

Fife Planning Review Body

Committee Room 2, Fife House, North Street, Glenrothes /
Blended Meeting

Monday, 26 February 2024 - 2.00 pm



AGENDA

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1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of meeting of the Fife Planning Review Body of 11 December 2023. 5 - 6
4. **APPLICATION FOR REVIEW - FORMER RESERVOIR, NORTH OF CULROSS, DUNFERMLINE (APPLICATION NO. 23/01660/FULL)** – Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking
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 6. Further representations 159 - 161
5. **APPLICATION FOR REVIEW - 12 LINK ROAD, OAKLEY, DUNFERMLINE (APPLICATION NO. 23/01575/FULL)** – Change of use from shop (Class 1A) to hot food takeaway (Sue Generis)
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Plans and papers relating to the applications and review can be found online at www.fife.gov.uk/committees

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT

19 February 2024

If telephoning, please ask for:

Michelle McDermott, Committee Officer, Fife House, North Street, Glenrothes
Telephone: 03451 555555, ext. 442238; email: Michelle.McDermott@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on www.fife.gov.uk/committees

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.

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

- Convener introduces elected members and advisers; both there to advise the Review Body and not argue the officer's case; planning adviser in particular independent of the planning officer who made the decision.
- Convener advises members that photos/powerpoint are available
- Convener clarifies procedure for meeting and asks members if they have any points requiring clarification

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

Convener advises other documents, including Strategic Development/Local Plan and emerging plan(s) are there for Members to inspect if necessary, and asks members to ask Planning Adviser points of clarification on the details of the presentation.

5. Procedural agreement.

Members discuss application and decide whether –

- decision can be reached today
- if there is any new information, whether this is admissible or not in terms of the legislation
- more information required, and if so, if
- written submissions required
- site visit should be arranged (if not already happened)
- Hearing held

6. Assessment of case. Convener leads discussion through the key factors (assuming we can proceed)

Members should recall that planning decisions should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, it is important the Members debate each point fully and explain whether they are following policy, or, if not, what material considerations lead them to depart from it. If they are taking a different view of policy from the officer who made the original decision they should make this clear.

a) Convener asks the LRB to consider

- Report of Handling and
- the applicant's Review papers

to establish the key issues pertinent to this case

- b) Detailed discussion then takes place on the key issues with specific regard to
- Strategic Development Plan
 - Local Plan
 - Emerging Plan(s)
 - Other Guidance
 - National Guidance
 - Objections

Legal/Planning Advisers respond to any questions or points of clarification from elected members

- c) Convener confirms the decision made by the LRB. At this stage if a conditional approval is chosen then additional discussion may be necessary regarding appropriate conditions

7. Summing Up by the Convener or the Legal Adviser identifying again the key decision reached by the LRB

8. Next stages Convener confirms the next stages for the benefit of the audience:

- Draft decision notice
- Agreed by Convener
- Issued to applicant and interested parties (posted on Idox)
- Approximate timescale for issuing decision. (21 days)

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY – BLENDED MEETING

Committee Room 2, Fife House, North Street, Glenrothes

11 December 2023

2.00 pm - 3.30 pm

PRESENT: Councillors David Barratt (Convener), Altany Craik, Robin Lawson, Jane Ann Liston and Lynn Mowatt.

ATTENDING: Mary McLean, Legal Services Manager and Michelle McDermott, Committee Officer, Legal and Democratic Services; Steve Iannarelli, Strategic Development Manager and Bryan Reid, Lead Professional, Planning Service.

47. DECLARATIONS OF INTEREST

Councillor David Barratt declared an interest in para. 49 - Application for Review - 8 Frankfield Road, Dalgety Bay (Application No. 23/00044/FULL) as the application was within his Ward.

48. MINUTE

The minute of the Fife Planning Review Body of 23 October 2023 was submitted.

Decision

The Review Body approved the minute.

Having declared an interest in the following item, Councillor David Barratt left the meeting at this stage and Councillor Robin Lawson took the Chair.

49. APPLICATION FOR REVIEW - 8 FRANKFIELD ROAD, DALGETY BAY, KY11 9LP (APPLICATION NO. 23/00044/FULL)

The Review Body considered the Application for Review submitted by Mr. Scott Leitch in respect of the decision to refuse planning permission for the erection of a domestic outbuilding (retrospective) (Application No. 23/00044/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Councillor David Barratt rejoined the meeting following consideration of the above item and took the Chair.

50. APPLICATION FOR REVIEW - 10 CARDENDEN ROAD, CARDENDEN, LOCHGELLY (APPLICATION NO. 23/00640/FULL)

The Review Body considered the Application for Review submitted by D7 Architecture Ltd., on behalf of Mr. Lee Coombe, in respect of the decision to refuse planning permission for the replacement dormer extension to front and dormer extension to rear of dwellinghouse (Application No. 23/00640/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (upholding the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

51. APPLICATION FOR REVIEW - SCOUT HALL, CARDENDEN, LOCHGELLY (APPLICATION NO. 23/00873/FULL)

The Review Body considered the Application for Review submitted by KC Planning, on behalf of Mr. and Mrs. Smith, in respect of the decision to refuse planning permission for the erection of a dwellinghouse (Class 9) and associated development including raised deck and access ramp (Application No. 23/00873/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be approved subject to conditions (reversing the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Agenda Item 4(1)

**Former Reservoir, North of Culross,
Dunfermline**

Application No. 23/01660/FULL

Planning Decision Notice

Gateside Design
James Watters
34 Millhill
Street
Dunfermline
Scotland
KY11 4TG

Planning Services

Emma Baxter

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01660/FULL

Date 11th August 2023

Dear Sir/Madam

Application No: 23/01660/FULL
Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking
Address: Former Reservoir North Of Culross Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Emma Baxter, Graduate Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 23/01660/FULL
Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking
Address: Former Reservoir North Of Culross Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01660/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of NPF4 and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan (2017).
2. In the interest of safeguarding the visual amenity of the countryside, setting of the A-listed building and a garden & designed landscape. The proposal would result in an incongruous development that would not respect the existing character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the inventory garden, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding countryside area as well the setting of the A-listed Culross Abbey House and its Garden. The proposal is therefore considered to be contrary to Policy 7: Historic Assets and Places, Policy 17: Rural Homes and Policy 14: Design, Quality and Places of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 14: Built and Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).
3. In the interests of road safety; the proposed development would be unable to provide adequate manoeuvring/turn space for vehicles within the site, nor would it be able to provide the necessary visibility splays or off-street parking. As such, the development is contrary to Policy 13: Sustainable Transport of NPF4 and Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards with regard to sustainable transport.

Dated: 11th August 2023

Chris Smith

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan/Block Plan
02	Proposed Block Plan
03	Proposed various - elevation, floor etc
04	Existing various eg elevation, floor etc
05	Floor Plan Proposed
06	Floor Plan Proposed
07	Proposed Elevations
09	Supporting Statement
10	Statement
11	Mine Risk Assessment

Dated: 11th August 2023

Chris Smith

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 4(2)

**Former Reservoir, North of Culross,
Dunfermline**

Application No. 23/01660/FULL

Report of Handling

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	Former Reservoir North Of Culross, Fife,		
PROPOSAL	Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking		
DATE VALID	16/06/2023	PUBLICITY EXPIRY DATE	06/08/2023
CASE OFFICER	Emma Baxter	SITE VISIT	None
WARD	West Fife And Coastal Villages	REPORT DATE	09/08/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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. 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.

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

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

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

1.0. Background

1.1. Description

1.1.1. This application relates to the site of a former reservoir tank. The existing low-lying reservoir structure on the site is minimally visually invasive, bounded by green deer fencing. The site is approximately 415m², located roughly 0.5 km north of the Culross settlement boundary of Culross and within the countryside as defined by the adopted FIFEplan. The site is situated within Culross Abbey House Garden and Designed Landscape. The Category A listed Culross Abbey House sits approximately 260 meters south of the site. The site is surrounded by open space / agricultural land.

1.2. The Proposal

1.2.1. The application seeks planning permission for the change of use of an existing redundant reservoir tank to a dwellinghouse, including alterations, extension and associated works. The proposed dwelling would have a footprint of approximately 70m², finished in a pallet of traditional materials including slate roof, natural stone, timber windows and cast-iron rainwater goods. Given the topography of the site, the dwelling would present as one and a half storey to the north, extending to two and a half storey to the south towards the Abbey House.

1.3. Planning History

1.3.1. The relevant planning history for the site can be summarised as follows

- 17/04083/FULL: Planning permission for the change of use from former reservoir tank and erection of two additional storeys to form dwelling house (Class 9) was sought in December 2017 and withdrawn May 2018.

- 20/00831/FULL: Planning permission for the change of use from former reservoir tank and erection of two storey extension to form dwellinghouse (Class 9) with associated vehicular access and parking was sought April 2020 and withdrawn September 2020.

- 21/01145/FULL: Planning permission for the change of use from former reservoir tank and erection of two storey extension to form dwellinghouse (Class 9) with associated vehicular access and parking was sought April 2021 and withdrawn September 2021.

1.4. A site visit was previously undertaken for this site on 24th August 2022. The following additional evidence was also used to inform the assessment of this proposal

- Google imagery (including Google Street View and Google satellite imagery); and

- GIS mapping software

2.0. Assessment

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

- Principle of Development
- Design / Visual Impact on the Countryside, Setting of the Listed Building and Designed Landscape
- Road Safety
- Residential Amenity
- Flooding and Drainage
- Low Carbon
- Land Stability

2.2. Principle of Development

2.2.1. NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where;

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

2.2.2. NPF4 Policy 17a applies and 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:

- is on a site allocated for housing within the LDP;

- reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- reuses a redundant or unused building;
- is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- is for a single home for the retirement succession of a viable farm holding;
- is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.3. Policy 9a of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. In addition, part D states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

2.2.4. Adopted FIFEplan (2017) Policy 1 sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. Policy 8: Houses in the Countryside states that development of houses in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or

c) the new house replaces one which is structurally sound and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage of the existing building;

5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;

6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with policy 2: Homes;

7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2: Homes;

8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2: Homes; or

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

In all cases, developments must be:

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

2.2.5. Whilst it is acknowledged that the site is brownfield, given the nature of the site, with the existing reservoir structure mostly below ground and covered by a low mound, it is considered that the site is in a largely naturalised state. Furthermore, in terms of FIFEplan's policy 8, housing in the countryside on brownfield/previously development land will only be supported where the proposal site is capable of accommodating a housing cluster of at least 5 houses. Given that the proposed development is for the erection of a single dwellinghouse, it cannot be considered supported under Criterion 3 of FIFEplan's Policy 8 or NPF Policy 17a's criterion 2.

2.2.6. The proposed development would reuse a redundant and unused building and therefore is considered to be partially supported in terms of the broad policy position set on in Policy 9 and Policy 17a above. However, given the level of additional building works required to the existing structure for the proposed development, in addition to the fact the site is not situated within a sustainable location, it is considered that, overall, this would not provide sufficient justification for developing the site. The Chief Planner's letter in relation to the consideration of NPF4 etc. also confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which provides more detailed policy context in relation to the assessment of this development. In terms of criterion 5 of FIFEplan's Policy 8, paragraph 15 expands this justification further whereby it states that the existing building must have some architectural merit that justifies its preservation, as well as that the proposal must be designed in such a way that it would not significantly alter its original character or architectural/historic qualities. As already highlighted, the proposed development would result in a significant level of works to the existing structure, including increasing the footprint by 20m², as well as creating an additional 6.8 metres in height above

ground level. Furthermore, the existing structure is largely hidden from public view and has no architectural merit to justify its preservation. As such, the proposed development would not be considered sufficiently justified under Criterion 5 of FIFEplan's Policy 8.

2.2.7. In light of the above, the principle of proposed development does not meet the terms of any of the criteria listed above and therefore is considered contrary to NPF4 and FIFEplan and thus not acceptable.

2.3. Design / Visual Impact on the Countryside, Setting of the Listed Building and Designed Landscape

2.3.1. Policy 14, part A of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 7, part c, states that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Furthermore, part I states that development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting. Furthermore, NPF4 Policy 17a applies and 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.

2.3.2. Policies 1 and 10 of the FIFEplan states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 8 states that developments must be of a scale and nature compatible with surrounding uses and be located and designed to protect the overall landscape and environmental quality of the area. In addition, Policy 8 states that building conversions to a residential use should bring about a significant environmental and visual improvement as well as greatly benefit the site and the surrounding area in terms of its appearance, subject to the design, siting, and the environmental improvements proposed. Moreover, Policy 14 states that proposals will not be supported where it is considered they will harm or damage the setting of a listed building or sites recorded in the Inventory Historic Gardens and Designed Landscapes and other non-inventory gardens and designed landscapes of cultural and historic value;

2.3.3. Letters of objection received for this application raised concerns that the proposed development would not be in keeping with the nearby listed building, the Inventory Garden and Designed Landscape (G&DL) or the wider countryside setting.

2.3.4. At present, the development on this site has a fairly limited impact on the setting of the wider landscape area. The reservoir structure itself is covered with a low mound so has a fairly minimal impact on the wide landscape setting. Due to the topography of the site, the proposed dwelling would present as two storeys to the north and 3 storeys to the south facing Culross Abbey House. Historic Environment Scotland were consulted on this application and have objected to the proposal, on the grounds that it would be considered to have a significant adverse visual impact on the Culross Abbey House Inventory Garden and Designed Landscape and the setting of the Category A-listed Culross Abbey House. Overall, given the minimal visual impact of the site at present, it is considered that the proposed development would result in an incongruous development (given the significant scale, massing and design proposed) that would not respect the existing rural open character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the G&DL, thereby resulting in a significant

detrimental visual impact on the surrounding countryside setting, the setting of the A-listed building and the designated landscape.

2.3.5. In light of the above, the proposed development is therefore considered contrary to Policies 7, 14 and 17 of NPF4 and Policies 1, 8, 10 and 14 of FIFEplan and thus not acceptable.

2.4. Road Safety

2.4.1. Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

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

2.4.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development will only be supported where it has no road safety impacts. Furthermore, these policies state that developments must be designed and implemented in a manner that ensures it delivers the required levels of infrastructure and functions in a sustainable manner. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.4.3. Letters of objection were received for this application which raised concern with the proposed development in terms of its implications on road safety, primarily due to visibility available to vehicles both from within the site and the nearby road, as well as the high level of pedestrians and cyclists which use the core path running along the site. Furthermore, objections raised concern with the sustainability of the site in terms of walkability and car dependency.

2.4.4. Access to the site would be from the road to the north. It is proposed to provide 3 off-street parking spaces within the site. The P766/02 and P765/03 core paths run along the eastern boundary of the site. Fife Council's Transportation Development Management team were

consulted on this application and have advised that there is a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Furthermore, they state that it would not be possible to provide the necessary 3m x 210m visibility splays within land in the applicant's control/the public road. The required visibility splay must be met in order to consider a relaxation of the presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Furthermore, whilst a car turning area has been shown on the submitted site plan, this would not be considered acceptable to TDM as it would be very difficult for a driver to take turn within the site whilst taking access to and egress from the proposed space directly to the north of the proposed dwelling. Finally, whilst the proposed site plan shows the provision of 3 off-street parking spaces as required by Making Fife's Places Appendix G, the first two metre width of the parking area shown is within the roadside verge which forms part of the public road boundary and therefore cannot be used for off-street parking.

2.6.6. In light of the above, it is considered that the proposed development would result in a significant detrimental impact with regard to road safety and therefore contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines in this regard.

2.5. Residential Amenity

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

2.5.2. Given the position of the site in relation to neighbouring properties, it is considered that the works would not have any significant detrimental impact on the amenity of neighbouring properties.

2.5.3. Fife Council Planning Customer Guidelines on Garden Ground recommends that residential developments have a useable garden space of at least 100 m² per dwellinghouse as well as minimum building footprint to plot size ratio of 1:3. In this case, the proposed dwellinghouse would have a footprint area of approximately 70m² and a plot size of 411m². Furthermore, the proposed dwelling would have a rear amenity space of approximately 105m². It is therefore considered that the proposed development would comply with the above garden ground guidance.

2.5.4. In light of the above, the proposal would be deemed to have no detrimental impact on the amenity levels of the surrounding area. This is however not considered to be a determining issue in this instance.

2.6. Flooding and Drainage

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

impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.6.2. It is proposed to install a soakaway within the site to attenuate surface water. This would be located under the parking area to the north of the site. Scottish Water have been consulted on this application and raised no objections. The site is also not shown to be at risk of flooding as per SEPA's flood maps.

2.6.3. In light of the above, the proposed development is considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.7. Low Carbon

2.7.1. Policy 1 of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. In addition, Policy 2 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. The Scottish Government advises in relation to Policy 1 and Policy 2 will be subject to further detailed advice and guidance and also the specific implications of NPF4 will be clarified through the review of Local Development Plans. As such the most appropriate policy position in relation to this issue is set out in FIFEplan Policies 1,3 and 11. Policy 1 and 11 of Fifeplan 2017 states that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction targets; construction materials come from local or sustainable sources; and water conservation measures are in place. Fife Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.2. The low carbon checklist provided as part of this application does not contain sufficient detail to demonstrate that low and zero carbon generating technologies would contribute to meeting the current carbon dioxide emissions reduction targets. It is acknowledged that this matter could be addressed via the imposition of a condition requiring further details of low/zero carbon generating technologies to be submitted prior to works commencing on site, and therefore is not considered a sufficient reason for refusal of the application in this instance.

2.7.3. In light of the above, the proposal, subject to condition, would be considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.8. Land Stability

2.8.1. Policies 1 and 10 of the adopted FIFEplan (2017) states that Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.8.2. One letter of objection raised concerns with the stability of the site.

2.8.3. The Land and Air Quality Team were consulted on the proposal and advised that they have no objections, however development Management should be notified should any unexpected materials or conditions be encountered during the development.

2.8.4. The application site is defined as being partly located within a Coal Authority Development High Risk Area. The Coal Authority was consulted on this application and advised that they have no objections to the proposal, subject to the imposition of conditions requiring a scheme of intrusive investigations to be undertaken prior to works commencing and the submission of a declaration by a suitably competent person confirming the site has been made stable prior to occupation.

2.8.5. In light of the above, the proposal subject to conditions would be considered acceptable in terms of contaminated land. This is however not considered to be a determining issue in this instance.

CONSULTATION RESPONSES

Historic Environment Scotland	Application recommended for refusal
Scottish Water	No objections
TDM, Planning Services	Application recommended for refusal
Transportation And Environmental Services - Operations Team	No response
Land And Air Quality, Protective Services	No objection subject to condition
Structural Services - Flooding, Shoreline And Harbours	No response
The Coal Authority	No objections

REPRESENTATIONS

12 letters of representation have been received for this application. Two letters neither supported nor objected to the proposal however one stated that the proposed development would eliminate the remains of the existing reservoir tank.

Ten letters of objection received raised the below concerns

- Road safety and impact on core path - This has been addressed in section 2.4 above.
- Development of the site could set a precedent - Each planning application is assessed on its own merit. The outcome of this application would not be a material consideration for any future application of a similar nature.
- Visual impact on the countryside, the setting of the Abbey House and the designated landscape - This has been addressed in Section 2.3 above

- Land ownership dispute - This is not a material planning consideration.
- Ground stability - This has been addressed in paragraph 2.8.4. above
- The site is not currently serviced by gas or electricity - This is not a material planning consideration

CONCLUSION

The development is contrary to the provisions of policy and guidance relating to the principle of development, road safety and visual impact but accords with those provisions relating to flooding/drainage, land stability, residential amenity and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, as it would result in unjustified development within the countryside as well as significant detrimental impacts in term of road safety and visual amenity, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of NPF4 and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan (2017).
2. In the interest of safeguarding the visual amenity of the countryside, setting of the A-listed building and a garden & designed landscape. The proposal would result in an incongruous development that would not respect the existing character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the inventory garden, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding countryside area as well the setting of the A-listed Culross Abbey House and its Garden. The proposal is therefore considered to be contrary to Policy 7: Historic Assets and Places, Policy 17: Rural Homes and Policy 14: Design, Quality and Places of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 14: Built and Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).
3. In the interests of road safety; the proposed development would be unable to provide adequate manoeuvring/turn space for vehicles within the site, nor would it be able to provide the necessary visibility splays or off-street parking. As such, the development is contrary to Policy

13: Sustainable Transport of NPF4 and Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards with regard to sustainable transport.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Guidance:

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

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Transportation Development Guidelines (2018)

National Planning Framework 4 (2023)

Agenda Item 4(3)

**Former Reservoir, North of Culross,
Dunfermline**

Application No. 23/01660/FULL

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100648474-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="BRUCE"/>	Building Number: <input type="text" value="60A"/>
Last Name: *	<input type="text" value="FERGUSON"/>	Address 1 (Street): * <input type="text" value="Carnock Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Dunfermline"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="FIFE"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="[REDACTED]"/>	<input type="text"/>

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Former Reservoir North Of Culross, Fife"/>

Northing	<input type="text" value="686529"/>	Easting	<input type="text" value="298897"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

* See Separate Document in Supporting Documents Section

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Notice of Review Statement Doc 1 - Decision Notice Doc 2 - Report of Handling Doc 3 - Chief Reporter's Transitional Arrangements for NPF4 Photos 1-2

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01660/FULL

What date was the application submitted to the planning authority? *

16/06/2023

What date was the decision issued by the planning authority? *

11/08/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr MARK WILLIAMSON

Declaration Date: 20/10/2023

Statement

Notice of Review

Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking North of Culross Fife.

23/01660/FULL

Introduction

This Notice of Review is submitted following the refusal of planning permission 23/01660/FULL under delegated powers on the 11 August 2023. (Doc 1)

The reasons for refusal are outlined below: -

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of NPF4 and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan (2017).

2. In the interest of safeguarding the visual amenity of the countryside, setting of the A-listed building and a garden & designed landscape. The proposal would result in an incongruous development that would not respect the existing character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the inventory garden, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding countryside area as well the setting of the A-listed Culross Abbey House and its Garden. The proposal is therefore considered to be contrary to Policy 7: Historic Assets and Places, Policy 17: Rural Homes and Policy 14: Design, Quality and Places of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 14: Built and Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

3. In the interests of road safety; the proposed development would be unable to provide adequate manoeuvring/turn space for vehicles within the site, nor would it be able to provide the necessary visibility splays or off-street parking. As such, the development is contrary to Policy 13: Sustainable Transport of NPF4 and Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017) and there are

no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards with regard to sustainable transport.

In this Review it will be demonstrated that: -

The proposal is acceptable and generally in accordance with NPF4 and the Housing in the Countryside policy guidance

The proposal will not have an adverse impact on the visual amenity of the countryside or setting of cultural heritage interests

The proposal will not have an adverse impact on road safety

Material considerations in the determination of the review proposal

It is important to consider the main purpose and context of the review application. Under Section 25 the Town and Country Planning (Scotland) Act 1997 it states that:-

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.”

When there is a demand for new housing, it is important to consider that it is more sustainable to site new housing on brownfield land rather than greenfield land. The Review proposal in a rural location provides an opportunity to realise this, where there will be no detrimental impact on the visual amenity of the countryside or on the character or setting of cultural heritage assets.

Current Development Plan Policy

The Development Plan consists of National Planning Framework 4 and the adopted FIFEplan 2017.

National Planning Framework 4 (NPF 4) 2023

Relevant policies: -

Policy 7: Historic Assets and Places

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Places

Policy 16: Quality Homes

Policy 17: Rural Homes

FIFEplan 2017

Relevant policies: -

Policy 1: Development Principles

Policy 3: Infrastructure and Services

Policy 7 Development in the Countryside

Policy 8: Houses in the Countryside

Policy 10: Amenity

Policy 11: Low Carbon

Policy 14: Built and Historic Environment

Supplementary Guidance

Making Fife's Places 2018

Transportation Development Guidelines (2018)

Reason for Refusal and Grounds of the Review

The reasons for the review and matters to be considered in the determination of the review refer to the reasons for refusal, which state that residential use is unjustified in terms of policy, the proposal will have an adverse impact on the visual amenity of the countryside and listed buildings and the designed landscape and that it would not be acceptable in terms of road safety.

The above issues will be considered below in the applicant's statement and argument against the reasons for refusal in support of the Review

The proposal is acceptable and is in accordance with NPF4 and the Housing in the Countryside policy guidance

The proposed dwellinghouse is on land which is currently vacant and was formerly in use as a water reservoir. It is by definition a derelict site and classed as brownfield land, where brownfield land is defined as: -

“Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable”.
(Glossary – Fife Local Plan 2017)

Under Policy 17 Rural Homes of NPF4 it states that:-

“a) 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: - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention; iii. reuses a redundant or unused building; “

It is considered that the proposal is in accordance with the aims of NPF4 Policy 17 and in accordance with criteria ii) and iii) of that policy.

In the Report of Handling (Doc 2) it stated that the site of the former reservoir *has naturalised*. This is not the case as can be seen from Photo 2 where the character is still industrial in nature. The concrete tank is still in situ and will continue to degrade and leach into the soil and groundwater without intervention.

It is not possible for the Review site to return to its former or natural state if it is left as it is. Nothing can grow underneath it and intervention would be required to remove this and return the site to its natural state, which was grassland used for pasture.

In the Report of Handling, it was accepted that the Review site was a brownfield site, however it did not fall under criterion 3) of Policy 8 of the FIFEplan as it will not provide a housing cluster of 5 dwellings, and for this reason was considered contrary to the Development Plan.

The conclusion reached in the Report of Handling on Policy 8 of FIFEplan is at odds with NPF 4 Policy 17 outlined above, where for brownfield redevelopment there is no minimum limit on the number of houses that the brownfield land should contain, as long as the housing is *suitably scaled, sited, and designed*.

Where there is a divergence between NPF4 and earlier Local Development Plans, NPF4 is to take precedence over the Local Development Plan as instructed in the Chief Planner’s letter of 8 February 2023 Transitional Arrangements for National Planning Framework 4. (Doc 3)

It is considered therefore that the Review proposal is acceptable in principle under NPF4 Rural Homes Policy 17 as it is *suitably scaled, sited and designed to be in keeping with the character of the area and reuses brownfield land where a return to a natural state has not or will not happen without intervention*.

The proposal will not have a detrimental impact on the visual amenity of the countryside and setting of cultural heritage interests

Policy 14 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance, including Local Landscape Areas and landscape character and views. Furthermore, Policy 14 states that proposals will not be supported where it is considered they will harm or damage sites recorded in the Inventory Historic Gardens and Design Landscapes.

As indicated above the proposal will remediate a vacant brownfield site and will replace the current reservoir and industrial style fencing with an attractive traditionally designed dwelling.

The proposed site is 280m away from the rear of the A listed Culross Abbey Mansion House which sits within a wooded area which provides screening and containment to the countryside to the north. (Photo 1) This will be evident at the Review site visit. It is considered that because of the screening afforded the Mansion House and it's distance from the proposed site, along with site improvement replacing an industrial style building with a traditional dwelling, then the proposal will not have any significant impact on the integrity, character or status of the A listed Mansion House.

The site lies at the northern edge of the Garden and Designed Landscape adjacent to the public road. For similar reasons as above, the proposed traditional dwellinghouse will not have an adverse impact on the Designed Landscape and will be an improvement on the current brownfield and vacant site.

The proposed development would not be highly visible from within the A-listed Culross Abbey House given the wooded context of the House which provides containment to the north. The proposed dwellinghouse which is traditionally designed and similar in character to a lodge style house will not harm or damage the Designed Landscape and will not have any adverse impact on the woodland or parkland within it.

It is common to have lodge style houses on the edge and entrances to historic estates and the proposal is not far removed from this in terms of character and design. There was a traditional lodge on the northern edge of the Abbey policies within the Designed Landscape to the east of the Review site on the same elevation, but it has been demolished some time ago.

As a traditionally designed dwellinghouse similar in form to an estate lodge house, the Review proposal will not result in an *incongruous development* that would not respect the existing character of the site and surrounding countryside.

The proposed development would not be visible from the A985 to the north of the site or from the public roads to the south. More visible in the wider landscape on the rising ground to the north of the Review site are the electricity pylons,

telecommunication tower and a large- scale water tank, which do represent incongruous elements in this historic landscape.

For the above reasons the proposal is not contrary to NPF4 Policy 7 or LDP Policy 14 and will not have a detrimental impact on the visual amenity of the countryside or on the character or setting of any listed building or the Designed Landscape.

The proposal will not have an adverse impact on road safety

It is considered that the vehicular access to the site is acceptable and it is close to an existing vehicular access onto the public road. The existing road geometry provides traffic calming at this location especially from the north, where it is considered that traffic speeds will be significantly slower.

Off-street parking and turning facilities have been indicated on the Review site layout drawings and are in accordance with the parking standards contained within the current Fife Council Making Fife's Places Appendix G.

Conclusions

The Review proposal is in accordance with NPF4 Rural Housing Policy as it is suitably scaled, sited, and designed to be in keeping with the character of the area and reuses brownfield land where a return to a natural state has not or will not happen without intervention. It is therefore not unplanned or sporadic and the proposed development of the site is remediating a redundant past use, providing a traditional built solution.

The Review proposal is approximately 300m from the listed Culross Abbey House, which sits within a wooded area which provides screening and containment to the countryside to the north. It is considered that because of the screening afforded the Mansion House and its distance from the proposed site, along with site improvement replacing an industrial style building with a traditional dwelling, then the proposal will not have any significantly adverse impact on the integrity, character or status of the A listed Mansion House.

The Review proposal will not have a detrimental impact on road safety and it is considered that because of the road geometry close to the site the road traffic speeds from the north would be significantly reduced. This could be demonstrated by speed monitoring on the road, allowing a relaxation of Fife Council's standards with regard to sustainable transport.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable and it is respectfully requested that the Review is upheld.

Gateside Design
James Watters
34 Millhill
Street
Dunfermline
Scotland
KY11 4TG

Planning Services

Emma Baxter

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01660/FULL

Date 11th August 2023

Dear Sir/Madam

Application No: 23/01660/FULL
Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking
Address: Former Reservoir North Of Culross Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Emma Baxter, Graduate Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 23/01660/FULL
Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking
Address: Former Reservoir North Of Culross Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01660/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of NPF4 and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan (2017).
2. In the interest of safeguarding the visual amenity of the countryside, setting of the A-listed building and a garden & designed landscape. The proposal would result in an incongruous development that would not respect the existing character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the inventory garden, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding countryside area as well the setting of the A-listed Culross Abbey House and its Garden. The proposal is therefore considered to be contrary to Policy 7: Historic Assets and Places, Policy 17: Rural Homes and Policy 14: Design, Quality and Places of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 14: Built and Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).
3. In the interests of road safety; the proposed development would be unable to provide adequate manoeuvring/turn space for vehicles within the site, nor would it be able to provide the necessary visibility splays or off-street parking. As such, the development is contrary to Policy 13: Sustainable Transport of NPF4 and Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards with regard to sustainable transport.

Dated: 11th August 2023

Chris Smith

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan/Block Plan
02	Proposed Block Plan
03	Proposed various - elevation, floor etc
04	Existing various eg elevation, floor etc
05	Floor Plan Proposed
06	Floor Plan Proposed
07	Proposed Elevations
09	Supporting Statement
10	Statement
11	Mine Risk Assessment

Dated: 11th August 2023

Chris Smith

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	Former Reservoir North Of Culross, Fife,		
PROPOSAL	Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking		
DATE VALID	16/06/2023	PUBLICITY EXPIRY DATE	06/08/2023
CASE OFFICER	Emma Baxter	SITE VISIT	None
WARD	West Fife And Coastal Villages	REPORT DATE	09/08/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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. 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.

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

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

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

1.0. Background

1.1. Description

1.1.1. This application relates to the site of a former reservoir tank. The existing low-lying reservoir structure on the site is minimally visually invasive, bounded by green deer fencing. The site is approximately 415m², located roughly 0.5 km north of the Culross settlement boundary of Culross and within the countryside as defined by the adopted FIFEplan. The site is situated within Culross Abbey House Garden and Designed Landscape. The Category A listed Culross Abbey House sits approximately 260 meters south of the site. The site is surrounded by open space / agricultural land.

1.2. The Proposal

1.2.1. The application seeks planning permission for the change of use of an existing redundant reservoir tank to a dwellinghouse, including alterations, extension and associated works. The proposed dwelling would have a footprint of approximately 70m², finished in a pallet of traditional materials including slate roof, natural stone, timber windows and cast-iron rainwater goods. Given the topography of the site, the dwelling would present as one and a half storey to the north, extending to two and a half storey to the south towards the Abbey House.

1.3. Planning History

1.3.1. The relevant planning history for the site can be summarised as follows

- 17/04083/FULL: Planning permission for the change of use from former reservoir tank and erection of two additional storeys to form dwelling house (Class 9) was sought in December 2017 and withdrawn May 2018.

- 20/00831/FULL: Planning permission for the change of use from former reservoir tank and erection of two storey extension to form dwellinghouse (Class 9) with associated vehicular access and parking was sought April 2020 and withdrawn September 2020.

- 21/01145/FULL: Planning permission for the change of use from former reservoir tank and erection of two storey extension to form dwellinghouse (Class 9) with associated vehicular access and parking was sought April 2021 and withdrawn September 2021.

1.4. A site visit was previously undertaken for this site on 24th August 2022. The following additional evidence was also used to inform the assessment of this proposal

- Google imagery (including Google Street View and Google satellite imagery); and

- GIS mapping software

2.0. Assessment

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

- Principle of Development
- Design / Visual Impact on the Countryside, Setting of the Listed Building and Designed Landscape
- Road Safety
- Residential Amenity
- Flooding and Drainage
- Low Carbon
- Land Stability

2.2. Principle of Development

2.2.1. NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where;

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

2.2.2. NPF4 Policy 17a applies and 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:

- is on a site allocated for housing within the LDP;

- reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- reuses a redundant or unused building;
- is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- is for a single home for the retirement succession of a viable farm holding;
- is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.3. Policy 9a of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. In addition, part D states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

2.2.4. Adopted FIFEplan (2017) Policy 1 sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. Policy 8: Houses in the Countryside states that development of houses in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or

c) the new house replaces one which is structurally sound and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage of the existing building;

5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;

6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with policy 2: Homes;

7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2: Homes;

8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2: Homes;
or

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

In all cases, developments must be:

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

2.2.5. Whilst it is acknowledged that the site is brownfield, given the nature of the site, with the existing reservoir structure mostly below ground and covered by a low mound, it is considered that the site is in a largely naturalised state. Furthermore, in terms of FIFEplan's policy 8, housing in the countryside on brownfield/previously development land will only be supported where the proposal site is capable of accommodating a housing cluster of at least 5 houses. Given that the proposed development is for the erection of a single dwellinghouse, it cannot be considered supported under Criterion 3 of FIFEplan's Policy 8 or NPF Policy 17a's criterion 2.

2.2.6. The proposed development would reuse a redundant and unused building and therefore is considered to be partially supported in terms of the broad policy position set on in Policy 9 and Policy 17a above. However, given the level of additional building works required to the existing structure for the proposed development, in addition to the fact the site is not situated within a sustainable location, it is considered that, overall, this would not provide sufficient justification for developing the site. The Chief Planner's letter in relation to the consideration of NPF4 etc. also confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which provides more detailed policy context in relation to the assessment of this development. In terms of criterion 5 of FIFEplan's Policy 8, paragraph 15 expands this justification further whereby it states that the existing building must have some architectural merit that justifies its preservation, as well as that the proposal must be designed in such a way that it would not significantly alter its original character or architectural/historic qualities. As already highlighted, the proposed development would result in a significant level of works to the existing structure, including increasing the footprint by 20m², as well as creating an additional 6.8 metres in height above

ground level. Furthermore, the existing structure is largely hidden from public view and has no architectural merit to justify its preservation. As such, the proposed development would not be considered sufficiently justified under Criterion 5 of FIFEplan's Policy 8.

2.2.7. In light of the above, the principle of proposed development does not meet the terms of any of the criteria listed above and therefore is considered contrary to NPF4 and FIFEplan and thus not acceptable.

2.3. Design / Visual Impact on the Countryside, Setting of the Listed Building and Designed Landscape

2.3.1. Policy 14, part A of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 7, part c, states that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Furthermore, part I states that development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting. Furthermore, NPF4 Policy 17a applies and 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.

2.3.2. Policies 1 and 10 of the FIFEplan states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 8 states that developments must be of a scale and nature compatible with surrounding uses and be located and designed to protect the overall landscape and environmental quality of the area. In addition, Policy 8 states that building conversions to a residential use should bring about a significant environmental and visual improvement as well as greatly benefit the site and the surrounding area in terms of its appearance, subject to the design, siting, and the environmental improvements proposed. Moreover, Policy 14 states that proposals will not be supported where it is considered they will harm or damage the setting of a listed building or sites recorded in the Inventory Historic Gardens and Designed Landscapes and other non-inventory gardens and designed landscapes of cultural and historic value;

2.3.3. Letters of objection received for this application raised concerns that the proposed development would not be in keeping with the nearby listed building, the Inventory Garden and Designed Landscape (G&DL) or the wider countryside setting.

2.3.4. At present, the development on this site has a fairly limited impact on the setting of the wider landscape area. The reservoir structure itself is covered with a low mound so has a fairly minimal impact on the wide landscape setting. Due to the topography of the site, the proposed dwelling would present as two storeys to the north and 3 storeys to the south facing Culross Abbey House. Historic Environment Scotland were consulted on this application and have objected to the proposal, on the grounds that it would be considered to have a significant adverse visual impact on the Culross Abbey House Inventory Garden and Designed Landscape and the setting of the Category A-listed Culross Abbey House. Overall, given the minimal visual impact of the site at present, it is considered that the proposed development would result in an incongruous development (given the significant scale, massing and design proposed) that would not respect the existing rural open character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the G&DL, thereby resulting in a significant

detrimental visual impact on the surrounding countryside setting, the setting of the A-listed building and the designated landscape.

2.3.5. In light of the above, the proposed development is therefore considered contrary to Policies 7, 14 and 17 of NPF4 and Policies 1, 8, 10 and 14 of FIFEplan and thus not acceptable.

2.4. Road Safety

2.4.1. Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

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

2.4.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development will only be supported where it has no road safety impacts. Furthermore, these policies state that developments must be designed and implemented in a manner that ensures it delivers the required levels of infrastructure and functions in a sustainable manner. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.4.3. Letters of objection were received for this application which raised concern with the proposed development in terms of its implications on road safety, primarily due to visibility available to vehicles both from within the site and the nearby road, as well as the high level of pedestrians and cyclists which use the core path running along the site. Furthermore, objections raised concern with the sustainability of the site in terms of walkability and car dependency.

2.4.4. Access to the site would be from the road to the north. It is proposed to provide 3 off-street parking spaces within the site. The P766/02 and P765/03 core paths run along the eastern boundary of the site. Fife Council's Transportation Development Management team were

consulted on this application and have advised that there is a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Furthermore, they state that it would not be possible to provide the necessary 3m x 210m visibility splays within land in the applicant's control/the public road. The required visibility splay must be met in order to consider a relaxation of the presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. Furthermore, whilst a car turning area has been shown on the submitted site plan, this would not be considered acceptable to TDM as it would be very difficult for a driver to take turn within the site whilst taking access to and egress from the proposed space directly to the north of the proposed dwelling. Finally, whilst the proposed site plan shows the provision of 3 off-street parking spaces as required by Making Fife's Places Appendix G, the first two metre width of the parking area shown is within the roadside verge which forms part of the public road boundary and therefore cannot be used for off-street parking.

2.6.6. In light of the above, it is considered that the proposed development would result in a significant detrimental impact with regard to road safety and therefore contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines in this regard.

2.5. Residential Amenity

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

2.5.2. Given the position of the site in relation to neighbouring properties, it is considered that the works would not have any significant detrimental impact on the amenity of neighbouring properties.

2.5.3. Fife Council Planning Customer Guidelines on Garden Ground recommends that residential developments have a useable garden space of at least 100 m² per dwellinghouse as well as minimum building footprint to plot size ratio of 1:3. In this case, the proposed dwellinghouse would have a footprint area of approximately 70m² and a plot size of 411m². Furthermore, the proposed dwelling would have a rear amenity space of approximately 105m². It is therefore considered that the proposed development would comply with the above garden ground guidance.

2.5.4. In light of the above, the proposal would be deemed to have no detrimental impact on the amenity levels of the surrounding area. This is however not considered to be a determining issue in this instance.

2.6. Flooding and Drainage

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

impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.6.2. It is proposed to install a soakaway within the site to attenuate surface water. This would be located under the parking area to the north of the site. Scottish Water have been consulted on this application and raised no objections. The site is also not shown to be at risk of flooding as per SEPA's flood maps.

2.6.3. In light of the above, the proposed development is considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.7. Low Carbon

2.7.1. Policy 1 of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. In addition, Policy 2 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. The Scottish Government advises in relation to Policy 1 and Policy 2 will be subject to further detailed advice and guidance and also the specific implications of NPF4 will be clarified through the review of Local Development Plans. As such the most appropriate policy position in relation to this issue is set out in FIFEplan Policies 1,3 and 11. Policy 1 and 11 of Fifeplan 2017 states that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction targets; construction materials come from local or sustainable sources; and water conservation measures are in place. Fife Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.2. The low carbon checklist provided as part of this application does not contain sufficient detail to demonstrate that low and zero carbon generating technologies would contribute to meeting the current carbon dioxide emissions reduction targets. It is acknowledged that this matter could be addressed via the imposition of a condition requiring further details of low/zero carbon generating technologies to be submitted prior to works commencing on site, and therefore is not considered a sufficient reason for refusal of the application in this instance.

2.7.3. In light of the above, the proposal, subject to condition, would be considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.8. Land Stability

2.8.1. Policies 1 and 10 of the adopted FIFEplan (2017) states that Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.8.2. One letter of objection raised concerns with the stability of the site.

2.8.3. The Land and Air Quality Team were consulted on the proposal and advised that they have no objections, however development Management should be notified should any unexpected materials or conditions be encountered during the development.

2.8.4. The application site is defined as being partly located within a Coal Authority Development High Risk Area. The Coal Authority was consulted on this application and advised that they have no objections to the proposal, subject to the imposition of conditions requiring a scheme of intrusive investigations to be undertaken prior to works commencing and the submission of a declaration by a suitably competent person confirming the site has been made stable prior to occupation.

2.8.5. In light of the above, the proposal subject to conditions would be considered acceptable in terms of contaminated land. This is however not considered to be a determining issue in this instance.

CONSULTATION RESPONSES

Historic Environment Scotland	Application recommended for refusal
Scottish Water	No objections
TDM, Planning Services	Application recommended for refusal
Transportation And Environmental Services - Operations Team	No response
Land And Air Quality, Protective Services	No objection subject to condition
Structural Services - Flooding, Shoreline And Harbours	No response
The Coal Authority	No objections

REPRESENTATIONS

12 letters of representation have been received for this application. Two letters neither supported nor objected to the proposal however one stated that the proposed development would eliminate the remains of the existing reservoir tank.

