retained), and the orientation of existing properties, it is calculated that the proposed development would not give rise to any significantly adverse loss of daylight or sunlight for existing properties. Given the outlook available from the proposed dwellinghouses, the development would not lead to an unacceptable degree of overlooking of the private amenity spaces of existing neighbouring properties, and vice versa.

2.4.4 Reviewing the distance and angles between windows of the proposed units within the site, it is considered that no adverse concerns would arise, with a minimum distance of 18m between the front and rear elevations of properties which directly front each other. Throughout the site, consideration has been given to the positioning and orientation of properties to ensure that where properties are located in closer proximity in the interests of placemaking (such as units on street corners or along the pedestrian path link), windows serving habitable rooms do not directly face each other. In terms of privacy within rear gardens, due to layout there would be some overlooking of neighbouring gardens where properties back onto the side of neighbouring rear gardens, meaning that the outlook available would be over the whole of the garden. The extent of this impact is considered acceptable as it is a consequence of any development of this nature and to an extent, a factor of urban living, with none of the proposed dwellings considered likely to experience a significantly adverse sense of overlooking and lack of privacy. Due to the pattern of development and the relationship of some of the properties within the site, there is likely to be some overshadowing of some of the proposed gardens from neighbouring proposed properties. This would however only be for short periods of the day with most gardens having access to a good level of sunlight. None of the gardens would receive a level of sunlight which would be considered unacceptable as a consequence of any grouping of properties.

2.4.5 Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellings should be served by a minimum of 100sqm of private useable garden space. The Council' guidance does not specify a minimum requirement for terraced units. A building footprint to garden space ratio of 1:3 is recommended. Garden ground provision does not include space for garages, parking or manoeuvring vehicles. Across the development, a large variety of garden sizes and shapes are proposed. Larger garden areas are generally proposed for detached and larger semi-detached properties, with smaller garden areas proposed for smaller semi-detached and terraced units. The recommended plot ratios would not be met, with a number of the front and rear gardens for dwellings failing to adhere to

the Customer Guidelines. Nevertheless, it is considered that smaller garden areas can be supported for this development as the proposed development seeks to replicate the prevailing pattern of development of the conservation area (discussed above) which is characterised by a high density of residential properties with small front and rear garden areas. It is also considered that the garden sizes proposed reflect the size of the units they are to serve, which better reflects the needs of the units. Additionally, the minimum garden ground standards are contained within a guidance document and are not a statutory policy for the very reason that garden size should reflect the context of the site and they should reflect an aim for a site rather than a requirement. The design approach for garden areas is therefore supported.

Nevertheless, it is considered appropriate in this instance to restrict the permitted development rights for development within rear garden areas for the plots of 'Type A' and 'Type C' dwellings (smallest houstype and plots) through the use of a planning condition given as these plots have rear garden areas less than 50sqm.

2.4.6 The conditions of the PPP did not set the requirement of any future AMSiC applications to be supported by a noise impact assessment. It is considered that it would not be competent to request such an assessment through this application, with the proposed residential development not considered likely to be adversely impacted by surrounding land uses, nor itself lead to adverse noise impacts for neighbouring properties. Given the scale of the proposed development, there would be a concern regarding the potential disturbance of neighbouring properties during construction from noise and dust, with these impacts also highlighted in the submitted objections. To mitigate such concerns, a condition could be included for a Construction Environmental Management Plan (CEMP) to be submitted prior to the start of works.

2.4.7 The application is supported by street lighting plans and an outdoor lighting report. From reviewing the submitted information and giving regard to the existing urban setting and the containment of the site by the existing and proposed woodland planting, it is concluded that the proposed development would not give rise to significantly adverse light pollution concerns. The layout of the proposed street lights would ensure that pedestrians would be visible and feel safe when travelling through the site, including when connecting to the core path route to the west of the site; which already features street lights along its length and at the proposed entrance to the site.

2.4.8 In conclusion, it is considered that the proposed development would not give rise to adverse residential amenity concerns. The proposed development has been laid out to protect the privacy, sunlight and daylight provisions of existing neighbouring properties, whilst ensuring the proposed dwellinghouses would receive an acceptable standard of amenity. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies of the Development Plan.

## **2.5 Transportation/Road Safety**

2.5.1 Policies 13, 14 and 15 of NPF4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) and Scottish Government Designing Streets (2010) apply with regard to this proposal.

2.5.2 Conditions 1 (a, b, g, h, i, k, q), 3, 4, 5, 7 and 8 of the PPP are considered to be relevant to the assessment of transportation and road safety, detailing requirements for the design and timing of delivery of roads within the site and upgrades to the surrounding road network.

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

- (a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- (b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;
- (g) Details of all street lighting;
- (h) Detailed design drawings, including construction and material specifications, showing all new and upgraded access requirements for the site;
- (i) Detailed design drawings, including construction and material specifications, showing the internal road network including all parking and turning and manoeuvring circles and driveways;
- (k) Details of all footpath links through and around the site;
- (q) A full scheme of traffic calming measures on the A955 between its junction with the road to West Wemyss and the Coaltown of Wemyss Primary School that addresses, raised junctions at Check Bar Road and Hugo Avenue, a mini roundabout at the Check Bar Road junction, pedestrian crossing(s) and the provision of new or relocated bus stops. For avoidance of doubt this matter shall be submitted before any other application for approval of the matters listed above or with the first application submitted under this condition.

No work shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

3. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

4. The construction and delineation of the parking, manoeuvring, servicing, turning and access driveway areas shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

5. Visibility splays 4.5m x 40m at the junctions with Main Street, and 2.4m x 25m at all other junctions, shall be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, all in accordance with the current Fife Council Transportation Development Guidelines.

7. All new or improvements to the pedestrian crossings on the A955 and any change to the bus provision under Condition 1 above shall be fully implemented prior to the occupation of the first dwelling on the site.

8. All new traffic calming measures including raised table junctions at the accesses into the site and a mini roundabout at the Check Bar Road junction submitted and approved under Condition 1 above shall be fully implemented prior to the occupation of the first dwelling on the site.

2.5.3 Reproducing the conditions of the PPP, the FIFEplan site allocation (CLW002) sets the requirement for two access points with the A955 to be created. The FIFEplan green network priorities for the site include:

- Deliver an off-road, north-south multi-use cycleway and core path along the western boundary of the site (at the edge of Main Street).

- Provide a high quality landscape edge along the southern boundary of the site, which incorporates access provision and connections to Main Street and the north-south lane that runs along the eastern boundary of the site.

2.5.4 It is considered that the application has been supported by the necessary documents listed within the conditions of the PPP. Additional plans and documents, including a Transport Assessment (TA), have also been submitted.

2.5.4 The TA has followed Transport Scotland's "Transport Assessment Guidance" and has considered the impact of the proposed development on the surrounding public road network. The TA has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport. Chapter 4 of the TA describes the existing walking, cycling and public transport options adjacent to the site and proposed mitigation measures to promote the use of sustainable travel. The application site is located on the western edge of the village of Coaltown of Wemyss, a generally sustainable location featuring a primary school, bowling club, convenience retail and a hotel (with restaurant). Walking and cycling routes are available to neighbouring larger settlements of Kirkcaldy and East Wemyss. The village is served by local buses, with connections to Dunfermline, Leven and Kirkcaldy; where opportunities are available for onward travel by train or express bus for longer journeys across Fife and beyond. The TA includes an analysis of the proposed junctions with the A955/Main Street, concluding that the two access points and surrounding road network would be able accommodate the vehicular traffic associated with the proposed residential development. The TA was informed by traffic data counters, a predicted growth model and expected number of vehicular movements associated with the proposed 125 unit development, whilst also taking into consideration traffic expected to be generated by residential developments in the vicinity with planning permission which are yet to be constructed. It is also noted that the applicant has committed to providing a Residential Travel Plan to future residents which can assist with reducing reliance on single occupancy car use and encouraging the use of alternative forms of transport, thus helping to reduce the impact of travel. Fife Council's Transportation Development Management (TDM) Officers did not raise any concerns regarding the conclusions of the TA.

2.5.5 Two vehicular access points from the A955 are proposed, positioned opposite Checkbar Road and Hugo Avenue. Condition 1(q) requires the provision of a raised table and mini-roundabout at the A955/Checkbar Road junction, with a raised table cross-roads required at the A955/Hugo Avenue junction. Condition 5 sets the requirements for visibility splays at the junctions. Condition 8 of the PPP requires the works specified by Condition 1(q) to be completed prior to the first occupation of the development. When initially submitted, the proposed development included raised tables and mini-roundabouts at both of the proposed junctions with the A955, however it was recognised by TDM Officers that the mini-roundabouts could not be designed and constructed in accordance with the Design Manual for Roads and Bridges (DMRB); with the land constraints on the north side of the A955 noted. In consultation with TDM Officers, it is considered that as the A955 is a 20mph road, the provision of a raised cross-roads junction (with priority given to vehicles travelling on the A955) at both vehicular accesses would be preferable in place of mini-roundabouts given the difficulties in installing highway compliant four-arm mini-roundabouts in this location. In response to the comments from TDM, a revised layout was submitted with raised table cross-roads junctions at both access points. The proposed raised table junctions would be constructed with a gradient of 1:25 which is considered to be acceptable. Whilst not entirely in accordance with the requirements of Condition 1(q) as a mini-roundabout would not be provided at the proposed A955/Checkbar Road junction, it is considered that the condition is actually unenforceable as it is not possible to design a compliant mini-roundabout to meet the requirements of the condition. The necessary visibility splays for the proposed junctions would be met by downtaking sections of the existing

stone boundary wall to the north of the site. Overall, it is considered that the design of the two vehicular access junctions can be supported, notwithstanding that the mini-roundabout requirement of Conditions 1(q) and 8 would not be met.

2.5.6 Condition 1(q) of the PPP also sets the requirement for pedestrian crossing(s) and the provision of new or relocated bus stops. Condition 7 details that the proposed crossing(s) and bus stop improvement required to be in place prior to the first occupation of the development. In response to the requirements of the conditions, it is proposed to relocate the existing bus stop and shelters located on the A955 near Hugo Avenue. Presently, the bus shelter on the south of the A955 is considered difficult to access given the absence of a footway on the south side of the A955 and the lack of dropped kerbs or formalised pedestrian crossing, with the stop/shelter on the north side located in very close proximity to Hugo Avenue junction which can make accessing/egressing to/from Hugo Avenue difficult. It is proposed to reposition the south side A955 bus stop/shelter to the west of the eastern access point, with the north side stop/shelter repositioned to the east (located outside the school). Each of the proposed repositioned stops/shelter would be sited at a suitable distance from the Hugo Avenue junction to avoid conflicts between waiting buses and turning traffic. Additionally, it is considered that the repositioning of the bus stops/shelters would avoid any confusion potentially generated by buses indicating to pull into the bus stop rather than turn left at the raised junction. TDM Officers have advised that they are supportive of the proposals to relocate and improve the bus stops/shelters, however have recommended a condition to secure finalised details of the proposals. As part of the development, it is proposed to install short stretches of footway on the south side of the A955 at the vehicular access points; with the footway extending to the repositioned bus stop/shelter on the south side of the road. A crossing point is proposed for the footways to connect with the existing footway on the north side of the A955. It is considered that the crossing at the eastern access point would improve accessibility to the repositioned bus stop/shelter from the north side of the street when compared to the existing situation. Overall, the proposed pedestrian crossing (including footways) and relocated bus stops are considered to be acceptable.

2.5.7 Turning to the green network priorities identified for the site, it is considered that identified priorities cannot be fully secured through this ASMiC application as there are no conditions or clauses in the Legal Agreement of the PPP setting the requirement for such links to be provided, nor for land to be set aside, with only a potential connection to Main Street (C18) identified in the PPP design statement. Firstly, regarding the desire for an off-road, north-south multi-use cycleway and core path along the western boundary (edge of Main Street) of the site to be delivered, it is recognised that this route, connecting to West Wemyss, has been identified as potential future core path by the Council (to replace the existing core path along the C18 (P458/01)). It is also noted that there are no detailed proposals for the potential future core path, with it recognised that the existing woodland and proposed SuDS basin would make delivering the route challenging. Furthermore, whilst the footway on the east side of the C18 is less than 2m in width, the existing core path route is considered to generally operate satisfactorily for pedestrians and cyclists given the low volume of traffic and street lighting with the exception of the junction with the A955 (connection with Core Path P459/02) where there is no pedestrian crossing point or dropped kerb as the footway ends. Notwithstanding the lack of provision with the conditions and Legal Agreement of the PPP, giving regard to the PPP design statement, the applicant has agreed to provide a shared use path at the existing field opening to connect the internal road/footway network of the site with the existing core paths (P458/01 and P459/02) which is considered to be beneficial as it would mean pedestrians would no longer have to cross the A955 where no pedestrian crossing point exists. Part of the proposed path link is located outwith the redline boundary of the application site however is located on land within the

applicant's control and a Grampian style condition is therefore recommended to secure the link. With regard for the desire to provide access provision along the southern edge of the development with connections to Main Street (C18) and the north-south lane (Castle Drive) that runs along the eastern boundary of the site, it is considered that the above shared path link would provide a suitable connection to the C18, with the internal path network of the site providing a suitable east-west connection through the site; it is recognised that the route would not follow the southern site boundary, however views through the site to the south would be available through gaps in the woodland planting. It is not proposed to connect the site with Castle Drive. Whilst a connection to Castle Drive is desired through the green network priorities, it is considered that such a connection is not essential in terms of placemaking and connectivity; with the potential impacts on the setting of the castle also noted (discussed above); as the proposed development would offer a safer connection for pedestrians utilising the core path network, with Castle Drive directly accessible from the A955 and existing core path network.

2.5.8 With regard to the internal road layout of the site, the proposed development is considered to generally be well designed in accordance with *Designing Streets* (2010) and *Making Five's Places Supplementary Guidance* (2018), and in accordance with Conditions 3, 4 and 5 of the PPP, through consideration being given to the road geometry and length, forward visibility, shared surfaces, street trees and positioning of open spaces and dwellings to slow vehicular traffic travelling through the site. The proposal includes a street hierarchy through a primary road connecting the two vehicular access points, with narrower secondary roads leading from the primary road. The proposed street hierarchy would be aided through the use of differing surface materials and colours, whilst also being defined through pedestrian accessibility, with secondary roads designed as shared surface streets or with a footway only on one side of the carriageway. The incorporation of open space areas, street trees, dedicated footpaths/cyclepaths and shared street surfaces would create a distinct, pedestrian friendly environment which would allow for greater movement permeability and choice of routes into and through the site. Cul-de-sacs are avoided which is welcomed. The use of shared surfaces, raised tables, varying street widths, and use of dedicated pedestrian footpaths/cyclepaths to connect beyond and through the site would promote permeability and meet streets for people principles. A number of parking courts are included throughout the development, with these considered to be generally well-designed and overlooked. In their review of the application, TDM Officers did not raise any concerns regarding the design and layout of the internal road network.

2.5.9 Off-street parking for the proposed dwellings would be provided via a mix of front and side of house parking spaces, integral garages and parking courts; the proposed integral garages would be of sufficient size to be counted as an off-street parking space. All dwellings would be provided with adequate off-street car parking facilities in accordance with the *Transportation Development Guidelines*. 32 on-street parking spaces have been proposed in accordance with the requirements of the *Transportation Development Guidelines* for a development of 125 residential units. A condition is recommended to ensure the off-street parking spaces are provided for each dwelling.

2.5.10 Street lighting plans have been provided per the submission requirements of the PPP. The layout of the proposed street lights is considered to be acceptable. A condition is recommended to ensure that street lights are provided.

2.5.11 Objectors to this application have raised concerns regarding the increase in traffic as a consequence of this development, including increased parking on Main Street which is



oversaturated with vehicles parking on street. In response to the concern regarding increased traffic, it is stressed that this is an AMSiC application, where the principle of developing the site, and any increase in vehicular traffic as a consequence of this, has already been accepted through the approval of the PPP. Attention is also drawn to the findings and conclusions of the TA. Regarding on-street parking concerns, it has been assessed that sufficient off-street parking spaces and opportunities for on-street parking would be provided within the site, with the proposed development in accordance with the recommendations within Making Fife's Places Supplementary Guidance (2018). Additionally, it is considered that the layout of development and positioning of dwellings would make parking on Main Street unattractive for residents and visitors to the proposed development.

2.5.12 In conclusion, the proposed development is considered to be acceptable with regard to transportation and road safety considerations, complying with the policy requirements of NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). Whilst the proposed development does not include a mini-roundabout about at the proposed junction with the A955 and Checkbar Road, the proposed raised table priority junction is considered to be an acceptable solution given as a highway compliant mini-roundabout would be unable to be provided

## **2.6 Flooding and Drainage**

2.6.1 NPF4 (2023) Policies 16 and 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 drainage and infrastructure of development proposals.

2.6.2 Condition 1(d) of 19/00385/PPP sets the requirement for the developer to submit detailed designs including appropriate technical reports for the SuDS and other drainage infrastructure associated with the development, including management of surface water drainage and potential flooding.

2.6.3 The application is supported by a Flood Risk Assessment (FRA), Drainage Strategy, relevant drainage plans and completed Fife Council drainage certificates. The submission requirements of the PPP are considered to have been met.

2.6.4 Per the SEPA Flood Maps, the application site is not identified as being at risk of fluvial or coastal flooding, however there are areas within the site considered to be at risk of pluvial flooding with surface water ponding. The FRA, completed by Kaya Consulting, considers the risk of flooding from all sources, including groundwater. The FRA identified no records of historic flooding on the site. The FRA concludes that the risk of flooding is low from all sources, advising that the risk of surface water flooding can be readily managed through an appropriately designed drainage system. Safe access and egress to the site would be available during flood events. Neither SEPA nor the Council's Structural Services (Flooding, Shoreline and Harbours) Officer raised any concerns with the methodology, findings or conclusions of the FRA. It is ultimately accepted that the proposed development would not give rise to adverse flood risk concerns, with surface water able to be managed through the proposed drainage system (discussed below).

2.6.5 It is proposed for surface water runoff within the site to drain via gravity to a dry SuDS basin to the west of the site boundary, with filter trenches and porous paving also proposed.

The surface water outfall from the basin would drain to the south via an installed underground pipe, ultimately discharging into the Firth of Forth. The SuDS basin would be constructed to provide treatment and attenuation to greenfield levels for all surface water runoff from the site. The proposed basin has been sized to attenuate flows up to and including the 1:200 year storm events plus 40% climate change and 10% urban creep. It has been advised that the applicant intends for Scottish Water to adopt the SuDS basin. Fife Council's Structural Services Officers have advised that they have no objections to the surface water drainage proposals. The SuDS proposals are ultimately considered to be acceptable, ensuring surface water runoff within the site is appropriately managed.

2.6.6 It is recognised that the proposed SuDS basin and outfall pipes are located outwith the application site boundary, with a separate application for planning permission (23/00347/FULL) submitted by the applicant for these features; this separate application is also recommended for approval on this agenda. The submission of a separate application of the SuDS basin and outfall is considered to be acceptable in planning terms, with a Grampian style planning condition recommended to ensure that the SuDS basin and outfall are provided prior to the occupation of the first dwelling.

2.6.7 Foul water is proposed to be managed by a proposed pumping station. The pumped outfall would connect into the existing Scottish Water combined sewer system located within the A955 (Main Street). Scottish Water has advised that they have no objections to the foul water proposals, confirming that there is currently capacity in the local Waste Water Treatment Works to service the development. The proposed development would connect to the existing Scottish Water network. Concerns have been raised in the submitted objections that the proposed development would impact existing water supplies in the village, however Scottish Water have confirmed that there is currently sufficient capacity in the water network to service the proposed development. The approval to connect to the Scottish Water networks is a matter reserved outwith the planning process

2.6.8 Overall, it is considered that the proposed development would include suitable drainage infrastructure to service the proposed residential units, with information submitted to confirm the proposed development would not be at risk of, nor contribute to, surface water flooding. The proposed development is therefore considered to be acceptable with regard to flood risk and drainage considerations within the development plan and complies with the conditions of the PPP.

## **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 Conditions 1(n) and 6 of 19/00385/PPP are considered to be relevant.

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

(n) A report on intrusive site investigations confirming ground stability in terms of mining legacy associated with the site and a scheme of remedial measures where necessary. The scheme of intrusive site investigations shall be agreed with the Coal Authority prior to being undertaken.

6. Prior to commencement of any works on site, a comprehensive Site Investigation - carried out to the appropriate Phase level - shall be submitted to and approved in writing by the Council as

Planning Authority. The investigation shall be completed in accordance with the advice given in Planning Advice Note 33, Part IIA of the Environmental Protection Act 1990, DEFRA/EA Contaminated Land Report 11 'Model Procedures for the Management of Land Contamination' and BS 10175:2011 'The Investigation of Potentially Contaminated Sites - Code of Practice'. If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on-site prior to receipt of the Council's written approval of the remediation plan and a verification report shall be submitted on completion of all works.

2.7.3 The application site was once part of the Wemyss Colliery and Wemyss Private Railway. Given the historic land use of the site, the application site is considered to be at risk of contamination and is identified as a development High Risk Area by the Coal Authority. Given the constraints of the site, and in accordance with the requirements of the PPP conditions, the application is supported by a Mineral Stability Assessment Report and a Phase I/II Geo-Environmental & Geotechnical Interpretive Report.

2.7.4 No mine entries are identified at the site, or within influencing distance of the site. Intrusive investigations were carried out on the site, with eight rotary boreholes drilled to investigate the competency of the underlying bedrock with respect to mineral stability. No evidence of void, broken ground or loss of drilling flush, which would be indicative of mining related ground instability, was identified within any of the rotary boreholes constructed across the site. Based on the findings of the Mineral Stability Assessment, the site was identified as representing a low risk of mining related ground instability to proposed developments at the ground surface, with no ground stabilisation works therefore considered necessary. Following on from the Mineral Stability Assessment Report, the Phase I/II Report, which investigated the potential for land contamination, ground gases and geotechnical constraints through desktop research, bore holes, trial pits and chemical testing, concluded that no sources of soil contamination which would impact human health, environmental factors or the built environment were present, with the site therefore considered to pose a low risk in terms of environmental considerations based on the proposed residential end use.

2.7.5 The Coal Authority and the Council's Land and Air Quality Officers were consulted on this application to provide comment on the submitted Mineral Stability Assessment and Phase I/II Geo-Environmental & Geotechnical Interpretive Reports, with no concerns being raised regarding the methodology or findings of the reports. Considering the findings and conclusions of the reports, with no coal mining legacy or land contamination issues being identified, nor any remediation works required, the Coal Authority advised that they had no objections to the proposed development. The Council's Land and Air Quality Officer similarly did not raise any objections to the proposed development, however as a precaution recommended a standard condition be included in the event any unexpected contamination be encountered once works commence. Giving regard to the submitted reports and comments from both the Coal Authority and Land and Air Quality Officers, it is concluded that the application site can be safely developed without the need for further investigations or remediation works.

2.7.6 Turning to air quality impact, the application is supported by an Air Quality Impact Assessment. The submitted assessment concludes that no significant air quality impacts, including from increased vehicle emissions, are predicted as a result of the proposed development. In consultation with Land and Air Quality, the methodology, findings and conclusions of the assessment are considered to be satisfactory. It is therefore accepted that the proposed development would not give rise to adverse air quality impacts.

2.7.7 In conclusion, whilst the site is subject to past and coal mining, no remediation measures are required to ensure the site is developed safely for residential use. Additionally, the proposed development would not give rise to adverse air quality concerns. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land and air quality considerations.

## **2.8 Natural Heritage and Trees**

2.8.1 NPF4 (2023) Policies 1, 3, 4, 6 and 20, FIFEplan (2017) Policies 1, 10 and 13, 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) Nature Conservation Scotland Act 2004 (as amended) and Scottish Government's Policy on the Control of Woodland Removal apply in this instance with regard to natural heritage protection and biodiversity enhancement.

2.8.2 Conditions 1(b, e, f, l, m), 9, 10 and 11 are applicable to the consideration of natural heritage and tree impacts.

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

(b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;

(e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention for existing trees and details of all hard landscaping elements, including surface finishes and boundary treatments;

(f) Details of the future management and aftercare of the proposed landscaping and planting;

(l) A vegetation clearance and tree removal scheme including dates of proposed works;

(m) Details of a protection strip from the existing trees to any proposed dwellinghouse;

9. The first application submitted under the terms of condition 1 above shall include a bat survey of the adjacent woodland strip and the application site which includes mitigation methods for the safe removal and relocation of any bats or bat roosts affected by the whole development. The mitigation measures, once approved, shall be fully carried out in accordance with the survey.

10. BEFORE ANY WORKS START ON SITE, the developer shall institute an accurate survey to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the curtilage of the site. No trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

11. BEFORE ANY WORKS START ON SITE, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during (demolition) (development) operations. This 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

demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

2.8.3 In accordance with the requirements of the conditions of the PPP, the applicant has submitted detailed landscape planting and maintenance plans, a tree survey report (including associated protection and felling plans), a habitat survey, and an (bat) ecology assessment. The Natural Heritage's Officers comments highlighted that some of the information required by the conditions of the PPP had not initially been submitted, however these submission requirements have since been addressed by the applicant.

2.8.4 The ecology assessment comprised of an inspection of all trees within the woodland strip which borders the application site for features that might accommodate roosting bats: holes in the bark; cracks or splits in bark or branches, cankers with cavities, compression of forks; raised bark; or dense ivy. A total of 53 trees were inspected, with only two trees considered to have moderate bat roost potential, with the remaining trees classed as either having no, low or negligible roost potential. Features capable of supporting roosting comprised of raised bark which is considered to offer restricted potential for use by very small numbers, or individual bats. The ecology assessment contends that there is no opportunity for there being a significant roost within the woodland belt. The woodland was however identified as being a potential foraging resource for bats, connected to the wider woodland resources of Wemyss Estate. Given the extent of tree felling proposed (discussed below), the ecology assessment concludes that the proposed development would not have a significant impact on bat roosts. Additionally, it is concluded that the development would not adversely impact bat foraging providing the artificial illumination of the site is set back from the tree line. The assessment recommends that all trees proposed to be felled, pruned or lopped be re-inspected for bat roosts before any works take place. In addition to the ecology assessment exploring the tree belt, the potential for bat roosts was also considered within the submitted Phase I habitat survey which involved the examination of individual trees within the site and the ruined buildings approximately 30m south of the site, as well as a pre-dawn presence/absence survey. The habitat survey found no evidence of roosting bats however recommended that further surveys would be required if works had not commenced before the end of 2023. The Council's Natural Heritage Officer did not raise any concerns with the submitted ecology assessment and habitat survey, however, did draw attention to the need for details of illumination. In this regard, referring to the submitted lighting strategy and outdoor lighting report, it is considered that the street lighting associated with the proposed development would not give rise to significantly adverse impacts on foraging bats. It is therefore concluded that the proposed development is unlikely to impact on roosting or foraging bats and is thus considered to be acceptable. In-keeping with the recommendations of the ecology assessment and habitat survey, a condition is recommended for all trees to be re-inspected prior to any felling or tree surgery works being carried out.

2.8.5 The extended Phase I habitat survey submitted considered not only habitats and species of plant present but also the potential presence of relevant European Protected Species (bats), badgers, and breeding birds, with particular reference to those species with enhanced statutory protection. Surveys took place within the site boundary plus a 50m buffer area around the application site. The survey confirmed that no nationally notable examples of any habitat were found within the application site, with habitat types within the site considered to be unremarkable and common, with general recommendations included in the report to safeguard trees during construction. No scheduled invasive plants were found within the site or within 7m of the site boundaries. The habitat survey found no evidence of badgers using the site or surroundings. The site itself is considered to have a negligible value for supporting breeding birds, however evidence of breeding bird nests was identified in the adjacent woodland area,

most notably a rookery containing 21 nests. The habitat survey recommended that works within the woodland area generally avoid the bird breeding period, with extra consideration given to works in proximity of the rookery, recommending that of works in proximity to the rookery nests should focus effort between July and January then have a no disturbance period February – June inclusive. Conditions are recommended to ensure nesting birds are not impacted by the proposed construction.

2.8.6 The submitted tree survey report confirms that the trees within and surrounding the site have been assessed in accordance with BS 5837:2012 'Trees in relation to construction – Recommendations'. The trees are of variable species, age, and condition. The woodland is dominated by Oak and Sycamore, with other species including Ash and Beech. The woodland is described as being open in character and some areas are occupied by young, planted groups of broadleaved trees, predominantly Ash. The woodland is considered to provide significant amenity value and the majority of trees surveyed—almost 80% - are categorised A or B. The C and U category trees are predominantly young planted and self-seeded trees. The tree survey report recommends that five trees be removed given their health and the presence of Ash Dieback disease, the removal of which is supported, with the recommended tree surgery works (including crown cleaning and pruning) also supported. To facilitate the creation of the proposed vehicular access points into the site, the tree survey report sets out that a total of 14 individual trees from the woodland will require to be felled (comprising 2 A category trees, 3 B category trees and 9 C category trees). An area of recently established category B mixed planting ("W1") will require to be removed to facilitate development of the SuDS basin to the west of the site, with a further four individual category C trees to the south of the site also required to be felled. Several of the proposed trees for removal are Ash trees which do not currently have Ash Dieback, however, taking advice from the Council's Trees Officer, due to the fast spread of this disease and likely future contamination, this proposed removal is not a significant obstacle to development of the site as proposed.

2.8.7 In consultation with the Council's Trees Officer, the removal of category A trees is typically objected to since high quality mature and established trees are an invaluable finite resource, however their removal can be supported where suitable compensatory planting takes place. According to the Scottish Government's Policy on the Control of Woodland Removal, woodland removal, with compensatory planting, is most likely to be appropriate where plans help enhance sustainable economic growth or rural/community development, with it considered that the proposed development satisfies this policy point. The tree survey report recommends that a variety of tree species (and variety of tree standards) be planted to compensate for the trees to be felled. Per the submitted landscaping plans, the trees to be planted within the site include 37 heavy standard (such as Alder, Birch, Rowan and Whitebeam), 8 extra heavy standard (such as Lime, Horse Chestnut and Purple Maple) and 4 multi-stemmed (White Birch) species. The range of species and number of trees to be planted is supported by the Council's Trees Officer. Additionally, whilst the species of trees are yet to be confirmed, it is noted that the proposed development includes woodland tree planting along the southern boundary of the site; a condition is recommended for the woodland planting proposals to be finalised prior to the commencement of development. It is considered that the proposed tree planting would more than offset the habitat loss of the felled trees.

2.8.8. To ensure the retained trees are not impacted by the proposed development, the root protection areas (RPA) and predicted falling distance of the trees has been identified within the tree survey report. As per the requirements of Condition 1(m) the proposed development, the proposed dwellings have been set back from the woodland area, with no dwellings located

within the RPA or falling distance of the trees. The tree survey report sets out that protective tree fencing should be in place during construction work to establish a construction exclusion zone to ensure trees identified for retention are not harmed. It is recognised that some construction works will require to take place within the RPA of some trees, with the tree survey report recommending that any excavation within the RPA be undertaken carefully by hand or with the use of an air spade to limit the potential for root damage. A condition is recommended to secure this. Recommendations are also made regarding the installation of below ground services within the RPA of trees. Consulting with the Council's Trees Officers, the proposed tree protection measures are considered to be acceptable.

2.8.9 Turning to biodiversity enhancement, the submitted Phase I habitat survey notes the limited biodiversity and habitat offering of the application site itself, however, recognises that a number of trees within the woodland area are required to be felled to facilitate development. Detailed landscaping plans have been submitted, with a mix of grass species (including meadow species), shrubs, bulbs, trees (discussed above) and hedgerows to be planted throughout the site. The SuDS basin (application 23/00347/FULL) would also offer a biodiversity enhancement as a semi-wetland area. The Council's Natural Heritage Officer did not raise any concerns with the proposed landscaping and biodiversity enhancement proposals. Overall, noting the existing limited biodiversity offering of the application site and extent of proposed planting and habitat creation, it is considered that the proposed development would provide a suitable level of biodiversity enhancement.

2.8.10 In conclusion, the proposed development would not adversely impact on any protected species, with suitable landscaping and biodiversity enhancement measures identified. Conditions are included to secure the proposed landscapings and tree protection measures. Overall, it is considered that the proposed development would be acceptable with regard to natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018), whilst also meeting the requirements of the PPP.

## **2.9 Sustainability**

2.9.1 NPF4 (2023) Policies 1, 2, 12, 13 and 19, FIFEplan (2017) Policies 1 and 11, Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (2019) apply in relation to low carbon and sustainability.