Ten letters of objection received raised the below concerns

- Road safety and impact on core path - This has been addressed in section 2.4 above.
- Development of the site could set a precedent - Each planning application is assessed on its own merit. The outcome of this application would not be a material consideration for any future application of a similar nature.
- Visual impact on the countryside, the setting of the Abbey House and the designated landscape - This has been addressed in Section 2.3 above

- Land ownership dispute - This is not a material planning consideration.
- Ground stability - This has been addressed in paragraph 2.8.4. above
- The site is not currently serviced by gas or electricity - This is not a material planning consideration

CONCLUSION

The development is contrary to the provisions of policy and guidance relating to the principle of development, road safety and visual impact but accords with those provisions relating to flooding/drainage, land stability, residential amenity and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, as it would result in unjustified development within the countryside as well as significant detrimental impacts in term of road safety and visual amenity, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policy 16: Quality Homes and 17: Rural Homes of NPF4 and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside of the Adopted FIFEplan (2017).
2. In the interest of safeguarding the visual amenity of the countryside, setting of the A-listed building and a garden & designed landscape. The proposal would result in an incongruous development that would not respect the existing character of the site and surrounding countryside, as well as detract from the Abbey House as the focal point of the inventory garden, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding countryside area as well the setting of the A-listed Culross Abbey House and its Garden. The proposal is therefore considered to be contrary to Policy 7: Historic Assets and Places, Policy 17: Rural Homes and Policy 14: Design, Quality and Places of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 14: Built and Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).
3. In the interests of road safety; the proposed development would be unable to provide adequate manoeuvring/turn space for vehicles within the site, nor would it be able to provide the necessary visibility splays or off-street parking. As such, the development is contrary to Policy

13: Sustainable Transport of NPF4 and Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards with regard to sustainable transport.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Guidance:

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

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Transportation Development Guidelines (2018)

National Planning Framework 4 (2023)



T: 0131-244 7547
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8 February 2023

Dear Colleague

Transitional Arrangements for National Planning Framework 4

Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the following provides advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). We intend for this advice to support consistency in decision making ahead of new style LDPs being in place.

The Development Plan

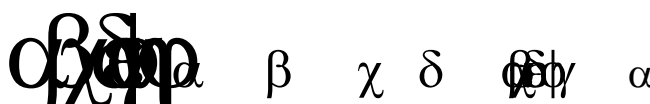
In Scotland, the planning system is plan-led. From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February.

On 13 February, Strategic Development Plans (SDP) and associated supplementary guidance will cease to have effect and as such no longer be part of the development plan.

LDPs already adopted will continue to be part of the development plan. For avoidance of doubt, existing LDP land allocations will be maintained.

LDPs within SDP areas will no longer be required to be consistent with the SDP. For proposed LDPs prepared prior to the adoption and publication of NPF4, it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair.

Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a



provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)).

Across Scotland there is a substantial amount of supplementary guidance associated with SDPs and LDPs. Supplementary guidance associated with SDPs will no longer have effect following adoption and publication of NPF4 on 13 February. Supplementary guidance associated with LDPs which was in force before 12 February (the date on which section 13 of the 2019 Act comes into force) will continue to be in force and be part of the development plan (1997 Act; paragraph 2 of schedule 1).

As the development plan system transitions to one without statutory supplementary guidance, the Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for local authorities to continue to prepare and adopt supplementary guidance associated with LDPs until 31 March 2025. Supplementary guidance adopted under those provisions is to be treated as forming part of the development plan for the area to which the LDP relates.

The provisions of section 16(1)(a) of the 1997 Act require planning authorities to prepare a new LDP for their area at intervals of no more than 10 years or whenever required to do so by the Scottish Ministers. It will be important for the first round of 'new style' LDPs to be prepared in a timely fashion. We expect that every planning authority in Scotland will have a new style plan in place within around 5 years of the new development plan regulations coming into force, which we anticipate happening this spring.

Legislation provides for planning authorities to prepare LDPs that include policies and proposals for development and use of land in their area. There is no legal requirement for LDPs to be directly 'compatible' with NPF4, although in preparing LDPs, there will be a statutory requirement under section 16(2)(a)(i) of the 1997 Act that planning authorities take the NPF into account.

Applying NPF4 Policy

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

We expect that monitoring of the policies will particularly focus on new and developing policy areas, so that their application in practice can inform future guidance.

Below we have set out some more specific advice on individual policies.

Policy 1 – Tackling the climate and nature crises

This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises.

Policy 2 - Climate mitigation and adaptation

There is currently no single accepted methodology for calculating and / or minimising emissions. The emphasis is on reducing emissions as far as possible, rather than eliminating all emissions.

At this stage, quantitative assessments are not expected for all applications and there are no defined thresholds that require different levels of information at this stage. Planning authorities will be aware that this is unlikely to be a key consideration for many applications, for example for smaller scale developments, householder applications or many changes of use. However, for other types of development proposals that may generate significant emissions, such as some national or major developments, we consider it to be reasonable to expect quantitative information to be provided. For developments that require an Environmental Impact Assessment (EIA), the impact of the project on climate (e.g. the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change will have been considered as appropriate in the EIA Report. See [Circular 1/2017](#) for further information.

Last year the Scottish Government published [carbon management guidance for projects and programmes](#). Whilst this is aimed at larger scale projects within city region and growth deals and a fully quantified approach is only likely to be proportionately applicable to larger scale proposals, at least whilst practice and methodologies develop over the coming years, the guidance includes useful information and highlights established methodologies which may be of assistance to applicants and planning authorities. Published research on the Lifecycle Greenhouse Gas Emissions of NPF4 Proposed National Developments¹, also offers an example of a high-level approach to identifying direct and indirect effects of proposals on GHG emissions which can be embedded into statutory Environmental Assessment obligations.

Policy 3 - Biodiversity

To support this policy in practice, NatureScot previously consulted on new 'Developing with Nature guidance' to accompany NPF4 Biodiversity policy 3c), which is to be applied to certain local development. A final version of the guidance will be available shortly. We are committed to developing guidance to accompany wider NPF4 policy 3, and – recognising that currently there is no single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for developing a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case.

¹ [National Planning Framework 4 - lifecycle greenhouse gas emissions: assessment findings - gov.scot \(www.gov.scot\)](#)

Policy 16 - Quality homes

NPF4 sets out a distinct, new approach to planning for new homes across Scotland that aims to deliver more quality homes that meet diverse needs. Policy 16, Quality Homes, promotes a plan-led approach.

New style LDPs must include targets for meeting the housing needs of people living in the area, this is referred to in NPF4 as the "Local Housing Land Requirement" (LHLR)². The LHLR will be informed by the Evidence Report and Gate Check process. It is expected that the LHLR will exceed the Minimum All-Tenure Housing Land Requirements (MATHLR) set out in NPF4.

Proposed Plans will allocate sites to meet the LHLR and, in doing so, we expect there to be greater emphasis on delivery. Policy 16 looks to incentivise delivery of allocated sites, as they will have been considered and agreed through the comprehensive and participative LDP preparation process. If an LDP reaches Examination without sufficient sites identified to meet the LHLR, a planning authority can be required to prepare another Proposed LDP under new legislative provisions in section 19ZA of the 1997 Act.

Once adopted, the delivery of new style LDPs will be monitored and supported through the Housing Land Audit and the LDP Delivery Programme. New guidance on Housing Land Audits will be prepared this year, in collaboration with key stakeholders. The new guidance will seek to ensure a consistent approach is adopted in the preparation of new Housing Land Audits. If needed, collaboration on the LDP Delivery Programme can assist in early consideration of bringing forward longer term sites.

Policy 16 is applicable to decision making when NPF4 becomes part of the statutory development plan. As outlined above, SPP(2014) will be superseded and not form part of Scottish Government planning policies, including: the requirement to maintain at least a 5 year supply of effective housing land at all times, shortfalls in supply indicating LDP policies are not up-to-date, the 'presumption in favour of development that contributes to sustainable development' and the concept commonly known as the 'tilted balance'. Consideration must be given as to whether provisions in LDPs are incompatible with provisions of NPF4. Where there is an incompatibility, such as between a housing exceptions policy in an LDP and Policy 16(f) of NPF4, the latter will prevail.

Policy 23 - Health and safety

We understand that there were some concerns about references within NPF4 to suicide risk, including recognition that LDPs should be informed by awareness of locations of concern for suicide. We would draw your attention to [Creating Hope Together \(Scotland's Suicide Prevention Action Plan 2022-2025\)](#) which was published last year by the Scottish Government together with COSLA. This recognises the importance of the National Planning Framework in reflecting the role of planning in suicide prevention. Further resources are referenced in the action plan and have been produced by Public Health Scotland.

²NPF4: Annex F provides the Local Housing Land Requirement means "The amount of land required for housing, as identified by the local development plan. The Local Housing Land Requirement (LHLR) is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in the National Planning Framework"

It may also be useful to see [guidance](#) produced by the Welsh Government, which emphasises a pragmatic approach, suggests that suicide prevention should ideally be built into the design of projects and should be compatible with creation of good places. It also references further available practical advice on this.

Policy 27(d) - Drive through developments

During the Parliamentary scrutiny of the draft NPF4, there was some debate about the meaning and application of Policy 27(d), which states that “drive-through developments will only be supported where they are specifically supported in the LDP”. The intention of this policy was to ensure that this type of development is considered as an integral part of the wider development plan, and is not (as has been erroneously reported) a moratorium or ban on such developments.

In applying policy 27(d) and whether such developments are supported, planning authorities may regard wider uses that are compatible with the drive through function to be included, as there is no single class of development that this relates to and may sometimes be considered as *sui generis*. Suitable locations may include for example those allocated for Class 1 shops or Class 3 Food and drink, depending on the nature of the proposal involved in each case. In looking at the potential impact of the development as a whole, as always, decisions will depend on the facts and circumstances of each individual case and regard should be given to wider policies within NPF4, including those relating to reducing emissions that contribute to climate change and to wider policies that aim to improve town centres and support local living.

Looking forward, we will include guidance on drive throughs and the relationship to Policy 27(d) within the forthcoming local development plan guidance, which will be published this spring to support implementation of the new arrangements for LDPs.

Further Planning Guidance and Advice

In the NPF4 Delivery Programme, we have given our commitment to progress work on a new suite of guidance and advice that will support activity to deliver the policy intent of NPF4. We will do this alongside careful monitoring of the implementation of policies. With some substantial changes being made through the reform of our planning system, both through legislation and in NPF4, there will now be some discrepancies in existing planning guidance and advice as a result. Nevertheless, there will remain aspects which will still be useful for reference through the new planning system and policy approach. Over time, we will review that historic advice as appropriate.

Yours faithfully



Dr Fiona Simpson
Chief Planner

Tom Arthur
Minister for Public Finance, Planning
and Community Wealth





Proposal Details

Proposal Name	100648474
Proposal Description	Erection of dwellinghouse on former reservoir north of Culross
Address	
Local Authority	Fife Council
Application Online Reference	100648474-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Notice of Review Statement	Attached	A4
Doc 1	Attached	A4
Doc 2	Attached	A4
Doc 3	Attached	A4
Photo 1	Attached	A4
Photo 2	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Agenda Item 4(4)

**Former Reservoir, North of Culross,
Dunfermline**

Application No. 23/01660/FULL

Representation(s)

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Conversion and extension to redundant water reservoir tank to form dwelling house

Case Officer: Emma Baxter

Customer Details

Name: Mr William Gelletly

Address: Little Sandhaven, Back Street, Culross Dunfermline, Fife KY12 8HP

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I am writing to object to the building of a house on the site of the former reservoir tank on the road from the A985 to the centre of Culross.

It is clear from the repeated applications to build such a house that the land was purchased with the aim of earning money by building on the land. In this particular application, compared to the last, it appears to have been written by a professional, skilled in dealing with Council planning committees and in pulling the wool over the eyes. The words are chosen carefully to suggest that there are benefits to building the house when the disinterested observer or resident can see that there are real drawbacks. For example if we look at the photographs in the supporting statement there is emphasis on the site being brownfield and visually of industrial character. If the owner's intention is to make the site greenfield then I would urge them to fill the tanks and cover them with soil and simply let the grass grow. There is then no need for any fence other than the fence around Culross Abbey House Garden.

It is also stated that the A-listed Culross Abbey Mansion House is screened from the road. This is partly true at this time of year but when the leaves fall the house is clearly visible from the road. The house they wish to build is certainly not of any interest to any visitor. As they tell us such houses can be found anywhere. If the planning committee agree to this proposal then I believe that they give the green light for farmers to develop brownfield areas in fields and then ask for permission to build a house. Perhaps every field could have such a house. In this context the applicant tells us it will mean we need to build one house fewer on a greenfield site. A perfect example of the style of the application. This not how we shall meet our need to build new homes. If they are serious they should propose two smaller affordable houses for young people.

In my view there are a number of other serious objections to this application. Firstly it sits on a blind corner on a frequently used road into Culross. This corner is already quite dangerous. To add parking close to the corner with cars entering and leaving will make it even more dangerous.

From experience I know how careful one has to be on this corner when driving and I think it is tempting fate to think that this development will not lead to accidents.

This corner is also on a popular route for people walking. They will lose out in two ways. Firstly, as I mentioned earlier, their view of Culross Abbey Mansion House will be less interesting and marred by a less than interesting modern house. Secondly they will also be endangered further by the parking and the exiting and entrance of vehicles.

There is nothing wrong with an application aimed at earning money for the applicant but unfortunately in this case it brings many disadvantages for the residents of Culross and visitors to this area on foot or by car.

As is probably clear from my comment I am a resident of Culross.

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Conversion and extension to redundant water reservoir tank to form dwelling house

Case Officer: Emma Baxter

Customer Details

Name: Mrs L Smith

Address: 2 Tanhouse Brae, Culross, Dunfermline, Fife KY12 8HX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be considered in line with the Development Principles of the Fife Plan and take due cognisance and consideration of the Culross Conservation Area Appraisal and Conservation Area Management Plan dated November 2009 as this proposed new dwelling sits in a prominent position on the northern gateway leading to Culross Abbey and the Royal Burgh of Culross beyond.

Although the design is more sympathetic than the previous three submissions, little else in terms of this planning application has changed.

The location is still on a sharp blind bend, hazardous for road users of this well used access road into Culross from the north and for the many pedestrians walking along established routes between/around Culross and high Valleyfield - core paths 765 and 766. The proposed development site, is outside the curtilage of the town. Any development could set a precedent in the area. Any new dwelling on this site would be a loss of visual and recreational amenity to the many walkers who enjoy this quiet area.

In late autumn/winter there is perpetual water run off from the fields opposite onto the bend and towards Culross, precisely where the proposed development site is. In snowy/freezing conditions the road is extremely hazardous

There is planned parking for three cars but not a garage, therefore cars will be on permanent display in open countryside which would harm the Culross Abbey House historic landscape of national importance, the setting of Culross Abbey House and other listed structures, the surrounding green network asset and enjoyment of users of adjacent core paths.

* Land registry does not show that land (ie the grass verge in front of the reservoir fencing and the

road) is included with the water reservoir ownership. Is it possibly Fife Council land?

Transportation Development management must be consulted regarding the application. They stated, on the previous application:

"2.1 The proposed dwelling is unacceptable, as it would result in the formation of a new junction onto the public road which has sub-standard visibility splays in both directions and sub-standard forward visibility for drivers of right turning vehicles, all to the detriment of road safety. "

The design of the proposed building may have altered but not the location which means the assessment remains relevant.

Has Scotland's gardens and landscape heritage been advised as per their request;

"SGLH again requests to remain included in consultations on planning applications affecting Culross Abbey House and other Inventory and non-Inventory designed landscapes in Fife.."

A Low carbon checklist should be submitted. There is not presently an electricity or gas supply to this location. There isn't any lighting at this site. A light pollution assessment should also be submitted.

A statement should be included setting out the intended measures to encourage and facilitate the use of sustainable transport focusing on the order of priority ie walking, cycling, public transport and cars. There isn't a nearby public transport link at this location.

The claim that visually the site is of industrial character because of the fencing simply means that as owner of the site the owner should install fencing of a more sympathetic nature. The disused reservoir itself is well camouflaged. It is unnecessary to build to visually improve the site.

Louise Morrison

From: Christopher Dingwall <dingwall@guidelines.scot>
Sent: 10 July 2023 16:35
To: Development Central
Subject: PLANNING APPLICATION REF. 23/01660/FULL - LETTER OF OBJECTION
Attachments: CULROSS LETTER JULY 2023.docx

Categories: In Progress

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear SIR,

Please find attached a letter of objection from **Scotland's Garden & Landscape Heritage**, concerning current **Planning Application No. 23/01660/FULL** to do with the conversion and extension of a redundant water reservoir tank to form a new dwelling house, located within the landscaped grounds of Culross Abbey House.

Yours faithfully, *Christopher Dingwall*
Vice Chairman & Honorary Research Adviser
Scotland's Garden & Landscape Heritage

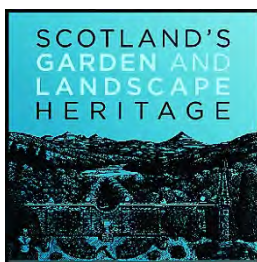


<https://www.sglh.org>

Christopher Dingwall - Guidelines

Washington House, Main Street, Ardler, Blairgowrie,
Perthshire, PH12 8SR - UK Scotland
Telephone : 01828 640433
E-mail : dingwall@guidelines.scot

This email was scanned using Forcepoint Email filter



Scotland's Garden & Landscape Heritage

Washington House
Main Street
Ardler
Blairgowrie
PH12 8SR

Fife Council Planning & Building Services
Fife House
North Street
Glenrothes
Fife
KY7 5LY

10 July 2023

PLANNING APPLICATION REF.23/01660/FULL

CONVERSION AND EXTENSION OF REDUNDANT WATER RESERVOIR TANK TO FORM DWELLING HOUSE

Dear Sir,

I am writing on behalf of **Scotland's Garden and Landscape Heritage** (SGLH) to place on the record a strong and outright objection to the latest planning application submitted by James Watters and Gateside Design on behalf of Mr. Steven Ferguson, seeking permission for a change of use from a disused water tank to a dwelling house, with alterations to the existing underground structure and the erection of a three storey house on its footprint. We note that the current plans are almost identical to previous planning applications for this site which were withdrawn by the applicant.

SITE SIGNIFICANCE

The designed landscape associated with Culross Abbey House has a long history stretching back to monastic times, when Abbey Park would have been part of the lands attached to the Cistercian Abbey of Culross, founded in 1217 AD. Following the dissolution of monasteries in the 16th century the Abbey Park became part of the policies of Culross Abbey House, built the Bruce family, later Earls of Elgin, at the beginning of the C17th. The late C17th terracing to the south of the house, seen in John Slezer's engraved view of the house, dating from c.1693, is seen to be part of a more extensive landscape characterised by rectangular parks, defined by field boundary planting, and cut through by straight avenues or vistas, as was the fashion at the time. This landscape, with strong east-west and north-south axes is clearly depicted on Roy's Military Survey of Scotland of c.1750. An avenue leading northwards is clearly seen in Slezer's view. Although later maps show that the northern avenue was lost for a period in the C19th, I understand that the avenue leading from the mansion house directly towards the application site was replanted with lime trees in 1998, with a view to re-establishing and strengthening the rectilinear landscape framework.

Thanks to its long history, stretching back several centuries, the designed landscape associated with Culross Abbey House is included in Historic Environment Scotland's

Inventory of Gardens and Designed Landscapes in Scotland (HES Ref. GDL 00123) in which it is judged to have ‘outstanding’ historical value, and as being of ‘high’ architectural and scenic value, giving it national significance. It is noteworthy that the development site lies within the boundary of the ***Inventory*** designed landscape as defined by Historic Environment Scotland.

NATIONAL PLANNING POLICY AND GUIDANCE

Having in mind Historic Environment Scotland’s policies for the protection of heritage assets, set out in the ***Historic Environment Policy for Scotland*** (2019), and in planning advice contained in the guidance notes on ***Managing Change in the Historic Environment on Gardens and Designed Landscapes*** (2016) and on ***Setting*** (2016), SGLH believes that the proposed development will both damage the integrity of the Culross Abbey House designed landscape, and detract from the setting of the Category ‘A’ Listed mansion house (HES Ref. LB 23964). Particular reference is made in the Historic Environment Scotland’s guidance on Gardens and Designed Landscapes to the protection of a site’s integrity, while the guidance on ‘Setting’ speaks of the need to identify and protect key views and vistas from intrusive development. At present, the underground nature the existing structure and the low height of the protective grass-covered bund means that the existing water tank is not seen in views from the house and core policies, so can hardly be described as a ‘building’. We believe that the erection of a three story dwelling house on the site of the water tank will be a visually disruptive feature intruding into a key vista aligned directly on the house.

With regard to wider views, SGLH believes that the proposed building will have a negative impact in outward views from the mansion house and policies, as well as from the Council’s adopted **Core Path 765** which runs across the Abbey Park ; also on inward views across the Abbey Park towards the mansion house from neighbouring roads and from the Council’s adopted **Core Path 766** which enjoys unobstructed panoramic views south over the Firth of Forth.

LOCAL PLAN POLICIES

Furthermore, SGLH believes that the development proposal is at odds with a number of policies to be found in Fife Council’s adopted FIFEplan (2017), namely ...

- POLICY 1 : DEVELOPMENT PRINCIPLES : Part B (10) – in that it fails to safeguard the character of the historic environment.
- POLICY 2 : HOMES (2) – that the site is not one of those identified in the development plan as being suitable for new housing.
- POLICY 8 : HOUSES IN THE COUNTRYSIDE (5) – that the erection of a completely new two storey dwelling house on the footprint of the water tank cannot be described as ‘the conversion of a complete or substantially complete existing building’.
- Policy 13 : NATURAL ENVIRONMENT AND ACCESS - that the Council will not support development which will detract from landscape character and views.
- Policy 14 : BUILT AND HISTORIC ENVIRONMENT: DESIGNATED SITES AND BUILDINGS – that it flies in the face of the Council’s policy which states that the Council will not support

proposals which will harm the setting of listed buildings or damage sites included in the *Inventory of Gardens and Designed Landscapes in Scotland*.

Furthermore, it is clear from photographs of the view down the avenue to Culross Abbey House, and the view across the site to the south west, submitted with the current applications that the ground immediately to the south of development site is open ground and not screening woodland, as the Location Plan seeks to imply.

SUMMARY AND CONCLUSION

The only difference between the current application and previous applications which were withdrawn by the applicant appears to be in the architectural style of the new house. SGLH disagrees with the claim that the building, albeit dressed up in a supposedly 'traditional' style, will complement the historic and rural character of the area.

It is SGLH's contention that this development will compromise the integrity of, and detract from the character of the nationally significant Culross Abbey House designed landscape, as well as having a negative impact on the wider landscape setting and views. It is also at odds with national planning policies and Historic Environment Scotland's planning guidance to do with the protection of the setting of listed buildings and historic gardens and designed landscapes, and with Fife Council's local plan policies concerned with development in the countryside and the protection of the historic and built environment. Given its prominent and exposed location on the ridge overlooking the Culross Abbey House policies, we do not think it possible to lessen the negative impact of the proposal through mitigation.

Accordingly, SGLH urges the Council to reject the application.

Yours faithfully,

Christopher Dingwall

Christopher Dingwall – BSc MA FRGS IHBC
Vice Chairman – Scotland's Garden & Landscape Heritage

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Erection of dwellinghouse

Case Officer: Emma Baxter

Customer Details

Name: Ms Rosamond Artis

Address: 62 Dewar Street, Dunfermline, Fife KY12 8AA

Comment Details

Commenter Type: Preservation Society

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Planning Services

Fife House

North Street

Glenrothes

KY7 5LT

19 July 2023

Dear Sir or Madam,

Application No. 23/01660/FULL

Conversion and extension to redundant water reservoir tank to form dwelling house

Former Reservoir north of Culross, Fife

Objections by Scottish Lime Centre Trust

We, the Scottish Lime Centre Trust object to the above application to form a dwellinghouse at the above address.

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

We understand that objections to previous applications of the same kind on the same site were made in March 2018 (17/04083/FULL), May 2020 (20/00831/FUL) and May 2021

(21/01145/FULL). There has been no material change to any planning policy or designation affecting the site since those dates and the application should be refused. This is the fourth attempt by the applicant to obtain planning consent for a proposal which is contrary to policies in NPF4 and the adopted FIFE plan and there are no material considerations which outweigh this conflict. The previous submissions were all withdrawn in the face of strenuous opposition. Although minor alterations have been made to the proposals which were previously submitted, the principle of defending one of the most important designed landscapes in Fife from inappropriate and intrusive development remains the same.

We note that the description of proposed development does not refer to "...associated vehicular access and parking". This omission makes the proposals even more contrary to policy and increases the case for refusal of the proposed development.

The development plan

The development plan covering the application site comprises a) National Planning Framework 4 (approved February 2023) together with the local development plan b) FIFE plan which was adopted by Fife Council on 21 September 2017.

a) National Planning Framework 4 ("NPF4")

Policy 7, Historic assets and places seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The application is not accompanied by any assessment of the impact of the proposal on Culross Abbey House and the designated nationally important Garden and Designed Landscape which covers the application site. Part i) of Policy 7 states:

"Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting."

The proposal would not protect, preserve or enhance the cultural significance, character or integrity of Culross Abbey House or the designated Garden and Designed Landscape which surrounds the house and includes the application site. The proposal would have a significantly harmful impact on important views to, from and within the designated area and on the setting of Culross Abbey House.

Policy 17 Rural homes encourages, promotes and seeks to facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. The application site does not lie within, or close to, an existing settlement and the existing structure is not of sufficient vernacular importance or quality to justify re-use and extension to create a new dwelling in the countryside.

Policy 29 Rural development seeks to encourage rural activity whilst ensuring that the distinctive character of the rural area, natural assets and cultural heritage are safeguarded and enhanced. The proposed development would harm the rural character around Culross and the important cultural heritage of the Abbey and its setting.

b) FIFEplan

There are a range of policies in FIFEplan covering development principles, homes, housing in the countryside, amenity and the built and historic environment which apply to this proposal.

Policy 1: Development Principles

Development proposals will be supported if they conform with policies and proposals in the plan.

The site is not within a defined settlement boundary and is not in a location where the proposed use is supported by the LDP. Part A of Policy 1 allows for proposals which do not comply with the main criteria of Policy 1 if they are housing which is on an un-allocated site but which accords with Policy 2 on Homes or is for employment land. The proposals do not accord with either of these categories.

Part B of Policy 1 also requires proposals to safeguard the character and qualities of the landscape (point 7 of Part B of policy 1) and to safeguard the characteristics of the historic environment, including archaeology (point 10 of Part B of Policy 1). The proposals do not safeguard either the landscape or historic environment and are therefore contrary to Policy 1.

Policy 2: Homes

The application site is not allocated for housing and therefore must comply with the other policies in the LDP for the location in order to comply with Policy 2. There is a heritage designation of national importance covering the application site and a landscape protection designation around it and the proposal for a new dwellinghouse would not comply with these designations. The proposal therefore does not comply with Policy 2.

Policy 7 Development in the Countryside and Policy 8 Houses in the Countryside

Policy 7 states that proposals for housing in the countryside must comply with Policy 8 and in all cases development must:

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

The existing structure is discreetly embedded in the landscape and predominantly underground. In its current form and appearance, it has a low visual impact as illustrated by the photographs which accompany the application. Whilst the height of the proposals are effectively 2 storeys above ground, the scale of the proposed dwelling sited on top of the existing structure would appear isolated and incongruous in the area. There are no other buildings or structures nearby.

The site is not situated near public transport and is therefore in an unsustainable location. The proposal's design would mean that the structure would be visually unacceptable and would not safeguard either the overall landscape or environmental quality of the area.

Core paths P766/02 and P765/03 run to the east of the application site within a designated "Existing Green Network Asset" area. The proposals would radically change the character and appearance of the area and impact harmfully on the views experienced by users of the core paths.

Policy 8 sets out nine categories of potentially acceptable cases for development of houses in the countryside. Category 5 states:

"It is for the rehabilitation and/or conversion of a complete or substantially complete existing building".

The policy states that:

"In all cases, development must be:

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

Compared to the existing low-rise structure enclosed by sloping soil bunds, the proposed dwellinghouse would be obtrusive in the landscape and harm views of those using the core paths close to the site.

The proposal is out of scale and incompatible with the open character of the surrounding area and is not well-located in respect of available infrastructure. Development in this location would harm the overall landscape and environmental quality of the area. The proposal represents sporadic and ad-hoc development in the countryside which would detract from the rural landscape character and its qualities.

The proposed site layout drawing AC/SF/002 shows 3 car parking spaces between the house and the roadway. The space adjacent to the road is unworkable and would not allow safe egress from the site, with regard to visibility.

The change of use of the former reservoir structure and addition of two storeys would harm the appearance and character of the surrounding area in terms of its appearance, design and siting. The existing structure does not have any architectural merits that justify the proposals put forward in this application. The proposal does not respect the structure's original character or design.

Policy 8 is about preserving traditional buildings that are important to the character of the countryside. The structure has no architectural merits and the extension proposals are unjustified in this location.

The proposals are therefore contrary to Policies 7 and 8.

Policy 10: Amenity

This policy requires that proposals do not have a significant detrimental impact on the amenity of existing land uses or proposed land uses:

"3. Noise, light and odour pollution and other nuisances, including shadow flicker from wind turbines.

7. The visual impact of the development on the surrounding area."

The proposal would introduce noise and light pollution into an area in which there is no development, thereby creating a harmful impact on amenity.

The proposal does not treat its setting and surroundings with such consideration. There is no attempt to conceal the mass of the building and immerse it in the landscape. It sits on the landscape, not within it. As such, it has a negative impact on the views, both to and from the site.

For the reasons already given above, the proposals would cause harm to the prevailing amenities in the area.

Policy 13: Natural Environment and Access

In order to comply with this policy, development proposals have to protect or enhance natural heritage and access assets. These assets include designated Local Landscape Areas and landscape character and views and green networks and greenspaces.

The application site is surrounded by a designated Local Landscape Area and the proposals are detrimental to the character and quality of the landscape.

Policy 14: Built and Historic Environment

Development proposals will not be supported where it is considered they will harm or damage:

"sites recorded in the Inventory Historic Gardens and Designed Landscapes and other non-inventory gardens and designed landscapes of cultural and historic value;"

The application site lies within the boundary of Culross Abbey House garden and designed landscape. Historic Environment Scotland have produced a document showing the extent of the designated area together with a description of the designated area from the Inventory. This means that the designated area is of national importance. The proposed development would harm the setting of Culross Abbey house and is therefore contrary to the designation as a garden and designed landscape. As a consequence, the proposal conflicts with policy 14 of the LDP.

The application site is surrounded on three sides in the LDP by designation as an "Existing Green Network Asset". The designated area extends to include Culross Abbey House and remains of Culross Abbey and policies. This proposal would harm the setting of the area designated as an existing green network asset and is therefore contrary to Policy 14.

Impact on the setting of the category A listed Culross Abbey House and other listed structures within the Culross Abbey Garden and Designed Landscape

The application site sits on a ridge of higher ground forming the northern boundary of the protected designed landscape. A dwelling of 2 storeys (including the basement) in this position would be a prominent visual intrusion and compete visually and conflict with Culross Abbey House situated on lower ground south of the application site. In this way the proposal would harm the setting of Culross Abbey House.

The former water tank sits within a designed landscape at a location offering stunning views over Culross Abbey, the Firth of Forth and the Lothians beyond. It is no accident that the tank is buried. It is a certainty that Scottish Water were instructed to conceal the tank below ground to protect the views, the designed landscape and the surroundings from the visual intrusion of a significant concrete structure.

There are other listed buildings on the Culross Abbey Estate in addition to the Abbey House which are located within the designed landscape and their setting will also be harmed by the proposed dwellinghouse. These are the stables and gate piers and the west lodge which is formed from the gable of the 12th c Abbey gatehouse.

Ground instability

We note that the summary of the coal mining risk assessment concludes that the application site is at a high risk of mining related ground instability at the ground surface due to the recorded presence of coal seams of workable thickness and identified workings beneath the site estimated to lie at shallow depth. There is clear evidence of ad hoc mining activity in the parkland to the south of the site which indicates that bell pits have been sunk, and drift mining has taken place here. Planning permission for a new dwellinghouse in this location should not be granted in view of the severe risk of ground instability.

Material considerations

There are no material considerations which would outweigh the proposal's conflict with Policies 7, 17 and 29 in NPF4 and Policies 1,2,7,8,13 and 14 in the adopted FIFEplan.

Ballantrae water works, South Ayrshire

We are also aware of a Scottish Ministers' decision on a case involving a proposal for change of use, alterations and extension to a water tank to form a dwellinghouse in South Ayrshire. The proposals were determined as being contrary to the Council's development plan policies and their Rural Housing supplementary planning guidance. We consider that the circumstances in the case are comparable to the current proposals in application 23/01660/FULL.

The following comments were made at paragraph 6.1 in the Reporter's overall conclusions about the proposal:

"6.1 Above I concluded that the proposal does not comply with development plan policies on development in the countryside, principally because the existing water tank is not a traditional vernacular building and does not have particular architectural merit. The proposal is also contrary to the development plan policies concerning sustainable development and strategic roads by reason of its detrimental impact on road safety. Although the proposal represents a relatively successful landscape fit, and so complies with the plan's landscape protection policy, on balance I do not consider that this consideration is sufficient, on its own, to outweigh the conflict with other important policies of the plan. I therefore conclude that overall the application is contrary to the development plan".

The same reasoning applies to the current proposals in application 23/01660/FULL.

Summary

The existing structure is low-rise and unobtrusive. The proposal involves significant alterations and extensions to create a new dwellinghouse in open countryside which has no planning policy justification. None of the character of this simple structure is retained; in effect this is a new 3-bed house in open countryside which would harm the Culross Abbey House historic landscape of national importance, the setting of Culross Abbey House and other listed structures, the surrounding green network asset and enjoyment of users of adjacent core paths.

We therefore request that the proposals are refused planning permission.

Yours faithfully,

Rosamond Artis MRICS IHBC RICS Certified Historic Building Professional
Director

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Case Officer: Emma Baxter

Customer Details

Name: Mrs Lora Graham

Address: Autumn Cottage, Tanhouse Brae, Culross Dunfermline, Fife KY12 8HX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:RE: Planning Application 23/01660/Full: Former Reservoir North of Culross, Fife

I wish to make you aware of a number of strong objections that I have with regards to this proposed dwelling (Former Reservoir North of Culross, Fife). As a resident of Culross and home owner, I am of the view that this new build will have a serious impact on the immediate area, as well as Culross Village.

I. This dwelling will harm the character of Culross and its environs. Out of character of the area, to the detriment of the local environment.

II. The proposed dwelling would have a detrimental impact to the countryside with a loss of valuable open space.

III. The proposed dwelling, (and especially a 2+ story) will be a blight on an otherwise peaceful and enchanting drive many villagers and tourists alike make on a daily basis, into the Royal Burgh of Culross.

I would appreciate it if the council would take my objections into consideration when deciding this application.

Sincerely,

Lora Graham



Planning Services
Fife House
North Street
Glenrothes
KY7 5LT

26th July 2023

Dear Sir or Madam,

**Application No. 23/01660/FULL
Conversion and extension to redundant water reservoir tank to form dwelling house
Former Reservoir north of Culross, Fife
Objections by The Trustees of the Elgin Heirs Trust**

We are instructed by The Trustees of the Elgin Heirs Trust to object to the above application to form a dwellinghouse at the above address.

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

The applicant has failed to provide a statutory notice about the proposal in the vicinity of the site.

We lodged objections to previous applications of the same kind on the same site in March 2018 (17/04083/FULL), May 2020 (20/00831/FUL) and May 2021 (21/01145/FULL). **There has been no material change to any planning policy or designation affecting the site since those dates and the application should be refused.** This is the fourth attempt by the applicant to obtain planning consent for a proposal which is contrary to policies in NPF4 and the adopted FIFEplan and there are no material considerations which outweigh this conflict. The previous submissions were all withdrawn in the face of strenuous opposition. Although minor alterations have been made to the proposals which were previously submitted, the principle of defending one of the most important designed landscapes in Fife from inappropriate and intrusive development remains the same.

We note that the description of proposed development does not refer to "...associated vehicular access and parking". This omission makes the proposals even more contrary to policy and increases the case for refusal of the proposed development.

The development plan

The development plan covering the application site comprises a) National Planning Framework 4 (approved February 2023) together with the local development plan b) FIFEplan which was adopted by Fife Council on 21 September 2017.

a) National Planning Framework 4 (“NPF4)

Policy 7, Historic assets and places seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

The application is not accompanied by any assessment of the impact of the proposal on Culross Abbey House and the designated nationally important Garden and Designed Landscape which covers the application site. Part i) of Policy 7 states:

“Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.”

The proposal would not protect, preserve or enhance the cultural significance, character or integrity of Culross Abbey House or the designated Garden and Designed Landscape which surrounds the house and includes the application site. The proposal would have a significantly harmful impact on important views to, from and within the designated area and on the setting of Culross Abbey House.

Policy 17 Rural homes encourages, promotes and seeks to facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. The application site does not lie within, or close to, an existing settlement and the existing structure is not of sufficient vernacular importance or quality to justify re-use and extension to create a new dwelling in the countryside.

Policy 29 Rural development seeks to encourage rural activity whilst ensuring that the distinctive character of the rural area, natural assets and cultural heritage are safeguarded and enhanced. The proposed development would harm the rural character around Culross and the important cultural heritage of the Abbey and its setting.

b) FIFEplan

There are a range of policies in FIFEplan covering development principles, homes, housing in the countryside, amenity and the built and historic environment which apply to this proposal.

Policy 1: Development Principles

Development proposals will be supported if they conform with policies and proposals in the plan.

The site is not within a defined settlement boundary and is not in a location where the proposed use is supported by the LDP. Part A of Policy 1 allows for proposals which do not comply with the main criteria of Policy 1 if they are housing which is on an unallocated site but which accords with Policy 2 on Homes or is for employment land. The proposals do not accord with either of these categories.

Part B of Policy 1 also requires proposals to safeguard the character and qualities of the landscape (point 7 of Part B of policy 1) and to safeguard the characteristics of the historic environment, including archaeology (point 10 of Part B of Policy 1). The proposals do not safeguard either the landscape or historic environment and are therefore contrary to Policy 1.

Policy 2: Homes

The application site is not allocated for housing and therefore must comply with the other policies in the LDP for the location in order to comply with Policy 2. There is a heritage designation of national importance covering the application site and a landscape protection designation around it and the proposal for a new dwellinghouse would not comply with these designations. The proposal therefore does not comply with Policy 2.

Policy 7 Development in the Countryside and Policy 8 Houses in the Countryside

Policy 7 states that proposals for housing in the countryside must comply with Policy 8 and in all cases development must:

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

The existing structure is discreetly embedded in the landscape and predominantly underground. In its current form and appearance, it has a low visual impact as illustrated by the photographs which accompany the application. Whilst the height of the proposals are effectively 2 storeys above ground, the scale of the proposed dwelling sited on top of the existing structure would appear isolated and incongruous in the area. There are no other buildings or structures nearby.

The site is not situated near public transport and is therefore in an unsustainable location. The proposal's design would mean that the structure would stick out like a

proverbial “sore thumb” and would not safeguard either the overall landscape or environmental quality of the area.

Core paths P766/02 and P765/03 run to the east of the application site within a designated “Existing Green Network Asset” area. The proposals would radically change the character and appearance of the area and impact harmfully on the views experienced by users of the core paths.

Policy 8 sets out nine categories of potentially acceptable cases for development of houses in the countryside. Category 5 states:

“It is for the rehabilitation and/or conversion of a complete or substantially complete existing building”.

The policy states that:

“In all cases, development must be:

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

Compared to the existing low-rise structure enclosed by sloping soil bunds, the proposed dwellinghouse would be obtrusive in the landscape and harm views of those using the core paths close to the site.

The proposal is out of scale and incompatible with the open character of the surrounding area and is not well-located in respect of available infrastructure. Development in this location would harm the overall landscape and environmental quality of the area. The proposal represents sporadic and ad-hoc development in the countryside which would detract from the rural landscape character and its qualities.

The proposed site layout drawing AC/SF/002 shows 3 car parking spaces between the house and the roadway. The space adjacent to the road is unworkable and would not allow safe egress from the site, with regard to visibility.

The change of use of the former reservoir structure and addition of two storeys would harm the appearance and character of the surrounding area in terms of its appearance, design and siting. The existing structure does not have any architectural merits that justify the proposals put forward in this application. The proposal does not respect the structure’s original character or design.

Policy 8 is about preserving traditional buildings that are important to the character of the countryside. The structure has no architectural merits and the extension proposals are unjustified in this location.

The proposals are therefore contrary to Policies 7 and 8.

Policy 10: Amenity

This policy requires that proposals do not have a significant detrimental impact on the amenity of existing land uses or proposed land uses:

“3. Noise, light and odour pollution and other nuisances, including shadow flicker from wind turbines.

7. The visual impact of the development on the surrounding area.”

The proposal would introduce noise and light pollution into an area in which there is no development, thereby creating a harmful impact on amenity.

The proposal does not treat its setting and surroundings with such consideration. There is no attempt to conceal the mass of the building and immerse it in the landscape. It sits on the landscape, not within it. As such, it has a negative impact on the views, both to and from the site.

For the reasons already given above, the proposals would cause harm to the prevailing amenities in the area.

Policy 13: Natural Environment and Access

In order to comply with this policy, development proposals have to protect or enhance natural heritage and access assets. These assets include designated Local Landscape Areas and landscape character and views and green networks and greenspaces.

The application site is surrounded by a designated Local Landscape Area and the proposals are detrimental to the character and quality of the landscape.

Policy 14: Built and Historic Environment

Development proposals will not be supported where it is considered they will harm or damage:

“sites recorded in the Inventory Historic Gardens and Designed Landscapes and other non-inventory gardens and designed landscapes of cultural and historic value;”

The application site lies within the boundary of Culross Abbey House garden and designed landscape. Attached is a plan (**Document 1**) produced by Historic Environment Scotland showing the extent of the designated area together with a description of the designated area from the Inventory. This means that the designated area is of national importance. The proposed development would harm the setting of

Culross Abbey house and is therefore contrary to the designation as a garden and designed landscape. As a consequence, the proposal conflicts with policy 14 of the LDP.

The application site is surrounded on three sides in the LDP by designation as an “Existing Green Network Asset”. The designated area extends to include Culross Abbey House and remains of Culross Abbey and policies. This proposal would harm the setting of the area designated as an existing green network asset and is therefore contrary to Policy 14.

The applicant has compared the proposal to the former North Lodge, a building which appears on the 1st Edition OS map about 300 metres to the east of the proposed site. (See **Document 2** showing location of former North Lodge). This former lodge became redundant when the turnpike road was built in the 1820s, opening a new east drive to the Abbey House. The applicant’s intended dwelling is incomparable in size and scale to the old North Lodge, which was no more than a single storey, single room bothy, which fitted unobtrusively into the surrounding landscape.

Impact on the setting of the category A listed Culross Abbey House and other listed structures within the Culross Abbey Garden and Designed Landscape

The application site sits on a ridge of higher ground forming the northern boundary of the protected designed landscape. A dwelling of 2 storeys (including the basement) in this position would be a prominent visual intrusion and compete visually and conflict with Culross Abbey House situated on lower ground south of the application site. In this way the proposal would harm the setting of Culross Abbey House.

The former water tank sits within a designed landscape at a location offering stunning views over Culross Abbey, the Firth of Forth and the Lothians beyond. It is no accident that the tank is buried. It is a certainty that Scottish Water were instructed to conceal the tank below ground to protect the views, the designed landscape and the surroundings from the visual intrusion of a significant concrete structure.

There are other listed buildings on the Culross Abbey Estate in addition to the Abbey House which are located within the designed landscape and their setting will also be harmed by the proposed dwellinghouse. These are the stables and gate piers and the west lodge which is formed from the gable of the 12th c Abbey gatehouse. The “Descriptions” of these buildings taken from the Historic Environment Scotland website are attached as **Document 3**.

Ground instability

We note that the summary of the coal mining risk assessment concludes that the application site is at a high risk of mining related ground instability at the ground surface due to the recorded presence of coal seams of workable thickness and identified workings beneath the site estimated to lie at shallow depth. There is clear evidence of ad hoc mining activity in the parkland to the south of the site which

indicates that bell pits have been sunk, and drift mining has taken place here. Planning permission for a new dwellinghouse in this location should not be granted in view of the severe risk of ground instability.