2.9.2 Condition 1(p) of 19/00385/PPP sets the requirement for the developer to submit a statement on the compliance of the development with the terms of the Fife Council's Sustainability Checklist 2010 or any future amendment of that document. In accordance with the condition, this application has been supported by a completed Low Carbon Sustainability Checklist (2019) (which superseded the 2010 Checklist referred to in the condition). The submitted Design and Access Statement, District Heating Feasibility Study Report, Transport Statement and Air Quality Impact Assessment contain relevant information regarding sustainability, furthering the information provided in the checklist.

2.9.3 The District Heating Feasibility Study Report, prepared by RSP, examined the location of the proposed development against existing and proposed heat networks, as well as the potential for the development to support its own network. The study advised that it would not be feasible for the development to connect to any existing or planned networks, with the nearest existing network more than 3km away at Michelston Industrial Estate. As per the Council's Low Carbon Fife Supplementary Guidance, proposed developments only require to explore connections to existing networks within 1km and therefore it is considered appropriate to rule

out a connection to the Michelston Industrial Estate network. With regard to the potential for creating a new network, the study concludes that a development of 125 units would not be expected to have a high enough heat demand to make a new district heat network economically viable, with the scale of development also below the threshold for further investigation per the Low Carbon Fife Supplementary Guidance. It is therefore accepted that there is no need to further investigate the possibility for the proposed development to establish a new district heat network.

2.9.4 Each building would adopt a 'fabric first' approach, making use of high levels of insulation to minimise heat loss. This approach would reduce the energy consumption of the buildings to a minimum, with the small amount of energy required to heat the buildings partly produced using low carbon technologies, with solar PV panels and/or air source heat pumps identified as suitable to meet the 20% reduction CO2 emissions target. Timber frame construction would improve overall carbon saving in comparison to masonry build. Locally sourced building materials are proposed to be used, including recycled materials where possible. In order to comply with the current guidelines for surface water discharge quality, SuDS facilities are proposed as an integral part of the surface water drainage system. There would be sufficient internal and external spaces for the storage of mixed recycling facilities, including for the proposed flatted dwellings, consistent with current Building Standards.

2.9.5 With regard to travel and transport, the application site is located on the western edge of the village of Coaltown of Wemyss, a generally sustainable location featuring a primary school, bowling club, convenience retail and a hotel (with restaurant). Walking and cycling routes are available to neighbouring larger settlements of Kirkcaldy and East Wemyss. The village is served by local buses, with connections to Dunfermline, Leven and Kirkcaldy; where opportunities are available for onward travel by train or express bus for longer journeys across Fife and beyond.

2.9.6 The Air Quality Impact Assessment submitted with the application confirmed that the proposed development would not give rise to significantly adverse air quality issues.

2.9.7 Overall, it is considered that the development complies with the Development Plan in this regard and meets the requirements of the Low Carbon Fife Supplementary Guidance.

## **2.10 Affordable Housing**

2.10.1 NPF4 (2023) Policy 16, FIFEplan (2017) Policy 2 and Fife Council's Affordable Housing Supplementary Guidance (2018) apply in regard to affordable housing.

2.10.2 Condition 1(j) applies with regard to the provision of affordable housing.

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

j) Details of the methodology and delivery of the on site Affordable Housing, including tenure.

2.10.3 As per Policy 2 of FIFEplan (2017) and Supplementary Guidance on Affordable Housing (2018), with Coaltown of Wemyss identified as an 'rural' area within the Kirkcaldy settlement area, residential developments are expected to provide an affordable housing contribution of 5%.



2.10.4 Giving regard to Policy 2 of FIFEplan (2017) and Supplementary Guidance on Affordable Housing (2018), a development of 125 units would ordinarily require to provide 6 affordable housing units on site, however as the Legal Agreement associated with the PPP expresses that only 3 affordable housing units are required to be provided on site, the Planning Service must abide by this. The Legal Agreement sets out that the affordable units require to be provided prior to the occupation of the 63<sup>rd</sup> market unit. In accordance with the requirements of the Legal Agreement, the proposed development would include 3 on site affordable housing units.

2.10.5 The affordable housing units would comprise of general needs two-storey terraced units; 1 x 2 no. bedrooms, and 2 x 3 no. bedrooms; to be provided for social rent. The proposed affordable housing units would appear undistinguishable from the proposed market units. Fife Council's Housing Service has advised that the proposed development meets Fife Councils targets for size and type of affordable housing identified within the Kirkcaldy Local Housing Strategy Area (LHSA). Whilst the proposed affordable units would not be spread out throughout the site, as recommended within the Supplementary Guidance, it is recognised that grouping the affordable units together allows for easier management (including landscape maintenance) for the housing association.

2.10.6 In conclusion, the affordable housing proposals are considered to be acceptable, complying with the requirements of the PPP and the relevant policies of the Adopted NPF4 and the FIFEplan Local Development Plan.

## **2.11 Education**

2.11.1 NPF4 (2023) Policy 18, FIFEplan (2017) Policy 4, Fife Council Planning Obligations Framework Policy Guidance (2017), HLA 2023 and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply when considering education contributions.

2.11.2 The Planning Obligations Framework Policy Guidance (2017) advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers.

2.11.3 The application site is identified as KIR108, a deliverable site in the HLA 2023 for 125 homes. Completions are predicted from 2025/26 onwards. These values have been used to assess the impact on catchment schools. Objections to this application have raised concerns regarding the impacts of this development on the capacity of local schools, notably the local primary school.

2.11.4 As part of the PPP, the Legal Agreement sets out the required financial contributions to provide a solution to address capacity issues at Coaltown of Wemyss Primary School, with a total of £130,200 required to be paid by the developer prior to the occupation of the 63<sup>rd</sup> market unit. Given the existing Legal Agreement, no further assessment of education capacity can be considered through this ASMiC application.

2.11.5 In conclusion, the developer is bound by the terms of the Legal Agreement associated with the PPP to provide a financial contribution towards addressing capacity issues at local schools.

## 2.12 Open Space and Play Areas

2.12.1 NPF4 (2023) Policies 18 and 21, FIFEplan Local Development Plan (2017) Policies 1, 3 and 4, Making Fife's Place Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017), Fife Greenspace Audit (2010) and Play Sufficiency Assessment (2023) apply with regard to the consideration of open space and play provision.

2.12.2 Condition 1(b, e, f) apply with regard to the provision of open space and play areas.

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;

e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention for existing trees and details of all hard landscaping elements, including surface finishes and boundary treatments;

f) Details of the future management and aftercare of the proposed landscaping and planting.

2.12.3 The Legal Agreement associated with the PPP sets out the developer is required to “pay to the Council the Play Facilities Contribution for the provision of improvements to the play or sports facilities within the Land or Coaltown of Wemyss, such sum to be paid to the Council prior to the occupation of the Sixty third Market Housing Unit forming part of the development”. The Play Facilities Contribution is defined as £62,000. Referring to the committee report of handling for application 11/02388/PPP, the case officer explains that the Council’s Leisure and Cultural Service advised there was no need for a new play area in Coaltown of Wemyss and therefore requested a contribution towards upgrade works at Lochhead Park.

2.12.4 Making Fife's Places Supplementary Guidance (2018) sets out the open space requirements for developments of between 50-200 units located outwith a 250m walking distance of an existing open space, stating that developments are required to provide 60sqm of open space per dwelling on site, with equipped play areas potentially required to be provided. The open space provided should be able to accommodate informal activities such as play, walking, sitting, picnics, communal gardening, informal sports and recreation. Where a development (or part of a development) is located within 250m of an existing open space area, the developer can choose to contribute to the upgrade of existing open space or green network required rather than provide 60sqm of open space onsite.

2.12.5 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. 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.

2.12.6 Approximately 5,000sqm of useable open space is proposed for the residential development. Per the recommendations of Making Fife's Places, a development of 125 units would require 7,500sqm of useable open space. Whilst the proposed development would be short of the Making Fife's Places onsite open space recommendation, it is recognised that approximately half of the proposed dwellings would be within a 250m walking route of Lochhead Park and it is therefore considered reasonable, per recommendations within Making Fife's Places, for the onsite open space requirements for the development to be relaxed. As the proposed 5,000sqm would exceed the open space recommendations for the half of the development beyond the 250m walking route to Lochhead Park, it is ultimately considered that the onsite useable open space proposals would be acceptable. It is anticipated that the open space and landscaping would be maintained by an appointed factor, with a condition recommended to ensure the proposed development is properly maintained in accordance with the submitted landscape management details.

2.12.7 With regard to play areas/equipment, two areas within the site are indicatively identified for the provision of play equipment. Whilst these indicative proposals are noted, given the wording of the Legal Agreement, the play area contribution must be met through a payment to upgrade existing facilities in the village. Whilst it cannot be insisted upon, it would nonetheless be beneficial for play equipment to be provided within the site and conditions are therefore recommended for details of any equipment and future maintenance to be submitted to the Planning Authority for approval in the event the developer opts to provide equipment onsite (in addition to meeting the obligations of the Legal Agreement).

2.12.8 In conclusion, giving regard to the site's proximity to Lochhead Park, sufficient open space has been proposed to serve the residential development, with a contribution required to upgrade play and sports facilities in the village. The proposal is therefore considered to be acceptable, complying with the requirements of the Development Plan and relevant conditions and Legal Agreement for application 17/02330/PPP.

## **2.13 Public Art**

2.13.1 NPF4 (2023) Policy 31, FIFEplan Local Development Plan (2017) Policy 4, Planning Obligations Framework Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) apply with regard to consideration of public art.

2.13.2 Condition 1(o) of the PPP is relevant, requiring the submission of:  
(0) A public art strategy for the whole development site.

2.13.3 The Legal Agreement associated with the PPP sets out that a "public art contribution" is required, with the developer required to provide public art within the site to a value of £18,600. The Legal Agreement furthers details that in order to satisfy the public art contribution, the developer is required to submit a public art scheme for the approval of the Council, and thereafter implement the scheme in accordance with the approved details and timescales of the within the scheme.

2.13.4 A Public Art Strategy has been submitted as part of the application, with this considered to meet the requirements of a public art scheme per the Legal Agreement. The submitted strategy provides an overview of the history of the Coaltown of Wemyss and Wemyss Castle, recognising that the application site is located with the Wemyss Castle Garden and Designed Landscape Designation. The strategy also draws attention to successful public art projects which have been implemented throughout Fife. Noting the recommendations of Making Fife's Places Supplementary Guidance that public art that is commissioned for a particular site should

be relevant to the context of that location and to its audience - the public or community who occupy, use or see into that space – the submitted strategy document sets out that a commissioned sculpture which reflects the history of the location could be well suited as a public art installation; examples provided include links to Wemyss Ware, mining and Wemyss Castle. Whilst not confirmed within the strategy document, the suggestion of a sculpture which references the historic windmill at Wemyss Castle, long demolished, is considered to be of particular interest giving regard to the siting of the application site within the grounds of the Castle. The public art is indicatively proposed to be located within the open space area at the eastern site entrance which is considered to be appropriate. The submitted strategy sets out that the final public art contribution shall be refined through local community consultation and the appointment of an artist. A timescale for appointing an artist, consulting with the local community, agreeing the proposal with the Planning Authority and manufacturing the sculpture, as well as a breakdown of costs, is provided within the submitted strategy document. Overall, the submitted Public Art Strategy is considered to be acceptable.

2.13.5 In order to ensure that the Public Art Strategy document is adhered to, and to ensure the proposed contribution is of an appropriate design, a condition is recommended for the public art contribution to be agreed by the Planning Authority.

2.13.6 In conclusion, the public art proposals are considered to be acceptable, meeting the requirements of the PPP and policies of the Development Plan.

## **2.14 Archaeology**

2.14.1 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.

2.14.2 The application site is not identified as an area of archaeological regional importance, however the Council's Archaeologist has advised that previous work around Coaltown of Wemyss suggests that the site proposed for development has a good probability of containing archaeological deposits, notwithstanding that the site was previously subject to coal mining.

2.14.3 The Council's Archaeologist has requested that a condition be used to secure an archaeological investigation be carried out, however as this is an AMSiC application it is considered that it would not be appropriate to include a condition to address a matter which was not identified during the assessment of the PPP.

## **3.0 Consultation Summary**

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Structural Services - Flooding, Shoreline And Harbours	No objections
Trees, Planning Services	No objections.
Natural Heritage, Planning Services	No objections.

Housing And Neighbourhood Services	No objections. Proposed housetypes supported.
Parks Development And Countryside	No comments.
Education (Directorate)	No comments. Legal Agreement already in place.
Scottish Environment Protection Agency	No comments.
The Coal Authority	No objections.
Urban Design, Planning Services	Design and layout generally supported. Design advice provided.
Historic Environment Scotland	Do not object. Design advice provided.
Archaeology Team, Planning Services	Potential for archaeological deposits to exist. Condition recommended.
Built Heritage, Planning Services	No comments.
Scottish Water	No Objections.
TDM, Planning Services	No objections. Conditions recommended.
Land And Air Quality, Protective Services	No objections. Condition recommended.

## 4.0 Representation Summary

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4.1 A total of nine objections and one support comment have been received in response to this application. The support comment submitted appears to provide support generally for the development. The matters raised in the submitted objections, and the Planning Authority's response to these is summarised below.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Loss of daylight	2.4.2
b. Impact on character of village and conservation area	2.3.5
c. Increase in traffic movements	2.5.11
d. Impact on bats	2.8.4
e. Loss of greenbelt	2.2.3

f. Impact on natural environment and wildlife	2.8.5
g. No need for additional homes	2.2.3
h. Lack of capacity at local school	2.11.4
i. Additional homes would impact on water supplies	2.6.7
j. Construction impacts could cause safety issues at school	2.4.6
k. Additional parking on Main Street	2.5.11
l. No sustainability checklist submitted	2.9.2

#### 4.2.2 Other Concerns Expressed

Issue	Comment
a. Loss of view	This is not a material planning issue. As an AMSiC application, the applicant is not required to undertake public consultation.
b. No public consultation undertaken	
c. Additional homes would constrain electricity supply	This is not a material planning issue and is the responsibility of the energy provider.

## 5.0 Conclusions

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The application is considered to be in accordance with the design, site infrastructure and submission requirements of the Planning Permission in Principle (PPP) that preceded it, also complying with Policies 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 31 of NPF4 (2023), Policies 1, 2, 3, 4, 10, 11, 12, 13 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), Affordable Housing Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017) and relevant National Guidance and Fife Council Guidelines. The design and layout of the proposal is acceptable and would introduce a high quality urban expansion to the settlement of Coaltown of Wemyss. High quality features, landscaping and public art are included to ensure a sense of place is achieved. The development would not adversely affect existing or future residential amenity and would comply with all technical matters of the PPP and other material considerations including drainage, transportation, natural heritage, sustainability, education, affordable housing and site stability matters. The development is therefore considered acceptable in all regards and would comply with the Development Plan and conditions set out within the PPP.

## 6.0 Recommendation

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

#### **PRE-COMMENCEMENT CONDITIONS:**

1. Within the first planting season following the occupation of the 120th residential unit, a woodland tree belt shall be planted along the southern boundary of the site. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the historic environment.

2. BEFORE ANY WORK STARTS ON SITE, details of the specification and colour of the proposed finishing materials for the dwellings (in particular relating to the roof, windows and walls), boundary treatments, footways and road surfaces shall be submitted for approval in writing by this Planning Authority. Thereafter the development shall be constructed and finished in full accordance with the agreed details.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

3. BEFORE ANY WORKS START ON SITE, a Construction Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority for approval in writing. The CEMP shall include a pollution protection measures to avoid an impact on the environment, as well as 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 provide the following details:

- Site working hours;
- Adherence to good practise in protecting the environment and ecology;
- Dust, noise and vibration suppression; and
- Protection of water environment.

Reason: To ensure the environment in and around the site and residential amenity is protected during construction.

#### **CONDITIONS:**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 (or any Order revoking and re-enacting that Order) no development within Classes 1A, 1B, 3A, 3B and 3D shall be undertaken within Plots 20, 23, 26, 33, 36, 57, 58, 70, 80, 81, 82, 85, 86, 87, 93, 114, 123 and 124 without the express prior consent of this Planning Authority.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the plots.

5. All roads and associated works serving the proposed development shall thereafter be constructed in accordance with

the current Fife Council Transportation Development Guidelines to a standard suitable for adoption.

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

6. Prior to the occupation of each residential unit, all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

7. Prior to the occupation of each residential unit, the off-street parking provision for the unit shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

8. Prior to the occupation of the first residential unit, scaled site plans (including details of road markings) and elevations of the relocated bus stops and shelters on Main Street shall be submitted for the written approval of Fife Council as Planning Authority.

Reason: In the interest of road safety; to ensure adequate bus stops and shelters are provided.

9. Prior to the occupation of the first residential unit, the approved two points of vehicular access into the site from Main Street shall be constructed in full and available for use.

Reason: In the interests of road safety; to ensure vehicular access into the site is available.

10. No more than 110 of the residential units hereby permitted to be constructed at the site shall be occupied until a continuous footpath connecting the footpath/cyclepath network within the site to Main Street (C18) to the west of the site is in place.

Reason: In the interests of pedestrian connectivity and access.

11. Prior to the occupation of any of the residential properties, street lighting and footways (where appropriate) serving the property shall be formed and operational to the satisfaction of this Planning Authority.

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

12. Prior to the occupation of the first residential unit, a surface water drainage scheme approved by Fife Council as Planning Authority through this application and planning application 20/00347/FULL shall be implemented in full and thereafter maintained in full working order for the lifetime of this development.

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

13. 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.

14. 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.

15. Further to condition 14, no tree works or scrub clearance within 2 metres of any rookery shall occur on site from 31st January through to 30th June, 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 31st January to 30th June, inclusive, an appropriate 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.

16. BEFORE ANY SITE CLEARANCE WORKS TAKE PLACE, all trees to be felled or lopped within the site shall be inspected for roosting bats by Suitably Qualified Ecologist (SQE). Where features are found to have low potential, the tree can be felled under precautionary measures. If a feature is identified as having moderate or high potential for roosting bats then further surveys shall be carried out by a SQE, with a report of findings and recommended mitigation measures submitted for the written approval of Fife Council as Planning Authority before any moderate or high potential trees are felled or lopped. In the event an active bat roost is discovered, the identified tree shall not be felled or lopped until an appropriate license has been granted.

Reason: In the interests of protecting bats and their roosts.

17. Within the first planting season following the occupation of the 120th residential unit, the approved soft landscaping and tree, shrub, bulb and hedgerow planting (Planning Authority drawing ref. 22A, 23A, 24A and 25A) shall be implemented in full.

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

18. The management and aftercare of the landscaping and planting shall be carried out in accordance with the approved plans (Planning Authority drawing ref. 22A, 23A, 24A and 25A) for a minimum of 5 years. 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; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

19. All excavation works within the Root Protection Areas of trees to be retained shall be undertaken manually/by hand or with compressed air soil displacement.

Reason: In order to ensure that no damage is caused to the trees.

20. Details of any ancillary structures and play equipment to be provided, including timescale for implementation, shall be submitted for the written approval of the Planning Authority. Thereafter, the ancillary structures and play equipment as approved shall be provided on site and available for use at the timescale agreed by the Planning Authority.

Reason: To ensure any play equipment is sufficient to service the development.

22. A maintenance and aftercare strategy for any equipped play areas to be provided shall be submitted for the written approval of the Planning Authority. Thereafter, the equipped play areas shall be maintained in accordance with the approved strategy for the lifetime of the development.

Reason: To ensure any equipped play area is suitably maintained.

23. Prior to the occupation of the first residential unit, details; including sketches/elevations, site plan, evidence of engagement with local community group(s) and a timescale for installation; of the proposed items of work relating to the delivery of a public art scheme shall be submitted for the written approval of Fife Council as Planning Authority. Thereafter, the approved public art scheme shall be installed in accordance with the timescales approved by the Planning Authority.

Reason: In the interests of good placemaking; to ensure a high quality public art scheme is delivered.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Bryan Reid, Lead Professional and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager

26 June 2024

Agenda Item No. 8

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**Application for Full Planning Permission**

**Ref: 23/00347/FULL**

**Site Address: Land To South Of Main Street Coaltown Of Wemyss**

**Proposal: Formation of SuDS basin and surface water outfall (associated with application 19/00385/PPP)**

**Applicant: Wemyss Properties, 4 Melville Crescent Edinburgh**

**Date Registered: 7 March 2023**

**Case Officer: Bryan Reid**

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

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

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This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another application for consideration by the Committee and it is expedient for both applications to be considered by Committee.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

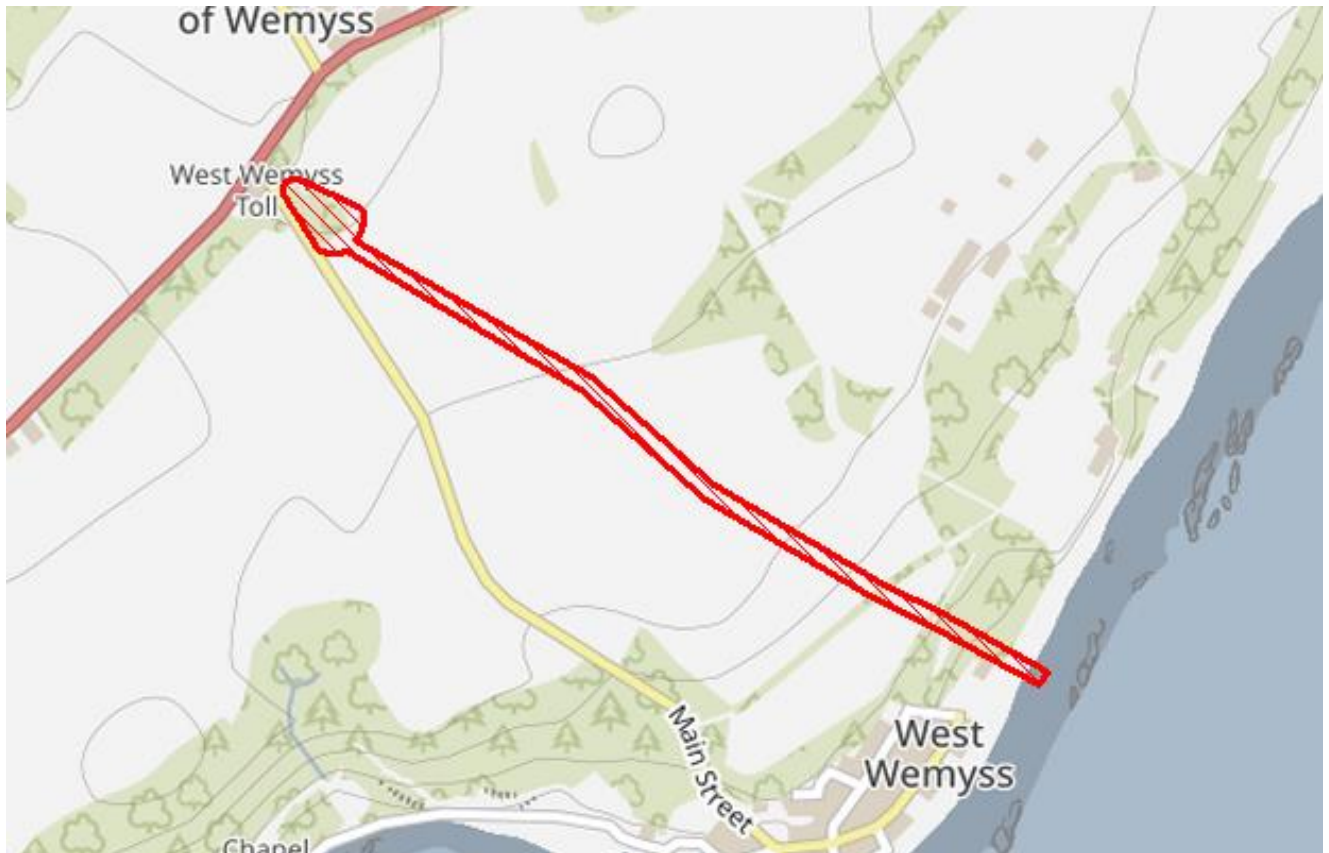
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### **1.1 The Site**

1.1.1 This application relates to a 2.6ha area of land located to south of the settlement of Coaltown of Wemyss. The site boundary contains a long linear shaped area which connects to the Firth of Forth to the east of West Wemyss (including Conservation Area), passing within close proximity of the Category C listed St Aiden's Church. The site runs through three agricultural fields classified as grade 2 (prime) agricultural land, which contain small areas of woodland, forming part of the Wemyss Castle Historic Garden and Designed Landscape, a coastal 18th - 19th century landscape park overlying an earlier formal landscape associated with the 15th century Category A listed West Wemyss Castle and Chapel tower-house. The Wemyss Castle park extends across coastal hills directly north-west of West Wemyss, the designed landscape lies south of the A955 Kirkcaldy-Methil road, stretching between East Wemyss and West Wemyss. Part of the site is occupied by an area of recently established category B mixed planting which connects with an area of mature woodland which runs along

the southern boundary of Main Street. The three fields covered by the application site are separated by post-and-wire fencing which runs east-west. The western field boundaries are enclosed by a stone wall which runs the length of the C18, with the eastern boundaries marked by a low post-and-wire fence which follows Castle Drive.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application seeks planning permission for the formation of a SuDS basin and surface water outfall. The application is directly related to a concurrent application submitted by the applicant for a residential development adjacent to the site – 23/00346/ARC.

1.2.2 Surface water runoff from the adjacent residential development would drain into the proposed SuDS basin (via inlets) through two underground pipes largely contained within the road network. The proposed SuDS attenuation basin would store the surface water runoff and release it via an outlet at a controlled rate to a below ground outfall pipe; the pipe diameter would be approximately 600mm. Water would travel along the below ground outlet pipe and ultimately discharge to the Firth of Forth. The proposed development also includes a 3.5m access track which would encircle the SuDS basin.

## 1.3 Relevant Planning History

1.3.1 An outline planning permission (Ref: 90/L/0040) for land to the north of Main Street, the current application site and land to the south of the application site was approved for a mixed use development consisting of a golf course, country club, business park and residential development. A Reserved Matters application (02/03791/CARM) approved details (through a masterplan) for 208 dwellinghouses, 4 light industrial units, an 18 hole golf course and

associated clubhouse. The commencement of development on a residential site to the north of Main Street (Lady Grosvener Gait) secured the planning permission in perpetuity. The original outline permission and subsequent reserved matters application showed 63 residential units wholly within the boundary of the current application site. The house types approved within this boundary were predominantly large, detached villas.

1.3.2 A further planning application for Planning Permission in Principle (11/02388/PPP) was submitted in 2011 and approved on 6 June 2013. This followed the conclusion of a legal agreement requiring the submission of developer contributions for education, offsite play provision, public art and affordable housing.

1.3.3 Planning permission 11/02388/PPP was the subject of a Section 42 application 16/00139/PPP to vary condition 2. This Section 42 application 16/00139/PPP was granted on 30th June 2016 and effectively created a new permission, prolonging the period in which AMSiC application(s) could be submitted by a further 3 years and extending the period in which development could be commenced. This is because condition 3 of permission 16/00139/PPP states that the period for commencement is two years after the final AMSiC application is granted. An updated Section 75 agreement was required and signed for 16/00139/PPP although the broad terms of this remained as per the previous agreement for 11/02388/PPP. Another Section 42 application (19/00385/PPP) was thereafter submitted to amended condition 2 of 16/00139/PP to further extend the timescale for submitting AMSiC applications by a further 3 years, with this application approved (again with an updated Section 75 agreement) on 25th July 2019.

1.3.4 The duration of planning permission 19/00385/PPP was extended under Schedule 7 of the Coronavirus (Scotland) Act 2020 and the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022, permitting AMSiC applications to be submitted up to 31st March 2023.

1.3.5 As above, an Approved Matters Specified in Conditions (AMSiC) application has been submitted concurrently by the applicant for 125 residential units (including 3 no Affordable Housing units) and associated infrastructure, drainage and landscaping as required by condition 1 of 19/00385/PPP. As the AMSiC application is limited to the site boundaries of the PPP, the applicant has been required to submit the current application for the SuDS basin and drainage outfall as a separate application.

## **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 59(1) 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 Whilst the application site (redline) boundary covers an area which exceeds 2ha, referring to Circular 5/2009, it is assessed by the Planning Authority that as the area of land which forms the subject of the development, notably the below ground pipe, would be less than 2ha, the

application can therefore be considered to be a 'local' application per the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

1.4.3 The application was advertised in the Courier newspaper given the potential impact on the setting of a listed building. A site notice was also erected.

1.4.4 The application site was visited by the case officer to inform the assessment of the proposed development. To aid Elected Members in their determination of the application, the Council's photographer has also visited the site to gather drone footage.

## **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 14: Design, quality and place

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

Policy 16: Quality Homes

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

Policy 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 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 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 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**

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

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)

PAN 33: Development of Contaminated Land (2000)

PAN 51: Planning, Environmental Protection and Regulation (2006)  
British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction  
Historic Environment Scotland Historic Environment Policy for Scotland (2019)  
Historic Environment Scotland Managing Change in the Historic Environment: Setting (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**

Trees and Development

### **Other Relevant Guidance**

West Wemyss Conservation Area Appraisal and Management Plan

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Visual and Built Heritage Impact
- Flooding and Drainage
- Contaminated Land
- Natural Heritage and Trees
- Archaeology

### **2.2 Principle of Development**

2.2.1 NPF4 (2023) Policies 1, 2, 5, 9, 16, 22 and 29 and FIFEplan (2017) Policies 1 and 7 apply with regard to the principle of development.

2.2.2 The application is beyond the settlement boundary of Coaltown of Wemyss (FIFEplan, 2017) and is therefore considered to be located within the countryside, with the site not allocated for development in FIFEplan. The site includes prime agricultural land (grade 2). The proposed development would provide a SuDS basin and drainage outfall for a residential development which has planning permission in principle and is allocated in FIFEplan (CLW002). As per the concurrent AMSiC application submitted for the residential development (23/00346/ARC), it was not possible for the necessary SuDS basin and outfall to service the development to be located within the original PPP site boundary given the area of land needed for the basin to operate functionally and requirements to discharge surface water runoff to an existing water course.



2.2.3 NPF4 Policy 29 (Rural Development) and FIFEplan Policy 7 (Development in the Countryside) set out criteria when developments beyond settlement boundaries will be supported, with additional requirements for developments to be generally suitably scaled, sited and designed to be in keeping with the character of the area and surrounding land uses, and designed to protect the overall landscape quality of the area (this shall be assessed in section 2.3 of this report). NPF4 Policy 29(a) states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including (v) essential infrastructure. Per the NPF4 glossary, 'essential infrastructure' is considered to include 'water and waste water infrastructure, with the proposed development therefore considered to meet the relevant policy requirement. It is considered that the proposed development would not comply with the 7 criterion listed in FIFEplan policy 7 which support development in the countryside, however in accordance with Section 24 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019; which sets that where provisions of NPF4 and the local development plan are incompatible, whichever provision is the later in date is to prevail; it is considered that greater weight can be given to NPF4 Policy 29 to support the proposed development beyond the defined settlement boundary. Additionally, as the proposed development would serve a residential development on a site allocated for residential development in the development plan, it is considered that this provides further support for the development in principle.

2.2.4 Turning to impacts on prime agricultural land, both NPF4 Policy 5 and FIFEplan Policy 7 set out limited circumstances when development on prime agricultural land will be supported. Whilst the intent of these policies is noted, it is considered that they are not directly applicable as the location of the proposed SuDS basin is presently an area of woodland and therefore not used for agriculture, whilst the proposed outfall pipe would be buried approximately 1200mm underground, thus ensuring the land could still be used for agricultural purposes. It is therefore considered that no useable prime agricultural land would be lost as a result of the development.

2.2.5 Overall, it is considered that the proposed development would represent essential infrastructure connected to a residential development, with the development able to be supported in its countryside location in principle. Furthermore, the proposed SuDS basin and outfall pipe would not impact on any useable prime agricultural land. The overall acceptability of the development will depend on whether the proposal satisfies other relevant Development Plan policy criteria; this shall be explored in the following sections of this report.

## **2.3 Visual and Built Heritage Impact**

2.3.1 NPF4 (2023) Policies 3, 4, 7, 14, 20, 23 and 29, FIFEplan (2017) Policies 1, 7, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018), West Wemyss Conservation Area Appraisal and Management Plan, and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (2019) and Managing Change in the Historic Environment: Setting (2010) apply with consideration of the visual and built heritage impacts of the proposed development.

2.3.2 The proposed development would be located within the grounds of the Wemyss Castle Garden and Designed Landscape Designation, with the proposed outfall within close proximity of Category C listed St Aiden's Church and the West Wemyss Conservation Area.

2.3.3 The proposed SuDS basin, located immediately adjacent to the proposed residential development (23/00346/ARC) is not considered to raise any visual impacts beyond those associated with the residential development, with the SuDS basin appearing within the same context. As per the assessment of application 23/00346/ARC, the proposed residential development is considered to be acceptable within its setting. The proposed outfall pipe would

be buried underground and would thus not raise any visual impacts, nor harm the overall landscape setting.