Material considerations

There are no material considerations which would outweigh the proposal's conflict with Policies 7, 17 and 29 in NPF4 and Policies 1,2,7,8,13 and 14 in the adopted FIFEplan.

Ballantrae water works, South Ayrshire

Attached as **Document 4** is a Scottish Ministers' decision on a case involving a proposal for change of use, alterations and extension to a water tank to form a dwellinghouse in South Ayrshire. The proposals were determined as being contrary to the Council's development plan policies and their Rural Housing supplementary planning guidance. We consider that the circumstances in the case are comparable to the current proposals in application 23/01660/FULL.

The following comments were made at paragraph 6.1 in the Reporter's overall conclusions about the proposal:

"6.1 Above I concluded that the proposal does not comply with development plan policies on development in the countryside, principally because the existing water tank is not a traditional vernacular building and does not have particular architectural merit. The proposal is also contrary to the development plan policies concerning sustainable development and strategic roads by reason of its detrimental impact on road safety. Although the proposal represents a relatively successful landscape fit, and so complies with the plan's landscape protection policy, on balance I do not consider that this consideration is sufficient, on its own, to outweigh the conflict with other important policies of the plan. I therefore conclude that overall the application is contrary to the development plan".

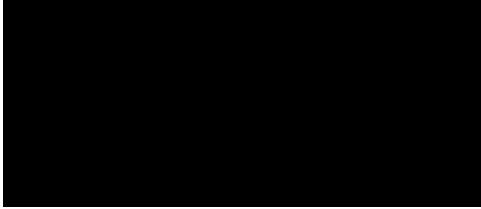
The same reasoning applies to the current proposals in application 23/01660/FULL.

Summary

The existing structure is low-rise and unobtrusive. The proposal involves significant alterations and extensions to create a new dwellinghouse in open countryside which has no planning policy justification. None of the character of this simple structure is retained; in effect this is a new 3-bed house in open countryside which would harm the Culross Abbey House historic landscape of national importance, the setting of Culross Abbey House and other listed structures, the surrounding green network asset and enjoyment of users of adjacent core paths.

We therefore request that the proposals are refused planning permission.

Yours faithfully,



Andrew McCafferty

Document 1

Plan and accompanying description produced by Historic Environment Scotland showing the extent of Culross Abbey House and Gardens included in the Inventory of Gardens & Designed Landscapes

Culross Abbey House

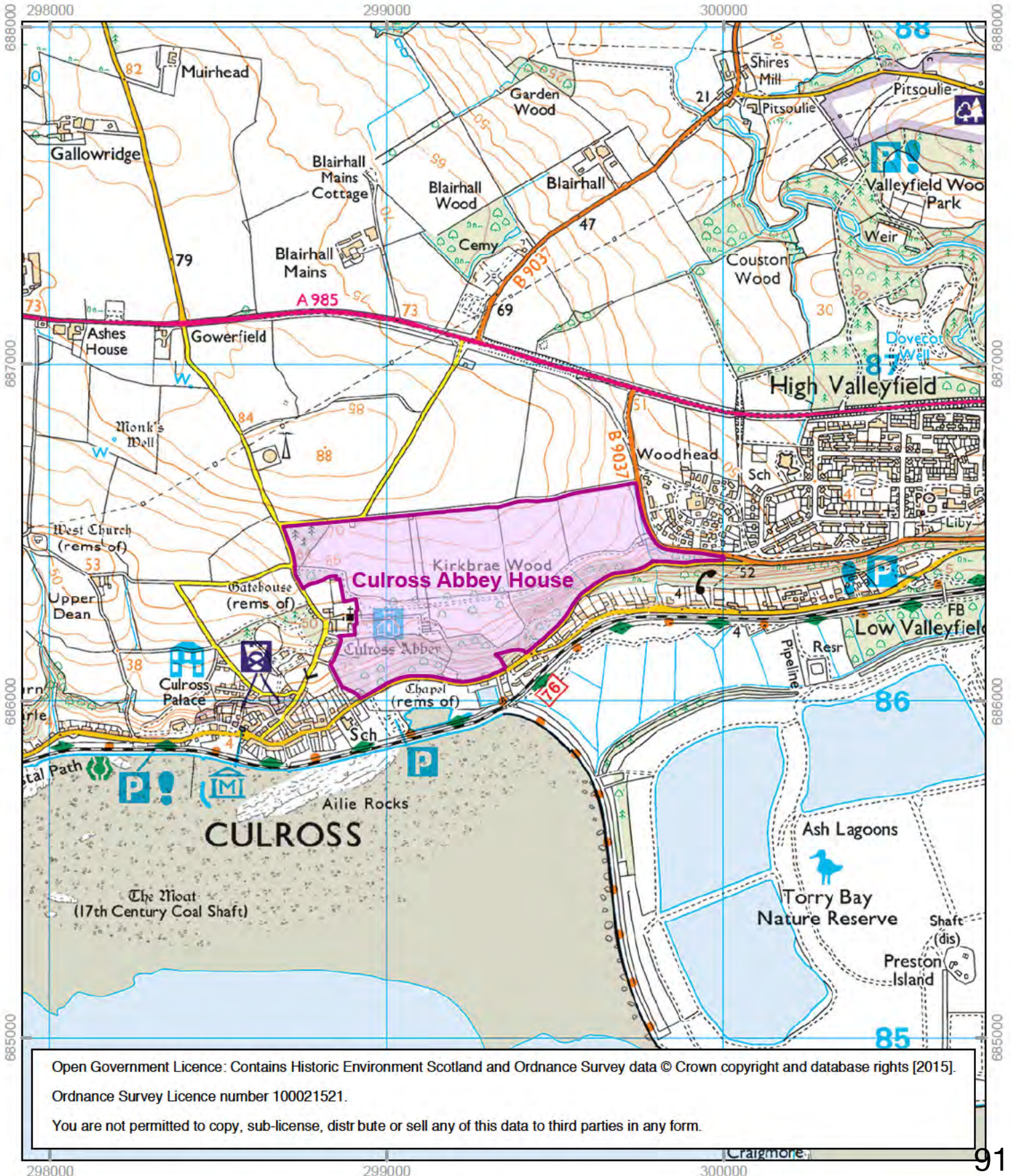
Designation Reference: GDL00123

Date of Inclusion: 01/07/1987

Council: Fife

Map Scale: 1:15,000

 Garden and Designed Landscape Boundary



Open Government Licence: Contains Historic Environment Scotland and Ordnance Survey data © Crown copyright and database rights [2015].


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CULROSS ABBEY HOUSE GDL00123

Status: Designated

Documents

 [Map Map for CULROSS ABBEY HOUSE \(GDL00123\)
\(http://portal.historicenvironment.scot/document/600000527\)](http://portal.historicenvironment.scot/document/600000527)

Summary

Information	Location	National Grid Reference
Category: N/A	Local Authority: Fife	NGR: NS 99246 86360
Date Added: 01/07/1987	Parish: Culross	Coordinates: 299246, 686360

Summary

Situated in the village of Culross, the garden terraces date from 1693, and are still a major part of the structure today. This landscape is also notable for its shrub rose collection, well documented history, and scenically impressive parkland.

Importance of Site

A site included in the Inventory is assessed for its condition and integrity and for its level of importance. The criteria used are set out in Annex 5 of the Scottish Historic Environment Policy (December 2011). The principles are represented by the following value-based criteria and we have assigned a value for each on a scale ranging from outstanding value to no value. Criteria not applicable to a particular site have been omitted. All sites included in the Inventory are considered to be of national importance.

Work of Art

Value: High

The present design of the terraced garden and the use of plant material gives Culross Abbey House high value as a Work of Art. It was also regarded as being a Work of Art earlier in its history.

Historical

Value: Outstanding

The site has outstanding value based on its associations with the Earls of Elgin and Dundonald, on the evidence provided by the Slezer engraving, and on written reports of the early landscape, eg by Lord Kellie in 1664.

Horticultural, Arboricultural, Silvicultural

Value: Outstanding

The collection of shrub roses gives this site outstanding Horticultural value.

Architectural

Value: High

The designed landscape provides the setting for the Abbey House, which is listed B, and for the estate walls, giving it high Architectural value.

Scenic

Value: High

The Park and Woodland are important scenically from the B9037.

Nature Conservation

Value: High

The site has high value for Nature Conservation based on the age of the lime trees in the avenues, and the woodland which is largely undisturbed.

Archaeological

Value: Not Assessed

Location and Setting

Culross Abbey House stands on the north-eastern edge of the Royal Burgh of Culross some 7 miles (11km) west of Dunfermline. The site is bounded to the west by Culross Abbey and its adjacent grounds, to the south by the B9037 and to the east by a B road which links the latter with the A985(T). Culross lies deep within the Firth of Forth on its northern shore some 8km east of the mouth of the River. The Abbey House stands on the south-facing hill above Culross, enjoying a mild climate but exposed to winds from the south-west. Soil conditions are slightly acid loam. The immediate surrounding landscape to the north and west is agricultural. Just over 1km to the east, the estate of Valleyfield has largely been developed for local authority housing. To the south west, 6km across the estuary, the shoreline beyond the town of Grangemouth has been developed with the Oil Refinery, Sewage and Chemical Works. The estuary and the developments on its southern shores are prominent from the designed landscape of Culross Abbey House, which itself is moderately significant from the B9037 to the south. Views are obtained south across to the Pentland Hills on a clear day.

Culross Abbey House is situated to the east of Culross Abbey, the surrounding walls of which form the western boundary of the site. The designed landscape extends north to a now disused access road which in c.1850 formed the Parliamentary and Municipal Boundary. To the east and south, the landscape extends to the B9037. Reference to John Slezer's perspective view of 1693 suggests that the designed landscape was once enclosed by walls to the south and north of the house and was extended north and east by lime avenues on either side of access drives. The 1st edition OS map of c.1850 shows that the landscape expanded on either side of these avenues to include the parkland and the Kirkbrae plantation on the southern boundary. The designed landscape now includes some 112 acres (45ha).

Site History

The terraced gardens were laid out in the late 17th century as were the original lime avenues, shown on the 1693 engraving by John Slezer. The landscape was allowed to decay in the early 19th century but was later reconstructed as a comparison of General Roy's map of c.1750 and the 1st edition OS map of c.1860 shows. It declined again after the death of Robert Preston but, following World War II, the house and gardens were restored by Lord and Lady Elgin.

Culross Abbey House was commissioned by Sir Edward Bruce, 1st Lord Kinloss in 1608. His brother, Sir George was a pioneer of the town's coal industry and built Culross Palace between 1597 and 1611. Sir Edward died in 1610, and the Abbey House was completed by his successors. Sir Alexander Bruce, 2nd Earl of Kincardine, added the third storey to the house and, with the aid of his Dutch wife, Veronica Van Sommelsdyke, laid out the terraced gardens. Tulips planted by her re-appear annually on the grass banks south of the house. He was a cousin of Sir William Bruce but there is no evidence to support the possibility that he was consulted on the design of the house. In 1680 Sir Alexander died and was succeeded by his son who died unmarried and the estate passed to his sister, Lady Mary Bruce. Through her marriage to William Cochrane of Ochiltree, the estate passed to the Earls of Dundonald. The 10th Earl, born in 1775, was Admiral Lord Thomas Cochrane, the distinguished British 'Seaman' who was buried at Westminster Abbey in 1860. In the early 19th century his father, the 9th Earl, who was impoverished by experiments in extracting gas and tar from coal, went to live in London and sold the estate to a cousin, Sir Robert Preston of Valleyfield. He removed the roof of the house and left it until 1830 when he reconstructed the interior and restored the house, adding an extension to the north of the house; his coat of arms are above the door on the north front. A photograph in 1835 shows that the formal gardens in front of the house had disappeared by this date. When he died in 1860 without children, the estate reverted to the Earls of Elgin and Kincardine, but Lord Elgin was then viceroy of India and did not use the house which was found to be riddled with dry rot and it was again abandoned. Some 60 years later, in 1952, the house was remodelled to its original 1610 proportions by Robert Hurd for Lord and Lady Elgin, who also planted the gardens and established the now renowned collection of old roses. Lady Elgin had family connections of her own with Culross Abbey House as the granddaughter of the 11th Earl of Dundonald. Today Culross Abbey House remains the residence of the now Dowager Countess of Elgin although the estate is under the ownership of the 11th Earl of Elgin, 15th Earl of Kincardine.

Landscape Components

Architectural Features

Culross Abbey House, listed B, was built in 1608 and enlarged in 1670. The architect is unknown. It was reconstructed after a period of decline in 1830 and reduced to its original early 17th century proportions in 1952.

The Garden House, listed B, is a vaulted recess in the terraced garden wall. It is dated 1674. The West Lodge, listed B, is thought to be 18th century but rebuilt in the 19th century. There is also an East Lodge with ornamented gateposts.

Parkland

The Parkland was laid out prior to the mid-18th century and extended eastwards between this time and c.1860 as comparison of General Roy's map and the 1st edition OS map shows. The Parkland which now exists due south of the house and Gardens was originally the Abbey Orchard and is illustrated in John Slezer's engraving of 1693. This also shows an avenue extending east from the house and one running north from it along the edge of a woodland to the north of the house. The east avenue is described in *Gardeners' Magazine* of 1842 as being composed of lime trees 'of a great age'. Of the trees which remain today some are probably of the original 17th century planting. The avenue is now a farm access track. On the line of the north avenue, oak and maple species remain around 250 years old, and some beech around 110 years old. The road is not indicated on the 1st or 2nd edition OS maps, suggesting that it had been removed pre-1850 although a lodge is marked on

the northern boundary on the former main road. Throughout the parks, trees include varieties of oak, sycamore and elm of around 250 and 150 years old. Some sycamore and horse chestnut species on the west drive are around 100 years old.

Woodland

The Woodland known as Kirkbrae Wood, lies on the southern boundary of the site between the B9037 and the east drive as far as Robertson Park and extends west along the edge of an escarpment as far as the terraced gardens. It is indicated on the 1st edition OS although most trees today appear to be less than 100 years old. Species are mixed deciduous. A small area of woodland, now a young coniferous plantation, remains on the north-west corner of the park. It used to extend along the northern boundary of the site as shown on the 1st edition OS map.

The Gardens

Slezer's drawing of 1693 shows a series of three terraced compartments to the south of the house. The Gardeners' Magazine of 1842 describes a terraced walk bordered by a high wall of pear trees next to the house and 'a number of lower terraces, slopes and platforms, of great antiquity, some with stone steps, balustrades and vases and among them some very old fruit trees ...'. This terraced walk, some 145 yards long, remains, leading to the summerhouse of 1674. Part of the wall retaining the terrace had subsided this summer. On either side of the walk, Lady Elgin established her collection of shrub roses which includes all *Rosa rugosa* sub-species and all hybrid musks.

The terraced gardens to the south of the house have been remodelled and are now largely lawn with hydrangeas, azaleas, and other shrubs planted to highlight the landform, and to ensure that there is always some plant in flower throughout the year. Records have been kept by Lady Elgin of all plantings. An informal perimeter walk runs along the southern edge of the garden and returns to the house by a grass ramp which runs from the sunken lawn up to the formal paved terrace at the south front of the house. The bowling green is on the right of this ramp below the terrace.

Walled Gardens

The kitchen garden lies at the south-east corner of the terraced gardens, walled on the north and east sides, open to the south and west. It was built by Sir Robert Preston and has a double wall for heating. The Gardener's Cottage was lived in at that time by David Douglas who was gardener at Valleyfield before he became a famous plant collector. The garden is now unused, although some of the original box hedging enclosures remain, as do some fruit trees on the walls. An orchard is situated in the south-west corner of the garden.

References

Bibliography

Sources

Printed Sources

Listings

CL, May 16th 1957

G.A. Little, 1981

GM, 1842

S. Forman, SF, Sept 1957

S. Forman, SCH & C, 1967

About Designations

Inventory of Gardens and Designed Landscapes

Historic Environment Scotland is responsible for the designation of buildings, monuments, gardens and designed landscapes and historic battlefields. We also advise Scottish Ministers on the designation of historic marine protected areas.

The inventory is a list of Scotland's most important gardens and designed landscapes. We maintain the inventory under the terms of the Ancient Monuments and Archaeological Areas Act 1979.

We add sites of national importance to the inventory using the criteria published in the Historic Environment Scotland Policy Statement.

The information in the inventory record gives an indication of the national importance of the site(s). It is not a definitive account or a complete description of the site(s). The format of records has changed over time. Earlier records may be brief and some information will not have been recorded.

Enquiries about development proposals, such as those requiring planning permission, on or around inventory sites should be made to the planning authority. The planning authority is the main point of contact for all applications of this type.

Find out more about the inventory of gardens and designed landscapes and our other designations at www.historicenvironment.scot. You can contact us on 0131 668 8716 or at designations@hes.scot.

Images (2)



Printed: 23/03/2018 14:41

Interleave 2

**Extract from the 1st Edition OS map showing location of former
North Lodge compared with application site**

SITE OF
FORMER NORTH
LODGE



APPLICATION
23/01660/FULL
SITE



Document 3

**Descriptions of the stables, gate piers and west lodge from Historic Environment Scotland
listed building records**

Listed Building

The only legal part of the listing under the Planning (Listing Buildings and Conservation Areas) (Scotland) Act 1997 is the address/name of site. Addresses and building names may have changed since the date of listing – see 'About Listed Buildings' below for more information. The further details below the 'Address/Name of Site' are provided for information purposes only.

Address/Name of Site

CULROSS, CULROSS ABBEY HOUSE POLICIES, STABLES AND GATEPIERS

LB48804

Status: Designated

Documents

There are no additional online documents for this record.

Summary

Category B	Local Authority Fife	NGR NS 99117 86226
Group Category Details 100000020 - see notes	Planning Authority Fife	Coordinates 299117, 686226
Date Added 02/08/2002	Burgh Culross	

Description

Later-late 19th century. 2-storey, 4-bay, rectangular-plan stables and house. Forestair; dormer windows. Tooled rubble sandstone; ashlar quoins and margins.

N (PRINCIPAL) ELEVATION: advanced forestair from left at 3rd bay; stone balustrade; ashlar coping stones. 1st floor door; round-headed dormerhead breaking eaves; 2 1st floor dormers to left of door, 1 to right; pitched dormerheads breaking eaves to windows. 2 ground floor windows to right;

narrow horizontal vent to right. Half-arch beneath forestair; 2 further vents to right of forestair; door to far right.

E ELEVATION: plain gable elevation.

S ELEVATION: ground floor window to right; door to left; 1st floor bipartite dormer window breaking eaves above ground floor window; stone mullion. Left of elevation partially seen, 2001. Door to left; 2 1st floor dormer windows breaking eaves; pitched dormerheads to windows. 2 vents to left blocked up.

W ELEVATION: plain gable wall at 1st floor; ground floor not seen, 2001.

Replacement timber glazed door to N; timber boarded doors to S. 12-pane timber sash and case windows with horns. Pitched, slate roof, laid in diminishing courses; crowstepped gables. Coped gable apex stacks; ridge stack off-centre to E.

INTERIOR: not seen, 2001.

GATEPIERS

Square-plan gatepiers to S of E gable; pyramidal coping stones; short section of wall connects gatepier to building.

Statement of Special Interest

B-Group with Culross Abbey House, Culross Abbey House Policies, Garden House and East and West Lodges. Although not seen, the ground floor to the W contains the (now redundant) stables with timber partitions and stone floor, 2001. Flatted accommodation above the stables, reached by the forestair and separate house accommodation in the E of the building, accessed by the

S door. Access to the stables is reached by the left door in the S elevation. Some stone pavers remain in the rear yard. There are also roofless remains of buildings in the yard, behind the stables. The building is not depicted on the 1860 1st Edition Ordnance Survey map, however it is shown on the 1922 Ordnance Survey map. The crowstepped gables and forestair echo features which are common to many of the 17th and 18th century houses of Culross.

References

Bibliography

Ordnance Survey Map, 1922; additional information courtesy of the occupant, 2001.

About Listed Buildings

Historic Environment Scotland is responsible for designating sites and places at the national level. These designations are Scheduled monuments, Listed buildings, Inventory of gardens and designed landscapes and Inventory of historic battlefields.

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We list buildings which are found to be of special architectural or historic interest using the selection guidance published in [Designation Policy and Selection Guidance \(2019\)](#)

Listed building records provide an indication of the special architectural or historic interest of the listed building which has been identified by its statutory address. The description and additional information provided are supplementary and have no legal weight.

These records are not definitive historical accounts or a complete description of the building(s). If part of a building is not described it does not mean it is not listed. The format of the listed building record has changed over time. Earlier records may be brief and some information will not have been recorded.

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Images

There are no images available for this record.

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Listed Building

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Address/Name of Site

CULROSS, CULROSS ABBEY HOUSE POLICIES, WEST LODGE INCLUDING GATEPIERS AND WALLS LB23966

Status: Designated

Documents

There are no additional online documents for this record.

Summary

Category B	Local Authority Fife	NGR NS 98727 86380
Group Category Details 100000020 - see notes	Planning Authority Fife	Coordinates 298727, 686380
Date Added 12/01/1972	Burgh Culross	

Description

Possibly 18th century with 19th century rebuild and medieval fragments. Single storey, 3-bay, T-plan cottage (modern 2-storey rear wing). Sandstone rubble; droved surrounds to openings. Rendered rear wing.

N (PRINCIPAL) ELEVATION: central door; fanlight. Flanking windows.

E ELEVATION: off-centre window.

S ELEVATION: window to right; advanced wing to left; window at ground and 1st floor. Door and window to right return. Advanced earlier stonework to left of wing.

W ELEVATION: medieval fragments within elevation; blocked chamfered doorway to left, small window to right, corbelled stone above, chamfered pilaster to far left.

2-leaf timber boarded door. 12-pane timber sash and case windows to principal elevation; replacement windows to rear. Pitched roofs; crowstepped gables; clay pantiles. Carved foliate finial to crowsteps. Central coupled, coped polygonal ridge stacks.

GATEPIERS AND WALLS

Rubble garden wall extends from W elevation quoins to bound front and rear garden. N wall curves to E; pair of square-plan gatepiers, conical coping stones. Wall continues eastwards terminating with tall, coped square-plan pier. Identical pier to N with wall.

Statement of Special Interest

B-Group with Culross Abbey House; Culross Abbey House Policies, East Lodge, Garden House and Stables. Formerly listed as Chapelbarn Lodge as this area was called Chapelbarn. East Lodge and Culross Abbey House also have similar carved foliate finials above windows. The West Lodge has the remains of what was probably a monastic building associated with Culross Abbey (which was founded in 1217), possibly a gatehouse with an arched pend. The medieval fragments in the W wall include an aumbry, vault springer and vaulting respond; the present road surface is approximately 4 feet below the former ground level.

References

Bibliography

1:2500 OS Perthshire Map, CXLII.8, 1860; D Beveridge, CULROSS & TULLIALLAN, Vol II, 1885, p276; MacGibbon & Ross, THE ECCLESIASTICAL ARCHITECTURE OF SCOTLAND, Vol 2, 1896, pp242-243; RCAHMS, INVENTORY FOR FIFE, KINROSS & CLACKMANNAN, 1933, p76.

About Listed Buildings

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Images

There are no images available for this record.

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Document 4

Scottish Ministers' decision 1 July 2015 on a called in application for change of use, alterations and extension to water tank to form dwellinghouse and associated works at A 77T, Main Street, South of Ballantrae, South Ayrshire

The Directorate for Local Government and Communities
Planning and Architecture Division

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Mr Anthony Wilkinson
per Mr George Skinner
Spacesix Architects
Berkeley Offices
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GLASGOW
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Our ref: NA-SAY-022
1 July 2015

Dear Mr Wilkinson

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
14/000392/APP
APPLICATION FOR PLANNING PERMISSION FOR THE CHANGE OF USE,
ALTERATIONS AND EXTENSION TO WATER TANK TO FORM DWELLINGHOUSE
AND ASSOCIATED WORKS AT A77T, MAIN STREET, SOUTH OF BALLANTRAE**

1. This letter contains Scottish Ministers' decision on the above planning application.
2. On 21 January 2015, Scottish Ministers issued a Direction, under Section 46 of the Town and Country Planning (Scotland) Act 1997, requiring the above application to be referred to them for determination. This was because of the proposed development's potential implications for road safety and possible interference with passenger and freight traffic to Cairnryan, a national development within Scotland's National Planning Framework (NPF) 2.
3. The application was considered on the basis of written submissions and an unaccompanied site inspection carried out on 9 March 2015 by Stephen Hall BA(Hons) BPI MRTPI, a reporter appointed for that purpose. A copy of Mr Hall's report is enclosed.
4. Background to the proposal is provided in Chapter 1, Legislative and planning policy context at Chapter 2, Principle of Development in Chapter 3, Landscape, Design and Visual impact in Chapter 4 and Road Safety in Chapter 5.

The Reporter's Conclusions

5. The reporter's overall conclusions and recommendation appear in Chapters 6 and 7.

Scottish Ministers' Decision

6. Scottish Ministers have carefully considered the written submissions, the reporter's conclusions and recommendation. They accept the reporter's conclusions and recommendation and adopt them for the purpose of their own decision.

7. Accordingly, Scottish Ministers hereby refuse planning permission for the change of use, alterations and extension to water tank to form dwellinghouse and associated works at A77T, Main Street, south of Ballantrae.

8. The foregoing decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

9. A copy of this letter and the reporter's report has been sent to South Ayrshire Council and Transport Scotland.

Yours sincerely



LYNDSEY MURRAY

Report to the Scottish Ministers



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Stephen Hall, a reporter appointed by the Scottish Ministers

- Case reference: NA-SAY-022
- Site Address: A77T, Main Street, south of Ballantrae, South Ayrshire
- Application by Anthony Wilkinson
- Application for planning permission, reference 14/00392/APP dated 28 April 2014, called-in by notice dated 21 January 2015
- The development proposed: Change of use, alterations and extension to water tank to form dwellinghouse and associated works
- Date of site visit: 9 March 2015

Date of this report and recommendation: 14 May 2015

Change of use, alterations and extension to water tank to form dwellinghouse and associated works at A77T, Main Street, south of Ballantrae, South Ayrshire

• Case reference	NA-SAY-022
• Case type	Called-in planning application
• Reporter	Stephen Hall
• Applicant	Anthony Wilkinson
• Planning authority	South Ayrshire Council
• Other parties	Transport Scotland
• Date of application	28 April 2014
• Date case received by DPEA	21 January 2015
• Methods of consideration and dates	Written submissions and unaccompanied site inspection on 9 March 2015
• Date of report	14 May 2015
• Reporter's recommendation	Refuse planning permission

The Proposal: This application is for the conversion and alteration of a disused water tank situated in rural land south of Ballantrae in South Ayrshire to form a dwellinghouse. The proposed house would take access from a minor road approximately 15 metres south-west of that road's junction with the A77(T) trunk road.

Ministers' Reasons for Call-in: The application was initially refused by an officer of South Ayrshire Council under delegated powers, but the applicant exercised his right to apply for a local review of this decision. The local review body of South Ayrshire Council subsequently resolved to overturn the officer's decision and grant planning permission subject to three conditions. Because Transport Scotland had advised that planning permission should be refused, the council was required to notify Scottish Ministers of the local review body's intention. Scottish Ministers decided that the application should be called in for their consideration.

The Applicant's Case: The applicant points to the architectural design quality of the proposed development. He accepts that the nearby junction onto the A77(T) is unsafe, but argues that, for this reason, it would not be used by occupiers of the house. Transport Scotland could close or improve the junction if it is an existing danger. Transport Scotland's concerns regarding the road safety implications of accessing the development are overstated.

The Council's Case: The council points to the benefit of redeveloping a brownfield site, and to the architectural quality of the proposed building. It argues that the existence of an alternative route means that the nearby junction onto the A77(T) would not have to be used. The addition of a single house would not add significantly to the amount of traffic using the unsafe junction. Transport Scotland and the applicant should be able to develop a mutually acceptable solution.

Transport Scotland's Case: Transport Scotland argues that the existing junction with the A77(T) adjacent to the application site is extremely substandard. The access to the proposed development is also too close to this unsafe junction. Overall the proposal would create a significant detrimental impact on road safety. No practical mitigation works are possible. Any blockage of the trunk road here would disrupt journeys to the Cairnryan ferry terminals.

Reporter's Reasoning: The proposal does not comply with the development plan's policies on development in the countryside, principally because the existing water tank is not a traditional vernacular building and does not have particular architectural merit. However the proposal represents a relatively successful landscape fit, and so complies with the plan's landscape protection policy.

The most significant issue regarding the acceptability of this development is road safety. The adjacent junction with the A77(T) is substandard and unsafe particularly in terms of visibility for traffic exiting the side road, and visibility of the junction from vehicles travelling south on the trunk road.

The proposed development would only result in a small increase in the amount of traffic using this unsafe junction, but the proposal would probably increase the likelihood of accidents at this point on the trunk road. Transport Scotland's concerns regarding potential blockages to the access route to the Cairnryan ferry terminals appear valid.

The road safety concerns raised by this proposed development could not be fully or satisfactorily mitigated because the scale of works required to bring the junction up to a safe standard would be disproportionate to the scale of the development and would require works to be carried out on land outwith the applicant's control. While the outright closure of the junction concerned would resolve the safety concerns, this cannot be satisfactorily secured through a planning condition.

It is therefore concluded that the application is in conflict with the policies in the development plan aimed at preserving the safety and efficiency of the road network. Overall, the proposal is clearly contrary to the development plan.

In terms of other material considerations, the design of the proposed building represents a highly successful response to the local landscape and the built form of the existing water tank. The design utilises the existing building's shape and fabric to express the site's history as a water tank while creating a striking, innovative and practical home. The circular form, stairway feature and use of natural materials would be intrinsically attractive and appropriate for the rural setting. The proposal would also result in the re-use of a small brownfield site that would be unlikely to be brought back into productive use without redevelopment.

However, these material considerations are insufficient to outweigh the conflict with the development plan, in particular the added risk to road safety on the A77(T) trunk road. It is therefore recommended that the application be refused.

Scottish Government Directorate for
Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

DPEA case reference: NA-SAY-022

The Scottish Ministers
Edinburgh

Ministers

With regard to this application, I conducted an unaccompanied site inspection in connection with a proposed change of use, alterations and extension to a water tank to form a dwellinghouse and associated works at A77T, Main Street, south of Ballantrae, South Ayrshire on 9 March 2015. I have also received further written information from Transport Scotland, South Ayrshire Council and the applicant in connection with two requests for further information issued by me.

This application was initially refused by an officer of South Ayrshire Council under delegated powers. The applicant then sought a review of this decision by the local review body of South Ayrshire Council. The local review body was minded to approve the application, but due to the existence of an outstanding objection from Transport Scotland, was required first to notify the application to Scottish Ministers. Scottish Ministers decided to require the application to be referred to them for their determination, and issued a direction to South Ayrshire Council to this effect. I have been appointed to examine the evidence submitted and prepare this report with recommendations for your consideration and determination.

My report, which is arranged on a topic basis, takes account of the evidence submitted by the parties, including their responses to my requests for further information.

1.0 BACKGROUND

1.1 The application site comprises a disused water tank and associated land extending to around 0.1 hectares set within a rural area approximately 1.25 kilometres to the south of the Ballantrae in South Ayrshire. The site is located in an area of rising north-facing land, and neighbouring land is mainly used for grazing or small woodlands. The water tank sits immediately adjacent to a junction between the A77(T) and a minor road. It is largely set into the ground, though a small service building exists above ground level. The site is afforded a degree of screening from the trunk road by way of an existing hedgerow; while the rear of the application site is screened by existing woodland. The A77(T) at this point forms the main road link between central Scotland and the ferry terminals at Cairnryan.

1.2 It is proposed to change the use of, and alter and extend, the existing water tank to form a dwellinghouse. The proposal involves the addition of an upper floor, to be erected on top of the existing water tank building, which follows the circular form of the original tank's footprint. The proposed dwellinghouse would be finished in a combination of materials including larch cladding, inverted sedum roof and large areas of glazing. A rubble stone wall is proposed to define the building's entrance.

1.3 A planning application for this proposal was validated by South Ayrshire Council on 28 April 2014. Because fewer than five objections were received, the council's scheme of delegation allowed it to be determined under delegated powers. The application was refused by the appointed officer of the council on 20 June 2014. The reasons for refusal related to the rural location of the site; the absence of traditional or local character or architectural merit in the existing water tank; and the safety and free flow of traffic on the trunk road.

1.4 The applicant then exercised his right to seek a local review of this decision. Following a site inspection, the local review body of South Ayrshire Council resolved on 5 November 2014 that the decision of the appointed officer should be overturned, and planning permission granted subject to three conditions.

1.5 Because Transport Scotland had advised that planning permission should be refused for this proposal, the council was required to notify Scottish Ministers of the local review body's intention to grant planning permission. This they duly did. Following their initial consideration of the case, Scottish Ministers decided that this application should be called in for their consideration, and issued a notice to this effect to the council on 21 January 2015.

1.6 I was subsequently appointed to prepare this report on the case to Scottish Ministers for their consideration and determination. I have issued two procedure notices in connection with this case, relating firstly to traffic and road safety, and secondly to the newly adopted local development plan. In response I received comments from Transport Scotland, the council and the applicant.

1.7 I have not been made aware of any relevant previous planning history on this site.

2.0 LEGISLATIVE AND PLANNING POLICY CONTEXT

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for the application site consists of the South Ayrshire Local Development Plan (LDP) and its associated supplementary guidance. This local development plan was adopted on 23 September 2014, after the council's initial assessment of the application, but before its consideration by the local review body.

2.2 *LDP policy: rural housing* allows for the possibility of new housing in countryside areas in certain circumstances, the most relevant of these being the conversion of genuinely redundant buildings of traditional or local character and domestic scale providing the building is largely intact and structurally sound, and the original building remains the main feature. All proposals are required to comply with the council's supplementary guidance on rural housing. This part of the plan also states a preference for the development of brownfield, derelict or degraded land over greenfield sites.

2.3 *LDP policy: sustainable development* provides a list of standards that new development is expected to meet. These include: being appropriate in relation to its surroundings; respecting the character of the landscape; being appropriate in terms of road safety and effect on the transport network; and, where possible, being in an accessible location with opportunities for the use of sustainable transport modes.

2.4 The local development plan defines the application site as falling within a 'Scenic Area'. Here *LDP policy: protecting the landscape* identifies as criteria: the significance of impacts, particularly landscape and visual effects, on the environment; any benefits to the economy; and whether there is a justification for a rural location.

2.5 *LDP policy: strategic road development* supports proposals that do not adversely affect the efficiency and safety of the network.

2.6 One piece of relevant supplementary guidance has been brought to my attention, relating to rural housing. This contains further guidance on the rehabilitation of vacant rural buildings. Part 1 of the guidance supports the conversion or replacement of redundant buildings of traditional or local character to form new dwellinghouses. The guidance implies that to be supported, proposals must be of a high quality design either complying with the council's design guidance or constituting an innovative design. Non-traditional buildings may be considered suitable for conversion where the building is of particular merit.

2.7 Part 2 of the guidance deals with the design of new houses in the countryside. Relevant references include: avoiding locations that would disrupt a skyline or conflict with the flow of the landform; and making use of features such as treebelts and rising ground to reduce the prominence of buildings.

2.8 In terms of non-statutory policy, paragraphs 81 and 83 of Scottish Planning Policy indicate that a more restrictive approach to new housing in the countryside is appropriate in accessible or pressured rural areas, whereas more positive provision should be made for new rural housing in remote areas. Paragraph 290 states that development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed. Where investment in the network is required to accommodate a development, the cost of mitigation measures should be met by the developer. Paragraph

283 requires planning authorities to ensure that there is appropriate road access to ferry terminals for cars and freight.

2.9 Scottish Planning Policy also includes a presumption in favour of development that contributes to sustainable development. This incorporates principles including giving due weight to economic benefit, supporting good design, and making efficient use of land.

2.10 Planning Advice Note 66 Annex A provides national advice on minor developments affecting trunk roads.

- Paragraph 2 emphasises that the primary purpose of the trunk road network is to provide for the safe and efficient movement of long distance through traffic. This means ensuring the full implications for traffic and road safety are taken into account, and restricting access where new development is proposed in the vicinity of trunk roads, including cases involving the increased use of an existing access.
- Paragraph 8 states that "Traffic generation is the main impact a development has on the trunk road. Increased traffic can affect the capacity and more importantly, in the case of minor developments, the safety of the trunk road. Even a small increase in traffic using a substandard access can have a significant impact."
- Paragraph 9 states a preference for access to development to be taken from local roads as opposed to trunk roads.
- Paragraph 10 notes that where a development uses an existing access, extra traffic generation no matter how small must be fully assessed.
- Paragraph 11 emphasises the importance of maintaining sufficient visibility to enable drivers to see hazards in time to slow down or stop, and of providing suitable visibility splays at junctions.
- Paragraph 12 states that altered accesses where visibility is restricted, such as on bends, will be resisted.
- Paragraphs 14 to 20, along with the Design Manual for Roads and Bridges, identify required standards for visibility splays and junction layouts for accesses to trunk roads.

3.0 PRINCIPLE OF DEVELOPMENT

3.1 The core development plan policy for considering new housing proposals in the countryside is *LDP policy: rural housing*. This only allows for the conversion of buildings of traditional or local character, and where the original building remains the main feature. The council's report of handling cast doubt as to whether a water tank constitutes a building at all (as opposed to being 'plant and machinery'), and therefore whether the similar policy in the now-superseded local plan applied. In my view a water tank is a structure and therefore falls within the definition of the term 'building' as set out in section 277 of the Town and Country Planning (Scotland) Act 1997.

3.2 The local review body states that water tanks such as this are not an uncommon feature of the countryside and originally argued that the water tank has a traditional or local character (its later submissions accept that this is arguably not the case). The council's report of handling takes the opposite view, relying on a definition of 'traditional vernacular' now contained in the council's supplementary guidance on rural housing, which defines this term as "a stone built building built before 1 July 1948 which is of a residential scale and form and which has a slate roof". The water tank does not match this definition.

3.3 While I have no evidence on the exact age of the structure, it has a quasi-industrial character that does not draw in any way upon local vernacular building traditions. The proposed development does not therefore comply with the criterion set out in the policy for rural residential conversions. Given that the proposed design would introduce a significant above-ground element to the building for the first time, it also cannot be said that the original building continues to be the main feature.

3.4 The policy also requires compliance with the council's supplementary guidance on rural housing. In contrast to the local development plan policy, the supplementary guidance allows for the conversion of non-traditional buildings where the building is of particular merit. However the local review body accepts that the water tank does not have particular architectural merit, and I agree. For these reasons I conclude that the application does not comply with *LDP policy: rural housing* or the associated supplementary guidance on rural housing.

3.5 Nevertheless, the local review body argues that the proposal represents an excellent re-use of a redundant structure. The supporting text to *LDP policy: rural housing* refers to a preference for brownfield ahead of greenfield development. The local development plan's definition of brownfield sites refers to such sites normally being within an urban area, but this is not stated in the definition contained in Scottish Planning Policy. The application site is occupied by a redundant building and I therefore consider it to be brownfield land. While in its current state the site is well-screened and does not damage the character or appearance of the countryside, it is difficult to envisage how it could be brought back into any productive use without redevelopment.

4.0 LANDSCAPE, DESIGN AND VISUAL IMPACT

4.1 The local review body argues that the scale of the alterations proposed to the water tank are not such as to adversely affect the landscape character of the surrounding area, which is identified in the local development plan as a scenic area. The applicant notes various design features that would arguably lessen the visual impact of the proposed building. These include a green roof, larch cladding that is expected to weather to reflect the colours of the adjoining forest, and a rubble wall composed of local stone. While recommending refusal of the application, the council's report of handling accepted that the scale of the proposal would not have adverse impacts on landscape character.

4.2 I ascertained on my site inspection that the application site is well contained by woodland to the south and west, and rising land to the south-east. It is unlikely that the building would break the skyline from any significant viewpoints. The building would be visible from the A77(T) and from the coastal farmland to the north, but given its design features and the backdrop of woodland and rising land, it would not be a prominent feature. For these reasons I consider that the proposal is acceptable in terms of landscape and visual impact, and thus complies with *LDP policy: protecting the landscape*.

4.3 The council's policies make no allowance for permitting rural housing proposals on the basis of exceptional architectural quality. In terms of conversions, the emphasis is rather on the characteristics and quality of the original building. However the local review body considers that the application should be approved in part because it represents a high quality design solution. The material submitted by the applicant highlights many design features that are argued to contribute to the creation of a contemporary and attractive building. These include following the interesting circular form of the original tank in the first floor extension, an inverted sedum green roof, and extensive use of larch cladding to reflect the colours of the nearby woodland.

4.4 In my view, the proposed design does represent a highly successful response to the local landscape and the existing shape of the water tank. The design utilises the existing built form and fabric to express the site's history as a water tank while creating a striking, innovative and practical home. The circular form, stairway feature and use of natural materials would be intrinsically attractive and appropriate for the rural setting. The quality of the design represents a significant material consideration in favour of granting permission.

5.0 ROAD SAFETY

5.1 Although adjacent to the A77(T), the proposed house would take access from a minor road approximately 15 metres south-west of that road's junction with the trunk road. Transport Scotland argues that this junction is extremely substandard, firstly in terms of visibility for traffic exiting from the side road. Given trunk road speeds of 60 miles per hour, the appropriate visibility standards are given as 215 metres in each direction from a point 4.5 metres back from the trunk road edge. The actual visibility is given as 50 metres to the left and 80 metres to the right. This equates to only being able to see traffic travelling at speeds of 25 and 30 miles per hour respectively to the left and right.

5.2 Secondly, Transport Scotland points to the junction radii on the corners of this junction being only around 1 metre, whereas the standard in the Design Manual for Roads and Bridges is stated to be 15 metres.

5.3 Thirdly, Transport Scotland argues that it is important that traffic travelling south on the trunk road can see vehicles waiting on the A77(T) to turn right into the side road. A safe stopping distance at 60 miles per hour is 215 metres, but due to a sharp bend in the A77(T), the available visibility is only quoted as being 60 metres. Therefore, it is argued that only vehicles travelling at between 25 and 30 miles per hour would be able to stop safely.

5.4 Transport Scotland also quote the recorded accident figures for this stretch of road. All 10 accidents recorded within 250 metres of the junction in the last 35 years related to excess speed. This indicates to Transport Scotland that any increase in slow and turning traffic at this location would exacerbate this situation. Though not all accidents may have occurred at the junction itself, they may nevertheless have been influenced by the presence of the junction, for instance vehicles slowing in advance of turning into the junction.

5.5 Although it considers the existing junction is unsafe, Transport Scotland explains that it has not taken action to improve it because there are other higher priorities elsewhere on the trunk road network.

5.6 Because there is no room to turn within the application site, visiting vehicles will have to either reverse out of the parking spaces onto the side road, or stop on the side road and reverse in. Transport Scotland is concerned about the close proximity of the access to the proposed development to the junction with the trunk road, and the poor visibility between this stretch of the side road and the trunk road. It considers that there is a danger that vehicles exiting the trunk road would not have sufficient time to stop safely in the event that another vehicle was stationary or reversing in order to enter or leave the development.

5.7 Transport Scotland also points to the narrow width of the side road. At 3.8 metres this is too narrow for two-way traffic, and so, it is argued, there would be difficulties for cars seeking to enter the side road at this point if another car was waiting to exit.

5.8 In terms of possible mitigation, Transport Scotland accepts that there may be some scope to improve the junction radius to the south-east, which is within the application site, but possibly not to the appropriate standard. Visibility could also be improved in this direction by clearing an extensive area of vegetation. However land to the north-west and on the opposite side of the trunk road does not appear to be in the applicant's control; and it is argued that extensive earthworks, involving the removal of around 10,000 square metres of material, would be required to achieve the necessary visibility to the north-west. The side

road could also be widened, but this would remove a significant area from the development site and affect the area available for parking.