2.3.4 The proposed drainage outfall would comprise of uPVC pipes buried underground, connecting the SuDS basin to the final surface water discharge point into the Firth of Forth. When initially consulted on this application, unclear on whether the outfall was proposed as an open ditch or below ground pipe, Historic Environment Scotland (HES) raised a concern that an open ditch could impact on the setting of the Wemyss Castle Garden and Designed Landscape Designation, with a below ground pipe solution therefore recommended. As the proposed outfall would be located underground, it is considered that the proposal would not have an adverse impact on the setting of the Wemyss Castle Garden and Designed Landscape Designation. Similarly, as a below ground pipe is proposed it is considered that the proposal would not impact on the setting of St Aiden's Church, nor the West Wemyss Conservation Area, with the small opening to be formed on to the beach for water to discharge to the Firth of Forth not considered to raise any visual concerns.

2.3.5 In conclusion, the proposed SuDS basin and below ground outfall pipes are not considered to raise any visual impacts, not adversely impact on the setting of the historic environment. The proposed development is therefore considered to accord with the above noted Development Plan policies and associated guidance.

## **2.4 Flooding and Drainage**

2.4.1 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 drainage and infrastructure of development proposals.

2.4.2 The application is supported by a Flood Risk Assessment (FRA), Drainage Strategy, relevant drainage plans and completed Fife Council drainage certificates. The submitted documents consider the proposed development alongside the related AMSiC application for the residential development.

2.4.3 Per the SEPA Flood Maps, the application site is not identified as being at risk of fluvial or coastal flooding, however there are areas within the site considered to be at risk of pluvial flooding with surface water ponding. The FRA, completed by Kaya Consulting, considers the risk of flooding from all sources, including groundwater. The FRA identified no records of historic flooding on the site. The FRA concludes that the risk of flooding is low from all sources, advising that the risk of surface water flooding can be readily managed through an appropriately designed drainage system. Safe access and egress to the site would be available during flood risk events. Neither SEPA nor the Council's Structural Services (Flooding, Shoreline and Harbours) Officer raised any concerns with the methodology, findings or conclusions of the FRA. It is ultimately accepted that the proposed development would not give rise to adverse flood risk concerns, with surface water able to be managed through the proposed drainage system (discussed below).

2.4.4 It is proposed for surface water runoff from the residential development to drain to the proposed SuDS basin via underground pipes, with filter trenches and porous paving also proposed. The surface water outfall from the basin would drain to the south through an underground pipe, ultimately discharging into the Firth of Forth. In accordance with the drainage hierarchy, where a large soakaway is unable to be provided for residential development, discharging to an existing watercourse is considered to be preferential to discharging to the combined sewer and the principle of the proposed SuDS solution is therefore considered to be

acceptable. The SuDS basin would be constructed to provide treatment and attenuation to greenfield levels for all surface water runoff from the site. The proposed basin has been sized to attenuate flows up to and including the 1:200 year storm events plus 40% climate change and 10% urban creep. It has been advised that the applicant intends for Scottish Water to adopt the SuDS basin. Fife Council's Structural Services Officers have advised that they have no objections to the surface water drainage proposals, providing confirmation is provided that the SuDS shall be maintained by Scottish Water. A condition is recommended for this information to be submitted. The SuDS proposals are ultimately considered to be acceptable, ensuring surface water runoff within the site is appropriately managed.

2.4.5 Overall, it is considered that the proposed development would include suitable drainage infrastructure to service the proposed residential units, with information submitted to confirm the residential development would not be at risk of, nor contribute to, surface water flooding. The proposed development is therefore considered to be acceptable with regard to flood risk and drainage considerations within the development plan.

## **2.5 Contaminated Land**

2.5.1 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.

2.5.2 The application site was once part of the Wemyss Colliery and Wemyss Private Railway. Given the historic land use of the site, the application site is considered to be at risk of contamination and is identified as a development High Risk Area by the Coal Authority. Given the constraints of the site, the application is supported by a Mineral Stability Assessment Report and a Phase I/II Geo-Environmental & Geotechnical Interpretive Report, with these documents considering the area of land for the proposed residential development (23/00346/ARC) and the proposed SuDS basin. Given the limited scope of works required, it is not considered necessary for the documents to assess the full length of the proposed drainage outfall pipe.

2.5.3 No mine entries are identified at the site, or within influencing distance of the site. Intrusive investigations were carried out on the site, with eight rotary boreholes drilled to investigate the competency of the underlying bedrock with respect to mineral stability. No evidence of void, broken ground or loss of drilling flush, which would be indicative of mining related ground instability, was identified within any of the rotary boreholes constructed across the site. Based on the findings of the Mineral Stability Assessment, the site was identified as representing a low risk of mining related ground instability to proposed developments at the ground surface, with no ground stabilisation works therefore considered necessary. Following on from the Mineral Stability Assessment Report, the Phase I/II Report, which investigated the potential for land contamination, ground gases and geotechnical constraints through desktop research, bore holes, trial pits and chemical testing, concluded that no sources of soil contamination which would impact human health, environmental factors or the built environment were present, with the site therefore considered to pose a low risk in terms of environmental considerations based on the proposed residential end use.

2.5.4 The Coal Authority and the Council's Land and Air Quality Officers were consulted on the associated AMSiC application (23/00346/ARC) to provide comment on the submitted Mineral Stability Assessment and Phase I/II Geo-Environmental & Geotechnical Interpretive Reports, with no concerns being raised regarding the methodology or findings of the reports. Considering the findings and conclusions of the reports, with no coal mining legacy or land contamination issues being identified, nor any remediation works required, the Coal Authority advised that they had no objections to the proposed development. The Council's Land and Air Quality Officer

similarly did not raise any objections to the proposed development. Whilst the site investigations did not include the full length of the proposed outfall pipe, given regard to the report findings and extent of works involved with installing the pipe, it is considered reasonable to assume that this additional area of land would not raise any concerns, nevertheless a precautionary condition is recommended in the event any unexpected contamination is encountered. Giving regard to the submitted reports and comments from both the Coal Authority and Land and Air Quality Officers, it is concluded that the application site can be safely developed without the need for further investigations or remediation works.

2.5.5 In conclusion, whilst the site is subject to past and coal mining, no remediation measures are required to ensure the site is developed safely. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land contamination considerations.

## **2.6 Natural Heritage and Trees**

2.6.1 NPF4 (2023) Policies 1, 3, 4, 6 and 20, FIFEplan (2017) Policies 1, 10 and 13, 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) Nature Conservation Scotland Act 2004 (as amended) and Scottish Government's Policy on the Control of Woodland Removal apply in this instance with regard to natural heritage protection and biodiversity enhancement.

2.6.2. A tree survey report (including associated protection and felling plans) has been submitted. To facilitate the development of the proposed SuDS basin, an area of recently established category B mixed planting ("W1"), connected with the mature woodland area to the north, will require to be removed. Wider tree felling is proposed to facilitate the proposed residential development (23/00346/ARC). Considering the current application and related AMSiC application together, in consultation with the Council's Trees Officer, the removal of trees from the woodland can be supported where suitable compensatory planting takes place. According to the Scottish Government's Policy on the Control of Woodland Removal, woodland removal with compensatory planting is most likely to be appropriate where plans help enhance sustainable economic growth or rural/community development, with it considered that the proposed development overall satisfies this policy point, with the SuDS basin directly linked to the residential development. The tree survey report recommends a variety of tree species (and variety of tree standards) be planted compensate for the trees to be felled. Per the landscaping plans submitted with the AMSiC application, the trees to be planted within the site include 37 heavy standard (such as Alder, Birch, Rowan and Whitebeam), 8 extra heavy standard (such as Lime, Horse Chestnut and Purple Maple) and 4 multi-stemmed (White Birch) species. The range of species and number of trees to be planted is supported by the Council's Trees Officer. Additionally, whilst the species of trees are yet to be confirmed, it is noted that the proposed development includes woodland tree planting along the southern boundary of the residential site; a condition is recommended on that application for the woodland planting proposals to be finalised prior to the commencement of development. It is considered that the proposed tree planting would more than offset the habitat loss of the felled trees.

2.6.3 The route of the proposed outfall pipe would pass beneath areas of woodland. Given the depth and size of the proposed pipes, typically buried 1200mm below ground, and anticipated depth of tree roots (typically found within the upper 600mm of soil), it is anticipated that the proposed outfall pipe would not have a significant impact on tree roots.

2.6.4 An extended Phase I habitat survey has been submitted which considered not only habitats and species of plant present but also the potential presence of relevant European

Protected Species (bats), badgers, and breeding birds, with particular reference to those species with enhanced statutory protection. Surveys took place within the site boundary of the residential development and SuDS basin and a 50m buffer around the area. The survey confirmed that no nationally notable examples of any habitat were found, with habitat types within the site considered to be unremarkable and common, with general recommendations included in the report to safeguard trees during construction. No scheduled invasive plants were found within the site or within 7m of the site boundaries. The habitat survey found no evidence of badgers using the site or surroundings. The site itself is considered to have a negligible value for supporting breeding birds, however evidence of breeding bird nests was identified in the adjacent woodland area. The habitat survey recommended that works within the woodland area generally avoid the bird breeding period. A condition is recommended to ensure nesting birds are not impacted by the proposed construction.

2.6.5 Turning to biodiversity enhancement, the submitted Phase I habitat survey notes the limited biodiversity and habitat offering of the application site itself, however, recognises that a number of trees within the woodland area are required to be felled to facilitate development. Detailed landscaping plans have been submitted with application 23/00346/ARC, with a mix of grass species (including meadow species), shrubs, bulbs, trees (discussed above) and hedgerows to be planted, whilst the SuDS basin proposed through the current application would also offer a biodiversity enhancement as a semi-wetland area. The Council's Natural Heritage Officer did not raise any concerns with the proposed landscaping and biodiversity enhancement proposals. Overall, noting the existing limited biodiversity offering of the application site and extent of proposed planting and habitat creation, it is considered that the proposed development would provide a suitable level of biodiversity enhancement.

2.6.6 In conclusion, the proposed development would not adversely impact on any protected species, with suitable landscaping and biodiversity enhancement measures identified. Overall, it is considered that the proposed development would be acceptable with regard to natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## **2.7 Archaeology**

2.7.1 NPF4 (2023) Policy 7, FIFEplan (2017) Policies 1 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.

2.7.2 The application site is not identified as an area of archaeological regional importance, however the Council's Archaeologist has advised that previous work around Coaltown of Wemyss suggests that the site proposed for development has a good probability of containing archaeological deposits, with the site within the grounds of the Historic Wemyss Castle and in close proximity to St Aiden's Church (and graveyard).

2.7.3 Given the potential for the development to uncover or disrupt buried archaeological remains, it is considered appropriate to recommend a planning condition to secure a scheme of archaeological investigations prior to the commencement of development.

2.7.4 In conclusion, the proposed development could disrupt archaeological deposits and a condition is therefore recommended in accordance with the above Development Plan policies.

### 3.0 Consultation Summary

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The Coal Authority	No objections.
Land And Air Quality, Protective Services	No objections.
Historic Environment Scotland	Proposed outfall pipe should be buried underground to protect setting of historic environment.
Scottish Water	No comments.
Built Heritage, Planning Services	No comments.
Structural Services - Flooding, Shoreline And Harbours	No objections. Confirmation of Scottish Water adoption should be provided.
Archaeology Team, Planning Services	Potential for archaeological deposits to exist. Condition recommended.

### 4.0 Representation Summary

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No representations from third parties were received.

### 5.0 Conclusions

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The proposal is considered to be acceptable and to comply with Policies 1, 2, 3, 5, 6, 7, 9, 14, 20, 22 and 29 of NPF4 (2023), Policies 1, 2, 7, 10 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), and relevant Legislation, National Guidance and Fife Council Guidelines. The proposed SuDS basin and drainage outfall would provide essential drainage infrastructure for an allocated residential development (with planning permission in place), with the proposed development ensuring that surface water runoff from the allocated residential site would be appropriately managed and discharge to an existing watercourse. The principle of locating the proposed drainage infrastructure in the countryside is considered to be acceptable given its essential infrastructure definition and preference for surface water runoff from the residential development to be discharged to a watercourse rather than to the combined sewer. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the amenity of the surrounding area and is therefore considered to be acceptable overall.

### 6.0 Recommendation

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

## **PRE-COMMENCEMENT CONDITIONS:**

2. BEFORE ANY WORKS START ON SITE, 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.

## **CONDITIONS:**

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

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

3. 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.

4. 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.

5. 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.

6. WITHIN 3 MONTHS OF THE COMPLETION OF THE SUSTAINABLE DRAINAGE SYSTEM, evidence of Scottish Water's (or other party's) agreement to adopt the sustainable drainage system shall be submitted for the approval of Fife Council as Planning Authority in writing.

Reason: In the interests of surface water management; to ensure the sustainable drainage system shall be maintained.

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Bryan Reid, Lead Professional

Report reviewed and agreed by Mary Stewart, Service Manager



26 June 2024

Agenda Item No. 9

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**Application for Approval Required by Condition(s)**      **Ref: 24/00542/ARC**

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

**Proposal:**                              **Approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phases 1 and 2a)**

**Applicant:**                              **Ms Karen Sutherland, 2 Buchanan Gate Business Park Stepps**

**Date Registered:**                      **15 March 2024**

**Case Officer:**                              **Natasha Cockburn**

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

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

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This application requires to be considered by the Committee because it is a National Development.

#### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

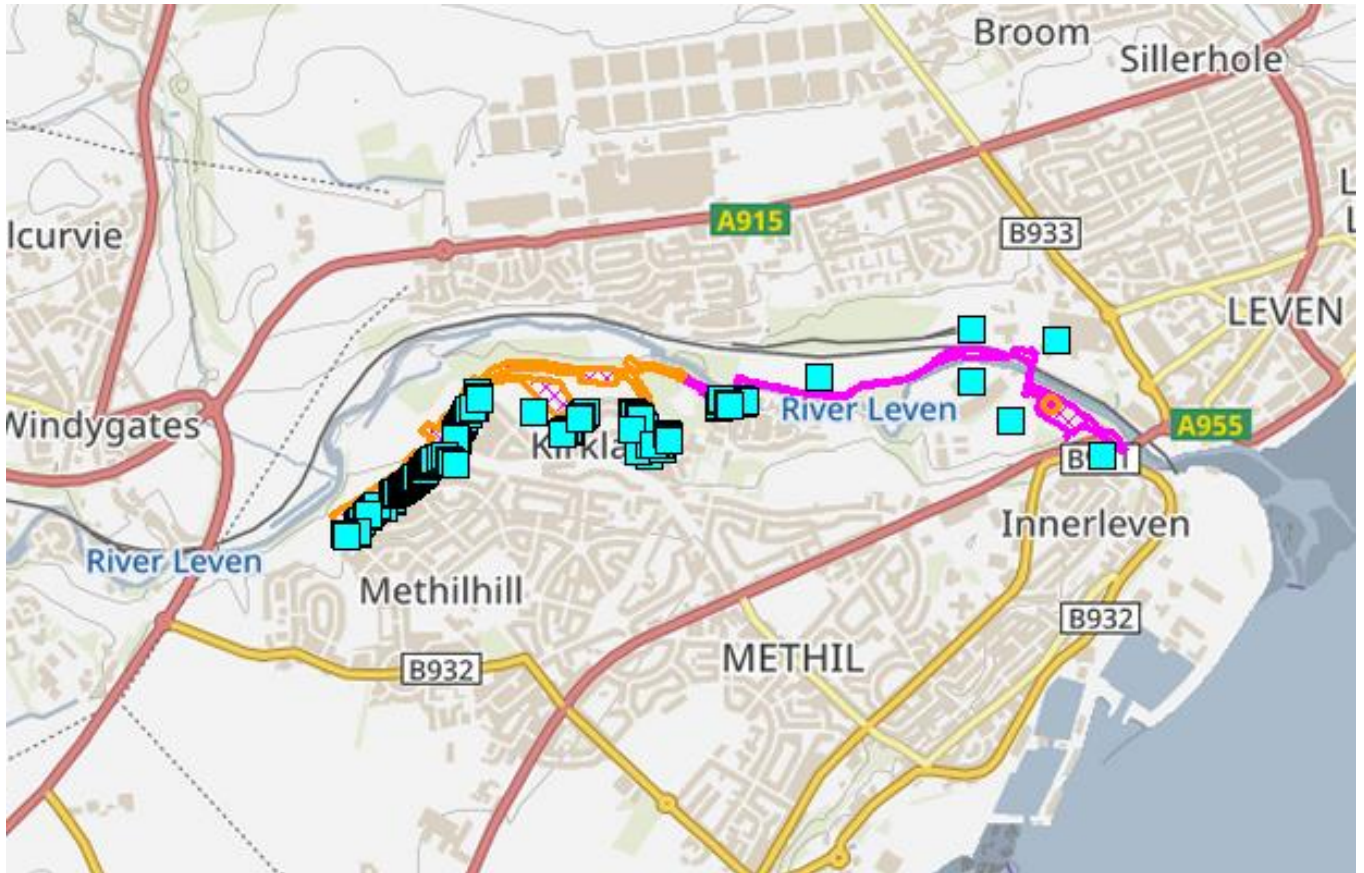
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### **1.1 The Site**