5.9 Overall, Transport Scotland considers that the mitigation works that would be required to make the junction safe would be so onerous as to be impossible to require through a reasonable condition. Any condition requiring the junction to be closed off altogether would require a separate statutory process, including opportunities for other parties to object. Therefore such a proposed closure might not succeed and a condition could therefore prove incapable of being complied with.

5.10 Finally Transport Scotland highlight the importance of the A77(T) at this point in linking central Scotland to the ferry ports at Cairnryan. Any blockage at this point would be difficult and time-consuming to clear. A diversion would require traffic to travel an additional 60 miles, and introduce the possibility of missing sailings.

5.11 The local review body disagrees with Transport Scotland's conclusions. It notes that an alternative access route exists to the application site utilising the minor road to the west of the site which links onto another minor road and thence onto the A77(T) via a higher standard of junction closer to Ballantrae. Furthermore it suggests Transport Scotland could work with the applicant to develop a mutually acceptable solution.

5.12 The local review body also notes that the accident records provided by Transport Scotland do not show that accidents had taken place at the junction of the A77(T) and the side road. This junction has been in use by two-way traffic for many years, including use by vans and larger vehicles to access the water tank for maintenance and repair purposes when it was in use, and to access the nearby Ballantrae Cemetery. The construction of a single dwellinghouse would not add significantly to the volume of traffic using the junction.

5.13 The applicant's agent agrees with Transport Scotland that the junction between the side road and the A77(T) is dangerous, but considers that the addition of a single house will not add to the risk. He argues that his client, and other locals, would never use the junction in any event given the existence of an alternative route (described above). He considers that the issues of the dangerous junction and the proposed development are separate. The junction is an existing risk, which should be addressed by Transport Scotland irrespective of whether the current application is approved. The junction should be closed off, or alternatively a condition could be applied requiring the use of the alternative access route.

5.14 The applicant's agent also points to the existing road geometry on the side road accessing the application site, which already forces vehicles to travel at speeds well below 30 miles per hour. He believes it is therefore acceptable for cars to enter or leave the site in reverse gear, as it would be in any urban area where speeds are limited to 30 miles per hour.

5.15 I considered the issue of road safety in the course of my site inspection. Although Transport Scotland quote the visibility distances required when traffic speeds are 60 miles per hour, I consider that the proximity of bends in the A77(T) at this point makes it unlikely that traffic could travel at more than 50 miles per hour. However I note that, even at this lower speed, paragraph 14 of Planning Advice Note 66 Annex A advises a visibility distance of 160 metres to left and right of a junction. The available visibility (50 and 80 metres respectively) remains significantly less than this.

5.16 Transport Scotland has measured this visibility from a point 4.5 metres back from the trunk road edge. I note that paragraph 15 of Annex A allows this distance to be reduced to

2.4 metres for lightly used accesses or 2 metres in exceptional circumstances. I therefore considered whether visibility would be much improved from a point only 2 metres from the trunk road edge. I found there to be a modest improvement in visibility from this point, mainly due to there being slightly less obstruction caused by the roadside hedges. However visibility still fell well short of the recommended standards, particularly to the north-west, where the limiting factor on visibility is a tight bend in the trunk road itself.

5.17 In terms of traffic on the A77(T) approaching the junction, again the main concern is the proximity of the bend to the north-west. Southbound traffic rounding this bend would have very little distance (around 60 metres) to react to the presence of stationary vehicles waiting to turn right into the side road. The likelihood of waiting traffic here is heightened by the difficulty of entering the narrow side road when another vehicle is waiting to exit. Transport Scotland quotes the standard of 215 metres safe stopping distance for traffic travelling at 60 miles per hour. I consider that traffic would be very unlikely to round this bend at more than 50 miles per hour, but even at this speed the available stopping distance falls well short of the recommended standard of 160 metres. I therefore conclude that the existing junction is not safe.

5.18 Some of the additional traffic generated by the development may not use the junction at all, preferring to use the alternative route to the west of the site to access the A77(T). However, while this alternative route may attract some journeys between the application site and the north, it would be a significantly longer option for journeys to and from the south. Given this, and the very close proximity of the application site to the unsafe junction, I cannot agree with the applicant that future residents and visitors would not choose to use this junction. I therefore conclude that the proposed development would increase the amount of traffic using the unsafe junction.

5.19 Given that the proposal is for a single house, the proposed development would result in only a small amount of additional traffic using this junction. However the advice in Planning Advice Note 66 Annex A is that even a small increase in traffic using a substandard access can have a significant impact. The expert evidence of Transport Scotland is that the proposal would create a significant detrimental impact on road safety. For these reasons I conclude that the proposal would, without mitigation, probably increase the likelihood of accidents at this point on the trunk road.

5.20 Regarding Transport Scotland's concerns about the junction radii and the distance between the junction and the access to the proposed development, I agree that the existing junction and access fall short of the recommended standards in these respects. Although the suitable corner radius for junctions of this nature given in paragraph 19 of Planning Advice Note 66 Annex A appears to be 10 metres rather than 15 metres as stated by Transport Scotland, the radii at the existing junction of around 1 metre remain significantly sub-standard. These tight junction radii would necessitate northbound vehicles turning left into the side road slowing on the trunk road to a greater degree than would be necessary with a more open junction. However, visibility for northbound traffic at this point is significantly better than for southbound traffic. Also, a consequence of traffic entering the side road more slowly would be less danger of a collision with vehicles manoeuvring to enter or leave the application site. For these reasons I do not consider that these aspects of the access arrangements would be of as much concern as those discussed above (visibility for traffic exiting the side road and visibility for southbound traffic on the trunk road).

5.21 The potential for any blockage to a trunk road is a serious matter, but it is the case that a road closure at this point could have particularly serious consequences due to the absence of convenient alternative routes between central Scotland and the Cairnryan ferry terminals.

5.22 Turning to possible mitigation, I consider that certain measures, such as the removal or lowering of roadside hedges, would be practical and would improve visibility for traffic exiting the side road to some extent. However the most significant factor rendering this junction unsafe appears to be the proximity of and poor visibility around the bend in the A77(T) to the north-west of the junction. To improve visibility around this bend would require quite major engineering works on land to the east of the trunk road. I agree with Transport Scotland that to require such onerous works, involving land apparently outside the control of the applicant, would not pass the test of reasonableness set out in Circular 4/1998: The Use of Conditions in Planning Permissions. In terms of a possible planning obligation, such works would not be proportionate to the scale of the proposed development and so would fail the 'scale and kind' test set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

5.23 For these reasons I do not believe that the road safety concerns raised by this proposed development could be fully or satisfactorily mitigated.

5.24 It is likely that closing the unsafe junction altogether would resolve the road safety concerns associated with this application. However, such a proposed closure would need to follow its own statutory procedures, and there is no guarantee what the outcome would be. There is no indication that Transport Scotland or the local authority intend to pursue the closure of this junction. In these circumstances I consider that it would be unreasonable to impose a condition preventing the occupation of the development until the unsafe junction was closed. A condition requiring the use of the alternative access route would not be enforceable.

6.0 OVERALL CONCLUSIONS

6.1 Above I concluded that the proposal does not comply with development plan policies on development in the countryside, principally because the existing water tank is not a traditional vernacular building and does not have particular architectural merit. The proposal is also contrary to the development plan policies concerning sustainable development and strategic roads by reason of its detrimental impact on road safety. Although the proposal represents a relatively successful landscape fit, and so complies with the plan's landscape protection policy, on balance I do not consider that this consideration is sufficient, on its own, to outweigh the conflict with other important policies of the plan. I therefore conclude that overall the application is contrary to the development plan.

6.2 In terms of other material considerations, I note above the exceptional quality of the proposed design. The proposal would also result in the re-use of a small brownfield site that would be unlikely to be brought back into productive use without redevelopment. The application can also be viewed favourably in terms of some of the principles of sustainable development identified in Scottish Planning Policy, including supporting good design and making efficient use of land. However the relatively minor economic benefit conferred by the construction of this house is unlikely to outweigh the potential economic harm of reducing the safety of the trunk road network and increasing the likelihood of the road being blocked.

6.3 In my view these material considerations, although powerful, are not sufficient to outweigh the conflict with the development plan, particularly the increased risk to road safety.

6.4 The council considered that planning permission should be granted subject to three conditions¹. Should Scottish Ministers decide that permission should be granted, it would be appropriate to impose suggested condition (2), which satisfies the tests set out in Circular 4/1998. Suggested condition (1) is unnecessary as it repeats a legal requirement. Suggested condition (3) requires three off-road parking spaces. But because the application plans only show two such spaces, and it is not clear that three spaces could be provided without a significant redesign, I consider that if this condition were to be imposed it should be limited to a requirement for two off-road parking spaces.

6.5 Given the concerns that exist about road safety, I also consider that, if permission were to be granted, an additional condition should be imposed to require the agreement of a scheme of measure to improve visibility for vehicles using the adjacent junction with the trunk road. The full list of conditions that I consider should be imposed in the event that Ministers decide to approve this application is contained in Appendix A to this report.

¹See minutes of meeting of South Ayrshire Council Local Review Body of 5 November 2014

7.0 RECOMMENDATION

7.1 I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. Consequently I recommend that the application be refused.

7.2 If Ministers consider that permission should be granted, I recommend that the conditions set out in Appendix A should be attached to any permission.

Stephen Hall

Reporter

APPENDIX A – CONDITIONS TO BE ATTACHED IN THE EVENT OF MINISTERS DECIDING TO GRANT PERMISSION

(1) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

(2) That two off road parking spaces shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to completion of the development.

(3) That prior to the commencement of the development a scheme of measures to improve visibility for vehicles using the adjacent junction with the A77(T) shall be submitted to and approved in writing by South Ayrshire Council, in consultation with Transport Scotland. These measures shall be limited to works within the application site.

Reasons:

(1) In the interest of visual amenity and to accord with the Council's supplementary planning guidance.

(2) In the interest of road safety and to ensure adequate off-street parking provision.

(3) In the interests of road safety.

List of Approved Plans:

AP(0) 0001
AP(0) 0002
AP(0) 0003
AP(0) 0004
AP(0) 0005
AP(0) 0006
AP(0) 0007

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Case Officer: Emma Baxter

Customer Details

Name: Miss Tess Gibson

Address: Heavyside Farm, Broughton Road, Biggar ML12 6HA

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to object to the above application of conversion/extension and formation of a dwellinghouse to the north of Culross.

As a frequent visitor to the area, I was disappointed to be made aware of yet another application being lodged at this site. A main element of my enjoyment of the area of Culross surrounding this site is the historic importance and the distinctive character of this rural area. This is particularly true given the site's close proximity to Culross Abbey House, a home with national importance.

Aside from this proposal affecting my enjoyment of the area, it is contrary to the most recent Local Development Plan and National Planning Framework 4. Elements of both aforementioned documents are not inline with what is being proposed in this application, namely the points around conservation and rural area importance. One of many examples of this includes NPF4 policy 7 which seeks to protect historically important environmental assets and places. I have noted the lack of evidence that has been submitted predicting the effect this proposal would have on the surrounding area, particularly as it is a designated designed landscape.

The site also stands alone as there are no adjacent dwellinghouses nor has it been allocated for housing in the local development plan. I fear that as it is in a rural area with no surrounding development, it will be a black mark on the local landscape and would not blend or enhance the environment.

In summary, I fear for the impact that this development would have on this designed and historic landscape which is of national significance. I would therefore request planning permission is not granted.

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Case Officer: Emma Baxter

Customer Details

Name: Miss Kirsty Barr

Address: Lilac Cottage, Dundas Estate, South Queensferry EH30 9SP

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to you to object to the relevant application of the conversion/extension and erection of a dwelling to the north of Culross.

As a regular visitor to the area, I was frustrated to be made aware of yet another application being lodged on this site. The main element of people's enjoyment of the area of Culross is the historic importance and the distinctive character of this rural area. This is particularly true given the site's close proximity to Culross Abbey House, a home with national significance.

Aside from this proposal affecting my enjoyment of the area, it is contrary to the most recent LDP and NPF4. Elements of both aforementioned documents are not inline with what is being proposed in this application, namely the points around conservation and rural area importance. One of many examples of this includes NPF4 policy 7 which seeks to protect historically important environmental assets and places. I have noted the lack of evidence that has been submitted predicting the effect this proposal would have on the surrounding area, particularly as it is a designated designed landscape.

In summary, I am concerned about the impact that this development could have on this protected and historic landscape which is of national significance. I therefore request planning permission is not granted.

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Case Officer: Emma Baxter

Customer Details

Name: Mr Niall Milner

Address: Gairland, 27 Mid Road, Biggar ML12 6AW

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs

PLANNING APPLICATION

23/01660/FULL

NOTICE OF OBJECTION

I am writing to object to the above application of conversion/extension and formation of a dwellinghouse to the north of Culross.

As a frequent visitor to the area, I was disappointed to be made aware of yet another application being lodged at this site. The area of Culross surrounding this site is of historic importance and this area has a distinctive rural character to which a prominent building on the ridge of the hill would be quite incongruous.

Furthermore, the site is in close proximity to Culross Abbey House, a home with national importance. The development proposal falls within the Culross Abbey House Designed Landscape which measures 'High' and 'Outstanding' on the various measures including Architectural, Scenic and Historic. Development of a new dwelling within the designed landscape designation would be a significant detractor.

The proposal is contrary to the most recent Local Development Plan and National Planning Framework 4. Elements of both aforementioned documents are not inline with what is being proposed in this application, namely the points around conservation and rural area importance. One of many examples of this includes NPF4 policy 7 which seeks to protect historically important

environmental assets and places. I have noted the lack of evidence that has been submitted predicting the effect this proposal would have on the surrounding area, particularly as it is a designated designed landscape.

In summary, I fear for the impact that this development would have on this designed and historic landscape which is of national significance. I would therefore request planning permission is not granted.

I look forward to receiving news of refusal in due course.

Yours faithfully

Niall Milner

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Case Officer: Emma Baxter

Customer Details

Name: Mr Paul Kelly MacLeod

Address: Wee Causeway House, Little Causeway, Culross Dunfermline, Fife KY12 8HU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The nature of the road where this dwelling house seeks to be built is on a narrow country road at a sharp bend. This being one of only two roads down the the village in this area. Visibility is limited and adding parking with additional vehicles at this juncture would increase the risk to all road uses, vehicles, bikes and pedestrians. I also have concerns about the development being close to an A listed building.

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Conversion and extension to redundant water reservoir tank to form dwelling house

Case Officer: Emma Baxter

Customer Details

Name: Mr John Le Marie

Address: 13 Woodhead Farm Road, High Valleyfield, Dunfermline, Fife KY12 8EQ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Will eliminate an industrial scar left by Scottish Water.

Comments for Planning Application 23/01660/FULL

Application Summary

Application Number: 23/01660/FULL

Address: Former Reservoir North Of Culross Fife

Proposal: Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Case Officer: Emma Baxter

Customer Details

Name: Mr Culross Community Council

Address: 1 Balgownie West, Culross, Dunfermline, Fife KY12 8JL

Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: This application should be considered in line with the Development Principles of FifePlan and taking due cognisance and consideration of the Culross Conservation Area Appraisal and Conservation Area Management Plan dated November 2009 as this proposed new dwelling sits in a prominent position on the northern gateway leading to Culross Abbey and the Royal Burgh of Culross beyond. The proposed development is on a narrow country lane with a national speed limit, in close proximity to a blind corner which raises road traffic concerns. It is also situated adjacent to the core path to High Valleyfield and there are concerns about the removal of the grass verge for safe pedestrian access when vehicles are approaching.

Agenda Item 4(5)

**Former Reservoir, North of Culross,
Dunfermline**

Application No. 23/01660/FULL

Consultee Comments

MEMORANDUM

TO: Case Officer, Development Management

FROM: Eloise Griffin, Technical Officer, Land & Air Quality

DATE: 5 July 2023

OUR REF: PC170403.C4

YOUR REF: 23/01660/FULL

SUBJECT: Conversion and extension to redundant water reservoir tank to form dwellinghouse at Former Reservoir North of Culross

Thank you for your consultation on the above application. After reviewing the available information, I would provide the following:

Land Quality - A suspensive planning condition for contaminated land is recommended.

In the event that any unexpected materials or conditions (such as asbestos, hydrocarbon staining, made-ground, gassing, odours or other apparent contamination) are encountered during the development process, work should stop and Development Management should be notified. This might necessitate undertaking a suitable site-specific risk assessment for contaminated land, see www.fife.gov.uk/contaminatedland.

Coal Mining

I refer to McGregor McMahon's Coal Mining Risk Assessment Report, dated February 2018.

While this Team is not qualified to comment on geotechnical matters relating to issues such as ground stability, it is noted that McGregor McMahon advise that targeted intrusive investigations be undertaken to confirm the presence or absence of void space within influencing depth beneath the site and to assess the stability of the shallow strata in relation to the proposed development.

It is advised that such investigations include appropriate monitoring and assessment of mine / ground gases in order to determine the potential risk to the proposed development and the need for any mitigation measures.

Air Quality

I have no comment to make regarding air quality matters.

Should Development Management approve an application for the site, it is advised that the contaminated land condition LQC3 (attached) be utilised to ensure the site would be developed in accordance with the relevant technical guidance including PAN 33.

Should you require any further information or clarification regarding the above comments, please do not hesitate to contact this office.

Regards
EG, Technical Officer
Enc. Model Conditions

LQC1

NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the local planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures and a Verification Plan specifying how, when and by whom the installation will be inspected.

All land contamination reports shall be prepared in accordance with CLR 11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fife.gov.uk/contaminatedland.

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

LQC2

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. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority.

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

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

LQC3

IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED that was not identified by the developer prior to the grant of this planning permission, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.



The Coal
Authority



INVESTOR IN PEOPLE



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For the Attention of: Ms E. Baxter – Case Officer
Fife Council

[By Email: development.central@fife.gov.uk]

11 July 2023

Dear Ms Baxter

PLANNING APPLICATION: 23/01660/FULL

Conversion and extension to redundant water reservoir tank to form dwelling house at Former Reservoir, North of Culross, Fife

Thank you for your consultation letter of 30 June 2023 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth.

The application is accompanied by a Coal Mining Risk Assessment Report (February 2018, prepared by McGregor McMahon). We note that this report was also submitted in support of previously proposed schemes of residential development at the site, which were considered by the LPA under planning applications 17/04083/FULL, 20/00831/FULL and 21/01145/FULL. The report was considered acceptable by the Coal Authority at the time of the previous applications.

Whilst this report is now five years old, it draws upon an appropriate range of sources of coal mining and geological information and concludes that the site is at high risk of ground instability due to the potential presence of unrecorded shallow coal mine workings. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations in order to establish whether any workings are present beneath the site within influencing distance of the surface and to assess the stability of the shallow strata in relation to the proposed development.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment Report, to properly assess ground conditions and to establish the exact situation regarding mining legacy which could pose a risk to the proposed development.

The report does not outline what remedial measures are likely to be required in the event that mine workings are encountered beneath the site. The findings of the intrusive site investigations should therefore be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted 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. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

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 seek their own advice from a technically competent person to 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.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team concurs with the conclusions of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, 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 Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

General Information for the Applicant

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 will result in trespass, with the potential for court action. 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

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.



By email to:
development.central@fife.gov.uk

Fife Council
Planning and Development
Kingdom House
Kingdom Avenue
Glenrothes
KY7 5LY

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300066843
Your ref: 23/01660/FULL
27 July 2023

Dear Fife Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Former Reservoir North of Culross Fife - Conversion and extension to redundant water
reservoir tank to form dwelling house

Thank you for your consultation which we received on 30 June 2023. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref	Name	Designation Type
LB23964	CULROSS, CULROSS ABBEY HOUSE	Listed Building
GDL00123	CULROSS ABBEY HOUSE	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We **object** to the application because we consider the proposed house would have a significant adverse impact on the Culross Abbey House Inventory Garden and Designed Landscape and the setting of the Category A-listed Culross Abbey House, the focal point of that landscape.

Introduction

The site is a former reservoir, which sits low to the ground and lies within the northern part of the Culross Abbey House Inventory Garden and Designed Landscape. We objected to two applications for the erection of one house on this site in May 2020 and May 2021.

We gave pre-application advice last year on two schemes. For both proposals, we said we were likely to object should they come forward to planning permission stage. The proposals in this application are not dissimilar to the last pre-application, except, broadly, the building is rotated 90° and is smaller, but remains two storeys plus attic as viewed from the south (and single storey plus attic from the north A985 road).

During pre-application, we were able to visit the site, the Category A-listed Culross Abbey House externally and internally and walk within and around the Inventory Garden and Designed Landscape. We were able to view the reservoir site from a number of positions within, and outside, the designed landscape. We concluded that this site would struggle to accommodate any structure in excess of the existing low-lying reservoir, without harm to the Culross Abbey House Inventory Garden and Designed Landscape and the setting of the Category A-listed Culross Abbey House.

We have been consulted on the planning application due to the potential impact of the proposals on the **Culross Abbey Scheduled Monument (SM13334)**, **Culross Abbey House Inventory Garden and Designed Landscape (GDL00123)** and the **Category A listed Culross Palace House (LB23964)**. We will consider each as follows:

Culross Abbey (SM13334)

We do not consider the proposed new house will impact significantly on the scheduled Abbey.

Culross Abbey House Inventory Garden and Designed Landscape (GDL00123)

The reservoir is located within the boundary of the Culross Abbey House Inventory Garden and Designed Landscape (GDL). The A985 road immediately to the north of the development site forms the northern boundary of the GDL.

The GDL has outstanding historical and horticultural interest and high artistic, architectural, scenic and nature conservation interest. The Abbey House stands on the south-facing hill above Culross to the east of Culross Abbey. Situated in a dramatic location, the garden terraces that lie to the south of the house date from 1693 and are still a major part of the structure today. The GDL is notable for its well documented history, scenically impressive parkland and shrub rose collection. The house is flanked by the terraced gardens to the south and woodlands and open parkland to its north and east sides. The immediate surrounding landscape to the north and west is agricultural.



The main areas of parkland are to the north and east of Culross Abbey House. John Slezer's perspective view of 1719 suggests the designed landscape was enclosed by walls to the south and north of the house. Avenues extended to the east and to the north from the house with the north avenue running from the house along the edge of a block of woodland to the north of the house. This avenue is shown on General Roy's map of c.1750 with an enclosed area to the west. By the time of the 1st edition Ordnance Survey map (surveyed 1854) the parkland character of this part of the GDL is established: the parkland is named 'Abbey Park'; the north drive has been removed although a lodge (North Lodge) is marked on the northern boundary on the former main road; a scatter of parkland trees are on the line of the north avenue remain in the park today: oak and maple species around 300 years old, and beech around 150 years old. A small area of woodland, now a coniferous plantation, remains on the north-west corner of the park. Woodland extended along the northern boundary of the site as shown on the 19th century OS maps. The avenue that runs north from the house to the development site is located to the west of the former North Avenue and appears to date from the later 20th century. It makes a positive contribution to the parkland character of this part of the GDL.

In assessing the likely impact of the proposed new house, we have followed our [Managing Change in the Historic Environment: Gardens and Designed Landscapes](#) guidance, considering the impact of the development on the significant features, key views and areas of deliberately contrived character of the GDL.

Impact on significant features of the GDL

The GDL provides the setting of Culross Abbey House, the Category A-listed building which forms its focal point. We consider that the proposed house in this sensitive location would interfere with the primacy of the house in its GDL setting of open parkland and woodland in longer views towards the house and its GDL from the south, and in shorter views towards the house across the GDL from the north.

Impact of key views within, out of and towards the GDL

Views from the house – The proposed house would be prominent in views from the house over the parkland to the north. Given the steep topography of the site and the scale of the proposed building, it would be very difficult to effectively screen the development in this view.

At the site visit, we were able to view the site from the central window of Culross Abbey House on the first floor (above the entrance door) where there is an open view over rising ground to the top of the replanted lime-tree avenue and access road, which appears clearly on the brow of the hill. Although the site is immediately adjacent to, rather than at the end of this avenue, and might be obscured by trees in leaf, any structure is likely to be immediately visible in winter.



Views of the house in its GDL setting from south – Bo'ness side of Forth – There are important views of Culross Abbey House across the Forth which were illustrated by Slezer in the late 17th century. In these views north towards Culross, the House is distinctive and prominent, located immediately to the east of Culross Abbey, set above the town in its extensive GDL composed of open parkland and woodlands. The insertion of a new structure into this green backdrop would be a significant alteration which could be highly visible and detract from the listed building as the current focus of the view.

Views towards the house across parkland from northern part of GDL – As well as views from the house and grounds, the views towards the house within its designed landscape are also significant. Culross Abbey House is clearly visible from the north where its distinctive roofscape and chimneys can be seen silhouetted against the River Forth from the access road off the A985, an approach to Culross, particularly where the road bends round to reveal the view. A clear view of the house's entrance front can also be appreciated, framed by the lime tree avenue. A house built on the site of the reservoir would immediately draw the eye, becoming the focus of this south-facing view, disrupting the current appreciation of Culross Abbey House within its designed landscape.

Impacts on the character of the GDL

The proposed house would be located in historic parkland immediately to the north of the house. This area has served as enclosed parkland for around 300 years and has been composed of scattered specimen trees bounded by established woodland for over 170 years. Despite the loss of the north avenue and the North Lodge, this area can still be understood as historic parkland which makes a significant contribution to the Inventory designed landscape of Culross Abbey House. A development of the scale proposed in this location would introduce a new structure into this area that is taller than the existing low-lying reservoir. In our view it would have a significant adverse impact on the rural parkland character of this part of the GDL.

Summary – impacts on the GDL

We consider that this proposal would have a significant adverse impact on the Culross Abbey House Inventory designed landscape. It would affect one's understanding of the house as the focal point of the GDL, it would be highly visible in views from the house towards its parkland and in views towards the house in its GDL setting, and it would significantly alter the parkland character of this part of the GDL. We therefore object to this proposed development.

Culross Abbey House Category A listed building (LB23964)

Culross Abbey House is of outstanding interest as one of the earliest classical houses in Scotland. Designed for the mining magnate and courtier Edward, Lord Bruce of Kinloss in 1608, it was built as a 2-storey, 13-bay L-plan house with short wings projecting at each end (although possibly intended as a quadrangle). In 1670 Alexander, 2nd Earl of Kincardine heightened the house by adding a second floor and turned the wings into 4-



storey ogee-roofed corner towers. Slezer's early-eighteenth century view of Culross illustrates clearly the magnificence of Abbey House at this time, situated on high ground by the Abbey, overlooking the smaller, vernacular buildings of the burgh. After a period of disuse, the building was remodelled in 1830 and again fell into disuse until a major remodelling in 1952 by Robert Hurd & Partners. Hurd reinstated the house's original height removing the heavier later C17th storey and reduced the elevations from 13 to a more manageable 9/10 bays. He remodelled the interior in C17th style retaining any surviving features. The drawing room contains a 1669 chimneypiece and on the first floor the internal stone-panelled finish of the south wall of first floor (now bedrooms) suggests it once had a long gallery, with the internal finish to the north wall windows, signifying a significant internal route - perhaps a promenading corridor with views north.

In assessing the likely impact of the proposed new house, we have followed our [Managing Change in the Historic Environment: Setting](#) guidance, firstly identifying the assets involved, defining their setting and then assessing the impact of any development on this setting.

Setting of the house

The house is the focus of the designed landscape and was designed to be seen from within the landscape, and to enjoy views to both the north and south. It was sited east-west, designed with two principal elevations, one facing south over extensive terraced gardens, with views of Culross town and the Firth of Forth, and an entrance elevation facing north across parkland towards the proposed application site. Importantly, both elevations received a similar standard of architectural treatment, with a fine first floor stringcourse with aedicular (framed) windows with pediments above, topped by a moulded eaves cornice with cannon-spouts above. In addition, the north façade has a heavily decorated entrance doorpiece with moulded surrounds, flanking fluted pilasters and a richly carved pediment bearing the Preston coat of arms.

In considering the impact of the proposal on the setting of Culross Abbey House, we have assessed its impact on views from the house, views towards the house and sequential views on approach to the house.

Views from the house

The proposed development site (the former reservoir) is set on rising ground immediately to the north of the House. This sloping parkland forms the current designed landscape setting of the house – and is on the historic boundary of the estate. As mentioned above within the GDL comments, at the site visit, we were able to view the site from the central window of the House on the first floor (above the entrance door) where there is an open view over rising ground to the top of the replanted lime-tree avenue and access road, which appears clearly on the brow of the hill. Although the site is immediately adjacent to, rather than at the end of this avenue, and might be obscured by trees in leaf, any structure is likely to be immediately visible in winter.



The entrance elevation is an architecturally significant element of the house – this is not in any sense a rear elevation. The house was designed to take in views of the rising ground to the north over a planned landscape, and this must be regarded as a key view, along with the wider southern views.

We consider that the proposed development of a two-storey plus attic house set on rising ground in this location would be highly visible in this important view from the entrance elevation – and from certain rooms within the house, including principal rooms. It would be immediately evident, drawing the eye, by its height and scale. Although the current application reduces the size of the house and amount of glazing in relation to the withdrawn application, the scale would still be prominent, and would appear silhouetted against the skyline / hedgerow to the A985 road, or at the least unduly prominent within open fields.

Views towards the house

Given the topography of the site, it is unlikely that the development would be visible in views of the principal (south) front of the house from its terraced gardens or from Culross itself. However, there are important views of Culross Abbey House across the Forth from its southern shore which were illustrated by Slezer in the late 17th century. In views north towards Culross, the House is distinctive and prominent, located immediately to the east of Culross Abbey, above the town in its extensive designed landscape composed of open parkland and woodlands. The insertion of a two-storey plus attic structure into this backdrop could be a highly visible alteration which could detract from the listed building as the current focus of the view.

Views on the approach to the house

The house is currently approached from the northwest in a tree-lined route from the B listed eighteenth century lodge (known as Chapelbarn and containing medieval fabric). From the site visit, we were able to confirm that any structure on the reservoir site would likely be visible from the historic western approaches to the listed house, where gaps in the treeline give glimpsed views across the parkland towards the site.

The former approach from the north-east disappeared some time ago, but the road in this position, (the northern boundary of the historic designed landscape) gives views of the listed house to the south, silhouetted against the Forth. A new house (one-storey plus attic on this elevation) on the edge of the road would seriously impair any views of the listed house, with a new building becoming the immediate focus of any view.

Summary – Impact of the development on the setting

In assessing the setting of the house, we have seen that the principal facades of the building were specifically designed to take in key views to planned landscapes to both the north and south.



The proposed new house is to be sited on a prominent position within the historic northern boundary of the designed landscape on high ground above the House. The proposed new house would be visible in views almost directly north from the House's entrance elevation and from the principal floor inside the House. The presence of a new building taller than the existing low-lying reservoir, in this position, would harm the current open landscape character the House enjoys – and for which it was designed to enjoy. It would affect our understanding and appreciation of the House's position within its own open landscape, and its prominent location would make effective mitigation difficult.

Conclusion

We consider that the current low-lying reservoir has a limited impact, but the proposed house is a higher and more visible structure which would have a significant adverse impact on the Culross Abbey House Inventory Garden and Designed landscape and the setting of the Category A-listed Culross Abbey House. While this proposal is smaller than what was proposed at pre-application stage, and set back a little more to the west, a house in this position affects one's understanding of Culross Abbey House as the focal point of its designed landscape, and it would be highly visible in views from the house towards its parkland and in views towards the house in its designed landscape setting, and it would significantly alter the parkland character of this part of the Inventory site.

If you are minded to grant consent, with or without conditions, you are required under the terms of the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment)(Scotland) Direction 2015 to notify Scottish Ministers.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Mathew Reilly who can be contacted by phone on 0131 651 6828 or by email on mathew.reilly@hes.scot.

Yours faithfully

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	23/01660/FULL
	Conversion and Extension to Redundant Reservoir Tank to Form Dwellinghouse (Class 9) at Former Reservoir, East of Gallows Lane, D17, North of Culross
Date:	29th July 2023
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This application is for a 3 bed house on the site of a disused reservoir tank to the North of Culross. There have been 3 previous applications for a dwelling on this site.
- 1.2 Transportation Development Management has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this 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.

- 1.3 According to the current Fife Council Making Fife's Places Appendix G, visibility splays 3m x 210m must be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current TDG. In addition, a 210 metres forward visibility should be available for a driver of a vehicle turning right into the proposed new vehicular access from the public road. Due to the geometry of the public road at this location, it would not be possible to provide these splays in either direction, however, I accept that vehicle speeds will be lower than the road's 60mph limit, due to its geometry and narrow carriageway width.
- 1.4 I have undertaken a desk based assessment of the visibility splays utilising my site visit record for the original application. At that time, an approximate 3m x 50m oncoming visibility splay was available at the junction of the proposed access with the public road, due to a combination of the bend in the public road and the height of the field boundary hedge on its north side obscuring visibility.
- 1.5 There are two existing trees/large bushes in the verge to the west of the proposed access driveway which obscure visibility in this direction. As a result, I would estimate that a 3m x 10m visibility splay is available in the west direction, at the junction of the proposed new vehicular access and the public road, due to the closest tree obscuring visibility.
- 1.6 Forward visibility of approximately 45 metres is available for a driver turning right from the public road into the proposed new access, again due to the visibility being obscured by a combination of the bend in the public road and the height of the field boundary hedge on its north side.
- 1.7 According to the current Fife Council Making Fife's Places Appendix G, a turning area for a car must be provided within the curtilage of the site. The turning area must be formed clear of any parking areas. Whilst the proposed site layout shows turning facilities, they are not acceptable as it would be very difficult for a driver to take turn within the site, whilst taking access to and egress from the proposed space directly to the north of the proposed dwelling. Therefore, vehicles would be unable to take access and egress in a perpendicular arrangement from the public road.
- 1.8 In addition, the proposed 3 bed house must have 2 off-street parking spaces within the curtilage of the site. In a remote location such as this, an additional parking space should also be provided for any visitors to avoid a parked vehicle potentially obstructing the free flow of traffic on the adjacent public road. The site layout plan shows a parking area with an approximate width of 8 metres, however, as per my previous responses the first 2 metre width of the parking area is within the roadside verge, which forms part of the public road boundary and therefore cannot be used for off-street parking. A vehicular crossing of the verge would have to be constructed in this location with vehicles being parked clear of the adopted road.

2.0 CONCLUSIONS

- 2.1 The proposed dwelling is unacceptable, as it would result in the formation of a new junction onto the public road which has sub-standard visibility splays in both directions and sub-standard forward visibility for drivers of right turning vehicles, all to the detriment of road safety.

2.2 In addition, due to the lack of suitable turning facilities, drivers would struggle to turn within the site and the lack of a visitor parking space would result in vehicles being parked on the public road, all to the detriment of road safety.

3.0 RECOMMENDATIONS

3.1 Refusal for the road safety reasons detailed above.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 29/07/2023

E-mail: andy.forrester@fife.gov.uk

Number: 03451 55555 extension 480211

Friday, 07 July 2023



Local Planner
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KY7 5LT

Development Operations
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Buchanan Gate Business Park
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G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Former Reservoir North Of, Culross, Fife, KY12 8JD
Planning Ref: 23/01660/FULL
Our Ref: DSCAS-0090100-YLT
Proposal: Conversion and extension to redundant water reservoir tank to form dwelling house.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glendevon Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Valleyfield Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ Abandoned water mains within your site boundary,

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
 - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider

to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Agenda Item 4(6)

**Former Reservoir, North of Culross,
Dunfermline**

Application No. 23/01660/FULL

Further Representations

Little Sandhaven

Back street,

Culross,

KY12 8HP

11/11/2023

Michelle McDermott

Finance and corporate Services,

Fife House

North Street

Glenrothes

Fife

KY7 5LT

Dear Sirs,

Re: Application: 23/01660/FULL-Former reservoir north of Culross, Fife

Thank you for sending me the Decision Notice for the above application and informing me that the applicant has appealed against the decision.

I understand that the Local Review Body will have a copy of my original objection to the application. I reiterate my objections. The proposed building would very much detract from the view of Culross Abbey House and its gardens. For those who walk in this area it would be an eyesore and not in keeping with the character of this area on the outskirts of a conservation area.

In the Decision Notice the one thing I felt had been missed was the failure to point out just how dangerous the development would be in terms of traffic on the road outside the site. It lies very close to a blind corner on a narrow country road where many drivers already drive too fast. There is already a significant danger of collisions but this would be considerably enhanced by vehicles entering the road some ten metres or so from the blind corner. This would be true no matter what the parking arrangements would be.

It is right that it should be possible to appeal against decisions but I must confess that, if this appeal was upheld, I should have little faith in the planning process.

I am,

Yours faithfully



William Gelletly

From: [Culross CC](#)
To: [Michelle McDermott](#); [Culross Cc](#)
Subject: Planning number 23/01660FULL review
Date: 15 November 2023 14:13:46

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Change of use from former reservoir tank (Sui Generis) to dwellinghouse (Class 9) including alterations, extension and associated vehicular access and parking

Culross community council wishes to reiterate what was stated in our original submission. That being;

This application should be considered in line with the Development Principles of FifePlan and taking due cognisance and consideration of the Culross Conservation Area Appraisal and Conservation Area Management Plan dated November 2009 as this proposed new dwelling sits in a prominent position on the northern gateway leading to Culross Abbey and the Royal Burgh of Culross beyond. The proposed development is on a narrow country lane with a national speed limit, in close proximity to a blind corner which raises road traffic concerns. It is also situated adjacent to the core path to High Valleyfield and there are concerns about the removal of the grass verge for safe pedestrian access when vehicles are approaching.

Any review should be considered in line with the Development Principles of FifePlan and taking due cognisance and consideration of the Culross Conservation Area Appraisal and Conservation Area Management Plan dated November 2009 especially those already stated in the original decision.

Correspondence Secretary Culross Community Council

This email was scanned by Fife Council

Agenda Item 5(1)

**12 Link Road, Oakley, Dunfermline
Application No. 23/01575/FULL**

Planning Decision Notice

Sabahat Hamad
7c High Station Road
Falkirk
Scotland
FK1 5LP

Planning Services

Emma Baxter

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01575/FULL

Date 5th October 2023

Dear Sir/Madam

Application No: 23/01575/FULL
Proposal: Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)
Address: 12 Link Road Oakley Dunfermline Fife KY12 9RU

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Emma Baxter, Graduate Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 23/01575/FULL
Proposal: Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)
Address: 12 Link Road Oakley Dunfermline Fife KY12 9RU

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01575/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding residential amenity; insufficient information has been submitted by the applicant to demonstrate that the proposed use and the extract ventilation system would effectively extract and disperse the cooking fumes generated by the use without giving rise to unacceptable noise, odours and nuisance; all contrary to National Planning Framework 4 (2023) Policy 23 (Health and Safety); PAN 1/2011 Planning and Noise (2011); Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan Fife Local Development Plan (2017) and Fife Council's Planning Customer Guidelines on Businesses Selling Food and Drink (2016).

Dated: 5th October 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan/Block Plan
02	Various existing and proposed
03	Brochure
04	Brochure
05	Noise Report
06	Report

Dated:5th October 2023

Derek Simpson

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 5(2)

**12 Link Road, Oakley, Dunfermline
Application No. 23/01575/FULL**

Report of Handling

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	12 Link Road, Oakley, Dunfermline		
PROPOSAL	Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)		
DATE VALID	07/07/2023	PUBLICITY EXPIRY DATE	08/08/2023
CASE OFFICER	Emma Baxter	SITE VISIT	None
WARD	West Fife And Coastal Villages	REPORT DATE	05/10/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Deemed Refusal following an appeal against non-determination

ASSESSMENT

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

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

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

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

1.0 Background

1.1 Description

1.1.1 This application relates to a single storey vacant retail unit with mono-pitch roof and render finish located within the settlement boundary of Oakley. The surrounding land uses comprises largely of residential properties, with a hot food take-away and convenience store located to the north, followed by a public house, as well as open space to the west and south-east. On-street parking is available to the front of the units.

1.2 The Proposal

1.2.1. This application is for a change of use from shop (Class 1A) to hot food takeaway (sui generis). The proposed opening hours would be Monday - Sunday, 16:00 to 23:00.

1.3 Planning History

1.3.1. In terms of the planning history for the site a number of relevant related applications have been considered:

- 08/00300/WFULL Change of use from non-use to hot food takeaway was refused May 2008

1.4. A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The following evidence was used to inform the assessment of this proposal

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

2.0 Assessment

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

- Principle of Development
- Residential Amenity
- Transportation
- Design/Visual Impact

2.2 Principle of Development

2.2.1. Policy 9 of NPF4 states that development proposals that will result in the sustainable reuse of vacant buildings, whether permanent or temporary, will be supported. Furthermore, Part D states that development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Policy 27, part C states that development proposals for non-retail uses, including hot-food takeaways, will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas.

2.2.2 Policy 1 of the adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.3. Letters of objection received for this application have raised concerns regarding the impact the proposed development could have on the viability of other existing businesses within Oakley.

2.2.4. The site is located within the settlement boundary of Oakley and therefore there is a general presumption in favour of development under the Adopted FIFEplan. It is considered that the proposed development would not undermine the character and amenity of the surrounding area nor the health and wellbeing of the community, given its size and the proximity of other similar land uses within the settlement boundary. Furthermore, it is considered that the proposed use would generally be in keeping with neighbouring land use and would allow for a vacant unit to be brought back into use.

2.2.5. In light of the above, the proposed development is considered to be acceptable in principle. The overall acceptability of any such development however must also satisfy other relevant Development Plan policy criteria as identified in the following sections of this report.

2.3 Residential Amenity

2.3.1. Policy 23 of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported.

2.3.2. Policies 1 and 10 of the adopted FIFEplan states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the

local area are not adversely affected. PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. Fife Council Customer Guidelines on Businesses Selling Food and Drink sets out the requirements which must be met to minimise potential impacts on neighbouring properties including odour and air quality matters.

2.3.3 The proposed hot food takeaway would be situated approximately 6 meters from the nearest residential property (a defined sensitive receptor) and proposes to be open seven days a week from 16:00 to 23:00, therefore noise, odour, air quality as well as the potential for attracting late-night activity in the immediate area must be considered.

2.3.4. Letters of objection received for this application raised concern with the impact the proposed development may have with regard to noise as well as possible littering/improper disposal of waste from the site.

2.3.5. The applicant has submitted an Odour Impact Assessment as part of this application. The OIA concluded that that the proposed development has a high risk of odour impact in the absence of any mitigation measures and a very high level of abatement would be required. However, no details of proposed mitigation measures have been provided in light of the OIAs findings. As such, it is considered that the proposed development would result in a significant detrimental impact on the amenity levels of nearby properties in term of fumes/cooking odours.

2.3.6. A Noise Impact Assessment was also submitted which concluded that the proposed development would result in neighbouring residential properties being subject to noise levels well about Fife Council guidelines. In light of the findings, the proposed extraction vent has been relocated to the north elevation, resulting in an approximate 10 metre distance to the nearest residential property. Whilst it is acknowledged that this will very likely reduce the noise levels nearby properties would be exposed to, detailed information has not been provided as to the exact impact the vent's relocation would have on the noise levels 14 Link Road would be subjected to. As such, it has not been demonstrated that the proposed development could achieve acceptable noise levels.

2.3.7. In light of the above, it is considered insufficient information has been provided to demonstrate that the proposed development would effectively extract and disperse the cooking fumes generated by the use without giving rise to unacceptable noise, odours and nuisance. The proposal is therefore considered contrary to Policy 23 of NPF4, PAN 1/2011 Planning and Noise (2011); Policies 1 and 10 of the Adopted FIFEplan Fife Local Development Plan (2017) and Fife Council's Planning Customer Guidelines on Businesses Selling Food and Drink (2016).

2.4 Transportation

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

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;

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

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

2.4.3 Three letters of objection were received for this application which raised concerns with the proposed development with regard to potential road safety impact, particularly in terms of parking availability near the site.