1.1.1 The application site runs adjacent to the River Leven, from Methilhill, along Poplar Road and along east to Methil, ending at Bawbee Bridge to the east. The site is located in the settlement boundary of Leven, Buckhaven, Methil & Methilhill. The site is split into two phases, Phase 1 and Phase 2a. Phase 1 is a smaller section of path, located to the east side of the site, and it adjoins Elm Park to the east and the former Mayfield site to the west. The site is partly covered in scrub woodland and crosses an existing footbridge (Bridge 19) which crosses the newly reinstated railway line between Cameron Bridge and Leven. The phase 2a route would tie in with the approved Duniface Bridge route carried out by Network Rail (planning application reference: 23/01110/FULL). The route is mainly flat and would adjoin Kirkland Walk, between Kirkland Walk and Oakvale Road and carry on eastwards, to the north of Mulberry Crescent and tying in with Mountfleurie to the east. This section of the site is mainly woodland along the river edge at the east side, amenity grassland in the central section and scattered scrub and

grassland at the west side. There is a live consent for a bridge crossing at Mountfleurie (planning application reference: 23/02058/FULL) and phase 2a would end at this point and then tie in with Sawmill Bridge, adjoining Methilhaven Road.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This is an approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phases 1 and 2a). The proposal includes phase 1 and phase 2a of the proposed development. Phase 1 is a smaller phase, located to the east side of the site, and it adjoins Elm Park to the east. The proposed works in phase 1 include:

- installation of bollards to the east side adjoining Elm Park
- installation of lighting columns
- installation of benches to the east side, adjacent to Elm Park
- installation of gateway feature
- installation of artistic panels adjacent to the gateway feature
- installation of a handrail/barrier to the north side adjacent to the bench
- hedgerow planting along the north of the route

The surface itself would be 3.5m wide and would comprise of resin-bound surfacing to the main route and clay pavers at the gateway area where the bench is located. The levels would be increased by 0.42m.

The phase 2a route would tie in with the approved Duniface Bridge route carried out by Network Rail (planning application reference: 23/01110/FULL). The route would adjoin Kirkland Walk, between Kirkland Walk and Oakvale Road and carry on eastwards, to the north of Mulberry Crescent and tying in with Mountfleurie to the east. There is a live consent for a bridge crossing at Mountfleurie (planning application reference: 23/02058/FULL) and phase 2a would end at this point and then tie in with Sawmill Bridge, adjoining Methilhaven Road.

The proposed works in phase 2a include:

- Installation of lighting columns
- Installation of seating areas along the route
- Installation of sculptural seating area to the north of Poplar Road
- Installation of handrail
- Planting including tree planting, grass and wildflower meadow planting, bird, bee and butterfly mix planting
- Installation of fingerpost signage at Poplar Road and Sawmill Bridge
- Ecological seating area to the south of Burn Mill Dam
- Informal play at the Sawmill Bridge area
- Retaining structure at Sawmill Bridge area

The proposed route would be 4m wide, but would narrow at the Mountfleurie end of the route, from 4m to 3.5m moving east towards Steelworks Brae. This is to accommodate existing fencing and vegetation at this area. The surface would comprise of resin-bound surfacing to the main route.

### **1.3 Relevant Planning History**

1.3.1 Planning permission in principle (PPP) for the formation of an active travel network was granted in February 2024, reference: 23/02125/PPP. This is the planning permission in principle related to this detailed application, which seeks to address conditions (Conditions 2 a) to c), e) to h) and j) to y)). An objection comment received notes that this proposed route should connect with a footpath shown previously, beyond the tree belt. It is considered that the objection comment is referring to a later phase of this wider PPP. Given the large scale of this wider project, the routes would be delivered in phases with this proposed phase later tying in with the rest of the proposed phases over time.

1.3.2 Planning permission was granted for Cameron Bridge Railway Station in April 2023, reference: 22/03425/FULL. This permission included planning conditions (conditions 7 and 8) requiring the active travel routes shown within the planning application submission to be provided to Windygates to the north and Methilhill to the south. This included a bridge connection over the River Leven to the south and paths to form connections between the new railway station and Windygates and Methilhill. Planning permission was granted for the bridge

and active travel routes from Cameron Bridge railway station to Methilhill and the A915 in February 2024 for the bridge, reference: 23/01107/FULL. A Section 42 application to amend Condition 8 of application 23/01107/FULL is pending consideration, reference: 24/01097/FULL. The application seeks to amend the wording of Condition 8 to allow more time for the construction of the bridge due to issues with the bridge supplier going into administration, resulting in a delay in providing the bridge prior to the railway station opening.

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

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

1.3.5 Objection comments note concern that works have already commenced on an adjacent footpath development without planning permission. There is a live Planning Enforcement case (reference 24/00214/ENF) relating to these concerns which will be assessed following the determination of the associated planning application, which is under consideration at this Planning Committee (ref: 24/00646/FULL) for the formation of an active travel route by Network Rail, which connects to the new railway station at Cameron Bridge (ref: 23/03425/FULL). This path is currently being used by Network Rail for construction purposes, relating to the bridge construction at the railway station under Permitted Development Rights, so there is a route already constructed, however it only being used for a temporary period for that specific purpose. Network Rail have advised that they have not commenced any works relating to this development, but they have begun to install a Scottish Power Energy Network connection to service the lighting the Active Travel Routes in the area which already have consent (ref: 23/01107/FULL).

## **1.4 Application Procedures**

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

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

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

## **1.5 Relevant Policies**

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

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

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

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

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

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

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

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

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

#### **Policy 5: Soils**

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

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

To protect and expand forests, woodland and trees.

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

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

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

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

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

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

#### **Policy 20: Blue and green infrastructure**

To protect and enhance blue and green infrastructure and their networks

#### **Policy 21: Play, recreation and sport**

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

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

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

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

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

#### **Policy 23: Health and safety**

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

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

#### **Policy 1: Development Principles**

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

#### **Policy 3: Infrastructure and Services**

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

#### **Policy 10: Amenity**

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

#### **Policy 11: Low Carbon Fife**

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

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

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

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

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

#### **Policy 15: Minerals**

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

### **National Guidance and Legislation**

#### **Supplementary Guidance**

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

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with CO<sub>2</sub> emissions reduction targets and district heating requirements;

- requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

### **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

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

### **Planning Customer Guidelines**

Coal Mining Areas

Trees and Development

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

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

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

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

2.2.2 Condition 2 of the PPP sets out information required to be submitted with future detailed applications, where relevant. Condition 2 d) is not relevant because it requires details of how

each phase ties in with any previously approved phases. This is the first phase submission; therefore the condition is not relevant in this instance. Condition 2 i) is not relevant because this phase does not include any bridges, boardwalks or river crossings. The remaining parts of Condition 2 are relevant and details have been submitted to address each part, as set out below:

- (a) A location plan of all the site to be developed to a scale of not more than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the paths and all street furniture. This plan should be sufficient to identify the land to which it relates and should show the situation of the land in relation to the locality and in relation to neighbouring land;
- (b) Detailed plans to a scale of not more than 1:500 showing the site contours, the position and width of all proposed roads and footpaths, any bridge structures proposed, including public access provision, ground levels, sections, boundary treatments and all street furniture locations;
- (c) A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places;
- (e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. These details shall also include replacement tree planting, where required;
- (f) Details of the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (g) Details of all proposed materials and a demonstration of how new hard surfacing ties in with any existing surfaces;
- (h) Details and locations of the gateway features and 'rest stops';
- (j) A surface water management plan with relevant certification included, and as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision;
- (k) An updated Flood Risk Assessment (FRA) with relevant certification included, and mitigation where required and where relevant to that phase. The updated FRA shall take into account the detailed design of the proposal and shall demonstrate that the proposals comply with Policy 22 of NPF4 (2023) in regards to flood risk. Where relevant to that phase, mitigation measures shall include but not be limited to:
  - Information / signage as to potential flooding hazards, including maps
  - Information / signage as to emergency egress / alternative routes



- Information regarding procedures to be actioned in the event of flooding and consequential path closure

The FRA shall take account of the comments by SEPA within their consultation response, dated 21st September 2023.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.2.3 The Access Plan required by Condition 2 (v) has not been submitted with this application. However, further to consultation with Fife Council's Access Officer and the applicant, it is considered that it would be appropriate to add a condition to this consent, to allow for the access plan to be submitted prior to the commencement of works. The applicant cannot yet provide these details because they require consultation with their contractor closer to the construction stage so it is accepted that these details cannot yet be provided but it is recommended that this will be secured through an appropriate condition of this ARC instead.

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

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

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

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

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

2.3.4 Fife Council's Urban Design Officer has been consulted and has no concerns with the proposals, other than suggesting that the proposed benches are arranged to face one another to create a more sociable space. The applicant has reviewed the seating areas proposed and has responded with a document which sets out the reasoning behind the seating proposals for each section of the route and what the roles are for each type of seating arrangement, with some being social spaces and other more of a resting space where gathering would not be promoted. It is considered that the variation of the proposed seating spaces is welcomed and each space has a different role, for a variety of different people to use, which is supported.

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

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

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

## **2.4 Residential Amenity**

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

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

2.4.3 Objection comments received have expressed concern that the footpath will encourage anti-social behaviour, including motorbikes speeding along the new footpath. It is acknowledged that the use of motorbikes or mopeds is an existing issue within the area. However, it is not something that can be dealt with through this planning application, particularly with this being an existing and historic issue within the area. Additionally, it is difficult to deter moped or motorbike users from using the paths without discriminating against users of adapted cycles, people pushing prams and wheelchair users. It therefore would not be appropriate to refuse the application for the formation of an active travel network due to the existing issues concerning anti-social behaviour and it would not be appropriate to put into place any measures to block the route off because it would be to the detriment of other users of the path. Issues with moped use and other anti-social behaviour should be dealt with by Environmental Health or Police Scotland where necessary.

2.4.4 A Construction Environment Management Plan (CEMP) has been submitted as a requirement of Condition 2 p). The CEMP outlines that the proposed working hours during construction would be 07.30 - 18.00 Monday to Friday, 07.30 - 13.00 Saturday with no works to take place on Sundays or Bank Holidays. Fife Council recommend that when construction or demolition is taking place close to residential properties, contractors should begin works at 08.00. Given some of the construction works would take place close to residential properties, it is recommended that the working hours are adjusted to begin at 08.00 rather than 07.30 in the mornings. The CEMP sets out that otherwise, the construction works will be carried out in accordance with best practice.

2.4.5 The application is supported by street lighting plans and an outdoor lighting report. From reviewing the submitted information and giving regard the existing urban setting and the containment of the site by the existing and proposed woodland planting, it is concluded that the proposed development would not give rise to significantly adverse light pollution concerns. The layout of the proposed street lights would ensure that pedestrians would be visible and feel safe when travelling through the site.

2.4.6 The proposed development will attract more people to use the area which, in turn, may result in a higher level of activity than existing. However, the level of noise is not likely to result in a significant increase in the level of noise or activity which would adversely impact on the surrounding neighbours due to the nature of the proposals, as people would be using the route

as walking route or stopping for a minimal amount of time along the route. In terms of privacy, the proposals would not result in a significant change to the existing situation in terms of allowing overlooking into residential properties, including gardens. Planting is proposed along areas where there are existing residential properties, to enhance privacy in those areas. The area is already used for recreation and the formalisation of the route for walking would not significantly adversely impact on the privacy of surrounding residential properties.

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

## **2.5 Transportation/Road Safety**

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

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

2.5.3 A maintenance strategy and schedule has been submitted with the application which sets out that the management and maintenance of the routes will be carried out by Fife Council, with Fife Council Communities and Neighbourhoods becoming the asset owner, including paths, landscaping, informal play features and street furniture. None of this proposed route would require a Roads Construction Consent under Section 21 of The Roads (Scotland) Act 1984 and would not be considered for addition to the Fife Council List of Public Roads. It is also set out that Fife Council would maintain the lighting along the main spine through the park routes, although this is awaiting agreement from elected Members. Further, the statement sets out that the maintenance schedule is still to be fully reviewed and agreed with Fife Council's maintenance team. but it has been informed by the Area Officer for the Grounds Maintenance Service for the Levenmouth area and can be updated to tie-in with the existing maintenance schedule for the surrounding area. If this information changes in future, then amended details shall be submitted for agreement. A condition to this effect is recommended.

2.5.4 Transportation Development Management Officers have been consulted and have no objections to the proposals.

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

## **2.6 Flooding and Drainage**

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

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

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

2.6.4 SEPA has been consulted and advise that they have no objections to the proposals, and Fife Council's Flooding Shoreline and Harbours Team has also advised that they have no objections to the surface water management or in regards to flooding.

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

## **2.7 Contaminated Land**

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

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

2.7.3 A scheme of intrusive site investigations for past coal mining activity and a report of findings arising from the intrusive site investigations and any remedial measures necessary has been submitted with the application to address the conditions related to coal mining. The site is located within a High-Risk Coal Mining Area and historical maps indicate several former industrial land uses (refuse tips/landfills, works, mills, railway land) within the boundary of the proposed development (Phases 1 & 2a). The Coal Authority has been consulted and advised that none of the submitted reports appear to be able to confirm the undertaking of any appropriate ground investigations to determine the coal mining legacy of the site and so conditions 2 r) and s) cannot be discharged. The applicant has provided a further statement by Johnson Poole and Bloomer (June 2024) which confirms that the mineshafts and one feature outlined within the report are located outside of areas of influence of the route of the proposed footpath, concluding that the proposals would be exempt from the requirement of a Coal Mining Risk Assessment in this instance due to the minimal groundworks required for the proposals. The Coal Authority have provided a further consultation response which concurs with this conclusion and that they have no further objections or comments in regards to coal risk.

2.7.4 A Phase I GeoEnvironmental Desk Study, a Ground Investigation Report and Remediation Strategy Verification and Implementation Plan have been submitted with the application to address land contamination and condition 2 t) which requires the submission of a

Phase I Desk Study Report, Phase II Investigation Report if required and a Remedial Action Statement if required. Fife Council Land and Air Quality Officers have been consulted and have commented that the Phase I and Phase II reports and the Remediation Methodology are accepted but a validation report shall be submitted. This requirement is covered by Condition 7 of the PPP therefore the conditions have been sufficiently dealt with at this stage, in relation to the requirements relating to contaminated land and the verification information will be submitted prior to the commencement of works on the site.

2.7.5 The proposals comply with 2.7.1 Condition 2 r), s), and t) of the PPP, Policy 9 and Policy 23 (Health and Safety) of NPF4 (2023) and Policies 1 and 10 of the Adopted FIFEplan in regard to contaminated land and land stability.

## **2.8 Natural Heritage And Trees**

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

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

2.8.3 Tree Reports have been submitted with the application. None of the trees on the site are protected by Tree Protection Orders or listed as ancient woodland. Within Phase 1, the proposals include the removal of 15 trees, 14 of which are Category C and 1 is Category U. All of the trees are under 10m in height and of lower quality. An Arboricultural Method Statement and Arboricultural Impact Assessment has been provided with the application which details tree protection measures to protect the remaining trees on the site. The proposed protection measures have been reviewed by Fife Council's Tree Officer and are deemed to be appropriate. The proposals include replacement planting plans involving 22 mixed species of broadleaf trees of native origin of mixed heights, which is welcomed and will help to create a diverse woodland over time. A further 572 stems are proposed, with mixed species broadleaf evergreen and deciduous of native origin. This would provide enough replacement planting to offset environmental impact and demonstrates a clear ambition to create environmental improvement as part of the proposals.