2.4.4. The site does not have any dedicated off-street parking, however is located adjacent to existing designated on-street parking areas. The proposed hot food takeaway would require the same number of parking spaces as the existing Class 1A use. As such it is anticipated that there would be no intensification of the use in respect or parking requirements and pressures locally. Fife Council's Transportation Development Management (TDM) were consulted on this application and advised that they have no objections to the proposal.

2.4.5. In light of the above, the proposal would have no significant detrimental impact on the existing levels of road safety and as such would be deemed to comply with NPF4, the Adopted FIFEplan 2017 and Fife Council Transportation Development Guidelines.

2.5. Design/Visual Impact

2.5.1. NPF 4 Policy 14 applies and states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

2.5.2. Policies 1 and 10 of the adopted FIFEplan (2017) states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity.

2.5.3. The only external alterations proposed is the installation of a ventilation exhaust grille on the northern elevation. These works are considered to be minor in scale and as such it is considered that the proposed development would not result in a significant detrimental impact with regard to design/visual impact and would therefore be acceptable in this regard.

CONSULTATION RESPONSES

TDM, Planning Services

TDM have no objections.

REPRESENTATIONS

Three letters of objection, one of which was a petition signed by 37 individuals, were received which raised the below concerns

- Road safety - This has been addressed in paragraph 2.4.4. above.
- Elevated noise levels and general nuisance - This has been addressed in section 2.3 above
- Impact on the character of the area - This has been addressed in paragraph 2.2.4. above
- Capacity on existing sewage system - This is not a material planning consideration
- Waste/littering - The applicant has confirmed that refuse facilities will be provided on site.

CONCLUSION

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

DETAILED RECOMMENDATION

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Guidance:

PAN 1/2011: Planning and Noise

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

National Planning Framework 4 (2023)

Other Guidance:

Fife Council Customer Guidelines on Businesses Selling Food and Drink

Agenda Item 5(3)

**12 Link Road, Oakley, Dunfermline
Application No. 23/01575/FULL**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100631499-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Muhammad"/>	Building Number: <input type="text" value="5"/>
Last Name: *	<input type="text" value="Shafiq"/>	Address 1 (Street): * <input type="text" value="Castle Park"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Kincardine"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="FK10 4QH"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="12 LINK ROAD"/>
Address 2:	<input type="text" value="OAKLEY"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DUNFERMLINE"/>
Post Code:	<input type="text" value="KY12 9RU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="689018"/>	Easting	<input type="text" value="302661"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

We are seeking a review because the application was refused due to insufficient information. In our opinion all relevant information were provided. The noise and odour reports recommend suitable noise control silencer and ventilation system that would effectively extract and disperse the cooking fumes generated by the use. The planning could have been granted with conditions to use recommended systems noted in the relevant reports. The unit had approval for the similar use which was lapsed.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

AL(0)02-Exist. & Proposed Layouts-B Noise Assessment Report Odour Assessment Report Specification & EMAQ Report

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01575/FULL

What date was the application submitted to the planning authority? *

11/07/2023

What date was the decision issued by the planning authority? *

05/10/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Sabahat Hamad

Declaration Date: 08/11/2023

Sabahat Hamad

7 High Station Road

Falkirk FK1 5LP

kenzarchitectural@gmail.com

08/11/2023

Fife Council, Committee Services,
Corporate Services Directorate
Fife House, North Street
Glenrothes, Fife, KY7 5LT

Re: 23/01575/FULL, Change of use from shop (Class 1A) to hot food takeaway (Sui Generis), 12 Link Road Oakley Dunfermline Fife KY12 9RU.

Dear Sir/ Madam,

I am writing in response to the recent refusal of above subject planning application. I appreciate the thorough consideration given to the application and respect the commitment of the Planning Authority to safeguard residential amenity.

Upon reviewing the refusal notice, I understand that the primary concern relates to insufficient information demonstrating the effectiveness of the proposed extract ventilation system in handling cooking fumes without causing unacceptable noise, odors, and nuisance. I acknowledge the reference to National Planning Framework 4 (2023) Policy 23 (Health and Safety), PAN 1/2011 Planning and Noise (2011), Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan Fife Local Development Plan (2017), and Fife Council's Planning Customer Guidelines on Businesses Selling Food and Drink (2016).

In response to these concerns, I would like to assure the Planning Authority that we were committed to addressing and mitigating any potential adverse impacts associated with the proposed development. To that end, we submitted additional information and studies that thoroughly assess and demonstrate the effectiveness of the extract ventilation system in compliance with the aforementioned policies and guidelines.

Specifically, we provided:

Comprehensive noise impact assessment related to the extract ventilation system during operation, considering worst case scenarios. The proposed drawings were amended to relocate the extraction system to rear elevation and a suitable silencer was proposed as recommended by this assessment.

An odour assessment with recommendation of the proposed system's capability to disperse cooking fumes in a manner that prevents any significant odours or nuisance to neighbouring properties.

The outline plans indicating the ventilation system that will meet the standards set forth in National Planning Framework 4 (2023), Policy 23 (Health and Safety), and other relevant regulations.

We understand the importance of maintaining a high standard of residential amenity, and we are committed to working collaboratively with the Planning Authority to address any concerns raised during the evaluation of our application.

Please advise on the specific additional information or documentation required, and we will promptly submit the necessary materials to facilitate a thorough reassessment of the application.

Thank you for your attention to this matter, and we look forward to the opportunity to provide further details to support the approval of our planning application.

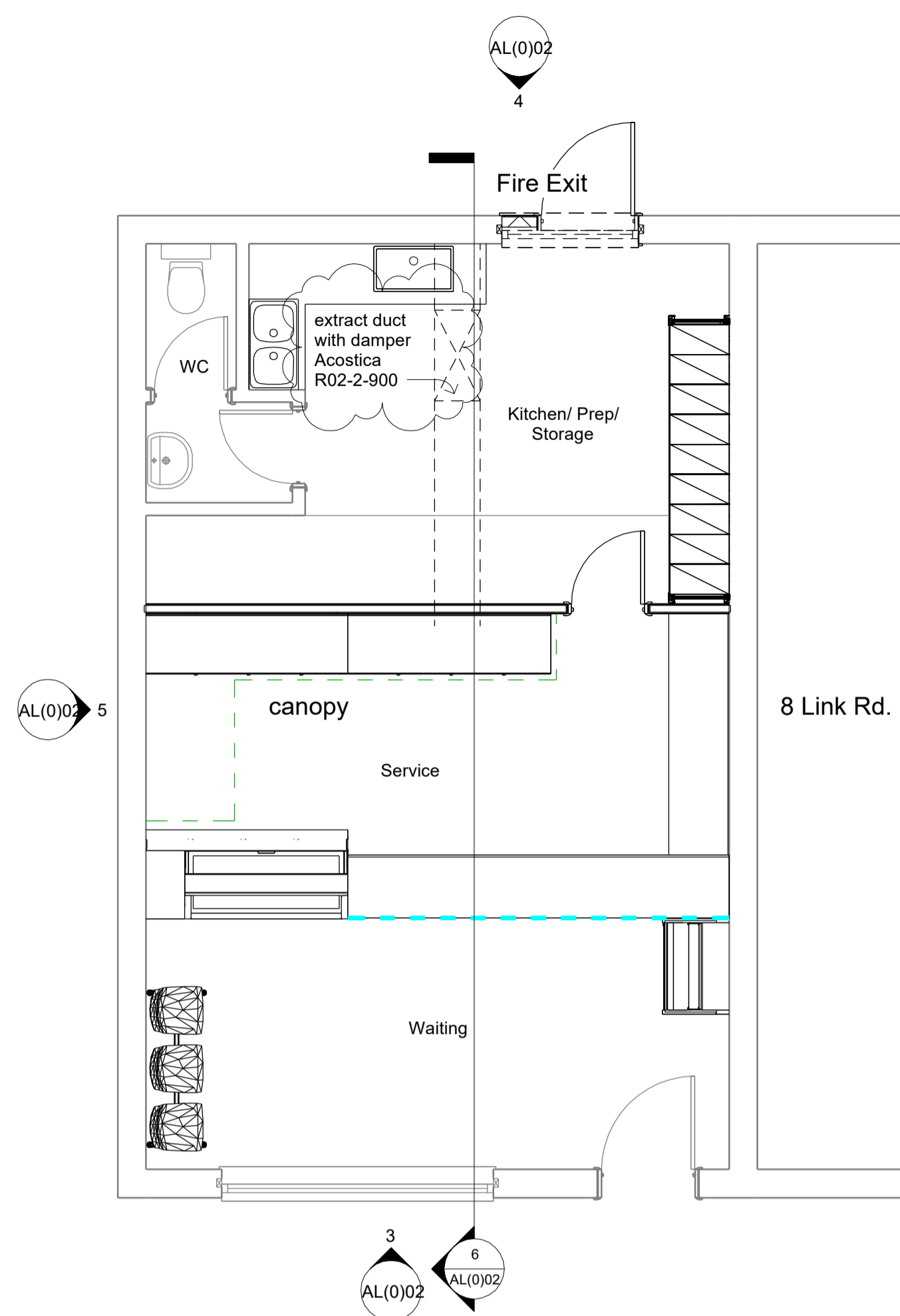
Sincerely,

Sabahat Hamad

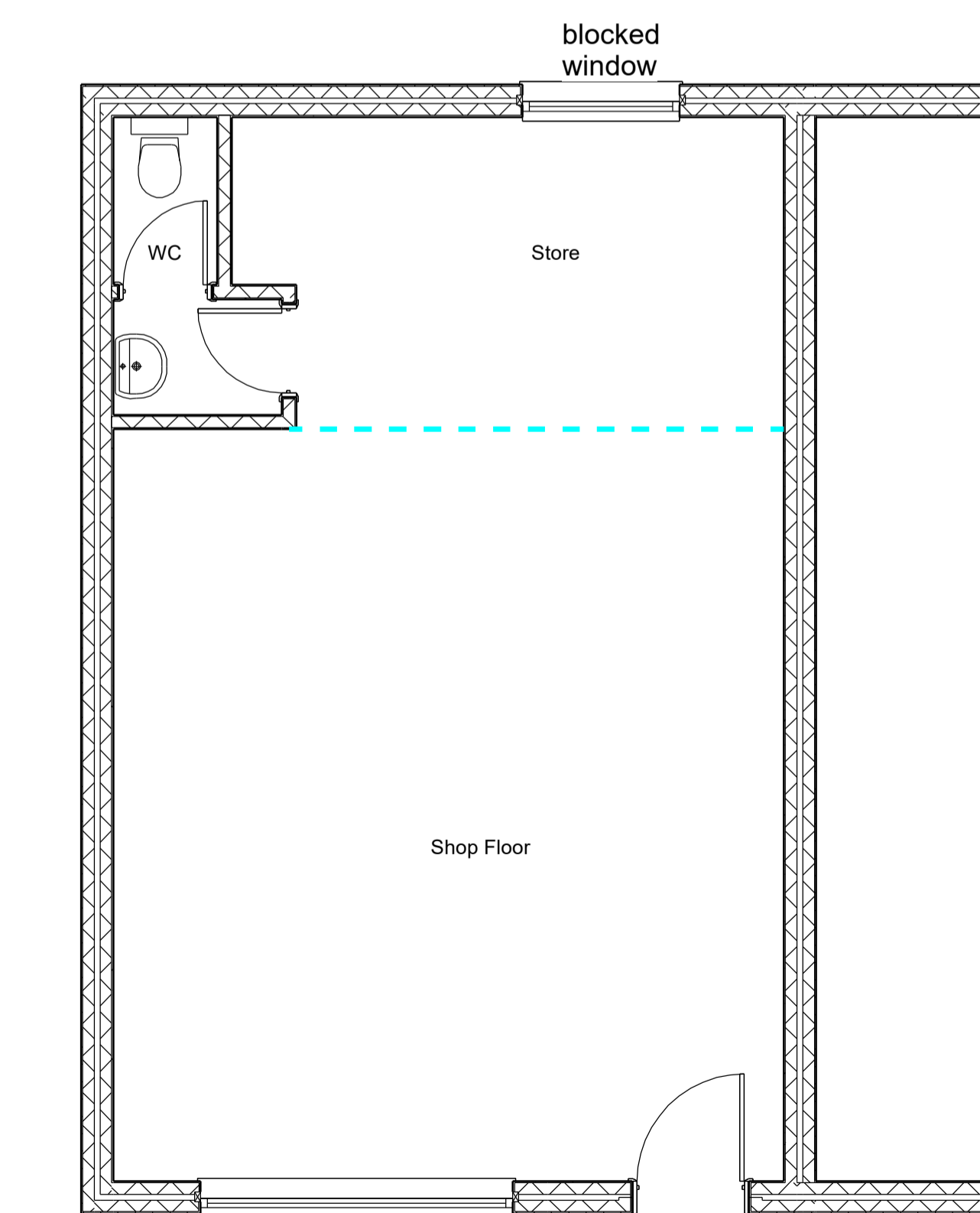
KENZ designs Ltd

Notes:

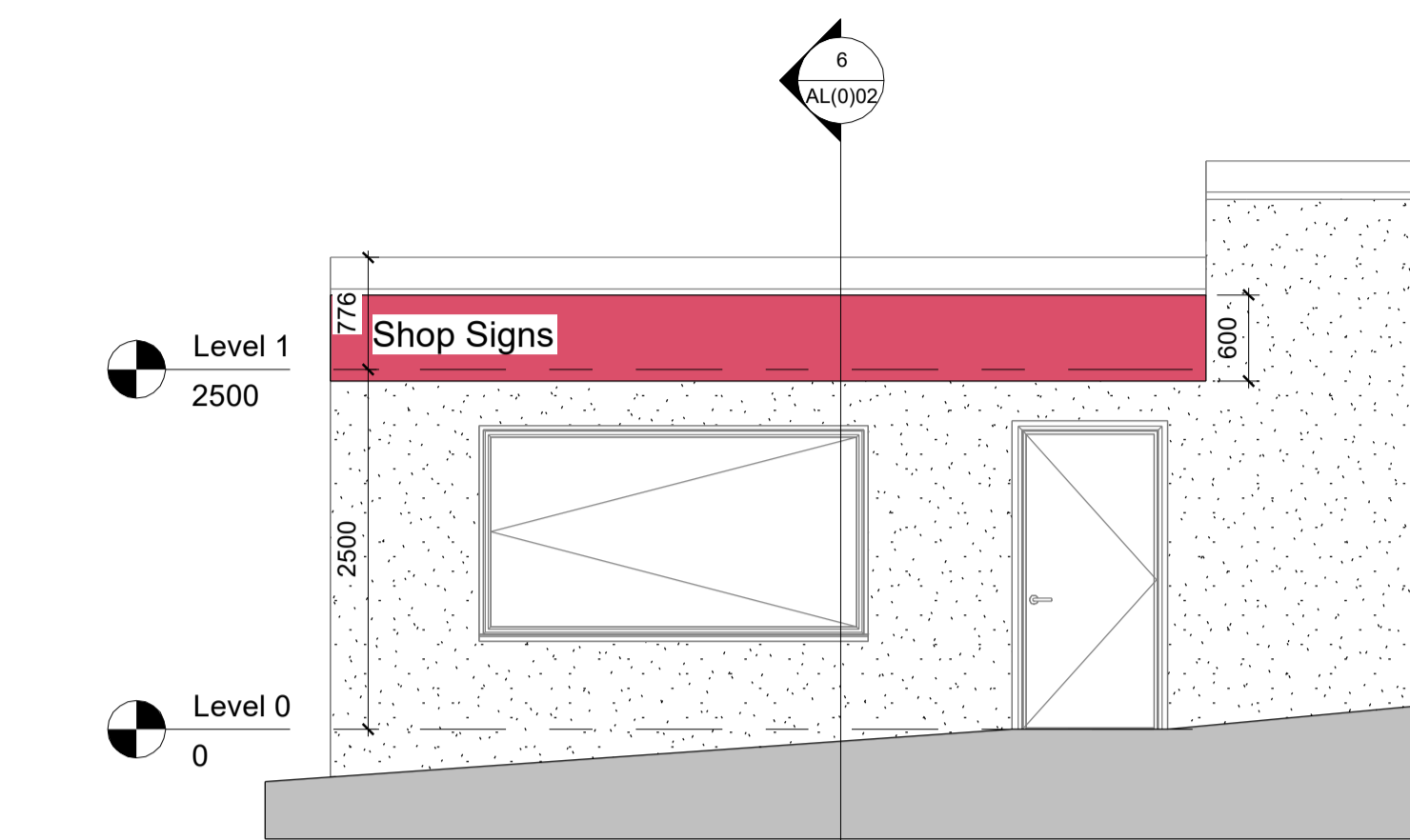
1. No Dimensions to be scaled from this drawing.
2. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
3. All works to be carried out to the latest Building (Scotland) Regulations and all British Standards and Codes of Practice contained therein.
4. All drainage works to comply with the latest Building (Scotland) Regulations and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
5. All electrical work to comply with BS7671:2018 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.



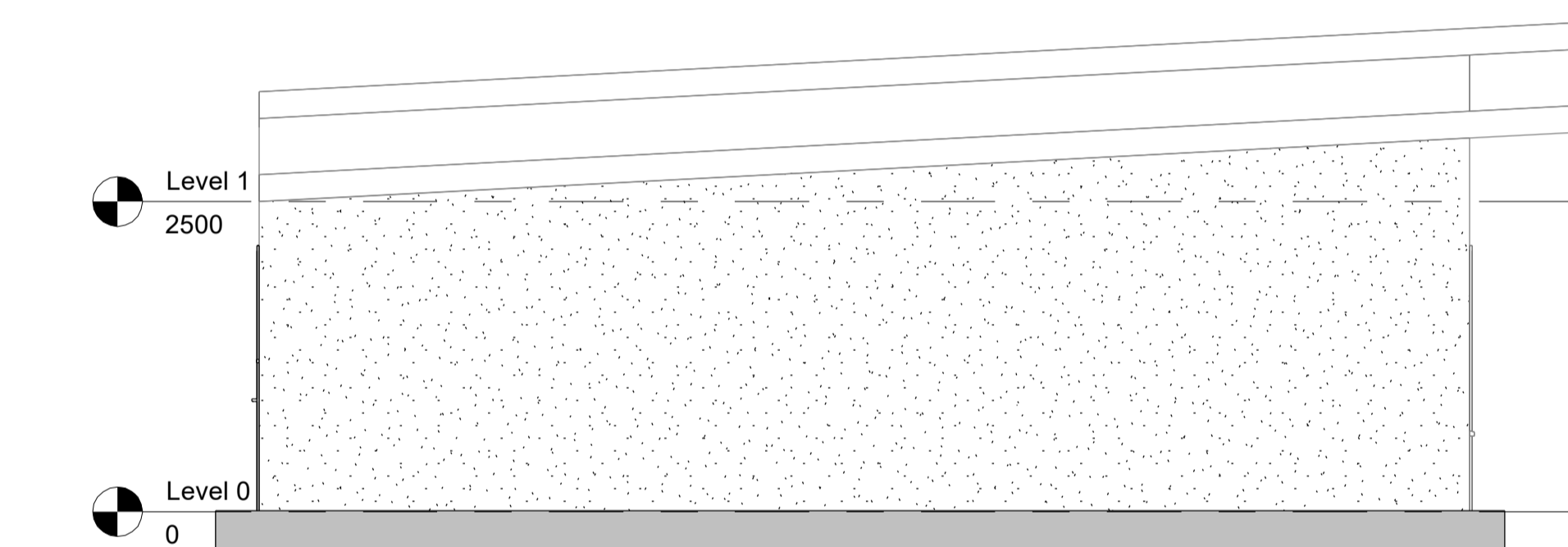
2 Prop. Plan
1 : 50



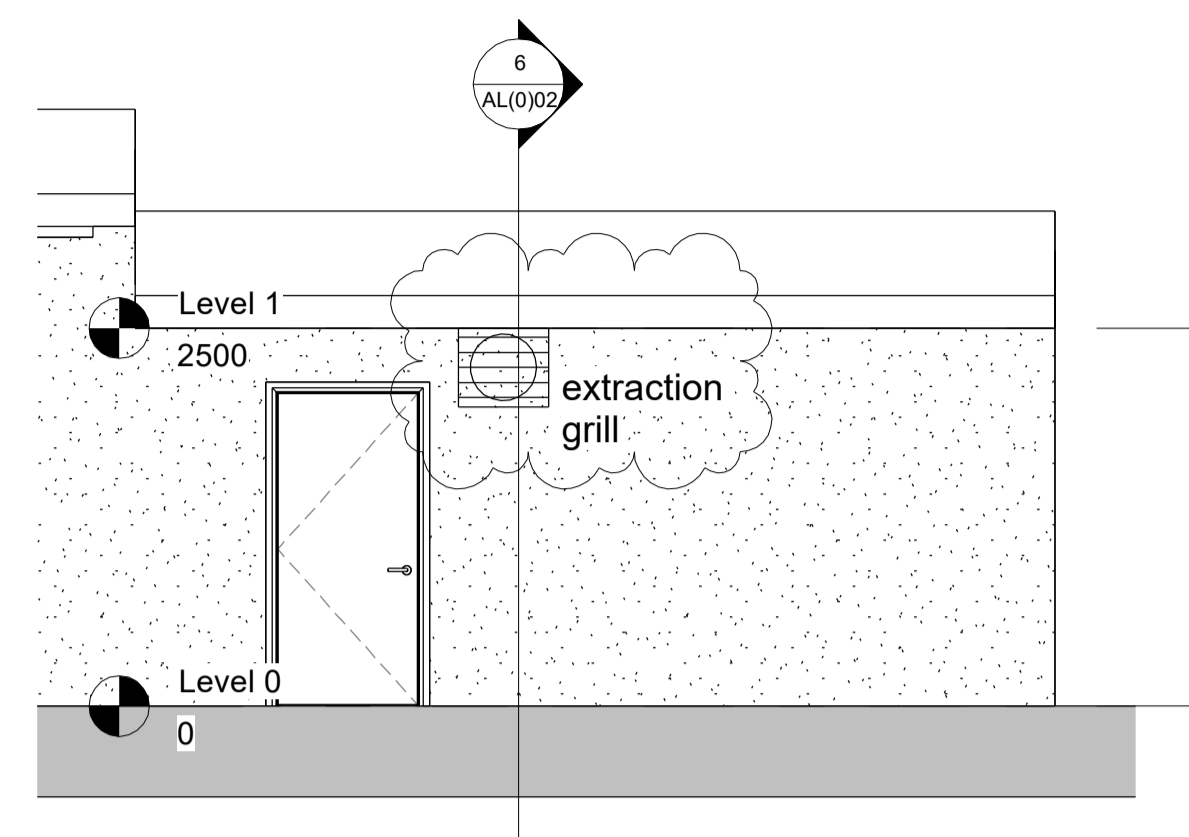
1 Ex. Plan
1 : 50



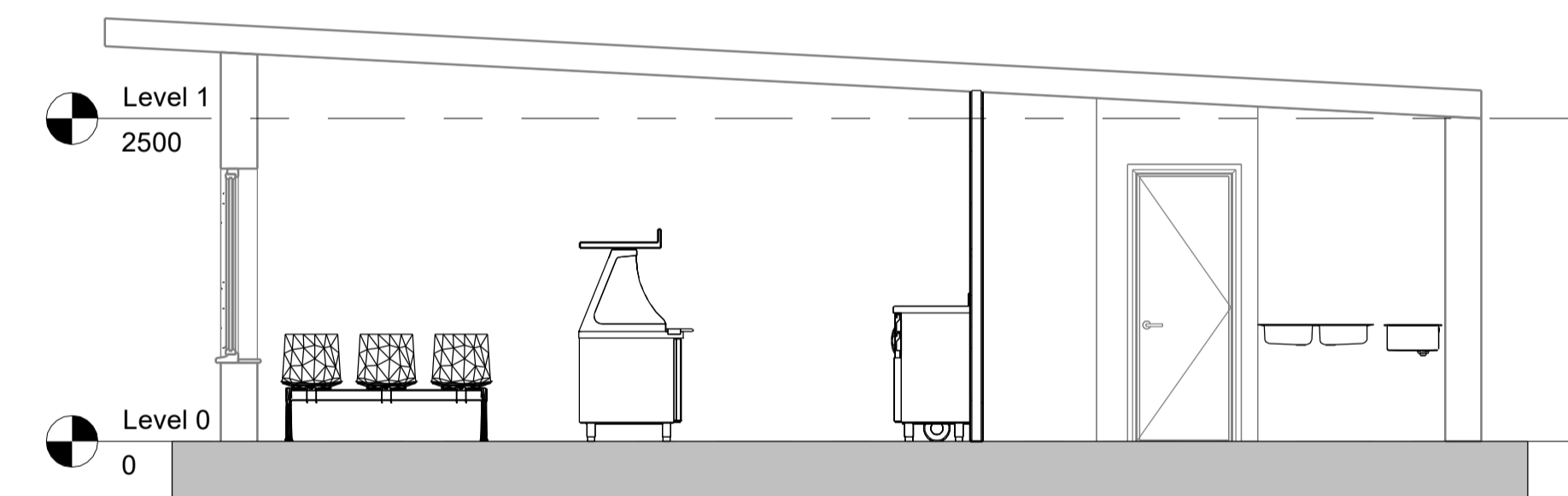
3 South
1 : 50



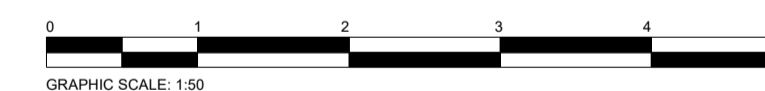
5 West
1 : 50



4 North
1 : 50



6 Section 1
1 : 50



Location:
The unit is located within an isolated mixed-use area where there are already a number of properties are in non-residential use

This hot food takeaways will not unduly detract from the amenity of surrounding residential properties.

Cooking Smells
The modern odour extraction systems are capable of controlling/ eliminating the problem of smells to neighbouring properties. Any smells from the hot food takeaway will not cause detrimental impacts upon the amenity of surrounding residential properties due to the location of the takeaway and modern extraction system (attached with the Application)

Parking
The off-street parking is readily available at the frontage of this isolated percent.

Footways
There is an ample width of the footway outside the proposed hot food takeaway and the adjoining carriageway is also narrow but busy, planning permission for a hot food takeaway may be refused.

Litter
Litter dropped by customers is often quoted by objectors as a reason why the Planning Authority should refuse planning permission for a hot food takeaway. However, the problem associated with litter being dropped by customers is more likely to arise some distance away from the hot food takeaway. The dropping of litter by customers is outwith the control of the hot food takeaway proprietor and as it is covered by alternative primary legislation, it is not a relevant planning issue. However, as a responsible proprietor, we will make sure that bins are provided for the customers and also for the waste disposal.

Opening Hours
The opening hours will be as follows;
Monday - Sunday 1600 - 2300

Ventilation
Full details regarding the means of ventilation and extraction equipment for a hot food takeaway are included in support of this planning application to determine its acceptability in terms of functionality, appearance and location etc. A flue less ventilation and extraction equipment are located away from publically visible areas so that the public realm/street scene is not unduly dominated by functional clutter.

A Noise asseement response 120923

REV: DESCRIPTION: BY: CHK: DATE:

STATUS: **PLANNING**

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SITE:
Proposed Hot Food Takeaway at 12 Link Rd.
Oakley

TITLE:
Exist. & Proposed Layouts

SCALE AT A1: 1 : 50	DATE: 08/06/23	DRAWN: HM	CHECKED: HM
PROJECT NO: 230602	DRAWING NO: AL(0)02	REVISION: A	

50



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BRIEF FOR CONSULTANCY:

To carry out a noise impact assessment of the proposed new kitchen extraction and external grille for a change of use application.

Noise impact assessment
12 Link Road,
Oakley, JY12 9RU
23/01575/FULL

Technical Report No. R-9784-EK-DJC
12 September 2023

PREPARED FOR:

Muhammad Shafiq
5 Castle Park
Kincardine
FK10 4QH



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3.0 Noise impact assessment 6

4.0 Conclusions 10

1.0 Introduction

- 1.1 We were instructed by Muhammad Shafiq to undertake a noise impact assessment in relation to the proposed new kitchen ventilation system to be installed at 12 Link Road, Oakley, and to offer any acoustical advice necessary to facilitate compliance with the acoustic planning guidelines.
- 1.2 The proposals for the property at 12 Link Road, Oakley is to convert the existing shop unit (Class 1A) to a hot food takeaway (Sui generis). The site location and the street view are presented in Figure 1a and 1b below.

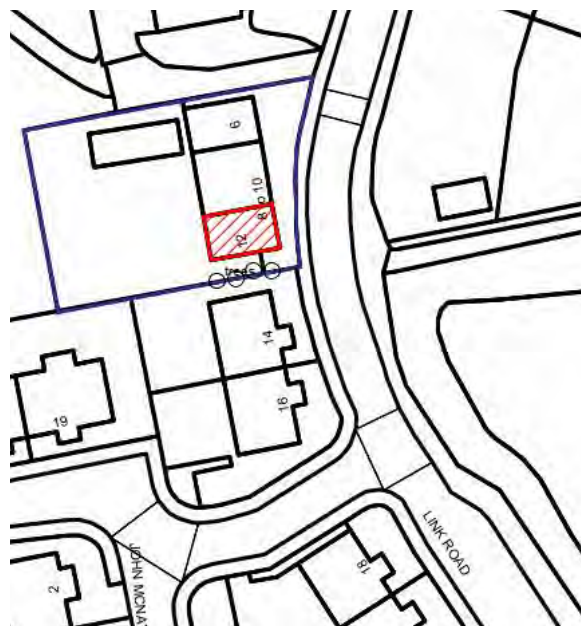


Figure 1a. Site location plan



Figure 1b. Site and nearest noise sensitive location

- 1.3 The current proposals are to install a new kitchen extraction system with an internal canopy over the cooking area and an encased fan motor directly onto the external wall via an external louvre to the west façade of the proposed takeaway.

2.0 Relevant planning guidance

- 2.1 The following section outlines the design criteria used in the report to ensure there is no loss of amenity for residents due to excess noise from the commercial premises.
- 2.2 Fife Council's typical requirement for the noise impact is that the items of plant operating at the maximum capacity should not exceed NR25 internally at the nearest noise sensitive reception location with windows open for ventilation.
- 2.3 The NR25 criterion is spectrum-based criterion, which requires that the maximum noise level at a range of frequencies should not be exceeded as indicated in Table 1.

Table 1: Proposed criterion - NR25							
Octave Band Centre Frequency							
	63 Hz	125 Hz	250 Hz	500 Hz	1kHz	2kHz	4kHz
NR 25	55	44	35	29	25	22	20

3.0 Noise impact assessment

- 3.1 The restaurant is located in a standalone unit forming part of a block of a single-storey commercial building. The nearest residential receptor is the single storey bungalow at no. 14 Link Road at a distance of 4.5m from the proposed takeaway restaurant. The nearest residential window is on the east façade of the property, directly opposite the proposed extract grille.
- 3.2 A new extract grille is proposed to be fitted directly to the kitchen extraction fan which is proposed to be installed within the external wall in an appropriate casing. The proposed location of the new external louvre is shown in Figure 2 below.

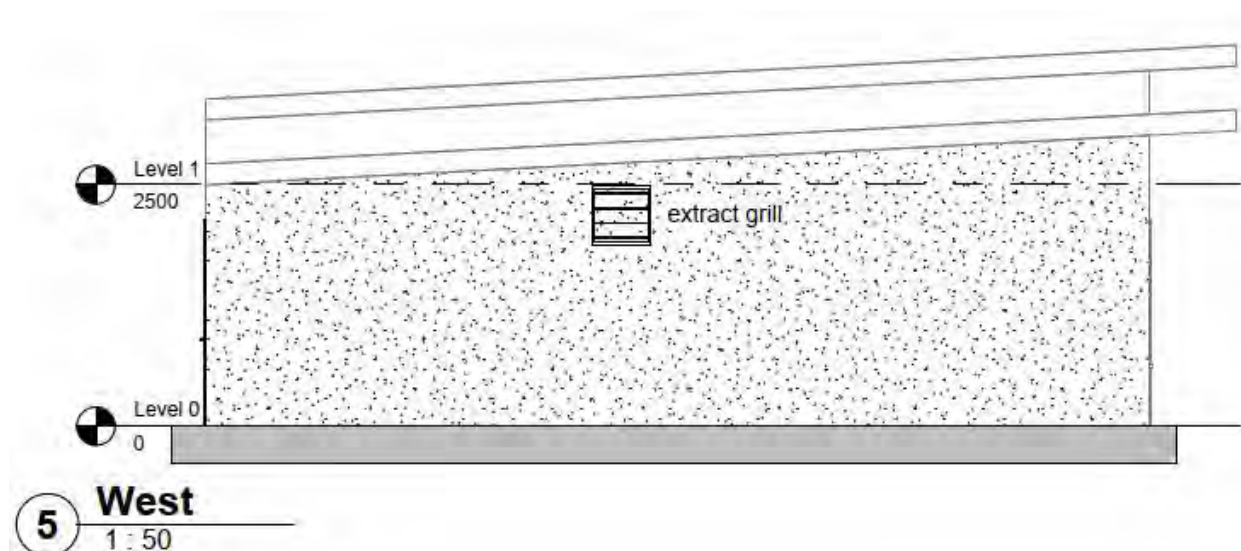


Figure 2. Extract louvre

- 3.3 Noise emissions data for the fan have not been provided but the manufacturer states a maximum sound pressure level of 66dB(A) at 1.5m for their kitchen extraction fans.
- 3.4 In order to assess the noise across the frequency spectrum, noise emissions data from another commercial kitchen extract were utilised. The application was similar in that the noise emissions were measured to be ~67dB(A) at 1.5m, while the kitchen extract was operating at full capacity. The fan was comparably



installed directly into the external wall and vented through a louvre at the rear elevation of the premises' kitchen area. The noise was previously measured at the rear of the building 1.5 m above local ground level and approximately 1.5 m (vertically) and 0.5m (horizontally) away from the fan. Subjectively, the noise was constant and did not contain tonal or impulsive characteristics. The noise measurements were conducted by Eleni Kontesidou, B.Sc (Hons), M.Sc, MIOA.

3.5 The results of our historical measurement are shown in Table 2.

Table 2. Measured fan extract breakout noise levels, L_{eq} dB								
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8kHz
Location: 1.5 m away from the fan extract (external)	73	71	65	63	61	58	56	50

3.6 The proposed ventilation system has been assumed to operate continuously so no on-time correction has been applied, which represents the worst-case scenario of operation during busy dinner service evening hours.

3.7 We understand that the proposed hours of operation will be Monday to Sunday 1600 to 2300 hours.

Noise impact assessment through open windows

3.8 The calculations were corrected for the attenuation of a moderately open residential window (for ventilation purposes) and attenuation due to distance. As the measurements already include façade reflections, no additional façade penalty was added for the calculations.

3.9 The predictions for the noise break-in via the external louvre to the closest residential window (directly opposite the louvre) are shown in Table 3.



Table 3. Predicted internal plant noise level from kitchen extract louvre, L_{eq} dB								
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz
(1) Sound pressure level at 1.5m	73	71	65	63	61	58	56	50
(2) Attenuation due to distance (point source, 4.5m/1.5m)	-10	-10	-10	-10	-10	-10	-10	-10
(3) Open window attenuation	-10	-10	-10	-10	-10	-10	-10	-10
(4) Predicted Internal Level	54	52	46	44	42	39	37	31
(5) NR25 Criteria	55	44	35	29	25	22	20	18
(6) Exceedance= (4)-(5)	-	8	10	15	17	17	17	13

3.10 The results in Table 3 above indicates that significant exceedances are predicted against the NR25 criterion for noise break-out into the nearest residential windows (on the property's east façade). This is considered to be the worst-case scenario as windows further away will benefit from additional attenuation due to the additional distance as well as some angle of view losses.

3.11 Therefore, it would be recommended that an alternative extraction system is installed with a duct terminating either at the rear façade or via a vertical flue through the roof. This will provide the opportunity to install an acoustic attenuator between the fan unit and the external wall/roof.

3.12 The attenuator should have a minimum insertion loss in dB across the frequency range such that the above exceedances in Table 3 are eliminated. Therefore, the recommended minimum insertion loss for the proposed attenuator corresponds to the last line (in red font) of Table 3.

3.13 Recommended products that would achieve the above insertion loss are the *Acoustica R02-2-900* 900mm rectangular silencer or the *IAC 5S* 1500mm rectangular silencer.

-
- 3.14 In addition to controlling the fan noise, it is important to ensure that the terminal velocity of the air (via the external grille) does not cause regenerated noise. We would therefore recommend that the air speed at the terminal is kept as low as possible. A plenum can be used to slow the speed if required.

4.0 Conclusions

- 4.1 We were instructed by Muhammad Shafiq to undertake a noise impact assessment in relation to the proposed installation of a kitchen extraction system relating to the change of use planning application at 12 Link Road, Oakley, and to offer any acoustical advice necessary to facilitate compliance with the acoustic planning guidelines.
- 4.2 A noise impact assessment was carried out to determine the likely effect of the noise breaking out from the proposed extract grille to the neighbouring residential property through its nearest windows allowing them to be moderately open for ventilation, as per the Local Authority requirements.
- 4.3 The assessment demonstrated that noise break-out from the extract louvre will exceed the Local Authority criterion (noise rating curve, NR 25) with the current proposal.
- 4.4 Recommendations were made for an alternative ducted installation which would allow the possibility for an acoustic attenuator to be fitted within the ductwork. Minimum insertion losses for the acoustic attenuator have been provided.

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Approved by:

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BSc (Hons), MSc, MIOA

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12 LINK ROAD OAKLEY DUNFERMLINE FIFE
KY12 9RU

Odour Assessment

On Behalf of Mohammed Shafiq
September 2023

Greenavon Ltd
www.greenavon.com

Document Control Sheet

Project Name: 12 Link Road Oakley Dunfermline Fife KY12 9RU

Project Ref: 0182

Report Title: Odour Assessment

Client	Mohammed Shafiq
Principal Contact	Mohammed Shafiq
Job Number	0182
Item	Odour Assessment
File Location	\\Job Numbers\0182\0182A(OD)v0.docx

Quality Management

Prepared by	Harley Parfitt	Air Quality Consultant	20/09/2023
Checked by	Harley Parfitt	Air Quality Consultant	22/09/2023
Revision Number	V0		

Revision History	Date of Issue	Reason for revision
V0	22/09/2023	For client comments

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1 Introduction

- 1.1 Greenavon Ltd has been commissioned by Mohammed Shafiq (the client) to provide an odour assessment to support a planning application at 12 Link Road Oakley Dunfermline Fife KY12 9RU.
- 1.2 The planning application is for the change of change of use from shop (Class 1A) to hot food takeaway (Sui Generis). The client wishes to operate the site as a fast-food takeaway, serving pizzas, burgers, kebabs and grilled chicken.
- 1.3 Fife Council (FC), the local planning authority, has requested that an odour assessment be undertaken to support the application to demonstrate that the proposal would not have any significant impact in terms of residential amenity.
- 1.4 An odour assessment (a kitchen odour risk assessment) has, therefore, been undertaken in line with EMAQ + guidance on the *Control of Odour and Noise from Commercial Kitchen Exhaust Systems* to ensure an appropriate level of odour mitigation is installed.

2 Kitchen Odour Risk Assessment Methodology

- 2.1 The kitchen odour risk assessment (KORA) methodology included in Defra’s withdrawn guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems¹ was followed in this assessment. EMAQ+ produced an update², to this guidance which has also been followed.
- 2.2 The guidance set out that odour risk from a commercial kitchen is a function of the:
- characteristics of the kitchen extract (e.g. height and velocity);
 - proximity of receptors;
 - cooking type, and
 - the size of kitchen.
- 2.3 To identify the odour risk from a commercial kitchen, a proposal is assessed against each of the points above using the scoring matrix in Table 1.

Table 1: Odour Risk Assessment Scoring Matrix

Criteria	Score	Score	Details
Dispersion	Very poor	20	Low level discharge, discharge into courtyard or restriction on stack.
	Poor	15	Not low level but below eaves, or discharge at below 10 m.s ⁻¹ .
	Moderate	10	Discharging 1 m above eaves at 10-15m.s ⁻¹
	Good	5	Discharging 1 m above ridge at 15m. s ⁻¹
Proximity of receptors	Close	10	Closest sensitive receptor less than 20m from Kitchen discharge.
	Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge.
	Far	1	Closest sensitive receptor more than 100m from kitchen discharge.
Size of kitchen	Large	5	More than 100 covers or large sized take-away.
	Medium	3	Between 30 and 100 covers or medium sized take away.
	Small	1	Less than 30 covers or small take-away.
Cooking type (odour)	Very high	10	Pub (high level of fried food), fried chicken, burgers, or fish & chips. Middle Eastern or any premises cooking with solid fuel.

¹ Defra (2005).Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems

² EMAQ+ (2018) Amendment to Defra (2005). Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems

and grease loading)	High	7	Vietnamese, Thai, Indian, Japanese, Chinese, Steakhouse.
	Medium	4	Cantonese, Italian, French, Pizza (gas fired)
	Low	1	Most pubs (no fried food, mainly reheating and sandwiches etc, tea rooms.

- 2.4 The combined score from each of the criteria in Table 1 is then used to assign the scheme's odour impact risk and the level of odour control to negate that risk. Table 2 below sets out the scores which correspond to the odour impact risk.

Table 2: Odour impact risk and control requirement level

Impact Risk	Odour Control Requirement	Score
Low to Medium	Low level odour control	Less than 20
High	High level odour control	20 to 35
Very high	Very high-level odour control	more than 35

- 2.5 It should be stressed that the KORA methodology is highly prescriptive and does not consider other factors which might influence how odour is experienced in the local area (such as the frequency of cooking or the offensiveness of odours). As such, the EMAQ+ guidance recognises that planners and other decision makers *“may take a pragmatic view when assessing whether certain low risk kitchens require any odour abatement to be fitted”*.

3 Kitchen Odour Risk Assessment

- 3.1 The proposed takeaway will have no seating and all food will be for takeaway only. The proposed kitchen would likely contain a fryer(s), a pizza oven (gas), a donner machine, gas grill and steamer.
- 3.2 The site plans, including the location of the exhaust point, are provided in Appendix A.

Table 3: Odour impact risk for the kitchen.

Criteria	Score	Score	Explanation	Potential Improvements
Dispersion	Very Poor	20	The extract is a grill that terminates horizontally just below roof level.	Vertical flue extending above roof height, with speeds of more than 10m/s. A jet cowl should also be installed on the vertical discharge to maximise the vertical dispersion of odours (10)
Proximity of high sensitivity receptors	Close	10	The nearest residential dwelling is located less than 20m from the extract grill.	NA
Size of kitchen	Small	1	The kitchen is small.	NA
Cooking type (odour and grease loading)	Very High	10	EMAQ+ guidance states that emissions from kebab houses would have a high level of grease content, and a very high smoke potential, with gas fired grills also having a heavy grease/ smoke potential. Fast food takeaways also have a very high potential for grease release.	If electric cooking equipment could be installed, it would likely reduce the amount of smoke produced. This would however not change the risk score.
Score		41		31

- 3.3 A score of 41 suggests a *very high* risk of odour impacts in the absence of mitigation, and a very high level of abatement will be required. If the suggested potential improvements are accommodated, the proposal would present a *high* risk of odour impacts, and only a high level of abatement would be required.

4 Mitigation

- 4.1 Kitchen extract air is made up of odorous gases, grease and smoke. Some mitigation measures are only suitable at removing particles (grease and smoke) and the efficiency of other forms of mitigation can be greatly enhanced by combining them with other abatement. Ozone generating systems, for example, require a pre-filtration step to remove particulate pollution (smoke).