2.8.4 Within Phase 2a, the proposals include the removal of 19 trees, 2 being Category B, 1 Category C and 19 Category U. Some of the trees to be removed are of heights significant enough to be prominent in the landscape. However, Fife Council's Tree Officer has reviewed the proposals and confirmed that many of these are to be removed on grounds of impaired structure or health, meaning the amenity value of these trees is unlikely to be significant, and since replacement planting plans are so vast in scope, the impact will be appropriately offset through compensatory planting. Further, it has been specifically addressed in the submitted report that removals will not fragment existing woodland, meaning plans are not contrary to the content of NPF4, Policy 6. The Arboricultural Method Statement and Arboricultural Impact Assessment for phase 2a is also appropriate and details acceptable protection measures. Phase 2a includes the planting of 210 trees of mixed conifer and broadleaf of predominantly native origin.

2.8.5 Fife Council's Tree Officer has commented that a diverse species and age-class peri-urban and urban woodland will be created which will be designed for resilience and adaptability to climate change and pest and disease. Additionally, more than 2500 additional whips will be planted of a diverse range of species which is welcomed. Further to this, in accordance with NPF4 Policy 6, the proposals would provide public benefit of the new path access, a safer environment and replanting. This is also in accordance with the Scottish Government Policy on the Control of Woodland Removal, which mentions that economic and social factors can form part of the public benefits provided through development, relevant to the appropriateness of woodland removal with compensatory planting. Fife Council's Tree Officer supports the proposed landscaping plans as they would result in significant planting in peri-urban areas which will ultimately lead to the development of diverse woodlands. With regards to the Scotland Forestry Strategy 2019-2029, such diverse planting and forests will help to build adaptability and resilience into woodlands, and the nature of this development will help to encourage mixed woodland use for local communities, as well as developing potential tourist value in the future. Such broad scale plans for planting will develop multiple ecosystem services over time and will come at a significant environmental and landscape benefit to the area as these trees develop. These plans are supported by NPF4 and the Scottish Government Policy on the Control of Woodland Removal. As discussed, the proposals include sufficient information to address the relevant conditions of the PPP in relation to tree removal, protection and tree planting and the proposals are welcomed in this regard. A condition of the PPP requires the applicant to provide confirmation that the tree protection works, as agreed through the relevant conditions, prior to the commencement of works.

2.8.6 In terms of natural heritage, landscaping plans, an Ecological Appraisal Report, a Biodiversity Action and Enhancement Plan and lighting details and a lighting strategy have been submitted with the application. The Ecological Appraisal Report describes the ecological constraints of the site and mitigation measures. The report makes recommendations regarding trees, as referred to in the paragraphs above. There are also recommendations made regarding Invasive Non-Native Species (INNS) including Japanese knotweed and Himalayan balsam which have been identified along the route, it is noted that the phase 1 path is in close proximity to the river but given this is an existing path route with a high level of disturbance, no specific ecological impacts are predicted during construction. A recommendation that all lighting should aim to minimise impacts on biodiversity through restricted spectrum and automatic dimming and switching off is made. The Biodiversity Action and Enhancement Plan submitted sets out the replacement trees which would be planted to replace those lost, it describes a formal tree avenue alongside Poplar Road to be enhanced with the addition of new tall canopy species, and understory species to maximise the benefit to local wildlife, similarly at route 2.7 the existing plantation would be improved with the addition of canopy and understory species and at route 2.2 the semi-natural woodland would be enhanced with additional planting to complement the existing species. A new area of native deciduous woodland is also proposed, and a total of 328 metres of new native hedgerows are proposed along the route, which would improve ecological connectivity between existing woodland habitats and would offer enhanced foraging for small mammals, birds and bats. New native flower meadows are proposed along the routes, with a native wildflower turf to be planted adjacent to this phase laid to a width of 2 metres. The mix would be specific to this project, to benefit pollinators and other invertebrates and to create a safe home for mammals and act as a feeding station for birds and bats. The proposals include the installation of bat boxes. The Phase 1 Habitat Survey submitted with the application details the changes that have occurred since the survey undertaken for the PPP application. The survey identifies some changes resulting from the construction of the new railway stations and railway line and the construction of new homes in the area. A bat survey has been undertaken



which concludes that the majority of the trees within the site have no potential to support roosting bats and none of the trees proposed to be felled have any potential for bats.

2.8.7 Fife Council's Natural Heritage Officer raised queries regarding the use of non-native species within the landscaping plan and raised concerns regarding the proposed lighting schedule. The issues raised regarding the use of non-native species have been addressed, with the proposed Buddleia archway to be replaced with native species of Honeysuckle, Dog rose and Common Ivy to prevent the further spread of non-native species. Further non-native species have been identified and replaced with native species within the proposed landscaping plans, which is welcomed. In regards to the lighting, following the submission of amended lighting details, the Natural Heritage Officer still has concerns with the use of 4000K luminaires along the route, given how large a route this would eventually be, within a sensitive area adjacent to the river. The Natural Heritage Officer considers 4000K to be too high a colour temperature rating for use within close proximity to the riparian habitats being used by protected species. Within the edge and riverine habitats of the path routes where they are undisturbed, too high a light temperature would disrupt wildlife use of the river corridor. It is therefore recommended that a variation to the lighting should be satisfactorily agreed and confirmed for use. Whilst the proposed lighting would be appropriate for some areas of the route, the most sensitive areas would require further review.

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

## **2.9 Sustainability**

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

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

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

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

## 2.10 Play Areas

2.10.1 Conditions 2 a), x) and y) of the PPP are relevant.

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

2.10.3 The play space proposed as part of this development is informal play space along the route, made from natural features such as logs rather than formal play equipment. The play features are proposed to complement the surrounding nature and use of the route. NPF4 supports proposals for informal play space on unused or underused land. NPF4 requires proposals that include new streets and public realm to be inclusive and enable children and young people to play and move around safely and independently, maximising opportunities for informal and incidental play in the neighbourhood. New, replacement or improved play provision will, as far as possible and as appropriate:

- i. provide stimulating environments;
- ii. provide a range of play experiences including opportunities to connect with nature;
- iii. be inclusive;
- iv. be suitable for different ages of children and young people;
- v. be easily and safely accessible by children and young people independently, including those with a disability
- vi. incorporate trees and/or other forms of greenery;
- vii. form an integral part of the surrounding neighbourhood;
- viii. be well overlooked for passive surveillance;
- ix. be linked directly to other open spaces and play areas.

Development proposals that include new or enhanced play or sport facilities will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

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

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

### 3.0 Consultation Summary

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Land And Air Quality, Protective Services	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Natural Heritage, Planning Services	Comments provided regarding the lighting schedule. Addressed through a condition.
Scottish Environment Protection Agency	No objections.
Community Council	No response.
The Coal Authority	No objections.
Parks Development And Countryside - Rights Of Way/Access	No objections, an Access Plan is required to be submitted prior to the commencement of development.
Trees, Planning Services	No objections.
Urban Design, Planning Services	No objections. Some comments provided regarding creating sociable spaces with the seating which has been addressed.
TDM, Planning Services	No objections. Query raised regarding maintenance, which has been addressed.
Transportation And Environmental Services - Operations Team	No response.
NatureScot	No comments.
Health And Safety Executive	No objections.

### 4.0 Representation Summary

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4.1 One representation has been received which is an objection. The issues raised within submitted representation are summarised below and within the appropriate sections throughout the main report of handling.

## 4.2 Material Planning Considerations

### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Quad bikes and motorbikes will be disruptive	2.4.3
b. The path could join up with an adjacent path beyond the trees	1.3.1
c. Application reference 24/00646/FULL has commenced without planning permission.	1.3.5

## 5.0 Conclusions

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

## 6.0 Recommendation

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

### **PRE-COMMENCEMENT CONDITIONS:**

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

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

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

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

### **CONDITIONS:**

3. All areas included within the approved Maintenance and Aftercare Strategy document (Planning Authority ref. 105A) shall be maintained in accordance with the approved strategy (or as amended and agreed with the Planning Authority) for the lifetime of the development.

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

4. If the approved Maintenance and Aftercare Strategy (Planning Authority ref. 105A) requires to be amended, finalised details of the proposed Maintenance and Aftercare Strategy shall be submitted for approval in writing by the Planning Authority. The development shall then be implemented in accordance with the approved details.

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

5. Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 08:00 to 18:00, 08:00 to 13:00 on a Saturday and no works shall take place on a Sunday or a Bank Holiday. Outwith these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property out with the site.

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents; to ensure construction activities are not undertaken at times that are likely to result in significant noise and vibration disturbance or dust generating nuisance to neighbouring occupiers.

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

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

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

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

8. The recommendations as set out within the Biodiversity Action and Enhancement Plan (March 2024) (planning authority ref: 107) shall be implemented in full prior to the completion of works.

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

9. The mitigation measures set out within the Ecological Appraisal Report (planning authority ref: 106) shall be implemented in full prior to the completion of works.

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

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Planner.

Report reviewed and agreed by Mary Stewart, Service Manager

26 June 2024

Agenda Item No. 10

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**Application for Full Planning Permission**

**Ref: 24/00646/FULL**

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

**Proposal:** Formation of footpath including installation of lighting columns

**Applicant:** Mrs Catherine Stewart, 151 St Vincent Street Glasgow

**Date Registered:** 1 April 2024

**Case Officer:** Natasha Cockburn

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

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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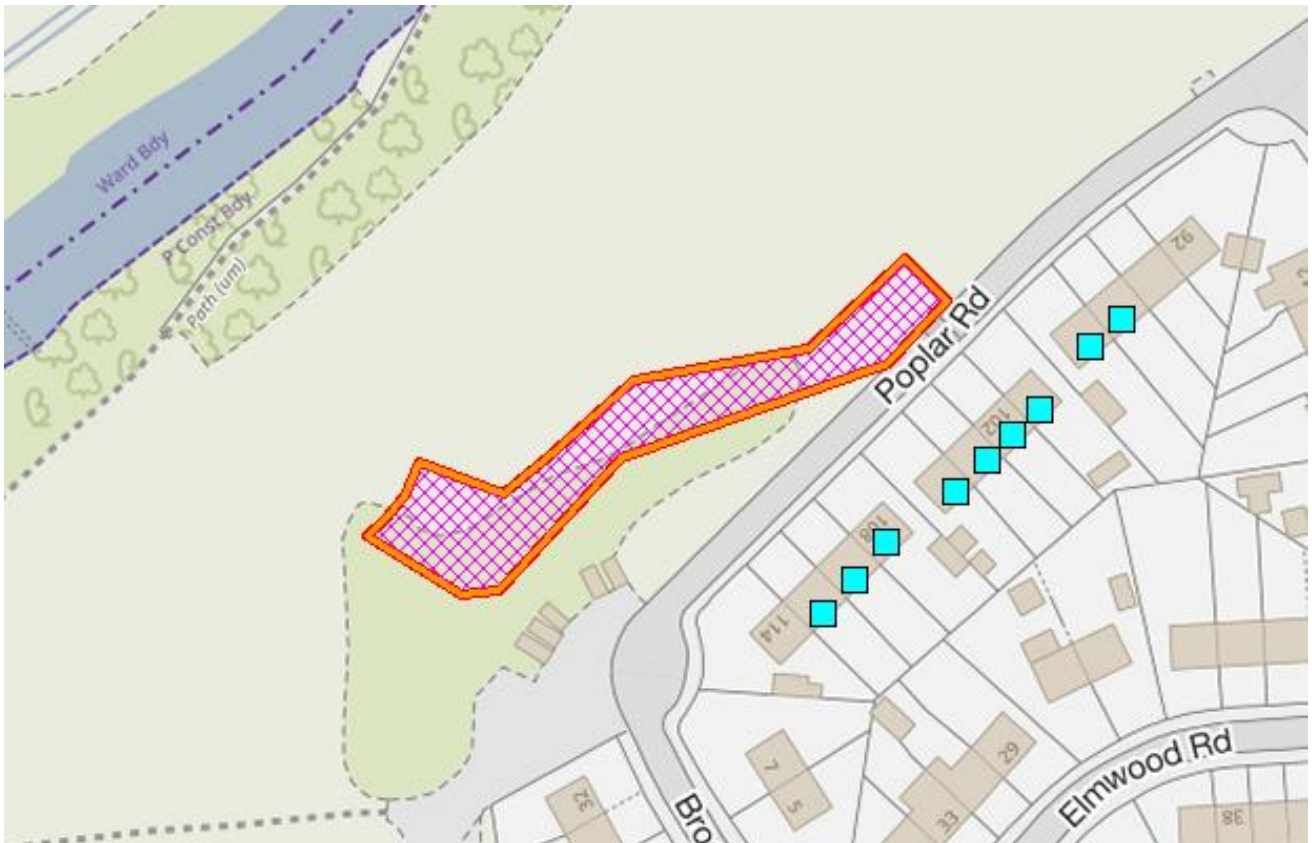
## **1.0 Background**

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### **1.1 The Site**

1.1.1 The application site is located in the settlement envelope of Leven, Buckhaven, Methil and Methilhill. The site adjoins Poplar Road, which is located to the south of the River Leven and is within a residential area of Methil. The site is currently a grassed area, which is being used at the moment as a temporary construction access related to the consented bridge crossing from the new railway station at Cameron Bridge. The bridge is not yet complete but is required as part of the railway station connections into Methil and beyond. The site is within the River Leven Valley Green Network (LEVGN05) and it is designated as an area of Protected Open Space within FIFEplan (2017). The site is located within a High Risk Coal Mining area.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The proposal is for the formation of a footpath with lighting. The footpath would be 4m wide and finished in asphalt. The proposal is part of the Levenmouth programme which intends to re-open the Methil Branch line from Thornton Junction to Leven. This path spur will provide connection between Methilhill and the new railway station at Cameron Bridge, by linking with the footbridge crossing and footpath network over the River Leven approved under planning permission ref: 23/01107/FULL.

1.2.2 A Planning Condition of the permission for the Cameron Bridge railway station requires active travel links to be provided between the station and Windygates and Methilhill to the south. The condition refers to a drawing which shows the formation of active travel routes, which includes links to Poplar Road. A Section 42 application was approved (June 2024) for an amendment to this condition because the bridge could not be delivered in time for the opening of the station. A temporary solution is proposed to be in place until the bridge can be completed.

## 1.3 Relevant Planning History

1.3.1 Planning permission in principle (PPP) for the formation of an active travel network was granted in January 2024, reference: 23/02125/PPP. This is a wider planning permission which has been submitted by the Green Action Trust and is separate to the Network Rail active travel routes, which are associated with the railway station. There is no significant detail included within this PPP submission, as it is an in-principle consent only. However, a detailed application has been submitted for the first phase of the route. Planning application reference



24/00542/ARC is the related approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for the formation of an active travel network (Phases 1 and 2a). This application includes connections adjacent to Poplar Road, stopping and adjoining to the Network Rail access route proposed through this planning application. Application 24/00542/ARC is pending decision and is being considered by Members at this Planning Committee.

1.3.2 Objection comments mention that there are already routes proposed through application reference 23/02125/PPP at Willow Bank and Broomfield so this connection route is not required. The connection routes referred to are indicative routes related to the River Leven Active Travel Network and do not connect to the railway station, which is the purpose of this proposed route.

1.3.3 Objection comments note concern that works have already commenced on this development without planning permission. There is a live Planning Enforcement case (reference 24/00214/ENF) relating to these concerns which will be assessed following the determination of this application. This path is currently being used by Network Rail for construction purposes, relating to the bridge construction at the railway station under Permitted Development Rights, so there is a route already constructed, however it only being used for a temporary period for that specific purpose. Network Rail have advised that they have not commenced any works relating to this development, but they have begun to install a Scottish Power Energy Network connection to service the lighting the Active Travel Routes in the area which already have consent (23/01107/FULL).

1.3.4 Planning permission was granted for Cameron Bridge Railway Station in April 2023, reference: 22/03425/FULL. This permission included planning conditions (conditions 7 and 8) requiring the active travel routes shown within the planning application submission to be provided to Windygates to the north and Methilhill to the south. This included a bridge connection over the River Leven to the south and paths to form connections between the new railway station and Windygates and Methilhill.

1.3.5 Planning permission was granted for the bridge and active travel routes from Cameron Bridge railway station to Methilhill and the A915 in February 2024, reference: 23/01107/FULL. A Section 42 application to amend Condition 8 of application 23/01107/FULL has been approved, reference: 24/01097/FULL. The application amended the wording of Condition 8 to allow more time for the construction of the bridge due to issues with the bridge supplier going into administration, resulting in a delay in providing the bridge prior to the railway station opening.

## **1.4 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 Relevant Policies**

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

Policy 1: Tackling the climate and nature crises

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

#### Policy 2: Climate mitigation and adaptation

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

#### Policy 3: Biodiversity

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

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

To protect and expand forests, woodland and trees.