Proposed System

- 4.2 The proposed hood contains a stainless-steel washable grease separator, which acts as a first-stage coarse filter, and a corresponding grease collection draw. The proposal also currently includes a UV-ozone generator (an AirTeck Slim TRIOXYGEN GENERATOR).

Recommended System

- 4.3 EMAQ+ guidance provides examples of what a *very high level* of odour mitigation might include. These examples are reproduced below:

“A very high level of odour control may include:

- 1. Fine Filtration or Electrostatic precipitation (ESP) followed by carbon filtration (carbon filters rated with a 0.4 -0.8 second residence time); or*
- 2. Fine Filtration or ESP followed by carbon filtration and by counteractant/neutralising system, to achieve the same level of control as 1.*
- 3. Fine Filtration or ESP followed by UV ozone system to achieve the same level of control as 1.”*

- 4.4 As such, the level of odour mitigation does not yet meet the requirements of EMAQ+ guidance, and an additional ‘Fine filtration or ESP’ step would be required, prior to the current proposed ozone generating system.
- 4.5 However, an ozone generating system may not be the most appropriate solution for this site as ozone takes time to break down odours and the length of the ductwork is short. The current plans also consist of a horizontal and low-level discharge, which would mean that any residual ozone would be released at low level. Ozone is a pollutant harmful to health and so low-level discharges are generally not recommended.
- 4.6 As such, a system of either fine filtration or electrostatic precipitation (ESP) followed by carbon filtration (carbon filters rated with a 0.4-0.8 second residence time) may be the best solution, if there is sufficient space.
- 4.7 However, if the design of the discharge point can be altered to extract at height, vertically, at speed, an ozone generating system, such as the AirTeck may be more appropriate, as long as used in conjunction with a fine filtration or ESP.

Maintenance Plan

- 4.8 Any installed equipment should be tested, balanced, and commissioned prior to use by a suitably qualified person, to ensure it is operating as designed. It is essential that the manufacturer/ provider post installation provides comprehensive information on the

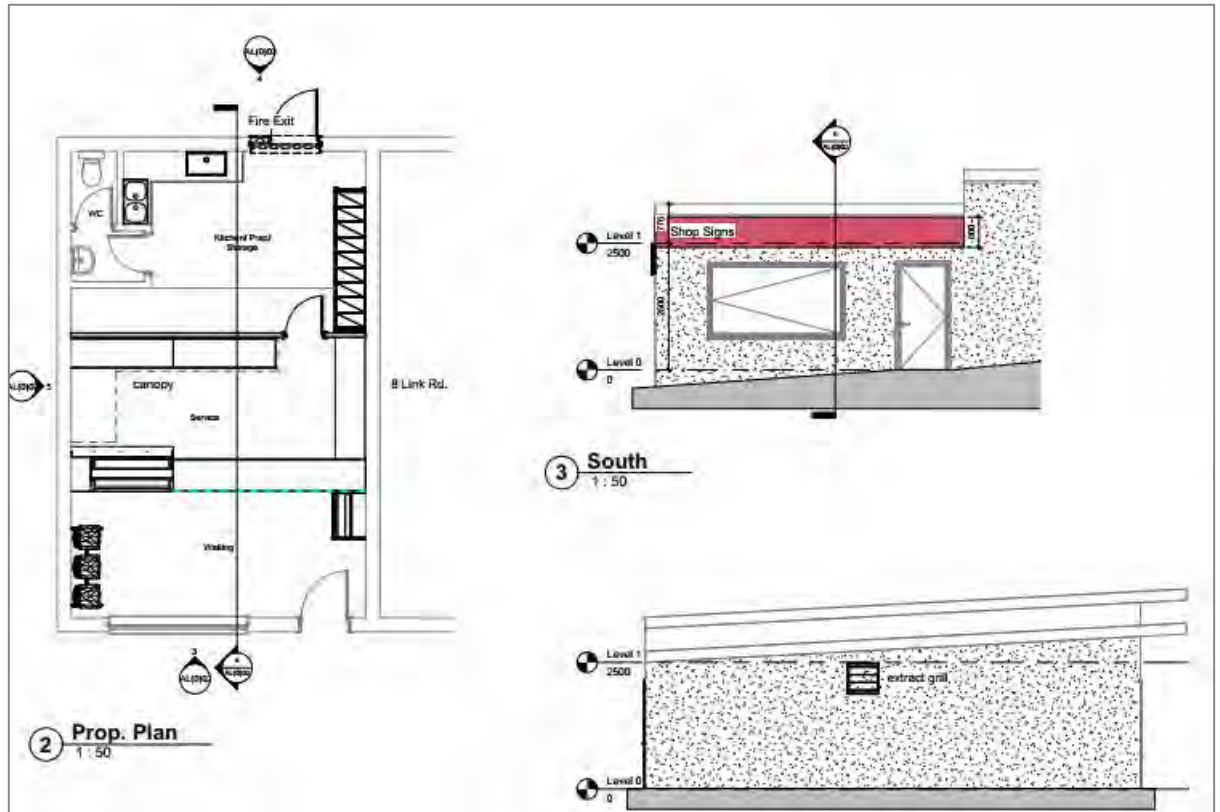
maintenance of the system to ensure optimal odour abatement performance is maintained.

- 4.9 It is the responsibility of the client to ensure that their kitchen extract system is maintained and operates effectively. Regular maintenance and cleaning will therefore be required. The maintenance and cleaning of ducting and equipment could be provided through a service contract from a suitable provider.
- 4.10 The operator of the takeaway should also adopt a basic odour management plan to identify ways in which odorous emissions can be reduced across their business. This plan should include a schedule for maintenance and cleaning and the procedures that would be put in place should odour complaints be lodged against the site.

5 Conclusion

- 5.1 Greenavon Ltd has been commissioned by Mohammed Shafiq to provide an odour assessment to support a planning application for the change of use of 12 Link Road Oakley Dunfermline Fife KY12 9RU to a takeaway.
- 5.2 The KORA has been undertaken in line with Defra's and EMAQ+ *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems* and has identified that in the absence of mitigation, the proposed development presents a very high risk of odour impact on neighbouring uses.
- 5.3 The proposal does not currently include a sufficient level of odour abatement and, therefore, additional mitigation will be required to ensure no significant off-site odour impacts.
- 5.4 There are several solutions going forward, these include the:
 - Installation of a system of either fine filtration or electrostatic precipitation (ESP) followed by carbon filtration (carbon filters rated with a 0.4-0.8 second residence time); and/ or
 - The alteration of the discharge point to extract at height, vertically and at speed;
and
 - The installation of an ozone generating system (such as the AirTeck Slim TRIOXYGEN GENERATOR) *with* a pre-filter step of fine filtration.
- 5.5 Poor maintenance of the proposed extraction system could however lead to increased odour emissions. As such, the proposed extraction system and ductwork will need to be cleaned and maintained by a suitably qualified professional at regular intervals to ensure no significant loss in odour abatement performance.
- 5.6 After the incorporation of the recommended mitigation, it is considered that the proposed development would include an appropriate level of odour mitigation to negate any significant risk of amenity loss to nearby receptors. A planning condition could be placed on any permission requesting exact details of the extract system prior to occupation.

Appendix A: Site Plans





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Experts in Air Quality and Odour Assessment

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Specification & EMAQ Report

Project Name 00000

12 Link Road Oakley DUNFERMLINE, FIFE

Prepared for: Hamad

Prepared by: Nathan Collins

Date: 24/10/23

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**AIR FILTRATION
EXPERTS**



MARKET LEADERS
S I N C E
1984

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TECHNICAL SPECIFICATIONS (per unit)**Error! Bookmark not defined.**

TECHNICAL DRAWINGS9

INTRODUCTION

Interpretation of Requirements

Following our conversation today I am pleased to provide an equipment selection for an odour control solution.

As with any project we get involved in we always recommend to our clients that they should closely follow the EMAQ guide for guidance on odour control equipment selection.

This ensures that what they propose will be in line with local authority's requirements and if the system is maintained correctly they will not exhaust nuisance odours leading to complaints from nearby residents.

With this in mind I carried out a risk assessment as detailed in Appendix 3 of the EMAQ Guide.

Taking into consideration the level of discharge, proximity of receptors, size of kitchen and cooking type your project requires a high level of odour control to comply.

We have scored as below and as taken from Appendix 3: Risk Assessment for Odour;

Risk	Score
Dispersions	20
Proximity Of Receptors	10
Size Of Kitchen	01
Cooking Type	10
Total Score	41

The type of odour abatement system that complies is as below, taken directly from the EMAQ Guide and must be to a high level of control;

Odour arrestment plant performance

Very high level of odour control may include:

1. Fine filtration or ESP followed by Carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time).
2. Fine filtration or ESP followed by carbon filtration and counteractant/neutralising system to achieve the same level of control as point 1.
3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as point 1.

PRODUCT OVERVIEWS

4. Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as point 1.

Criteria	Score	Score	Details
Dispersion	Very Poor	20	Low level discharge, discharge into courtyard or restriction on stack.
	Poor	15	Not low level but below eaves, or discharge below 10 m/s
	Moderate	10	Discharging 1m above eaves at 10-15 m/s
	Good	5	Discharging 1m above ridge at 15 m/s
Proximity of Receptor	Close	10	Closest sensitive receptor between 20m from kitchen discharge.
	Medium	5	Closest sensitive receptor between 20 and 100m from kitchen discharge.
	Far	1	Closest sensitive receptor more than 100m from kitchen discharge.
Size of Kitchen	Large	5	More than 100 covers or large sized take away.
	Medium	3	Between 30 and 100 covers or medium sized take away.
	Small	1	Less than 30 covers or small take away.
Cooking type (odour and grease loading)	Very High	10	Pub (high level of fried food), fried chicken, burgers or fish & chips. <i>Turkish, Middle Eastern or any other premises cooking with solid fuel</i>
	High	7	Vietnamese, Thai, Indian, <i>Japanese, Chinese, steakhouse.</i>
	Medium	4	<i>Cantonese, Italian, French, Pizza (gas fired)</i>
	Low	1	Most pubs (<i>no fried food, mainly reheating and sandwiches etc.</i>), <i>Tea rooms.</i>

PRODUCT OVERVIEWS

The System

The first stage of control should be 2 of our Electrostatic Precipitator ESP3000 units, double passed.



Key Features

Eliminates up to 98% of oil, grease and smoke particles

Filters particles down to sub-micron levels

Produces Ozone to help reduce malodours

Designed with an integral sump

As our ESP's have been specifically designed for kitchen extract and not modified from industrial use, they have integral sumps to collect the oil, grease and smoke particles filtered out of the exhaust; this not only simplifies servicing but eradicates potentially dangerous spillage from the bottom of the units and greatly cuts down on flammable build-ups within the duct run.

The ionisation voltage has been designed to run at a negative potential which enhances the ionisation of particles and also produces more Ozone which is helpful in reducing odours in kitchen applications.

Our ESP units fit in-line with the kitchen ducting and can be configured modularly to cope with all extract volume requirements.

The Electrostatic Precipitator is a very efficient means for separating the particulate phase; operating efficiency when clean can be as high as 98% at particle sizes down to 0.01 micron.

The Electrostatic Precipitator does not present a high-pressure loss (175PA approx. dependant on air flow). This gives a specific advantage in that most standard Kitchen extractor fans will have the capability of overcoming this small differential.

This is particularly advantageous when it is considered that if the pressure loss were high larger noisier fans would probably be necessary resulting in potential noise pollution.

PRODUCT OVERVIEWS

The second stage should be our MFU 1200 E2



Key Features

- Modular in design
- Endless combinations of passive filtration
- Multiple configurations
- Built for stock / No lead times

Our MFUs are designed explicitly for kitchen extract systems; they collect the oil, grease and smoke particles filtered out of the exhaust through a combination of passive air filters, including panel, bag, HEPA and carbon. The high-quality unit can house multiple filter combinations and is effortlessly serviced, replaced or even re-configured to provide continually effective and affordable kitchen extract particulate control. Additionally, the units help reduce grease build-up within the ducting and reduce odours.

Its modular design means units can be configured in various ways to handle any required flow rate, providing effective and efficient kitchen extract filtration.

PRODUCT OVERVIEWS

Carbon Filters

We manufacture Site Safe carbon filters, these innovative carbon units measure 594x196x597mm, three combining to 594x594x597mm, directly replacing our original carbon blocks whilst providing exactly the same filter performance as an existing full size cell.

Their advantage is that they only weigh 18kg each against the 68kg of our original blocks. This takes the strain out of fitting and servicing, allowing only one engineer to complete the task where two had been previously required.

Our Site Safe carbon filters use panels of activated carbon to remove the malodorous gases within the commercial kitchen extract duct through the process of chemical adsorption. By installing our ESP units before our Site Safe filters, the carbon life span is greatly increased, allowing it to nullify malodours at optimum efficiency for much longer.

The carbon filters should be sized to achieve a 0.4s dwell time.

As you can see the system that has been specified is in line with EMAQ guidance.

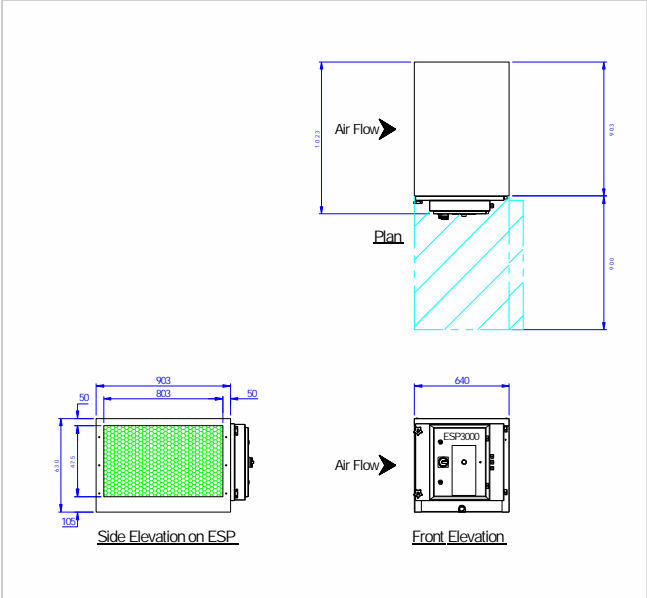
TECHNICAL SPECIFICATIONS (per unit)

2 No. ESP 3000E Unit.	
Air Volume Max	1.4 m ³ /s
Electrical Supply	220/240V, 50/60Hz, 1ph
Power Consumption	30 W
Weight each	85 kg
Min/Max Working Temperature	4/56°C
Max Relative Humidity	75%

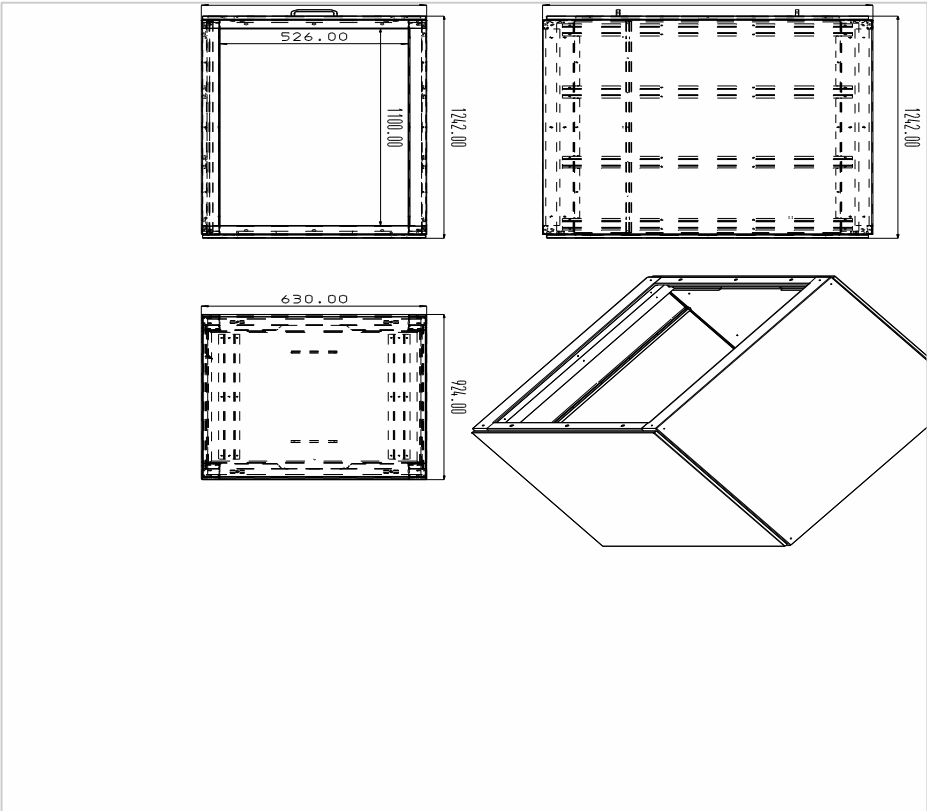
1 No. MFU 1200 (Casing Only)	
Width	1245 mm
Height	630 mm
Depth	925 mm
Weight	78 kg

TECHNICAL DRAWINGS

ESP 3000



MFU 1200





ACCREDITED AND CERTIFIED BY



Thank you for the opportunity to provide the specification and EMAQ report. Should you have any questions or queries please get in touch.

Nathan Collins
Business Development Manager

T 01708 755 414

nathan.collins@purifiedair.com

purifiedair.com

Lyon House, Lyon Rd, Romford, Essex RM1 2BG

Proposal Details

Proposal Name	100631499
Proposal Description	Change of use from shop to a hot food takeaway
Address	12 LINK ROAD, OAKLEY, DUNFERMLINE, KY12 9RU
Local Authority	Fife Council
Application Online Reference	100631499-006

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Noise Impact assessment _ 12 Link Rd Oakly	Attached	A4
Odour Assessment 12 Link Rd Oakly	Attached	A4
Existing and Proposed Layouts	Attached	A1
Specification and EMAQ Report	Attached	A4
Refusal Response Letter	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-006.xml	Attached	A0

Agenda Item 5(4)

**12 Link Road, Oakley, Dunfermline
Application No. 23/01575/FULL**

Representation(s)

Comments for Planning Application 23/01575/FULL

Application Summary

Application Number: 23/01575/FULL

Address: 12 Link Road Oakley Dunfermline Fife KY12 9RU

Proposal: Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)

Case Officer: Emma Baxter

Customer Details

Name: Mr Aaron Hunter

Address: 14 Sir George Bruce Road, Oakley, Dunfermline, Fife KY12 9RP

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: From the previous occupier of 12 link road Oakley we have serious concerns about traffic, including the flow of traffic and blocking of driveways from their customers. This included the blockage of the entire road on several occasions, including complete obstruction of the opposite and adjacent driveway on average around 20 times per week. How will the applicant address this issue? there is very limited parking at the shop.

The obstructions of the driveways stopped public transport, stopped people from going to work and getting in their driveway and also from an individual (adjacent) from taking his wife to hospital on several occasions.

Comments for Planning Application 23/01575/FULL

Application Summary

Application Number: 23/01575/FULL

Address: 12 Link Road Oakley Dunfermline Fife KY12 9RU

Proposal: Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)

Case Officer: Emma Baxter

Customer Details

Name: Mr khalid hussain

Address: 8 - 10 Link Road, Oakley, Dunfermline, Fife KY12 9RU

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Oakley is saturated within walking distances small food businesses and you are risking the businesses collapsing. This shop is too small to be used as a hot food shop with lack of facility within it, it was previously used as an ice cream parlor and the littering, waste bins left on the main road caused infiltration of sea gulls and rodents into the area. This shop is right next to a housing scheme and the littering caused disturbance with the disabled residency and littering. The over saturated shops caused parking saturation, with staff and customers parking up on the pavement and in front of resident drive ways and rear communal way to the shops and the pub. The hazardous car parking would interfere with the buses travelling down the main road, it would cause animosity and disturbance and near misses with children using the street. As the previous occupant of this shop 'sweet sensation' was present it caused blocking of the buses many occasions, and the buses had to maneuver over the pavements. As a result of cars blocking access ways the current property owners have had major disputes and police has been involved and arrests made. therefore granting another hot food licence would cause major parking problems, affect road safety and disturb the peace. The increase in food shops will result once again in blockage of the sewage system which happened when the ice cream parlor was there, it caused a sewage overflow as there is no proper drainage that the waste matter would flow into as a result it would overflow into the neighboring residential gardens and cause a flood there, that they called out the environmental health team three times and no improvement has been made as the owner of that shop and nisa is not willing to install the proper drainage system. You can contact the environmental health officer who dealt with the case and by you granting this you are risking disease spreading and risking the safety of public.

NEIGHBORHOOD PETITION LETTER



PETITION TO STOP THE PLANNING APPLICATION FOR CHANGE OF USE FROM SHOP

APPLICATION NUMBER 23/01575/FULL

TO FIFE COUNCIL, THIS PETITION CONTENDS THAT THE APPLICATION FOR ANOTHER HOT FOOD TAKEAWAY IN OAKLEY IS DETRIMENTAL FOR THE NEIGHBORHOOD AND DEEMED UNNECESSARY

1. The property is located on a very busy main street which is a bus route, when the premises was a dessert shop it caused a lot of vehicular congestion in the area with cars parking on the pavement and blocking the residential driveways, despite numerous signs going up at the time to avoid blocking residents. It caused problems with the bus service and was also hazardous for pedestrians.
2. The premises are adjacent to a residential property and the street blockage affected this directly, with staff members and customers blocking cars in and blocking driveways.
3. The small urban area already has an Indian, a Chinese, a pub that serves food as well as a fish and chip shop all within the same block within minutes of walking distance of each other. Saturating it with another hot food takeout is increasing the risk of noise and nuisance. A further takeaway would cause damage to the character of the area.
4. The property does not have proper rear waste drainage and as a result it would block and the waste matter would drift into the residential properties. The environmental health department was called out several times as there are too many shops sharing the same waste drains. This caused risk and harm to the adjacent residential property, and risk of infection and disease. The closure of the dessert parlour has resulted in this being controlled and the worry is that it would flood the local area again.
5. The premises struggled to exist as an ice cream dessert parlour and the loitering and littering from this was excessive, it attracted rodents which affected the surrounding area and residents. Developing another hot food takeaway would likely make this even worse. The bins are spilling over and the gardens filled with litter, bags and food. Environmental health were called owing to an increase in rodents and seagulls sitting and picking at food.
6. Police were called several times due to parking complaints amongst the proprietors which caused animosity in the area.

Petitioner Name: CHARMAINE COOK

Address: Stobie Place

Agenda Item 5(5)

**12 Link Road, Oakley, Dunfermline
Application No. 23/01575/FULL**

Consultee Comments

Consultee Comments for Planning Application

23/01575/FULL

Application Summary

Application Number: 23/01575/FULL

Address: 12 Link Road Oakley Dunfermline Fife KY12 9RU

Proposal: Change of use from shop (Class 1A) to hot food takeaway (Sui Generis)

Case Officer: Emma Baxter

Consultee Details

Name: Mr Andy Forrester

Address: Kingdom House, Kingdom Avenue, Glenrothes, Fife KY7 5LY

Email: Not Available

On Behalf Of: TDM, Planning Services

Comments

The existing shop has no dedicated off-street parking and none could be provided for the proposed hot food takeaway.

According to the current Fife Council Making Fife's Appendix G, retail units and hot food takeaways require the same off-street parking provision, therefore, TDM have no objections.

Agenda Item 6(1)

**Land adjacent to the north of 4 Lady Helen
Cottages, Lady Helen Road, Dundonald, Cardenden
Application No. 23/01353/PPP**

Planning Decision Notice

Toni Coppola
12
12 Lady Nina Squ.
coaltown of balgonie
fife
ky76hn

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01353/PPP

Date 15th September 2023

Dear Sir/Madam

Application No: 23/01353/PPP
Proposal: Planning permission in principle for erection of dwellinghouse (Class 9) and associated development
Address: Land Adjacent To The North Of 4 Lady Helen Cottages Lady Helen Road Dundonald Cardenden Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Brian Forsyth, Planner, Development Management

Enc



DECISION NOTICE PLANNING PERMISSION IN PRINCIPLE

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION IN PRINCIPLE** for the particulars specified below

Application No: 23/01353/PPP
Proposal: Planning permission in principle for erection of dwellinghouse (Class 9) and associated development
Address: Land Adjacent To The North Of 4 Lady Helen Cottages Lady Helen Road Dundonald Cardenden Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01353/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of sustainable places, by avoiding ad hoc housing development in the countryside, which development is not justified on the grounds of a shortfall in housing land supply, being essential to support a rural business, or otherwise; consistent with adopted National Planning Framework 4 (2023) Policies 14 Design, Quality and Place, 15 Local Living and 20 Minute Neighbourhoods, 16 Quality Homes and 17 Rural Homes; and the adopted FIFEplan Fife Local Development Plan (2017) spatial strategy and its Policies 1: Development Principles, 2: Homes, 7: Development in the Countryside and 8: Houses in the Countryside.
2. In the interests of protecting greenfield land, the development here not supported in terms of adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles, 2: Homes, 7: Development in the Countryside and 8: Houses in the Countryside, being in turn contrary to adopted National Planning Framework 4 (2023) Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings as relates to safeguarding of greenfield land.

Dated: 15th September 2023

Derek Simpson

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan/Block Plan
02	Site Plan
03	Proposed various - elevation, floor etc
05	Drainage Plan
06	Drainage Details
07	Flood Calculations
08	Drainage Plan

Dated:15th September 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Agenda Item 6(2)

**Land adjacent to the north of 4 Lady Helen
Cottages, Lady Helen Road, Dundonald, Cardenden
Application No. 23/01353/PPP**

Report of Handling

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	Land Adjacent To The North Of 4 Lady Helen Cottages, Lady Helen Road, Dundonald		
PROPOSAL	Planning permission in principle for erection of dwellinghouse (Class 9) and associated development		
DATE VALID	05/06/2023	PUBLICITY EXPIRY DATE	17/07/2023
CASE OFFICER	Brian Forsyth	SITE VISIT	20/07/2023
WARD	Lochgelly, Cardenden And Benarty	REPORT DATE	06/09/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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.

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. 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.

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

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

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

Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's letter adds that provisions that are contradictory or in conflict would likely be considered incompatible.

1.0 BACKGROUND

1.1 This application site relates to an approximately 0.2 hectare area of non-prime greenfield land on the north side of the hamlet of South Dundonald, some 800 metres south of Dundonald, within an area of countryside/in a rural area in terms of FIFEplan and NPF4. It is currently in use as a paddock. Main Road (C2) adjoins to the east, from which vehicular access is taken in the form of an unmade shared track along the southern part of the site, the track also providing access to the applicant's house to the south-west, his stables to the west, and his equestrian land to the north. Otherwise, there are houses to the south and agricultural land across Main Road to the east. The site is within an area of former coal working notified to the planning authority as high risk for development purposes. The 32/32A bus service between Kirkcaldy and Glenrothes serves the hamlet.

1.2 Planning permission in principle is sought for erection of a dwellinghouse (Class 9) and associated development. Indicative plans show a three bedroom single-storey dwellinghouse towards the rear (west) of the site, with a detached domestic garage behind, with vehicular access as existing. It is explained that the applicant operates the adjacent equestrian centre to the north of the site and desires to downsize from their existing house whilst remaining local for daily operation of the equestrian centre.

1.3 An application for planning permission in principle (ref. 22/3916/PPP) for erection of a dwellinghouse (Class 9) on the site was withdrawn on 23 January 2023. There is no other relevant planning history in the Council's electronic register of planning applications.

2.0 ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity/Garden Ground
- Road Safety/Transportation
- Flood Risk and Water Management
- Building Sustainability

2.2 Principle of Development

2.2.1 NPF4 Policy 16 Quality Homes states that proposals for new homes on land not allocated for housing in the local development plan, such as is the case here (see 2.2.2 below), will only be supported where, amongst other things, there is either a housing land supply issue or the proposal is consistent with policy on rural homes; and the proposal is, amongst other things, consistent with the plan's spatial strategy and other relevant policies, including local living and 20 minute neighbourhoods; NPF4 Policy 17 Rural Homes specifically supporting the principle of such homes in rural areas where, amongst other things, it is necessary to support the sustainable management of a viable rural business, and there is an essential need for a worker to live at or near their place of work. NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings states that proposals on greenfield sites, such as is the case here, will not be supported unless the site has been allocated for development or explicitly supported by local development plan policies. NPF4 Policy 14 Design, Quality and Place states that proposals will be designed to improve the quality of an area; and will be supported where they are consistent with the qualities of successful places, including access to local services and reducing car dependency, with proposals that are inconsistent with these qualities not supported. NPF4 Policies 15 Local Living and 20 Minute Neighbourhoods and 17 Rural Homes collectively state that proposals will contribute to local living including, where relevant, 20 minute neighbourhoods, taking into account settlement pattern and the level and quality of interconnectivity of the proposal with the surrounding area, including access to specific amenities.

2.2.2 FIFEplan identifies control over development in the countryside as a component of the plan's spatial strategy, Policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside collectively not supporting development of houses in the countryside, except where (Policy 8 refers):

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2: Homes;
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2: Homes;
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2: Homes; or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 below.

Criteria '1' (essential to support an existing rural business) and '7' (shortfall in the effective housing land supply) are relevant here. In relation to criterion '1', supporting text explains that the fact that a business is established in a rural area is not enough to justify building a house in the countryside., proposals requiring to justify the need to have residential accommodation and a

continuous presence at the site and demonstrate that there is no potential for using existing accommodation in the area or the renovation of an existing property. In relation to criterion '7', FIFEplan Policy 2: Homes does provide for housing development on unallocated sites, such as is the case here, where this is to meet strategic housing land requirements and provide effective housing land supply and provided the proposal is compliant with the policies for the location. Where a shortfall in the effective housing land supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area are supported subject to satisfying the following:

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

Houses in the Countryside/Rural Area

2.2.3 As indicated, criteria '1' and '7' of FIFEplan Policy 8: Houses in the Countryside are relevant here. Taking into account that the only justification put forward for the house here is downsizing and not functional need, that the applicant appears to have successfully operated the equestrian centre from their existing accommodation in the hamlet, and that there will be a variety of alternative accommodation options near to the centre arising over time, an additional house here in the open countryside is not essential in support of the equestrian centre and therefore not supported in terms of criterion '1'. As there is no shortfall in the effective five-year housing land supply within the relevant Housing Market Area, an additional house is not supported in terms of criterion '7' either. As such, and similarly, the proposal does not benefit from NPF4 Policy 17 Rural Homes' support for new homes necessary to support the sustainable management of a viable rural business or address a housing land supply issue. It follows that the proposal is contrary to the overall provisions of policy relating to the principle of houses in the countryside/rural areas.

Local Living

2.2.4 As indicated, NPF4 Policies 14 Design, Quality and Place, 15 Local Living and 20 Minute Neighbourhoods, 16 Quality Homes and 17 Rural Homes collectively state that proposals will reduce car dependency; be accessible by public transport, ideally support existing services; and contribute to local living.

2.2.5 Whilst amenities and services in Cardenden are beyond a threshold 20-minute return walking period, the hamlet benefits from a regular bus service between Glenrothes and Kirkcaldy, via Cardenden. As such, and pending any more detailed policy and guidance in relation to local living and 20 minute neighbourhoods, the proposal stands to be considered acceptable in terms of the principles of local living, according with the provisions of policy in relation to same.

Greenfield Land

2.2.6 As indicated, Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings states that proposals on greenfield land, such as is the case here, will not be supported unless explicitly supported by local development plan policies. In the absence of support for housing on

this site in terms of FIFEplan (2.2.3 above refers), the proposal is contrary to the provisions of policy in relation to greenfield land.

Conclusion

2.2.7 In light of the above assessments, the proposal is contrary to the provisions of policy in relation to the principle of development.

2.3 Design/Visual Impact

2.3.1 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area, or inconsistent with the relevant qualities of successful places, including 'pleasant' and 'distinctive', will not be supported. It is explained that distinctive here means supporting attention to detail of local architectural styles and natural landscapes to be into designs to reinforce identity, designing for: scale; built form; and sense of place, including design influences, architectural styles, choice of materials and finishes, detailing, etc.

2.3.2 FIFEplan Policies 1: Development Principles, 7: Development in the Countryside, 10: Amenity and 13: Natural Environment and Access collectively add that proposals must address their individual and cumulative impacts, being located and designed to protect the overall landscape and environmental quality of the area, with development only supported where it does not have a significant adverse visual impact on the surrounding area, with landscape character and views to be protected. Planning permission will not be granted for a new house in the countryside if the house would be in an isolated position, on a prominent site, or sited at a distance from existing building groups. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.3 The indicative details and supporting statement demonstrate that the site can be developed for a dwellinghouse in a manner that is consistent with the above provisions of policy and guidance in relation to design/visual impact.

2.4 Residential Amenity/Garden Ground

2.4.1 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area will not be supported. FIFEplan Policy 10: Amenity adds that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the loss of privacy, sunlight and daylight. Planning Services' customer guidelines in relation to Minimum Distance Between Window Openings, Garden Ground (2016) and Daylight and Sunlight are also relevant here.

2.4.2 The indicative details and supporting statement demonstrate that the site can be satisfactorily developed in terms of residential amenity/garden ground, exceeding the minimum expectations in the above customer guidelines, and otherwise according with the provisions of policy and guidance in relation to residential amenity/garden ground.

2.5 Road Safety/Transportation

2.5.1 FIFEplan Policy 1: Development Principles states that the individual and cumulative impacts of development proposals are to be addressed by complying with relevant criteria and

supporting policies, where relevant, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes. Appendix G Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 Planning Services' Transportation Development Management team (TDM) has no objection to the proposal, subject to standard type conditions in relation to visibility splays and parking.

2.5.3 Taking the views of TDM into particular account, it is considered that the proposal accords with the above provisions of policy and guidance in relation to road safety/transportation, subject to the recommended conditions of planning permission.

2.6 Flood Risk and Water Management

2.6.1 NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported in certain instances; will not increase the risk of surface water flooding to others, or itself be at risk, managing all rain and surface water through sustainable urban drainage systems (SuDS); should presume no surface water connection to the combined sewer; and seek to minimise the area of impermeable surface. Proposals will be supported if they can connect to the public water mains. NPF4 Policies 1 Tackling the Climate and Nature Crises and 2 Climate Mitigation and Adaptation are also relevant here.

2.6.2 FIFEplan Policy 1: Development Principles adds that development proposals must address their individual and cumulative impacts, complying with relevant criteria and supporting policies, including improving existing infrastructure capacity and complying with Policy 3: Infrastructure and Services. FIFEplan Policy 3 adds that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure; where necessary and appropriate as a direct consequence of the development or as a consequence of the cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served adequate infrastructure and services; such infrastructure and services may include, amongst other things, foul and surface water drainage, including SuDS. FIFEplan Policy 12: Flooding and the Water Environment adds that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively, amongst other things, detrimentally impact on ecological quality of the water environment. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.6.3 The site is not within an area shown liable to flood risk in the Scottish Environment Protection Agency (SEPA) flood maps. The applicant has submitted drainage details showing surface water managed to a soakaway, with a correctly completed Appendix 1 (SuDS Design Compliance Certificate) in terms of the above Council guidance. Scottish Water has no objection to the proposal in terms of water and waste water capacity, advising, however, that surface water connections to their combined system will not be accepted except for brownfield

sites in limited circumstances. A consultation response from the Council's Flooding, Shoreline & Harbours (FSH) team, due 4 July 2023, has not been received.

2.6.4 Taking into account the SEPA flood mapping information, the lack of objection from Scottish Water, and the involvement of a consultant engineer/SuDS certification, the proposal stands to be considered to accord with the provisions of policy and guidance in relation to flood risk and water management, subject to conditions of planning permission.

2.7 Ground Conditions

2.7.1 NPF4 Policy 14 Design, Quality and Place states that development proposals that are detrimental to the amenity of the surrounding area will not be supported. NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Buildings 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. FIFEplan Policy 1: Development Principles adds that the individual and cumulative impacts of development proposals are to be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with FIFEplan Policy 10: Amenity. FIFEplan Policy 10 states that development proposals must not lead to a significant detrimental impact on amenity in relation to, ground conditions. Scottish Government Planning Advice Note 33: Development of Contaminated Land (2017) is also relevant here.

2.7.2 The site lies within a Development High Risk Area for Coal Authority consultation purposes. A Coal Mining Risk Assessment report has been submitted. The Coal Authority raises no objection subject to a standard type condition requiring intrusive site investigations. The Council's Land and Air Quality Team (L&AQ) has no objection subject to the standard conditions formerly referenced LQC1, LQC2 and LQC3.

2.7.3 Subject to the conditions of planning permission recommended by the Coal Authority and L&AQ, it is considered that the proposal accords with the above provisions of policy and guidance in relation to ground conditions.

2.8 Building Sustainability

2.8.1 NPF4 Policy 1 Tackling the Climate and Nature Crises states that significant weight will be given to the global climate crisis. NPF4 Policy 2 Climate Mitigation and Adaptation of NPF4 states that proposals will be sited and designed to minimise lifecycle greenhouse gases as far as possible. NPF4 Policy 14 Liveable Places states that development proposals will be supported where they are compliant with the qualities of successful places, including supporting the efficient use of resources, etc.

2.8.2 FIFEplan Policy 1: Development Principles adds that development proposals must address their individual and cumulative impacts, complying with relevant criteria and supporting policies, including improving existing infrastructure capacity and complying with Policy 3: Infrastructure and Services. FIFEplan Policy 3 adds that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure; where necessary and appropriate as a direct consequence of the development or as a consequence of the cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served adequate infrastructure and services; such infrastructure and services may include, amongst other things, low and zero carbon generating technologies in accordance with Policy 11: Low Carbon Fife of FIFEplan. FIFEplan Policy 1: Development

Principles states that development proposals must be supported by information requirements to demonstrate that they will comply with relevant criteria and supporting policies, including providing for energy conservation and generation in layout and design; contributing to national climate change targets; and complying with Policy 11: Low Carbon Fife. FIFEplan Policy 11 adds that planning permission will only be granted for new development where it has been demonstrated that the incorporation of low and zero carbon generating technologies will contribute to meeting the Building Standards Target Emissions rate, construction materials come from local or sustainable sources, water conservation measures are in place, acceptable SuDS measures are in place, and facilities are provided for the separate collection of dry recyclable waste and food waste. Fife Council's Low Carbon Fife Supplementary Guidance (2019) is also relevant here.

2.8.3 Subject to a condition of a planning permission, building sustainability can be addressed at the approval of matters specified in condition stage. It is considered that the proposal accords with the above provisions of policy and guidance in relation to building sustainability.

CONSULTATION RESPONSES

Scottish Water	No objection.
The Coal Authority	No objection subject to standard type condition.
TDM, Planning Services	No objection subject to standard type conditions.
Land And Air Quality, Protective Services	No objection subject to standard type conditions.
Structural Services - Flooding, Shoreline And Harbours	No response.

REPRESENTATIONS

None.

CONCLUSION

Subject to conditions of planning permission, the development accords with or is acceptable in terms of the provisions of policy and guidance relating to design/visual impact, residential amenity/garden ground, road safety/transportation, flood risk and water management, and building sustainability. However, the proposal is contrary to the provisions of policy relating to the principle of development on greenfield land and land in the countryside, being justified neither in terms of business need, shortfall in housing land supply, or otherwise. The development is contrary to the development plan overall, with no material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of sustainable places, by avoiding ad hoc housing development in the countryside, which development is not justified on the grounds of a shortfall in housing land supply, being essential to support a rural business, or otherwise; consistent with adopted National Planning Framework 4 (2023) Policies 14 Design, Quality and Place, 15 Local Living and 20 Minute Neighbourhoods, 16 Quality Homes and 17 Rural Homes; and the adopted FIFEplan Fife Local Development Plan (2017) spatial strategy and its Policies 1: Development Principles, 2: Homes, 7: Development in the Countryside and 8: Houses in the Countryside.
2. In the interests of protecting greenfield land, the development here not supported in terms of adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles, 2: Homes, 7: Development in the Countryside and 8: Houses in the Countryside, being in turn contrary to adopted National Planning Framework 4 (2023) Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings as relates to safeguarding of greenfield land.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted National Planning Framework 4 (2023)
Adopted FIFEplan Fife Local Development Plan (2017)
Adopted Making Fife's Places Supplementary Guidance (2018)
Adopted Low Carbon Fife Supplementary Guidance (2019)

Other

Fife Council Surface Water Management Plan Design Criteria (2022)
Fife Council Planning Services Trees and Development, Minimum Distance Between Window Openings, Garden Ground, and Daylight and Sunlight customer guidelines
Scottish Government Planning Advice Note 33: Development of Contaminated Land (2017)

Agenda Item 6(3)

**Land adjacent to the north of 4 Lady Helen
Cottages, Lady Helen Road, Dundonald, Cardenden
Application No. 23/01353/PPP**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100629341-005

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Toni"/>	Building Name:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Coppola"/>	Building Number:	<input type="text" value="12"/>
Telephone Number: *	<input type="text" value="07879340843"/>	Address 1 (Street): *	<input type="text" value="Lady Nina Squ."/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="coaltown of balgonie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="fife"/>
		Postcode: *	<input type="text" value="ky76hn"/>
Email Address: *	<input type="text" value="toni1275@googlemail.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Lomond View"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Abel"/>	Address 1 (Street): *	<input type="text" value="Lady Helen Cottages"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cardenden"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Ky5 0AL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Northeast Lomond View"/>

Northing	<input type="text" value="693808"/>	Easting	<input type="text" value="321885"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning permission in principle for erection of dwellinghouse (Class 9)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I am writing to express my strong support for the planning approval of the proposed house planning reference 23/01353/PPP within the Lomond View family ran equestrian yard. The integration of residential accommodations within the equestrian yard not only aligns with the overall vision for the area but also brings forth numerous benefits to the equestrian yard's owners, community, wellbeing of the horses. Refer to the planning statement and attached supporting documents.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning supporting statement. Photographic exhibit of equestrian yard, Environmental report, Coal report, Drainage plan, Drawings & SUDS design certificate

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01353/PPP

What date was the application submitted to the planning authority? *

22/05/2023

What date was the decision issued by the planning authority? *

15/09/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Toni Coppola

Declaration Date: 27/11/2023

Dear Planning

We writing to express our strong support for the planning approval of the proposed house planning reference 23/01353/PPP within the Lomond View family ran equestrian yard. The integration of residential accommodations within the equestrian yard not only aligns with the overall vision for the area but also brings forth numerous benefits to the equestrian yard's owners, the local community, and the wellbeing of the horses.

1. **Community Integration:** The addition of a residential dwelling within the equestrian yard enhances community integration by fostering a sense of belonging among residents. The availability of on-site housing for individuals involved in the day-to-day operations of the equestrian facilities ensures a vibrant and engaged community that actively contributes to the yard's success.
2. **Enhanced Security and Surveillance:** Having a residence within the equestrian yard contributes to improved security and surveillance. A live-in presence provides an added layer of protection against potential trespassing or unauthorized activities, ensuring the safety of both the property and the horses.
3. **Economic Stimulus:** The construction and maintenance of the proposed house will stimulate economic activity within the local community. This includes job opportunities during the construction phase, as well as ongoing economic benefits through increased local spending by residents and equestrian yard visitors.
4. **Increased Operational Efficiency:** Residency on the equestrian site streamlines daily operations by eliminating the need for travel to and from external residences. This results in increased efficiency in the care of the horses, training sessions, and overall management of the site.
5. **24/7 Care and Maintenance:** A residential presence within the equestrian yard guarantees round-the-clock care and maintenance. This is particularly crucial for the well-being of the horses and the upkeep of the facilities. Quick response times to emergencies and immediate attention to any issues that may arise contribute to the overall health and longevity of the equestrian yard. A copy of the Scottish Government Code of Practise for the Welfare of Equidae is included in the Appendix.

6. **Promotion of Sustainable Living:** The inclusion of a residence aligns with the growing trend towards sustainable living. By allowing individuals to live on-site, there is a significant potential reduction in commuting, lowering the carbon footprint associated with daily travel to and from the equestrian yard.
7. **Educational Opportunities:** On-site residency provides unique educational opportunities for residents. Living in close proximity to the equestrian facilities allows for continuous learning, skill development, and a deeper understanding of horsemanship, which can be shared with the broader community.
8. **A review of Alternative accommodation:** A review of existing accommodation within close proximity was carried out and found no alternative accommodation which was suitable for the yards owners whom are looking to downsize from a large 5 bedroom to a 2 or 3 bedroom dwelling. During the week of the search only 2 properties within the proximity of the site were found, a small first floor flat and a large 4 bedroom bungalow. An extract from the search is presented in the Appendix.
9. **Promotion of Equestrian Lifestyle:** Residency on the equestrian site aligns with and promotes the equestrian lifestyle. It offers individuals the chance to fully immerse themselves in their passion for horses, contributing to a more vibrant and dedicated equestrian community.
10. **Site location:** The site has been categorised as rural, however the land is within the village signage boundary of Cardenden and the 40mph speed limit. Reference to the council adopted roads database indicated that the site is accessed from a urban road. An extract copy of the database is presented in the appendix. The proposed site is non-prime greenfield located within an established settlement and clearly defined cluster of five houses and would promote local living. The applicant is open to the possibility of site screening with native tree species and vegetation. In addition, the applicant is keen to address the design of the dwelling in line with Low Carbon Checklist with the installation of green energy opportunities and carbon neutral design.
11. In conclusion, the proposed house within the Lomond View equestrian yard not only complements the existing vision for the area but also brings forth tangible benefits to the community, the yard's operations, and the overall sustainability of the family ran project. I urge the planning authority to consider these factors when making a decision on this application.

Appendix - Alternative accommodation Search

espc.com/properties?radiuses=56.1396915950955...3.26018595868037.1.819.Denfield%20Avenue%2C%20Dundonald%2C%20Cardenden

Rapport Logon Ser... Revit Sign In - IPECS ONE Flooding Coastal River Flooding Development Servi... Getting Connected... Civil 3D FAS - Enquiry Form

PRICE FILTERS BEDROOMS TYPE OF PROPERTY RADII MORE REFINEMENTS CLEAR ALL

Get Alerts 3 alerts in 10 days - refresh properties any time

Distance to town: 10.0 2 properties for sale near Denfield Avenue, Dundonald, Cardenden

GRID VIEW LIST VIEW MAP VIEW

VIDEO
Offers Over **£64,000** 2 3 1 1
First Floor Flat - 17 Cardenden Road, Cardenden, LOCHGELLY, KY5 0FD
Well proportioned three floor flat offering three double bedrooms to three in all. Convenient location with parking, balcony etc... **ROSS & CONNELL**

Speak to the market specialists **espc** Listings

VIDEO
Offers Over **£264,000** 4 2 2 3
Detached Bungalow - 53/55 Woodend Road, Cardenden, KY5 0NH
Exceptional, spacious 4 bed bungalow with an abundance of internal accommodation and a large, well laid landscaped garden and large drive to allow...

1
1 of 2 properties on this page

Photo of village signage



Extract from the Council's Adopted Roads database

The screenshot shows a web application interface for 'Road Adoption'. The main map area displays a road network with different colors representing road types: green for 'Adopted', pink for 'Service Strip', and orange for 'Trunk Road'. A data table is overlaid on the map, providing details for a specific road segment.

CARDENDEN	
OBJECTID	24407
STATUS	Adopted
STREET	MAIN ROAD
CLASSIFICA	C2
USRN	84206497
TOWN_NAME	CARDENDEN
TYPE	Carriageway
CATEGORY	3
CAL_AREA	3815.945371
ENVIRONMEN	Urban
Shape_Area	3815.945541
Shape_Length	1249.062514

The interface also includes a search bar, a layer list on the right, and a scale bar at the bottom left.

Scottish Government Code of Practise for the Welfare of Equidae

Inset on next page.



The Scottish
Government



The Scottish Government

CODE OF PRACTICE FOR THE WELFARE OF EQUIDAE





The Scottish Government

CODE OF PRACTICE FOR THE WELFARE OF EQUIDAE

Edinburgh 2009

253

Codes of Practice for the Welfare of Animals: Equidae

This Code which has been prepared following consultation, is issued with the authority of the Scottish Parliament pursuant to section 37 (Animal welfare codes) of the Animal Health and Welfare (Scotland) Act 2006.

The Code applies in Scotland and has been issued by the Scottish Ministers (following approval by the Scottish Parliament).

THIS CODE OF PRACTICE FOR THE WELFARE OF EQUIDAE WAS MADE ON 19 FEBRUARY 2009, AND WAS APPROVED BY RESOLUTION OF THE SCOTTISH PARLIAMENT ON 25 MARCH 2009 AND COMES INTO EFFECT ON 29 APRIL 2009.

Image credits

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Further copies are available from
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Edinburgh
EH14 1TY
Tel: 0131 556 8400

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Introduction

1. Under the Animal Health and Welfare (Scotland) Act 2006 (the Act) anyone who is responsible for an animal has a legal duty to take reasonable steps to ensure its welfare. The legislation quoted in Appendix A in the boxes throughout this document is not part of the Code but is intended to highlight the relevant legal requirements. The law, as quoted, is that in force on the date of publication or reprinting of the Code.
2. Generally, there is a duty to comply with legislation. Although the Code does not have legislative effect, it is intended to promote and give examples of good practice. Failure to comply with a provision of this Code, whilst not an offence in itself, may be relied upon as tending to establish liability where a person has been accused of an offence under Part 2 of the Act. Equally, compliance with a provision of the Code may be relied upon as tending to negate liability by a person in any proceedings for an offence under Part 2 of the Act.
3. This Code covers all domesticated equidae for which a person is responsible, including all horses, ponies, donkeys and hybrids.
4. This Code provides a practical guide to those owners and keepers responsible for these animals in Scotland and details a set of underpinning principles of equine care which are designed to cover the differing management techniques required for the many circumstances in which animals are kept in Scotland.
5. A horse, pony, donkey or hybrid which is being treated by a veterinary surgeon may have additional or special needs specified by the veterinary surgeon over and above the requirements of this Code.



Horse Passports

6. The Horse Passports (Scotland) Regulations 2005 require all equidae, regardless of age or status, to be accompanied by a passport. All owners must obtain individual passports for each animal owned. Passports can be held by the owner or keeper. Animals without passports cannot:
 - be moved for the purpose of being entered in a competition;
 - be moved for the purpose of being used for breeding;
 - be moved out of Scotland;
 - be moved to the premises of a new keeper;
 - be sold or have ownership transferred; nor
 - be sent to slaughter for human consumption.
7. From July 2009 new Regulations are expected to be in force (which implement Commission Regulation (EC) No 504/2008 of 6 June 2008) which will require all animals not currently identified under the current passport requirements to be both microchipped and have a passport. Thus, all foals born after July 2009 must be microchipped by the end of the year of their birth or within 6 months of birth, whichever is later. In addition, all older animals not identified under the current system will also have to be microchipped.
8. One of the purposes of horse passports is to record all medicines administered to each animal. It is therefore important that the passport is available whenever your veterinary surgeon treats your animal so that they can record the medicines given. Some medications are dangerous to human health if the animal subsequently enters the food chain at the end of its life. If your animal is given one of these medicines, your veterinary surgeon must sign the passport to state that it is not intended for human consumption. This means that the animal can never enter the human food chain and you should think carefully about the implications of this decision.
9. A list of authorised Scottish Passport Issuing Organisations and contact details are set out in Appendix E.



The Duty of Care

10. Before buying a horse, pony, donkey or hybrid, potential owners need to consider a number of important issues:
 - the cost of keeping the animal, since the purchase cost may be minimal compared to the ongoing costs. The ongoing costs will vary depending on the needs of the individual animal, where it is kept and what it is used for. A potential owner should draw up a budget based on their own circumstances. This is necessary in order to decide whether the ongoing costs are affordable. In drawing up a budget, the owner should remember that along with the day to day costs for keep, there is likely to be additional expenditure for items such as supplementary feeding, worming, insurance, veterinary fees (including regular vaccinations), farriery and equipment, etc.;
 - a full five stage pre-purchase veterinary examination by an independent veterinary surgeon is recommended and should be carefully considered. However, for animals of a lower value it may be sufficient for a two stage pre-purchase veterinary examination or a veterinary examination covering the eyes, heart, mouth and limbs;
 - how much time will need to be spent in looking after the animal and will the owner have the time to exercise it;
 - the skills and knowledge of equine care which they possess;
 - what is the right animal for each situation; and
 - how and where it will be kept.
11. It is important to find the right animal when purchasing a horse, pony, donkey or hybrid as this can prevent many problems in the future. There is no way of guaranteeing success but there are a number of steps that can increase the likelihood of making a suitable purchase. It is useful to try a number of different animals and the advice of an experienced horseperson should always be sought. Prior to purchase it is important to try the animal in each aspect of work that it is likely to be asked to perform, for example hacking; jumping and flatwork, and it is advisable to try an animal out at least twice.
12. A potential owner also needs to consider what contingency plans they should put in place; for example: the provision for stabling and transport for grass-kept animals should emergency veterinary treatment be required; having isolation facilities available; and alternative arrangements for the care of the animal should the keeper become incapacitated for any reason. These contingency arrangements should be reviewed when there is any change in the owner, keeper or animal's circumstances.
13. Under section 24 (ensuring welfare of animals) of the Act, persons responsible for an animal must ensure that the needs of the animal are met to the extent required by good practice; failure to do so is an offence. Section 18 (Responsibility for animals) of the Act defines where a person has a responsibility for an animal on a permanent or temporary basis and thus has the duty to ensure that its welfare needs are met. This duty can therefore apply to livery yard owners, transporters and anyone who has agreed temporarily to take care of an animal.

14. People are therefore responsible for an animal if they own or manage it. An owner has ongoing responsibility for their animal even if another person is in charge of it. A parent or guardian of a child under 16 years old is responsible for any animal that is owned or cared for by the child. This ensures that an adult can normally be identified as a person responsible for an animal. If an owner leaves an animal in the charge of another person, it is the owner's duty to ensure that the person is competent and has the necessary authority to act in an emergency, as ultimately the owner bears responsibility even if someone else is temporarily caring for the animal.
15. The duty of care placed on an animal owner or keeper is based on the 'Five Freedoms' originally recommended by the Farm Animal Welfare Council, but now generally accepted to cover all animals for which a person is responsible:
 - **Freedom from Hunger and Thirst** – for example, by providing ready access to fresh water and a diet to maintain full health and vigour.
 - **Freedom from Discomfort** – for example, by providing an appropriate environment, including shelter and a comfortable resting area.
 - **Freedom from Pain, Injury or Disease** – for example, by prevention or rapid diagnosis and treatment.
 - **Freedom to Express Normal Behaviour** – for example, by providing sufficient space for habitation and exercise, proper facilities and company, as appropriate.
 - **Freedom from Fear and Distress** – for example, by ensuring conditions and treatment, which avoid mental suffering.
16. Responsibility for an animal therefore includes having an understanding of the specific health and welfare needs of the animal and having the appropriate knowledge and skills to care for the animal. Those responsible for animals will also have to comply with the legislation and should be aware of the appropriate Codes of Practice, and to know when to seek qualified advice and help and who to approach, e.g. a farrier or a veterinary surgeon.
17. More information about the welfare provisions of the Act, and more details of the responsibilities of an owner or keeper, can be found by referring to the documents detailed in the "Sources of Information" at Appendix D.
18. These needs are explained in more detail in the Code; however, an individual animal may have other needs that have to be met to ensure its wellbeing. **If an owner or keeper is unsure what these needs are it is important that they seek advice from a veterinary surgeon or an organisation such as the British Horse Society, World Horse Welfare, the Donkey Sanctuary or the Scottish Society for the Prevention of Cruelty to Animals (Scottish SPCA).** Contact details for these organisations can be found in the "Sources of Information" at Appendix D. Specific welfare advice in relation to competition horses can be sought from the relevant sporting disciplines or governing body.

The Need for a Suitable Environment

19. An owner or keeper must provide their animal with a suitable environment in which to live.

Shelter

20. Not all horses or ponies will need a stable. Some hardy breeds with thick coats are capable of living outdoors throughout the year, provided they can obtain shelter from the prevailing winds, summer sun and flies. Shelter can be natural (for example trees or hedges) or man-made (such as a field shelter) depending on the field environment and type of breed. However, where horses and ponies are of less hardy breeding, clipped, very young or elderly they may require stable accommodation or other housing to protect them from the cold and damp or very hot weather. As donkeys do not have waterproof coats they will always require shelter from the rain.

Stable accommodation/housing

21. Welfare aspects should be considered when constructing or altering buildings to provide housing. The main considerations are the safety and comfort of the animals, ease of access and adequate drainage and ventilation. If poorly designed or managed, stabling can contribute to the rapid spread of disease, cause injury and pose significant fire risks. The following comments apply equally to all forms of housing including individual stables, stalls and communal barns.

- *Construction:* the building should be constructed soundly, with no exposed surfaces or projections likely to cause injury. All surfaces should be capable of being cleaned and disinfected. If surfaces are treated, non-toxic paints or wood preservatives should be used.
- *Fixtures and fittings* such as tie rings, hay racks and water bowls should be free of sharp edges and positioned so as to avoid injury, particularly to the eyes. If used, hay nets should be fixed at the animal's head height, allowing it to eat comfortably yet avoiding the risk of getting its feet or head collar caught in the net when empty.
- *Floors* should be reasonably even, non-slip and designed to give good drainage, taking stable waste away from the animal.
- *Doors* should be a minimum of 4ft wide and open outwards. They should be capable of being securely fastened with top and bottom bolts.
- *Roofs* should be high enough to provide adequate ventilation including good air circulation. There should be a minimum clear space to the eaves of 60-90cm (2-3ft) above the ears of the animal in its normal standing position.
- *Light:* sufficient light is essential within all stabling both for the animal to see adequately and also to enable inspection and safe handling at all times. This can include portable lighting. Light bulbs should be enclosed in safety fittings with cabling secured well out of reach.
- *Windows and ventilation slats* should provide adequate air circulation without creating draughts. Perspex or safety glass (with grilles fitted between the animal and the glass) is advisable. One window or top door should normally be open at all times.

22. As horses and ponies vary so greatly in size it is difficult to set an ideal size for loose boxes, barns or stables. However, as a minimum, each animal should have sufficient room to lie down, readily rise and turn around in comfort. Boxes for foaling and for mares with a foal at foot will require additional space. All passageways should be sufficiently wide to enable animals to be led safely past each other and provide sufficient room to enable an animal to be turned round comfortably. The British Horse Society recommend the following stable sizes:
- Horses – 12' x 12' (3.65m x 3.65m)
 - Large Horses – 12' x 14' (3.65m x 4.25m)
 - Ponies – 10' x 10' (3.05m x 3.05m)
 - Large Ponies – 10' x 12' (3.05m x 3.65m)
23. Compatible groups of animals can be kept together in communal barns but care should be taken to ensure that each animal gets adequate access to hay, feed and water. Sufficient space should be provided to allow free movement and to allow all the animals to lie down at the same time. Care should be taken to select groups that are compatible and particularly aggressive animals should be segregated.
24. Adequate and suitable bedding material that will absorb urine is necessary in all horse, pony, donkey and hybrid accommodation to provide warmth, protection against injury and to enable the animal to lie down in comfort. Bedding material should be non-toxic, free of dust and mould and should allow effective drainage, or be absorbent enough to maintain a dry bed and assist in keeping the air fresh. Where rubber matting is used, a small amount of disposable bedding should be added to absorb urine. Whatever bedding is used, it should be well-managed and changed or cleaned regularly.
25. Fire is always a risk in stable areas. Advice should be sought from the local Fire Prevention Officer in relation to statutory requirements. All equipment and services (lighting units, fire extinguishers and alarm systems) should be kept clean, inspected annually by a competent person and kept in good working order. All electrical installations at mains voltage should be installed by a competent electrician in accordance with the latest addition of the Institute of Electrical Engineers (IEE) Wiring Regulations. Wiring and fittings should be inaccessible to animals, well insulated, safeguarded from rodents and properly earthed. All metal pipework and structural steelwork should be properly earthed. Highly inflammable liquid material or combustible material should not be stored in or close to stables where animals are housed. Roof beams and other ledges should be cleaned regularly. Smoking in stable areas should be prohibited.
26. Stabled animals should be capable of being released quickly in the event of fire or other emergencies in accordance with a pre-agreed emergency turnout plan.



Pastures

27. As a general rule, each horse requires a minimum of one to one and a half acres of good grazing if no supplementary feeding is being provided, as overcrowding may lead to competition for food, water and space. However, this will depend on the ground conditions, the time of year, type of horse and degree of pasture management employed. Donkeys will require significantly less pasture; as will horses when grazing is plentiful, as over grazing may be detrimental to the animal's health.
28. It is not always practical or possible to remove animals from fields or pastures which become muddy; however, it is essential that they have a comfortable, well drained area on which to stand and lie down, and on which to be fed and watered.
29. Fences should be strong enough and of sufficient height to prevent escape (for example higher fences may be required for stallions) and designed, constructed and maintained to avoid the risk of injury with no sharp projections. Gateways should be designed to allow for the easy and safe passage of animals, and gates should be fastened securely to prevent injury and escape. In some situations gates may need to be padlocked. Sheep wire should not be used. Barbed wire should not be used in fields used by animals but where it is present an inner fence (which could be electric) should be erected to avoid direct contact with the barbed wire. Where plain wire is used measures should be taken to ensure it is sufficiently visible to the animal. It is important that the wire is kept taut to prevent the possibility of animals becoming entangled in loose wire.

30. The British Horse Society generally recommend that fences should be 4ft (1.25m) high. The specific recommendations are as follows:
- Horses – 3'6" to 4'6" (1.08m – 1.38m)
 - Ponies – 3'3" to 4'3" (1m – 1.3m)
 - Lower rail (in both cases) 1'6" (0.5m) above ground
 - Stallions – 4'6" to 6'0" (1.38m – 1.8m)
31. Stallions may require a double fence line and possibly an electric fence line along the top of the paddock rail. This is to prevent aggressive and amorous behaviour between paddocks, as well as containing the stallion within the allocated area.
32. Electric fences should be designed, installed and maintained so that contact with them does not cause more than momentary discomfort to the animal; all power units should be correctly earthed. Animals contained by electric fencing need extra supervision until they become accustomed to it. Temporary internal subdivisions created out of electrified tape and plastic posts provides an effective internal barrier, but these should not be used as the sole boundary fence.
33. A good pasture management programme is advisable to avoid over-grazing, to aid worm control, maintain good drainage and control weeds. This may include, for example, picking up droppings, rotating grazing areas and where possible removing animals when the ground is very wet to prevent poaching (where the pasture breaks into wet muddy patches) and health problems.
34. Fields should be kept clear of dangerous objects and poisonous plants. Ragwort is one of the plants covered under the Weeds Act 1959 and should be controlled and disposed of in accordance with the Scottish Government "Guidance on How to Prevent the Spread of Ragwort". Ragwort should be pulled by the root rather than being cut, and should not be left where animals could have access to it as it remains toxic after being uprooted.

Under the Weeds Act 1959 Scottish Ministers can, if satisfied that specified weeds are growing upon any land, serve a notice requiring the occupier to take action to prevent the spread of those weeds. An unreasonable failure to comply with a notice is an offence.

35. Other plants and trees such as privet, box, leylandii, broom, laburnum, oak, beech and yew are also toxic to horses, ponies, donkeys and hybrids therefore, they should not have access to these (or their clippings) at any time. Where fields are adjacent to housing, care should be taken to ensure that they do not gain access to garden waste including lawn cuttings. Safe hedge types for horses, ponies, donkeys and hybrids include hawthorn and hazel; trees that are suitable for use in paddocks include ash, birch, willow, sycamore, lime and poplar. However, in all cases it is prudent to ensure that they cannot damage trees by chewing their bark.

Tethering

36. Tethering can be defined as securing an animal by an appropriately attached chain to a centre point or anchorage, causing it to be confined to a desired area. Tethering is not a suitable method of long-term management of an animal, as it restricts that animal's freedom to exercise itself, to find food and water, or to escape from attacks by dogs, other animals or even people; or the extremes of hot and cold weather. It also risks an animal becoming entangled, or injuring itself, on tethering equipment. Tethering may be useful as an exceptional short-term method of animal management during brief stops during a journey, to prevent danger to the animal, or to humans, whilst proper long-term arrangements are made, or in medical cases where short-term restriction of food intake is required under veterinary advice. The need for regular supervision is paramount. More details on the conditions which should be met when equines are tethered are set out in Appendix B.
37. The term tethering as it is used in the Code does not apply to animals that are stall-tied (a common method of stabling military horses). Any animal which is stall-tied should be closely supervised and receive regular exercise, unless this method is used under veterinary guidance, e.g. as part of the management of an orthopaedic condition.



Rugs

38. Not all animals will need a rug in inclement weather as some hardy breeds with thick coats are capable of living outdoors throughout the year without rugs. Some of these hardy breeds often thrive better without rugs, as rugs can sometimes be a cause of skin irritation. However, where animals are of less hardy breeding, clipped, elderly or infirm they may require a rug to help keep them warm and dry during cold, wet weather or provide protection from flies.
39. Rugs and hoods should be of the correct size, the correct type (i.e. designed for the use to which they are being put), of the correct weight to suit the animal and the weather conditions, and correctly fitted to prevent rubbing, hair loss and abrasions. Rugs should be regularly removed so the animal's body condition and general health can be checked. Ideally this should be done daily.
40. Rugs should be cleaned and, if necessary, repaired regularly and all fastenings kept in good working order. A spare rug should be available to allow a very wet rug to be dried out.

Supervision

41. Animals at grass should be inspected at least once a day, preferably more often. Stabled or group-housed animals should be inspected at least twice a day, again preferably more frequently. Particular attention should be paid to their gait, demeanour, feet, body condition and appetite so that early signs of disease, injury, illness or signs of parasites can be noticed and appropriate treatment promptly provided. Close examinations should also be conducted at regular intervals in order to identify any problems (e.g. skin conditions such as lice, rain scald, mud fever, ringworm and sweet itch) which may not be apparent from a distance.
42. Where practical the hooves of horses, ponies, donkeys and hybrids should be picked out daily and at the same time examined for signs of pain, wounds, injury, loose shoes, impacted foreign material or anything else unusual.
43. Apart from those on turnout with little work, animals should be groomed regularly to ensure the coat is clean, free from wounds or parasites and to detect rug, tack or harness rubbing. Particular attention must be taken to ensure mud and dirt is removed prior to them being tacked up but grooming of animals at grass, particularly in winter, must not be excessive as it could remove protective grease and dirt.

The Need for a Suitable Diet

Feed

44. Horses, ponies, donkeys and hybrids are naturally "trickle" feeders, who eat little and often, whose diet is mainly grasses, which have a high roughage and low energy content. They should be provided with a balanced, predominately fibre-based diet: either grass, hay, haylage or a hay replacement in order to mimic their natural feeding pattern as closely as possible. They should be fed an appropriate diet that reflects their needs and maintains good condition. Consideration should include the age, type, weight, condition, health and level of work of the individual.
45. Good grazing should ensure an adequate intake of roughage and minerals; if grazing is poor supplementary feeding may be required. One way to limit grazing in large areas of grazing land is to divide the land into strips by using electric fencing.
46. All conserved forage should be of good quality; it should be clean (free from soil, debris and poisonous plants), smell fresh and be free from dust and mould. Feeding forage at floor level is good for the animals' respiratory health, provided the underlying ground is kept reasonably clean. It also means that they eat in a similar position to that when grazing naturally.
47. The quantity of cereals fed as supplementary feed in addition to any grazing or similar fodder should be no more than that necessary to provide the required energy for the type of work done and body condition of the animal. Each feed should be well mixed and freshly prepared. Animals should not be asked to perform hard or fast work on a full stomach.
48. Feed should be correctly processed, stored in vermin-proof containers, carefully handled to prevent spoiling and to ensure the nutritional value is maintained. Feed containers and utensils should be kept clean to discourage rodents and protect the health of the animal. Contaminated, mouldy or stale leftover food and forage should not be fed to the animals and should be removed daily.
49. Where loose horses, ponies, donkeys or hybrids are fed in groups there should be one feeder per animal plus an extra feeding point. Two body lengths should be allowed between feeders to minimise the risk of injury through competition for food.
50. The weight and condition of every animal should be monitored regularly to avoid welfare problems and feeding adjusted as necessary for animals that are too fat or too thin. Obesity and over eating remains the major cause of laminitis. At any time of year fat animals will fall into the high risk category for developing laminitis. Fat animals, particularly when the lush spring grass or during an autumn growth of flush with its high energy content is freely available, are particularly at risk. Grazing may therefore need to be restricted at this time. See Appendix C for details of Condition Scoring which can help owners and keepers monitor their animal's weight and condition to avoid both obesity and emaciation. Owners should aim for a condition score of between 2.5 and 3.

Water

51. It is essential that all animals have continuous access to a clean supply of fresh water or that adequate clean water is made available to them on a frequent and regular basis throughout the day. Natural water sources such as streams are not always satisfactory, as they may be contaminated, so an alternative supply may be required unless natural water sources are clean, copious, have easy access and do not have a sandy base which may cause problems if disturbed when the animals drink. Extra care should be taken during hot or icy weather to ensure the water supply is maintained and sufficient, for example, by regularly breaking the ice during cold spells or providing an additional water source during hot weather. Additional water may need to be provided after exercise.
52. The water trough should be securely fixed at a convenient height to allow, if necessary, animals of different size to drink comfortably and it should not be possible for them to paw the water or dislodge the trough and knock it over. There should be no sharp edges, protruding corners or exposed taps – they should be boxed in. Water troughs and containers should be cleaned regularly to prevent the build up of algae. Troughs should be positioned in a way so that it would not be possible for an animal to be trapped or cornered in the area of the trough. Where buckets are used, they should be checked regularly to ensure that the animal has water.



The Need to Exhibit Normal Behaviour Patterns

53. Horses and ponies require adequate exercise, or freedom to exercise, and this will require time and effort from the owner or keeper. Animals that are continuously stabled should be either exercised (ridden or in hand) or be given space in which to exercise themselves each day, unless under veterinary advice to do otherwise. Ideally all animals should be permitted a period of free exercise (i.e. not ridden or restrained by lead rein) every day, either via turnout or in a school.
54. Horses, ponies, donkeys and hybrids require calm, consistent and sympathetic handling by competent people. They respond best to a firm but gentle approach and to rewards for correct responses.



The Need to be Housed with, or Apart from, other Animals

55. Being gregarious animals they prefer to live in social groups. Ideally they should be socialised with members of their own species but, where this is not possible, other animals, such as cattle, sheep or goats may be used to provide company. They also enjoy human company so, if kept on their own, they require more frequent human contact and supervision. Donkeys have particular socialisation needs and can, for example, become ill if separated from a companion.
56. They should always be treated as individuals even when kept in large groups. When forming new groups care should be taken to avoid fighting and stress, particularly if they are to be mixed together. This risk can be reduced by increasing the space allowance or by penning the new animal close to the existing group for a short period and/or removing back shoes of all animals during the introduction period. Separation of incompatible animals is particularly important in this system; they should not be mixed in fields or communal barns if any one individual is aggressive. Incompatible individuals, such as entire males (colts, stallions) and "rigs" (a stallion with undescended testicles or a horse which has been incompletely castrated) should be managed in order to prevent fighting or injury. In communal barns mares heavily in foal or with foal at foot should also be separated from other animals. When living in groups they always develop a pecking order, so it is important to be aware of bullying. It is also important that the correct amount of feed and water is provided for all the animals in the group. Care needs to be taken to ensure that those lower down the pecking order are getting the feed and water they require.
57. As a general rule the more animals kept, the more time, effort and resources are required to safeguard their welfare. Individuals in larger groups are likely to encounter more competition for food and water, shelter and social position.



The Need to be Protected from Suffering, Injury and Disease

Discipline and restraint

58. It is an offence to cause an animal unnecessary suffering; therefore, any discipline should be appropriate, timely, reasonable and proportionate. A whip or a stick should only be used as an additional aid, not as a means of punishment. Similarly any restraint method used to assist normal management or treatment of the animal should be the most mild and effective method available and should be applied by a competent person only for the minimum period necessary. Sedatives must only be used under veterinary advice. Roundpens and small electrified fenced areas should not be used to discipline animals and are not suitable for keeping them in for long periods of time.

Prompt recognition of ill health

59. Everyone responsible for the supervision of horses, ponies, donkeys or hybrids should be able to recognise signs of ill health, should have a basic knowledge of first aid and have access to a basic first aid kit. It is also important that owners and keepers have access to a veterinary surgeon to diagnose or treat any illness, injury or disease and have their contact details easily available, including out of hours details. Horse passports should be easily accessible, otherwise some treatments may not be available.
60. Owners and keepers should be able to recognise the normal behaviour of their animals and recognise the signs that indicate poor health. Donkeys can be very stoical and owners need to be even more observant to identify illnesses. The signs of illness include:
- change in appetite (for food and water);
 - change in droppings;
 - change in demeanour or behaviour;
 - losing body and coat condition; and
 - any signs of pain or the presence of any injury or lameness.
61. When an animal becomes unwell, the cause of this deterioration should be identified and immediate remedial action taken. Veterinary advice should be obtained if the animal appears to be ill or in pain and the cause is not clear or if initial first aid treatment is not effective. In the case of foot problems, advice could be obtained from a registered farrier. Advice from the veterinary surgeon or farrier should be followed diligently.
62. Veterinary advice should be sought immediately if the animal is suffering from severe lameness, recumbency, signs of acute pain, respiratory distress, or deep puncture wounds or large open wounds.

Routine health care

63. A parasite control programme should be put in place following consultation with a veterinary surgeon; this may include the use of wormers, and appropriate faecal worm egg counts. Careful pasture management including the rotation of grazing and dung collection is an important part of an effective parasite control programme. Where groups of horses, ponies, donkeys or hybrids are kept together, worming programmes are most effective if they are all treated simultaneously with the same product (or at the very least different products with the same active ingredient).
64. There should be adequate control of infectious and contagious disease by a programme agreed with a veterinary surgeon, which will include appropriate hygiene and isolation procedures and vaccination. The main diseases for which vaccination is available are equine influenza, tetanus and equine herpes virus.
65. Teeth should be inspected by a veterinary surgeon or qualified equine dental technician at least once a year, and rasped or otherwise treated if necessary. Animals with worn or abnormal teeth are unable to chew their food properly which leads to poor digestion. Owners and keepers should look out for signs of this problem, such as: half-chewed food dropping out of the mouth; poor condition and lack of energy; and abnormal mouth movements when ridden.

The Farriers (Registration) Act 1975 states:

Under this Act it is an offence for an unregistered person to describe himself as a farrier or shoeing smith, and it is an offence for an unregistered person to carry out an act of farriery. An act of farriery is described as "any work in connection with the preparation or treatment of the foot of a horse for the immediate reception of a shoe thereon, the fitting by nailing or otherwise of a shoe to the foot or the finishing off of such work to the foot".

66. Every owner and keeper should have some understanding of the care of an animal's feet, which grow continuously and the need to treat lameness promptly and effectively. Feet should be trimmed by a competent person and attention should be given to their growth and balance. They should not be expected to work at a level above that which the hooves are capable of, whether shod or unshod. In the main, animals ridden or driven on roads or hard, rough surfaces will need to be regularly shod by a registered farrier. However, if they are used unshod they will need to be carefully managed, and receive regular hoof care which ensures their use on difficult surfaces does not cause them to become sore. The Farriers (Registration) Act 1975 requires anyone shoeing horses to register each year with the Farriers Registration Council. This includes those people who only shoe their own animals, although you do not have to be registered if you only trim your own animals' feet unless they are being prepared for shoeing. Loose shoes and those with risen clenches should receive prompt attention from a farrier to prevent possible injury. Hooves should be trimmed or re-shod as advised by the farrier, which should usually be every 4-8 weeks.

67. Flies can cause a great deal of irritation to horses, ponies, donkeys or hybrids, particularly during the summer, and can introduce infection to wounds so an appropriate treatment from a veterinary surgeon should be used. Midges can also be a source of irritation during the spring and summer and can cause sweet itch (an allergic skin condition). Consideration should be given to preventative fly and midge control through the use of fly repellents, fly rugs or masks and, for animals sensitive to fly or midge bites, stabling at dawn and dusk when flies and particularly midges are most active.

Saddlery and harness

68. Saddlery and harness should be suitable for the purpose, being appropriate to the needs and abilities of both the animal and rider. They should be correctly fitted, preferably by a qualified saddler and the fit should be checked when the animal changes condition. Equipment should be regularly cleaned and maintained in good order to ensure comfort, safety and effectiveness. Bits should be appropriate for the individual animal; halters and head collars should not be left on unattended animals for a long period of time. Particular care needs to be taken when used on young or growing animals, and these items should be checked frequently for deterioration, rubbing, wear or damage.
69. Boots and bandages, if used, should be suitable for the purpose, correctly fitted to avoid discomfort or injury and only left on for the minimum time necessary.

Transporting horses, ponies, donkeys and hybrids

70. The transportation of animals should always be as safe and stress free as possible and in accordance with legal requirements.

Annex 1 of Council Regulation (EC) 1/2005 requires that animals are fit to be transported and states that:

No animal shall be transported unless it is fit for the intended journey, and all animals shall be transported in conditions guaranteed not to cause them injury or unnecessary suffering.

Animals that are injured or that present physiological weakness or pathological processes shall not be considered fit for transport and in particular if:

- (a) they are unable to move independently without pain or to walk unassisted;
- (b) they present a severe open wound, or prolapse;
- (c) they are pregnant females for whom 90% or more of the expected gestation period has already passed, or females who have given birth in the previous week;
- (d) they are new born mammals in which the navel has not completely healed.

(c) and (d) do not apply to **registered**¹ equidae if the purpose of the journey is to improve the health and welfare conditions of birth, or for newly born foals with their registered mares, provided that in both cases the animals are permanently accompanied by an attendant, dedicated to them during the journey.

¹ Registered equidae have a restricted definition and only applies to those covered by article 2(c) of Directive 90/426/EEC and covers horses registered by a breeding or other authority but excludes those intended for slaughter

71. The EC Regulation, has direct effect, and is implemented in Scotland by the Welfare of Animals (Transport) (Scotland) Regulations 2006 (S.S.I. 2006/606) and equidae are registered under the Horses (Zootechnical Standards) (Scotland) Regulations 2008 (S.S.I. 2008/99).
72. However, the EC Regulation does not apply to the transport of animals when the journey is not in connection with an economic activity nor to the transport of animals directly to or from veterinary practices or clinics, under the advice of a veterinary surgeon.
73. The EC Regulation also requires everyone transporting animals on any journey to ensure that journey times are kept to a minimum:
- No one shall transport animals, or cause them to be transported, in a way likely to cause them injury or undue suffering;
 - The vehicle and its loading and unloading facilities are designed, constructed and maintained to avoid injury and suffering to ensure the safety of the animals;
 - Water, feed and rest are given to the animals as needed and sufficient floor space and height is available in the transport;
 - Horses, ponies, donkeys and hybrids older than 8 months must wear halters during transport – unless they are unbroken;
 - If they are transported on a multi-deck vehicle they must only be carried on the lowest deck, with no other animals above them. In this circumstance, the compartment height must be at least 75cm higher than the height of the withers of the highest animal;
 - They must be transported in individual stalls when the vehicle is on a RO-RO vessel, with the exception that a mare may travel with her foal;
 - They must not be transported in groups of more than four animals;
 - Unbroken animals must not be transported for more than 8 hours.

Failure to comply with the EC Regulation is an offence under S.S.I. 2006/606.

Euthanasia

74. It may be necessary, in the event of incurable illness, old age or permanent unsoundness or, more suddenly, in the event of an accident, to arrange the humane destruction of the animal. The animal's welfare must always come first. Therefore, in the interests of the animal, owners and keepers should give this their full consideration well before the time comes to make a decision to prevent them suffering unnecessary pain and distress.
75. Where, in the opinion of a veterinary surgeon, an animal is significantly suffering, has not responded to treatment for a serious injury or condition involving significant pain, has a disease or injury from which there is no prospect of recovery and for which no treatment is available, or where an animal is in such a condition that it would be inhumane to keep it alive, the animal should be humanely destroyed. In such cases this should be without delay and by a veterinary surgeon or an appropriately experienced and equipped person such as a knacker or hunt kennel employee by an approved method.

76. In a non-emergency situation, where an animal is permanently unsound or has a recurring or permanent and steadily worsening condition, a rational decision should be made with due regard for the animal's future and welfare.
77. As they become older their needs may become greater, they may well require increased supervision and additional veterinary care. When an animal reaches the end of its active working life, or is very elderly, consideration should be given to whether it can be provided with a good quality of life in retirement. Owners have a responsibility to ensure that they or whoever is entrusted with the care of such an animal is fully aware of the needs of that animal and consideration should be given as to whether it would be kinder to have the animal painlessly destroyed.
78. Following the death of an animal the owner must return the passport to the relevant Passport Issuing Organisation within 30 days of its death indicating the date of death so that records can be updated and the passport cancelled.

Disposal after the death of an animal

79. On the death of an animal the body must be disposed of in accordance with the provisions of the Animal By-Products (Scotland) Regulations 2003 (S.S.I 2003/411). These allow the body of a pet animal to be buried on the owner's land provided this can be done in compliance with the PEPFAA Code (Prevention of Environmental Pollution From Agricultural Activity) and with prior consultation with the Scottish Environment Protection Agency (SEPA). This exception from the general rule does not apply to animals which have not been kept as pets, such as horses used for hire from riding stables or beach donkeys. These animals are treated as "fallen stock" and must be disposed of by an approved rendering or incineration plant, or via a knackery. Carcasses must not be introduced onto land for the purpose of burial.



A member of the Scottish Executive

St Andrew's House

Edinburgh

19 February 2009

Appendix A: The Animal Health and Welfare (Scotland) Act 2006

The following sections of the Act are referred to in the Code and are set out here for ease of reference:

The boxes below contain extracts from the relevant sections of the Act.

The box shaded in green summarises the relevant offences and penalties in the Act.

Section 18 of the Animal Health and Welfare (Scotland) Act 2006 provides:

Responsibility for animals

- (1) In this Part [the welfare part of the Act], references to being responsible for an animal mean being responsible for it on a permanent or temporary basis.
- (2) In this Part, references to being responsible for an animal include being in charge of it.
- (3) For the purposes of this Part, a person who owns an animal is always to be regarded as being a person who is responsible for it.
- (4) For the purposes of this Part, a person ("person A") is to be regarded as responsible for any animal for which a person who is under 16 years of age, of whom person A has the actual care and control, is responsible.
- (5) For the purposes of this Part, a person does not relinquish responsibility for an animal by reason only of abandoning it.

Section 19 of the Animal Health and Welfare (Scotland) Act 2006 provides:

Unnecessary suffering

- (1) A person commits an offence if:
 - (a) the person causes a protected animal unnecessary suffering by an act, and
 - (b) the person knew, or ought reasonably to have known, that the act would have caused the suffering or be likely to do so.
- (2) A person who is responsible for an animal commits an offence if:
 - (a) the person causes the animal unnecessary suffering by an act or omission, and
 - (b) the person knew, or ought reasonably to have known, that the act or omission would have caused the suffering or be likely to do so.
- (3) A person ("person A") who is responsible for an animal commits an offence if:
 - (a) another person causes the animal unnecessary suffering by an act or omission, and
 - (b) person A:
 - (i) permits that to happen, or
 - (ii) fails to take steps (whether by way of supervising the other person or otherwise) as are reasonable in the circumstances to prevent that happening.

- (4) The considerations to which regard is to be had in determining, for the purposes of subsections (1) to (3), whether suffering is unnecessary include:
- (a) whether the suffering could reasonably have been avoided or reduced,
 - (b) whether the conduct concerned was in compliance with any relevant enactment or any relevant provisions of a licence or code of practice issued under an enactment,
 - (c) whether the conduct which caused the suffering was for a legitimate purpose, for example:
 - (i) the purpose of benefiting the animal, or
 - (ii) the purpose of protecting a person, property or another animal,
 - (d) whether the suffering was proportionate to the purpose of the conduct concerned,
 - (e) whether the conduct concerned was in the circumstances that of a reasonably competent and humane person.
- (5) This section does not apply to the destruction of an animal in an appropriate and humane manner.

Section 24 of the Animal Health and Welfare (Scotland) Act 2006 provides:

Ensuring welfare of animals

- (1) A person commits an offence if the person does not take such steps as are reasonable in the circumstances to ensure that the needs of an animal for which the person is responsible are met to the extent required by good practice.
- (2) The circumstances to which, for the purposes of subsection (1), regard is to be had include:
- (a) any lawful purpose for which the animal is kept,
 - (b) any lawful activity undertaken in relation to the animal.
- (3) For the purposes of subsection (1), an animal's needs include:
- (a) its need for a suitable environment,
 - (b) its need for a suitable diet,
 - (c) its need to be able to exhibit normal behaviour patterns,
 - (d) any need it has to be housed with, or apart from, other animals, and
 - (e) its need to be protected from suffering, injury and disease.
- (4) This section does not apply to the destruction of an animal in an appropriate and humane manner.

Section 37 of the Animal Health and Welfare (Scotland) Act 2006 provides:

Animal Welfare Codes

- (8) A person's failure to comply with a provision of an animal welfare code does not of itself render the person liable to proceedings of any sort.
- (9) In any proceedings for an offence under this Part, or under regulations made under section 26 or 27:
 - (a) failure to comply with a relevant provision of an animal welfare code may be relied upon as tending to establish liability,
 - (b) compliance with a relevant provision of an animal welfare code may be relied upon as tending to negative liability.

Offences and Penalties

A person who is convicted of an offence under section 19 (Unnecessary suffering) of the Act may be imprisoned for a maximum period of 12 months and/or fined up to £20,000. If they are convicted of an offence under section 24 (Ensuring welfare of animals) or section 29 (Abandonment) they can be imprisoned for a maximum period of 6 months and fined up to level 5 on the standard scale – the maximum is currently £5,000.

Appendix B: Tethering

A Suitability of the animal

1. Not all animals are suitable for tethering.
2. Young animals under two years old should not be tethered.
3. Pregnant animals should not be tethered in the last third of pregnancy.
4. Nursing mothers should not be tethered.
5. Mares should not be tethered near stallions.
6. Stallions should not be tethered.
7. Sick animals should not be tethered.
8. Old and infirm animals should not be tethered.

B Site (the area to which the tethered animal has access)

1. The site should be reasonably level, have good grass cover, and be free of any objects, natural or man made, which could ensnare the tether.
2. The site should not allow the horse access to a public roadway.
3. A site in which a high proportion of the herbage consists of weeds is not suitable.
4. The site should not be waterlogged.
5. The site should not be crossed by any public right of way.
6. The site should not have anything on it, which might injure an animal.
7. The site should not be used without the written permission of the landowner.
8. An adequate area for tethering should allow access by any part of the animal's body and with an extra 4 metres between the hind quarters of one animal and another.

C Tethering equipment

1. Either a well-fitting leather head collar, or a broad leather neck strap must be used. These should be fitted with a 360° swivel device where the chain is attached.
2. The chain should be approximately 20ft in length, and must be strong enough to prevent breakage, but light enough to prevent pressure sores from the tethering equipment. Rope or nylon should not be used.
3. The ground stake must not protrude above ground level, and must be fitted with a 360° swivel.