#### Policy 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.

### **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 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 13: Natural Environment and Access

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

### **National Guidance and Legislation**

#### **Supplementary Guidance**

Supplementary Guidance: 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;
- requirements for air quality assessments.

## 2.0 Assessment

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### 2.1 Relevant Matters

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

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

### 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 NPF4 (2023) Policy 1 sets out that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 states that a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported. NPF4 (2023) Policy 29 sets out that development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal: i. will support local employment; ii. supports and sustains existing communities, for example through provision of digital infrastructure; and iii. is suitable in terms of location, access, siting, design and environmental impact. Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.3 NPF4 Policy 13 'Sustainable transport' supports proposals to improve, enhance or provide active travel infrastructure and public transport infrastructure. NPF4 Policy 18 'Infrastructure first'

states that development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

2.2.4 Policy 1 (Development Principles) of FIFEplan (2017) states that the principle of development will be supported if it is either a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Part B of Policy 1 states that in the case of proposals in the countryside, the use should be appropriate for these locations. Policy 7 (Development in the Countryside) also applies and outlines that countryside development will only be supported where it is for facilities for access to the countryside.

2.2.5 FIFEplan (2017) includes safeguarding the Thornton to Leven rail link (Rail line safeguarding - LEV 005) for future reinstatement as a passenger rail line in order to provide direct access to the central Scotland rail network and the services and employment opportunities there.

2.2.6 The proposal is also located within an area of Protected Open Space within FIFEplan (2017). However, the proposals involve connectivity through areas of open space to connect them into the surrounding area and would not prejudice the areas of open space and instead would increase their use, which is welcomed.

2.2.7 The proposals would comply with NPF4 Policy 1 and 13 in that they would promote more sustainable modes of transport infrastructure by enhancing active travel networks and sustainable connections to public transport, including new railway stations. Given significant weight is given to the climate crisis, the proposals would be supported by NPF4 Policy 1 because the proposals are for upgrades to an existing path network associated with an active travel network, which aligns with the low carbon objectives of NPF4. The proposal is in an appropriate location being designated as a Green Network Policy Area and would comply in principle with its requirements with the provision of an enhancement to the connection available between communities. The proposal also supports the development of improved infrastructure, being the reinstatement of the passenger railway line between Thornton Junction and Leven, providing a link to the station from the community within this area of Methil. Given the proposal is for an active travel network, they would be considered as essential infrastructure as defined in NPF4 so would be supported.

2.2.8 This proposal will contribute to the development of an enhanced Active Travel Network. The application for a railway/active travel footbridge is part of the Levenmouth rail link infrastructure supported in FIFEplan (2017) as LEV 005. The formation of a footpath in the location is therefore acceptable in principle, subject to detailed matters considered below.

## 2.3 Design and Layout / Visual Impact

2.3.1 NPF4 (2023) Policies 4, 15 and 20, FIFEplan (2017) Policies 1 and 10, and Making Fife's Places Supplementary Guidance (2018) apply.

2.3.2 The proposed materials would be asphalt. This is a simple material, which ties in with the surrounding footpaths in the area although it is acknowledged that the material specification for the adjacent river park active travel network is of a higher quality specification. Although the proposed materials for the adjacent active travel network is welcomed, the proposed materials for this route are still considered to be of an acceptable standard and would not detract from the visual amenity of the surrounding area. Overall, the proposal would improve wayfinding and

deter users from creating other informal paths that could have a detrimental impact on the visual character of the area.

2.3.3 As such, the proposal is compliant with NPF4 Policies 4, 15 and 20, FIFEplan (2017) Policies 1 and 10 and the relevant supplementary guidance.

## 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.

2.4.2 Objection comments received have expressed concern that the footpath will encourage anti-social behaviour, including motorbikes speeding along the new footpath. It is acknowledged that the use of motorbikes or mopeds is an existing issue within the area. However, it is not something that can be dealt with through this planning application, particularly with this being an existing and historic issue within the area. Additionally, it is difficult to deter moped or motorbike users from using the paths without discriminating against users of adapted cycles, people pushing prams and wheelchair users. It therefore would not be appropriate to refuse the application for the formation of an active travel network due to the existing issues concerning anti-social behaviour and it would not be appropriate to put into place any measures to block the route off because it would be to the detriment of other users of the path. Issues with moped use and other anti-social behaviour should be dealt with by Environmental Health or Police Scotland where necessary.

2.4.3 There are residential properties located in close proximity to the proposed footpath so there may be some disturbance caused throughout the construction period. A condition is recommended requiring that a Construction Environmental Management Plan (CEMP) is submitted for approval to allow for construction working hours and mitigation measures to be agreed with the Planning Authority.

2.4.4 In conclusion, the proposed development would not give rise to adverse residential amenity concerns. The proposed development is therefore acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017), subject to the aforementioned condition.

## 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 NPF4 (2023) Policy 20 (blue and green infrastructure) sets out that access rights and core paths should be safeguarded, including active travel routes, and encourage new and enhanced opportunities for access linked to wider networks.

2.5.3 FIFEplan (2017) Policy 3 (Infrastructure and Services) sets out that proposals should include the provision and maintenance of paths (including those in the Core Path network), cycleways and bridleways. FIFEplan (2017) Policy 13 (Natural Environment and Access) only supports proposals where they protect or enhance green networks and greenspaces, core

paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. It requires developments to safeguard (keeps open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route, it must be suitably replaced before the development commences, or before the existing route is removed from use.

2.5.4 The site runs through Green Network Policy Area: River Leven Valley: LEVGN05. The works are a required as part of the reinstatement of the Levenmouth Rail Link and the proposal will contribute to the development of an enhanced Active Travel Network by providing a connection between the new railway station and wider community, which is accepted. Transportation Development Management have been consulted and have advised that they have no objections to the proposed development, subject to the agreement of the proposed lighting. A condition is recommended to address this.

2.5.5 The proposals comply with the relevant policies of NPF4 (2023) and FIFEplan (2017) in regard to Transportation and Road Safety, subject to the aforementioned condition.

## 2.6 Flooding And Drainage

2.6.1 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.

2.6.2 The applicant has submitted information to show that the drainage would be dealt with through filter trenches. Given the small-scale nature of the proposals, this is considered appropriate. The requirement for check certificates to be submitted to ensure the appropriate drainage is provided, is recommended to be covered through an appropriate condition.

2.6.3 The proposals comply with the relevant policies of NPF4 (2023) and FIFEplan (2017) in regards to flooding and drainage, subject to the aforementioned condition.

## 2.7 Contaminated Land and Land Stability

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 The site is located within a Coal Authority High Risk area. The applicant has submitted a letter from JWH Ross Coal Mining Legacy Specialists, which states that the development would be exempt from the requirement of a Coal Mining Risk Assessment in this instance, due to the scale and nature of the proposals. The Coal Authority has been consulted and has advised that they have no objections to the proposals, subject to an informative which notes that there could be unidentified coal mining hazards on the site and if any are encountered during construction, the applicant should immediately contact the Coal Authority.

2.7.3 Fife Council Land and Air Quality Officers have been consulted and have advised that there is no evidence to suggest that there are any known problems within this short stretch to the east of the river crossing. A condition is therefore recommended, which would require the developer to stop works should they encounter any contamination on the site, and a remediation strategy and verification would be required thereafter.

2.7.4 Subject to the aforementioned condition, the proposals comply with the relevant policies of NPF4 (2023) and FIFEplan (2017) in regards to Contaminated Land and Land Stability, subject to the aforementioned condition and informative.

## 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 A Preliminary Ecological Assessment (PEA) has been submitted with the application. The PEA identifies that the site and surrounding area is largely low amenity grassland. The PEA identifies non native and invasive species (INNS) and other non-native plant species. The habitats within the site were assessed in terms of their suitability for protected species including badger, bats, birds, reptiles, otter, red squirrel and water vole. Various other species were scoped out due to lack of suitable habitat. The PEA notes that badger presence was found in the vicinity of the area but none were found near this site and there is high confidence that there are no setts within 100m of the site. Recommendations proposed for the other species found in the area and, additionally the need for a lighting plan, are deemed to be appropriate. Also noted is the presence of Himalayan balsam and Japanese Knotweed and the need for control of this INNS. The advice provided for ensuring protection of the site ecology should be followed as described by the PEA report and the wider railway reinstatement project documentation. The Habitats Regulations Appraisal submitted states that no significant impacts are likely, so no further HRA considerations are required. This is accepted as an appropriate conclusion. The PEA sets out the appropriate mitigation measures that would be required for protected species on and around the site, including badgers, otters, breeding birds, and reptiles. These details are appropriate. It is considered that lighting will require an appropriate design to ensure light-spill issues are avoided, as light pollution has the potential to adversely impact wildlife behaviours. The proposals do not include any on-site biodiversity enhancement measures which is not in accordance with NPF4 policy and it is considered that biodiversity enhancement measures could be provided on the site itself rather than relying on off-site provision in this instance, through the use of measures such as bat or bird boxes. A condition to this effect is therefore recommended. Fife Council's Natural Heritage Officer has no objections to the proposals.

2.8.3 In terms of trees, an Arboricultural Impact Assessment and Tree Plan have been submitted. The information provides detail of the trees to be felled and identifies the trees to be retained and protected by appropriate protective measures. The Tree Report details a total of 1 individual Ash and approximately 22 trees total for removal in order to facilitate the development. The submission explains that the trees will be replanted but not on the site itself. Fife Council's tree officer has reviewed the information submitted in regard to trees and has advised that, according to the provided tree survey schedule, trees G039 has an average height of 5m and is condition C2, meaning that it is unlikely that these trees provide high amenity value or form a prominent landscape feature. With regards to trees G040, these trees are 15m on average and formed of mixed broadleaf trees. Whilst larger and more prominent in the local landscape, it is likely these trees are still semi-mature and not specimens of significant amenity or ecological value, meaning sufficient compensatory planting could offset this loss. Tree planting for compensation for this site will be planted at a ratio of 3:1. Species have been

broadly outlined at this stage based on continuation of woodlands within the area as well as taking cognisance of Network Rail's 'Recommended Planting Species', which outlines tree species which have been assessed as suitable for planting in and around Network Rail infrastructure from a biodiversity and safety perspective. Species include: Beech, Alder, Oak, Wych elm, Silver birch and Downy birch. The proposed replacement planting species would be an acceptable mitigation for the loss of the trees. Although the trees would not be planted on the application site, the justification is that tree planting at this location would not be possible for ownership reasons and replanting would take place elsewhere. The formation of this footpath is in line with National Rail's objective to improve rail infrastructure and access, which will contribute toward the sustainability of Fife's public transportation network. Accordingly, and in relation to the sufficient compensatory plans provided, this plan is supportable by NPF4 and the Scottish Government Policy on the Control of woodland Removal. Therefore, given the existing amenity value of the trees in this vicinity, it is accepted that, in this instance, planting off site would sufficiently mitigate against the loss of the trees on this site. A planning condition requiring the details of the proposed tree planting and other planting to address biodiversity enhancement is recommended.

2.8.4 A tree protection plan has been submitted which shows tree protection fencing to be installed to protect the trees to be retained on the site, which is acceptable. A condition is recommended to ensure that the tree protection measures are in place throughout the construction period.

2.8.5 There are no landscape proposals for this site, and the proposals would result in the loss of trees on the site to be replaced elsewhere. Although the habitat on the site would be suitably protected and loss would be minimised as far as possible, there would be no compensation for any loss of habitat on the site itself which, in this instance, includes the loss of trees. It is accepted in this instance that the tree loss can be mitigated off site through the proposed planting plans that Network Rail have in motion but biodiversity enhancement measures must be provided on the site.

2.8.6 To ensure that the trees will be suitably replaced, a planning condition is recommended, requiring the full details of the replacement planting to be provided. Overall, the proposals would comply with the relevant policies of NPF4 and FIFEplan (2017) and Making Fife's Places (2018) in regard to natural heritage and trees, subject to conditions.

## 2.9 Sustainability

2.9.1 NPF4 (2023) Policy 1 (Tackling the Climate and Nature Crisis) states that when considering all development proposals significant weight will be given to the global climate and nature crises, with Policy 2 (Climate Mitigation and Adaptation) aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 12 (Zero Waste) aims to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

2.9.2 Part B of Policy 1 (Development Principles) of FifePlan (2017) applies and states that proposals should mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Part C of Policy 1 states that proposals should 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. FIFEplan Policy 11: Low Carbon 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. All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

2.9.3 The applicant has provided the Low Carbon Checklist which sets out that the development would not require heating or cooling; there is a filter drain proposed adjacent to the footpaths to deal with drainage; and there would be no operational waste generation although the wider project does have a site waste management plan. The proposals are designed to actively encourage walking and cycling, thereby having a beneficial effect on air quality. The proposals facilitate the re-opening of the new Levenmouth Rail link, which will make a positive contribution to the improvement of the sustainable transport network. Network Rail has its own policy which sets out that they must conduct their operations in a sustainable manner, and reduce energy use all in accordance with NPF4 and Fifeplan (2017) Policy requirements as set out above.

2.9.4 The proposals would comply with the relevant policies and guidance of NPF4 (2023) and Fifeplan (2017) in regards to sustainability.

## 3.0 Consultation Summary

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Trees, Planning Services	No objections, subject to conditions.
TDM, Planning Services	No objections, subject to conditions.
Natural Heritage, Planning Services	No objections, subject to conditions.
The Coal Authority	No objections, subject to informative.

## 4.0 Representation Summary

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4.1 Seven objections have been received for this application. The issues raised within submitted representations are summarised below and addressed within the appropriate sections throughout the main report of handling.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
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- a. Access should be taken from Willow Bank or Broomfield as per planning application 23/02125/PPP and not adjacent to 100 Poplar Road 1.3.2
- b. The path will be used by motorbikes/mopeds which will endanger pedestrians and create noise and antisocial behaviour 2.4.2

**4.2.2 Other Concerns Expressed**

<b>Issue</b>	<b>Comment</b>
a. A neighbour’s car has been damaged by another car whilst works have been ongoing on the site	This is a civil matter, not a planning matter which can be addressed through this planning application.
b. A two-way highway will be created which will be dangerous	The proposal is not for a highway to be created, it is to encourage active travel use by sustainable transport methods such as walking, cycling and wheeling. This is not a road proposed for vehicular use. Transportation Development Management Officers have been consulted and have no concerns regarding road safety.

**5.0 Conclusions**

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The proposal would result in the addition of an active travel network connecting the new Cameron Bridge railway station to the wider community at Methilhill, as required by the conditions of the planning permission for the railway station. The proposals are required as part of the Levenmouth project, which opens the railway line from Thornton to Leven and would help to facilitate the surrounding infrastructure requirements to connect the network to the new train stations and the surrounding areas. The proposals have been reviewed against the terms of the development plan in relation to the principle of development, amenity, natural heritage and trees, and land contamination/stability. In all aspects the proposal accords with the development plan and are welcomed in terms of connectivity and inclusivity. As such, the proposal accords with NPF4 (2023) and Fifeplan (2017) Policies and guidance.

**6.0 Recommendation**

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

**PRE-COMMENCEMENT CONDITIONS:**

1. BEFORE ANY WORKS START ON SITE, the tree protection measures identified within approved Arboricultural Impact Assessment (Planning Authority ref. 16) and the Tree Protection Plan shall be carried out in full. This 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.

2. BEFORE ANY WORKS START ON SITE; a Construction Environmental Management Plan ('CEMP') 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. The CEMP shall also include all mitigation measures for protected species as set out within the Preliminary Ecological Assessment.li

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

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

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

### **CONDITIONS:**

4. 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.

5. 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.

6. PRIOR TO THE COMPLETION OF THE WORKS ON SITE, details of on site biodiversity enhancement measures, for example, bird and/or bat boxes, shall be provided in accordance with the NatureScot 'Developing with Nature' guidance. The measures as approved shall then be provided on site within the first planting season following the completion of the development.

Reason: In the interests of biodiversity enhancement.

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

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

8. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE details of the replacement tree planting shall be submitted for the approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or commencement of the development's use, whichever is the sooner.

Reason: To mitigate against the loss of trees on the site.

9. The mitigation measures as set out within the Preliminary Ecological Appraisal (March 2024) by Eive Ecology (Scotland) Limited (planning authority ref: 15) shall be implemented in full.

Reason: To ensure works are carried out in accordance with the mitigation measures set out within the report, to ensure protected species and habitat are appropriately dealt with.

10. Within 3 months of the completion of the development, 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

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Chartered Planner and Case Officer  
Report reviewed and agreed by Mary Stewart, Service Manager