D Food and water

1. In many cases the site will provide adequate food in the form of grass; where this is the case the tether site should be changed at least once daily to ensure the quality of the pasture.
2. If the grass is not sufficient for the animal's need, sufficient forage food should be available throughout each day.
3. Water should be made available, on a regular basis throughout the day, in a spill-proof container.
4. Containers for concentrate food should be kept in a clean and safe condition.

E Shelter

1. Animals should not be exposed to the full heat of the sun, to heavy rain, snow or hail, or to strong winds for other than very short periods. In extremes of weather shelter should be provided.
2. Shelter should, at a minimum, provide shade from the sun and from severe wind. In prolonged rain, a well drained area or hard standing must be available.

F Exercise

1. Animals must be given freedom to exercise off the tether for a reasonable period at least once a day.

G Supervision

1. Tethered animals require a high level of supervision, and should be inspected no less frequently than six hourly intervals during normal waking hours.
2. Provision should be made to deal with situations where extremes of weather or other circumstances occur.

H Identification

1. All tethered animals should be marked in such a way as to be permanently identifiable, and from this identification the keeper or owner should be able to be readily contacted.
2. This could be achieved by use of a freeze-brand or microchip registered with a 24-hour access database.
3. Alternatively the animal could have some form of identification attached to the head collar or neck strap giving full details of the keeper or owner.
4. It will be a requirement that all animals born after 1st July 2009 will have to be microchipped. All details will appear on the National Equine Database.

I Other requirements

1. Animals may need protection from ill-intentioned persons.

Appendix C: Body Score Charts

Body condition scoring of horses

0 Very Poor



1 Poor



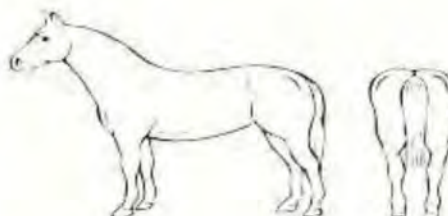
2 Moderate



3 Good



4 Fat



5 Very Fat



Body condition scoring of horses

C/S	Pelvis	Back and Ribs	Neck
0 Very Poor	Angular, skin tight. Very sunken rump. Deep cavity under tail.	Skin tight over ribs. Very prominent and sharp backbone.	Marked ewe neck. Narrow and slack at base.
1 Poor	Prominent pelvis and croup. Sunken rump but skin supple. Deep cavity under tail.	Ribs easily visible. Prominent back bone with sunken skin on either side.	Ewe neck, narrow and slack base.
2 Moderate	Rump flat either side of backbone. Croup well defined, some fat. Slight cavity under tail.	Ribs just visible. Backbone covered but spines can be felt.	Narrow but firm.
3 Good	Covered by fat and rounded. No gutter. Pelvis easily felt.	Ribs just covered and easily felt. No gutter along the back. Backbone well covered but spines can be felt.	No crest (except for stallions) firm neck.
4 Fat	Gutter to root of tail, Pelvis covered by fat. Need firm pressure to feel.	Ribs well covered – need pressure to feel. Slight crest.	Wide and firm.
5 Very Fat	Deep gutter to root of tail. Skin distended. Pelvis buried cannot be felt.	Ribs buried, cannot be felt. Deep gutter along back. Back broad and flat.	Marked crest very wide and firm. Fold of fat.

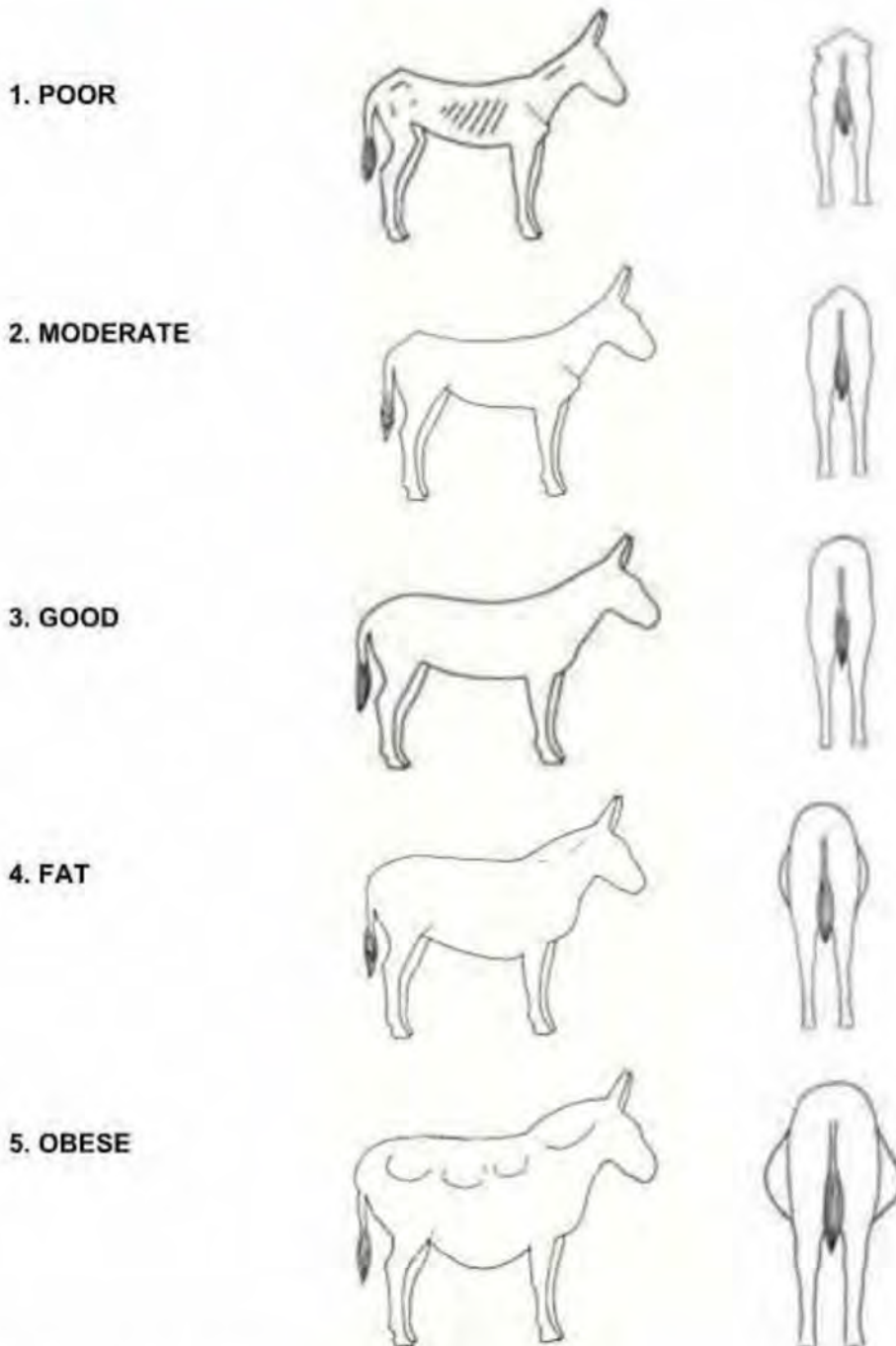
(Based on the Carroll and Huntington Method)

To obtain a body score, score the pelvis first, then adjust by half a point if it differs by one point or more to the back or neck.

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Body condition scoring of donkeys



Fat deposits may be unevenly distributed especially over the neck and hindquarters. Some resistant fat deposits may be retained in the event of weight loss and/or may calcify (harden). Careful assessment of all areas should be made and combined to give an overall score

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Body condition scoring of donkeys

	Neck and Shoulders	Withers	Ribs and Belly	Back and Loins	Hindquarters
1 Poor	Neck thin, all bones easily felt. Neck meets shoulder abruptly, shoulder bones felt easily, angular.	Dorsal spine of withers prominent and easily felt.	Ribs can be seen from a distance and felt with ease. Belly tucked up.	Backbone prominent, can feel dorsal and transverse processes easily.	Hip bones visible and felt easily (hock and pin bones). Little muscle cover. May be cavity under tail.
2 Moderate	Some muscle development overlying bones. Slight step where neck meets shoulders.	Some cover over dorsal withers, spinous processes felt but not prominent.	Ribs not visible but can be felt with ease.	Dorsal and transverse processes felt with light pressure. Poor muscle development either side of midline.	Poor muscle cover on hindquarters, hip bones felt with ease.
3 Good	Good muscle development, bones felt under light cover of muscle/fat. Neck flows smoothly into shoulder, which is rounded.	Good cover of muscle/fat over dorsal spinous processes withers flow smoothly into back.	Ribs just covered by light layer of fat/muscle, ribs can be felt with light pressure. Belly firm with good muscle tone and flattish outline.	Cannot feel individual spinous or transverse processes. Muscle development either side of midline is good.	Good muscle cover in hindquarters, hip bones rounded in appearance, can be felt with light pressure.
4 Fat	Neck thick, crest hard, shoulder covered in even fat layer.	Withers broad, bones felt with firm pressure.	Ribs dorsally only felt with firm pressure, ventral ribs may be felt more easily. Belly over developed.	Can only feel dorsal and transverse processes with firm pressure. Slight crease along midline.	Hindquarters rounded, bones felt only with firm pressure. Fat deposits evenly placed.
5 Obese	Neck thick, crest bulging with fat and may fall to one side. Shoulder rounded and bulging with fat.	Withers broad, unable to feel bones.	Large, often uneven fat deposits covering dorsal and possibly ventral aspect of ribs. Ribs not palpable. Belly pendulous in depth and width.	Back broad, unable to feel spinous or transverse processes. Deep crease along midline bulging fat either side.	Cannot feel hip bones, fat may overhang either side of tail head, fat often uneven and bulging.

Half scores can be assigned where donkeys fall between scores. Aged donkeys can be hard to condition score due to lack of muscle bulk and tone giving thin appearance dorsally with dropped belly ventrally, while overall condition may be reasonable.

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Appendix D: Sources of information

Legislation

- Animal Health & Welfare (Scotland) Act 2006
- The Farriers (Registration) Act 1975
- Riding Establishments Acts 1964 and 1970
- The Weeds Act 1959
- Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations
- The Welfare of animals (Transport) (Scotland) Regulations 2006
- Horse Passports (Scotland) Regulations 2005

Copies of the above legislation can be found on the Office of Public Sector Information (OPSI) website www.opsi.gov.uk/legislation/uk.

Websites of relevant organisations

British Horse Society Scotland

- www.bhsscotland.org.uk

World Horse Welfare

- www.worldhorsewelfare.org

British Horse Society

- www.bhs.org.uk

Scottish SPCA

- www.scottishspca.org

National Equine Welfare Council

- www.newc.co.uk

The Pony Club

- www.pcuk.org

British Veterinary Association

- www.bva.co.uk

British Equine Veterinary Association

- www.beva.org.uk

World Environment Foundation

- www.wef.org.uk

The Farriers Registration Council

- www.farrier-reg.gov.uk

The Donkey Sanctuary

- www.thedonkeysanctuary.org.uk

Humane Slaughter Association

- www.hsa.org.uk

Publications relevant to topics covered by the Code

- **Scottish Government Publication**

Horse Passports: Guidance for all horse owners.
Guidance on How to Prevent the Spread of Ragwort

- **British Horse Society Publications:**

The Complete Horse & Pony Care
BHS Guide to Grassland management
The BHS Complete Manual of Stable Management
The BHS Veterinary Manual
The BHS First Horse Owner Pack
The BHS Fire Safety in Equine Premises

BHS Welfare leaflets covering a wide range of topics can be downloaded via the BHS website listed on the previous page follow the links to Welfare then leaflets.

- **The Donkey Sanctuary**

A Guide to Caring for your Donkey
The Professional Handbook of the Donkey

- **Pony Club Publications:**

Manual of Horsemanship
Keeping a Pony at Grass

- **National Equine Welfare Council**

Equine Industry Welfare Guidelines Compendium
Code of Practice for Markets and Sales involved with the selling of Horses, Ponies and Donkeys
Code of Practice for the Tethering of Horses, Ponies, and Donkeys
Code of Practice for Welfare Organisations involved in the keeping of Horses Ponies and Donkeys

- **British Equine Veterinary Association**

Horse Care Guide

Further information

For further information relating to this Code please contact the Scottish Government Animal Welfare Policy Team, Tel No: 0131 556 8400, 0845 774741 (local rate) or by Email: animal.health@scotland.gsi.gov.uk.

Appendix E: Scottish Passport Issuing Organisations

Clydesdale Horse Society: Tel No: 01575 570900

Email: secretary@clydesdalehorsesociety.com

Eriskay Pony Mother Studbook Society – Comann Each Nan Eilean:

Tel No: 01878 700130

Email: eriskaypony@btinternet.com or eps-cene@btinternet.com

Eriskay Pony Society: Tel No: 0131 441 7785

Email: susanwalker@tinyworld.co.uk

Highland Pony Society: Tel No: 01738 451861

Email: info@highlandponysociety.com

Scottish Icelandic Horse Association: Tel No: 01569 740239

Email: info@siha.org.uk

Scottish Sports Horse: Tel No: 0870 770 8880

Email: Jackie@jackieaird.demon.co.uk

Shetland Pony Society: Tel No: 01738 623471

Email: enquiries@shetlandponystudbooksociety.co.uk

Guidance on how to obtain a horse passport is available from the Scottish Government, Animal Health – Disease Prevention Branch, Tel No: 0131 556 8400 or 0845 7741741 (local rate).

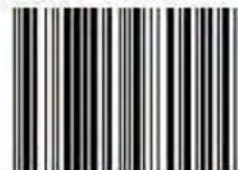
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This document is also available on the Scottish Government website:
www.scotland.gov.uk

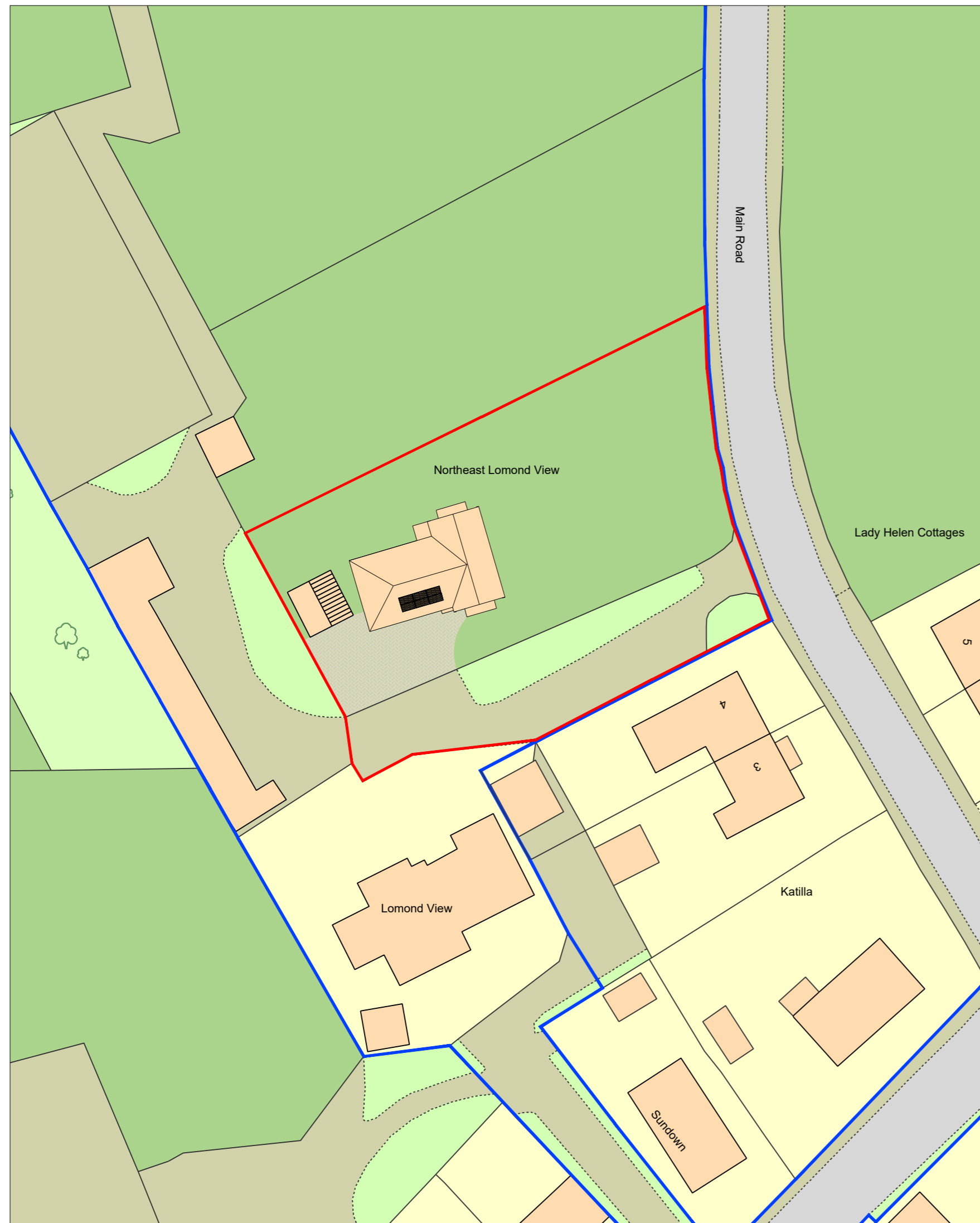
RB-Donnelley 059/154 D17/09

Further copies are available from:
Rural Directorate
Animal Health and Welfare Division
Pentlands House
47 Robin Hood
Edinburgh
EH16 1CY
Tel: 0741 546 0100

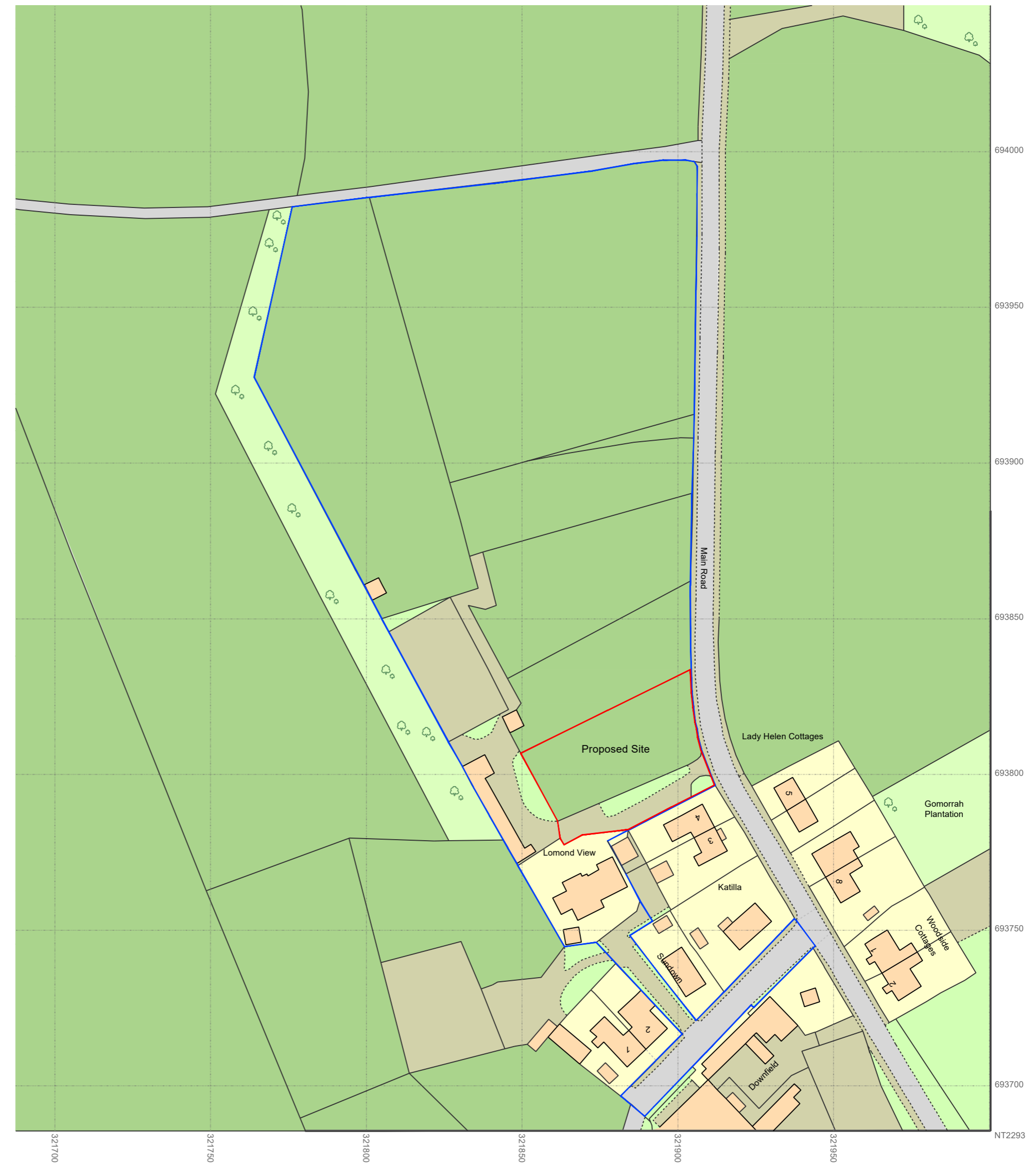
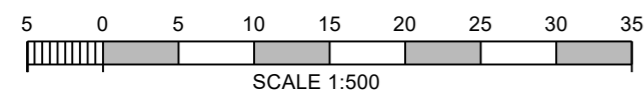
ISBN 978-0-7559-8002-4



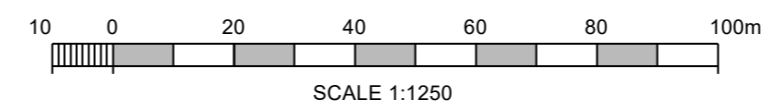
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PROPOSED BLOCK PLAN
SCALE 1:500



EXISTING LOCATION PLAN
SCALE 1:1250



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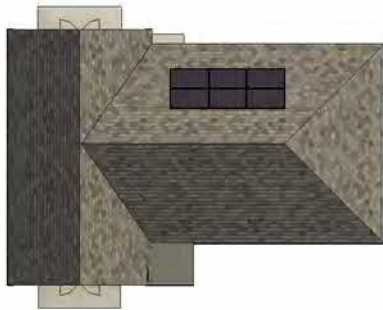
1	Redline boundary amended to include access road	03/12/22
Rev	Description	DATE
Client: Mr & Mrs Abel Lomond View, Lady Helen Road		
Date: 19/11/2022	AGC Design Services	A2
Proj. Title: New House Northeast Lomond View		Scale: AS STATED
Dwg Title: Location Plan	Dwg No. A121122-0190	



3D FRONT



3D REAR



Proposed Roof Plan
1 : 100



Proposed South Elevation
1 : 100



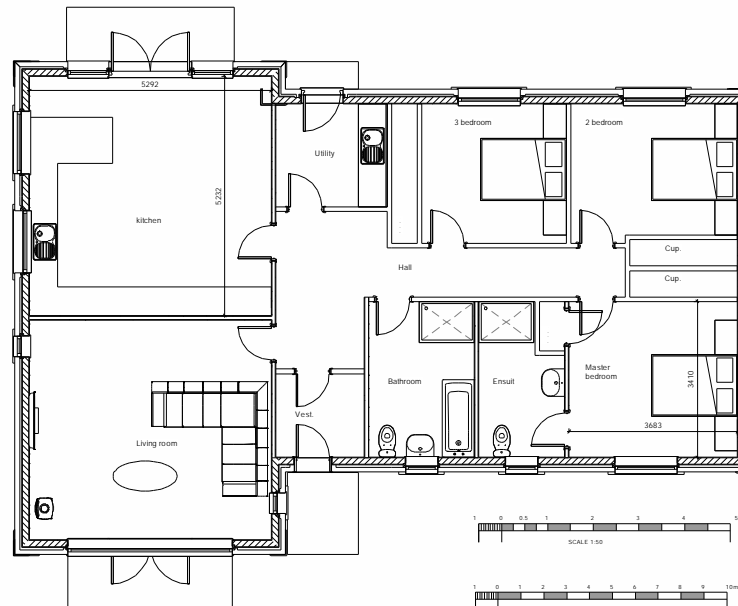
Proposed East Elevation
1 : 100



Proposed North Elevation
1 : 100



Proposed West Elevation
1 : 100



Proposed Floor Plan
1 : 50

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Rev	Description	Date
1	First issue for planning	21/11/22

STATUS PURPOSE OF ISSUE



PROJECT
New House -
Northeast Lomond View

TITLE
Proposed New House
Plans

CLIENT
Mr & Mrs Abel

DRAWN BY AGC	CHECKED BY BA	DATE 21/11/2022
SCALE (@ A1) As indicated	PROJECT NUMBER 121122	
DRAWING NUMBER A121122-02-1		REV 1

Aerial View of Site



Photograph view up Main Road



Photograph of proposed site.



Photograph overlooking equestrian yard.



Photograph of the menage.



Stable yard.



Proposed dwelling site.



Photograph of the stables and tack room.



Coal Mining Risk Assessment

For development at: Lomond View, Lady Helen Road, Dundonald,
Cardenden, KY5 0AL

For proposal: Construction of residential dwelling

Assessment Summary

Assessment Result	MEDIUM RISK
Recommended Further Work	INTRUSIVE GROUND INVESTIGATION

The Coal Authority works to resolve the impacts of mining by growing its expertise, innovation, organisational capability and efficiency.

It manages the effects of past coal mining, including subsidence damage claims which are not the responsibility of licensed coal mine operators and is an executive non-departmental public body, sponsored by the Department of Business, Energy and Industrial Strategy. This report is valid for 90 days.

Limit of liability

This report is provided for the applicant and is in respect of the property identified on its face. Any conclusions or recommendations made are those based on information obtained for the report and our current knowledge and practices. The information and data set out in this report is based on information provided by or obtained from third parties which is held by the Coal Authority. Any limitations of the data are identified within the report. The Coal Authority does not accept liability for the accuracy of third party data. Should new data or information become available these results, conclusions and recommendations may require amending. The Authority is not and cannot be liable for any harm, loss or damage of whatever nature, including consequential loss, occasioned to any third party by the inaccuracy of the information set out in this report and any person seeking to rely upon it should if necessary undertake their own investigations and professional advice. The report should only be used in the stated context.

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Any advice provided in this report does not prejudice our position as a statutory consultee.

Version	Compiled	Checked	Date
1.1	PB	MTM	17/01/2023

Section 1 –Description of site and proposed development

a) Site location and Description

The Coal Authority has been commissioned to prepare a Coal Mining Risk Assessment Report for a proposed development at Lomond View, Lady Helen Road, Dundonald, Cardenden, KY5 0AL (see Figure 1), in order to provide the Local Planning Authority with information on coal mining and an assessment of its impact on land stability.

The approximate site centre co-ordinates are E321881, N693805. The proposed development area requires access via Lady Helen Road. The site has an approximate elevation 113m AOD.

Figure 1: Site location plan



b) Description and layout of proposed development

The Coal Authority understands that the developer plans to construct a residential dwelling (see Appendix A).

c) Scope of coal mining risk assessment

The purpose of this Coal Mining Risk Assessment Report is to:

- Present a desk-based review of all available information on the coal mining issues which are relevant to the application site.
- Use that information to identify and assess the risks to the proposed development from coal mining legacy, including the cumulative impact of issues.
- Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influenced the proposed development.
- Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

Any works that intersect coal mine workings, mine entries or coal seams may have implications for mine gas, spontaneous combustion and surface collapse. Coal Authority permission is required prior to any such works taking place. Further detailed advice can be provided upon request.

The Coal Authority's adopted policies regarding building over or close to mine entries and managing gas risks can be viewed at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

www.gov.uk/government/publications/guidance-on-managing-the-risk-of-hazardous-gases

Section 2 –Sources of information used to inform this report

Source reviewed	Yes	No	Remarks
Coal mining report	X		Consultants Coal Mining Report (Appendix B)
Other mining records	X		Abandonment plans –S473/4/11
Geological plans	X		County geological sheet Fife 35NW (1920), Geological Survey of Scotland, 1:63,360/1:50,000 geological map series sheet 40E - Kirkcaldy (1999), Geological Survey of Scotland, 1:63,360/1:50,000 geological map series sheet 40 - Kinross (1971)
BGS Boreholes	X		NT29SW170
Other	X		BGS GeoIndex, Denside opencast prospecting site report

The above information sources have been used to provide an assessment of the potential mining risk within the remainder of the report.

Section 3 –Identification and assessment of site specific coal mining related risks

The Coal Authority’s search of its detailed coal mining information identifies the following site specific coal mining legacy risks to the site.

Coal mining issue	Reported		Risk assessment	
	Yes	No	Rating	Comment
a) Underground coal mining (recorded at shallow depths)		X	Low risk	None recorded at shallow depths
b) Underground coal mining (probable at shallow depths)	X		Medium risk	Possible unrecorded shallow mine workings in the Rough, 14ft and Jersey seams
c) Mine entries (shafts and adits)		X	Low risk	None recorded
d) Coal mining geology (faults and fissures)		X	Low risk	Faults recorded within and to the south of the development site boundary, locally displacing coal seams
e) Record of past mine gas emissions or potential		X	Medium risk	All mine working pose a potential gas risk which should be considered in any future investigations and development
f) Recorded coal mining surface hazard		X	Low risk	None recorded
g) Surface mining (opencast workings)	X		Low risk	Unlicensed opencast sites and opencast mine licence areas present to the south of the site boundary with the closest being recorded approximately 26m from the development site boundary and not considered to influence the proposed development

A desk based study of the coal mining information has been used to risk assess the coal mining features above. A summary of the risk posed by these features is summarised after thorough analysis of the information sources. Comment on each specific coal mining issue follows below:

a) Underground Coal Mining (recorded at shallow depths)

Coal mining at depths shallower than 30m beneath ground level can typically pose challenges to ground stability at the surface. The magnitude of this effect depends upon the exact depth of any workings, the thickness of competent rock cover and the extraction thickness of any coal mine workings.

The Coal Authority Coal Mining Consultants report in Appendix B shows that the development site is not in an area of recorded shallow coal mine workings. The Consultants Report indicates that the site is underlain by, or is in proximity to, workings in three seams of coal between 65m and 77m below ground level (bgl). The shallowest of these is the Five Foot seam, recorded to have been worked beneath the development area at 65-77m bgl with an extraction thickness of 0.91m and last worked in 1958.

Consequently the risk to this development from underground coal mining (recorded at shallow depths) is low.

b) Underground coal mining (probable at shallow depths)

Areas of probable shallow coal mine workings are identified as part of the Development High Risk Area for which no recorded plan exists, but where it is likely that workable coal at shallow depths has been mined before records were kept. The data has been estimated from available mining records by qualified mining surveyors. Since 1872 there has been a law that requires all coal mine operators to deposit working plans of the mine with the government following the cessation of operations. Prior to this date the plans were often destroyed or kept in private ownership.

Where the extraction of coal has occurred there is the potential for voids to remain long after mining has ceased. The depth of workings generally dictates the length of time that significant voids may remain, but other factors including the size of mine roof supports and the competency of overlying strata can influence the time for natural consolidation to occur. Waste material produced during mining was sometimes used to backfill abandoned sections of mine workings, therefore reducing the volume of open cavities or voids that remain. The method of backfilling workings is typically not recorded and cannot be relied upon as a satisfactory form of remediation.

The Coal Authority Consultants Coal Mining Report in Appendix B states that the development site is in an area of probable shallow coal mine workings. The report records the outcrop of the Seven Foot coal to run through the development site, orientated approximately SSW-NNE. It is noted that the Seven Foot seam is locally known as the Rough coal.

The county geological sheet Fife 35NW (1920) records the Lochgelly Blackband Ironstone and the Cardenden Smithy seams to outcrop 100m and 215m west of the site respectively with these outcrops also shown on the Geological Survey of Scotland, 1:63,360/1:50,000 geological map series sheet 40 - Kinross (1971). It is noted that the Geological Survey of

Scotland, 1:63,360/1:50,000 geological map series sheet 40E - Kirkcaldy (1999) records four outcrops in the vicinity of the site, comprising the two aforementioned outcrops alongside two further unnamed outcrops, located approximately 17m east and 63m west of the site respectively. It is not known as to how the outcrops shown on the 1:50,000 mapping correlates with the outcrop positions recorded within the Consultants Coal Mining Report and on sheet Fife 35NW (1920).

Abandonment plan S473/4/11 records workings within the Rough coal with the closest workings recorded approximately 200m west of the site. It is noted that the plan records a number of shafts and boreholes to the north of the development site boundary, remote from the recorded workings that reference seam depths to the Seven Foot seam. Borehole number 872 shown 152m northwest of the site records Seven Foot Waste at 24.5m bgl, alluding to more extensive workings within the seam. The plan records a section of seams at Spittal, summarised below:

Seam	Separation to overlying sea (m)
Upper Cardenden Smith	NA
Lower Cardenden Smith	4.57
Lochgelly Blackband Ironston	11.89
Little Splint	9.14
Seven Foot (Rough)	2.74
Upper Jersey	11.89
Swallowdrun	3.66
Lochgelly Splint	38.40
Lower Lochgelly Splint	1.83
Glasse	20.12
Mynheer	40.23
Five Foot	13.72
Dunfermline Splin	23.77

A summary of the generalised vertical section (GVS) on county geological sheet Fife 35NW (1920) is recorded below:

Seam	Separation to overlying seam (m)	Seam Thicknesses*
Upper Cardenden Smithy	NA	2-3ft 6in (0.61-1.07m)
Lower Cardenden Smithy	2.95	2ft 6in (0.76m)
Lochgelly Blackband Ironstone	13.64	2-3ft 6in (0.61-1.07m)
Little Splint	7.95	3ft (0.91m)
Seven Foot (Rough)	5.68	6-8ft (1.83-2.44m)
Fourteen Feet	21.59	1-2ft 6in (0.30-0.76m)
Jersey coals (Upper Leaf)	3.41	2ft (0.61m)
Jersey coals (Lower Leaf)	1.82	2ft (0.61m)
Swallowdrum	17.73	2ft (0.61m)

Lochgelly Splint	12.95	4-6ft (1.22-1.83m)
Lochgelly Parrot	12.05	2-4ft (0.61-1.22m)
Glassee	22.73	6in-2ft 6in (0.15-0.76m)
Mynheer	11.36	1in-2ft (0.03-0.61m)
Five Foot	10.68	2-4ft (0.61-1.22m)
Dunfermline Splint	12.73	2-3ft (0.61-0.91m)

It must be considered that any roadways within these seams may be greater than the height of the seam to facilitate underground access, nominally to a height of 1.5m.

Given the recorded depth to the Five Foot coal within the Consultants Coal Mining Report, together with the separation between the Seven Foot coal and the Five Foot coal at Spittal and the separations shown on the county geological sheet it is considered that seam separations may vary and be less than recorded in the vicinity of the site.

A section recorded at mine entry 321694-009 located 310m northwest of the site records the following:

Seam	Depth to seam (m)
Drift	7.32 (recorded drift thickness)
Lochgelly Blackband Ironstone	24.69
Rough (Seven Foot)	36.58
14ft	49.38
Lochgelly Splint	82.30

The site is recorded to intersect with the Denside opencast prospecting site, the details of which have been obtained by the client. These records show six boreholes to have been drilled approximately 690m north of the site. It is noted that the report states that “the Coal Board object to prospecting in this area” with “the presence of old outcrop workings and the approach to present workings of Dundonald mine. There are also numerous old shafts on the area to the south-west of the branch railway which must not be contacted”. Further notes within this report record “waste within the Rough coal which had not been recorded”.

Given the recorded location of the Seven foot (Rough) outcrop together with the evidence of unrecorded workings in this seam, it is considered that this seam may be present and worked from outcrop in the vicinity of the site. It is also considered that insufficient cover may exist above the underlying 14ft and Jersey coals depending on local seam thicknesses and separations.

Consequently the risk to this development from underground coal mining (probable at shallow depths) is medium.

c) Mine entries (shafts and adits)

The Coal Authority Consultants Coal Mining Report in Appendix B shows no mine entries are recorded within 100m of the development site.

The development site sits within a historical mining area and therefore there is a residual risk of unrecorded mine entries to be present on site. All site operatives should be made aware of this potential risk and a watching brief should be maintained during site works.

Consequently the risk to this development from mine entries (shafts and adits) is low.

d) Coal mining geology (faults and fissures)

The development site sits upon the Limestone Coal Formation. The closest available BGS borehole to the site, NT29SW170 located 140m northwest of the site records surficial deposits to consist of clay and boulders and boulder clay with a typical thickness of 3.05m in the local area.

No faults, fissures or break lines are known to affect the development site, however a fault is recorded to be present approximately 35m south of the site, orientated approximately E-W and downthrown to the north, locally displacing coal seams. A further fault is recorded on the county geological sheet Fife 35NW (1920) within the 5ft coal that is shown to be present within the development site boundary. It is not known as to whether this fault extends to surface.

Faults can act as pathways for gas and water, cause surface instability and result in dissimilar coal conditions/hazards due to their relative displacement of strata.

e) Record of past mine gas emissions or potential

There are no recorded past gas emissions recorded in the surrounding area, however, coal seams and coal mine workings pose a potential gas risk which should be considered in any future investigations and development. At development sites with shallow coal workings, probable shallow coal mine workings, or pathway features such as mine entries and geological disturbances on or nearby the site, the Coal Authority recommends that a more detailed gas risk assessment to be undertaken in accordance with relevant guidance.

No seam mentioned in this report is recorded as being prone to spontaneous combustion.

f) Recorded coal mining surface hazard

None recorded.

g) Surface mining (opencast workings)

The Coal Authority Consultants Coal Mining Report in Appendix B records unlicensed opencast sites and opencast mine licence areas present to the south of the site, the closest of which is recorded approximately 26m from the development site boundary. It is considered that these opencast workings will not influence the proposed development and consequently the risk to this development from surface mining (opencast workings) is low.

Section 4 –Proposed mitigation strategy

a) Site investigation and/or remediation

Due to the presence of possible unrecorded shallow mine workings in the Rough, 14ft and Jersey seams, an intrusive site investigation will be required.

The site investigations will need to be carried out by a competent contractor, taking into account the findings of this report. The results should be interpreted by a qualified and competent person so that an appropriate remedial strategy can be developed.

Guidance on drilling or piling through coal can be found at:

www.gov.uk/government/publications/guidance-on-managing-the-risk-of-hazardous-gases

Due to the difficulties in identifying coal related gas hazards, it may be prudent to consider completing a gas risk assessment for the development site. This may recommend basic gas protection measures within the foundation design, which are resistant to permanent gases (carbon dioxide, methane, carbon monoxide) and comparable to that suggested in BR211, as commonly used to protect against radon in residential properties.

Where development is proposed over areas of coal or past coal workings at shallow depth, developers should consider wherever possible removing any remnant shallow coal. This will enable the ground to be stabilised and remove a hazard prior to construction of any foundations associated with the development. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority. Further information can be found at:

www.gov.uk/get-a-licence-for-coal-mining

Should coal seams be found, at or near the depth of the development's foundations, they may pose a risk of spontaneous combustion if exposed to air or may act as pathways for ground gases to reach the development. A competent engineer should be consulted if coal is encountered in, or adjacent to, the foundations of the proposed development.

Concrete, cements and renders may be susceptible to attack from elevated levels of sulfates in the ground. The Building Research Establishment reports that most cases of sulfate attack occur in and adjacent to coal field areas and related industrial centres. It would be prudent for the issue of sulfate attack to be considered during the foundation design to ensure they comply with the Building Regulations 2010.

You may also wish to refer to the Construction Industry Research and Information Association (CIRIA) publication Special Publication 32 "Construction over Abandoned Mine Workings".

b) Coal Authority permit

Any intrusive activities, including initial site investigation boreholes and any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority. Application forms for Coal Authority permission and further guidance on this matter 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

Follow on services can be requested using the details in the contacts section.

Section 5 –Conclusions

This report has identified that the proposed development site has been subject to past coal mining activity, namely the presence of possible unrecorded shallow mine workings in the Rough, 14ft and Jersey seams. The risk to the site from legacy mining features is medium.

Nevertheless, subject to the undertaking of appropriate site investigations and any potential necessary remedial measures as outlined in Section 4a of this report, the Coal Authority considers that the site may be made safe and stable for future development and the risk to the development reduced to low. The recorded coal mining legacy issues present within the site do not pose any particular implications for the layout of the proposed development.

The Coal Authority advises the developer undertake a detailed Gas Risk Assessment where proposed development occurs over shallow coal reserves as is the case here.

Section 6 –Contacts

Planning and Local Authority Liaison Service

Tel: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/planning-applications-coal-mining-risk-assessments

Surface Hazards Emergency Service

Tel: 0800 288 4242 (open 24 hours a day, 7 days a week)

24-hour number for reporting public safety hazards and incidents associated with coal mining

Mining Reports Service

To purchase site specific coal mining information go to our website;

www.groundstability.com

Licensing and Permitting Service

Email: permissions@coal.gov.uk

Tel: 01623 637 320

For permission to enter or disturb coal mine entries and coal seams.

Appendix B – Non-Residential Coal Mining Consultants Report



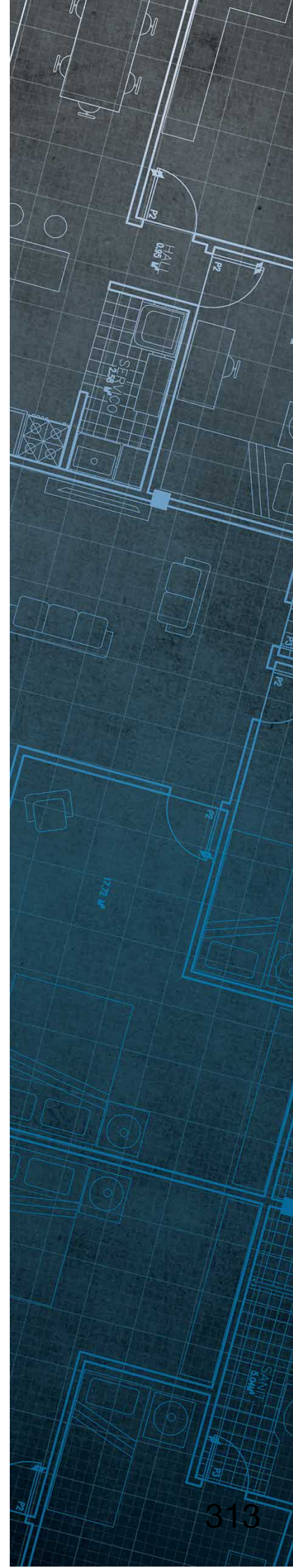
The Coal
Authority

Consultants Coal Mining Report

North East
Lomond View
Lady Helen Road
Dundonald
Cardenden
Fife
KY5 0AL

Date of enquiry: 12 January 2023
Date enquiry received: 12 January 2023
Issue date: 12 January 2023

Our reference: 71009310976001
Your reference:



Consultants

Coal Mining Report

This report is based on and limited to the records held by the Coal Authority at the time the report was produced.

Client name

CMRA THE COAL AUTHORITY

Enquiry address

North East
Lomond View
Lady Helen Road
Dundonald
Cardenden
Fife
KY5 0AL

How to contact us

0345 762 6848 (UK)
+44 (0)1623 637 000 (International)

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

www.groundstability.com

 @coalauthority

 /company/the-coal-authority

 /thecoalauthority

 /thecoalauthority



Approximate position of property



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Section 1 –Mining activity and geology

Past underground mining

Colliery	Seam	Mineral	Coal Authority reference	Depth (m)	Direction to working	Dipping rate of seam worked (degrees)	Dipped direction of seam worked	Extraction thickness (cm)	Year last m lned
DUNDONALD	FIVE FOOT	Coal	75XA	65	Beneath Property	17.1	North	91	1958
DUNDONALD	LOCHGELLY SPLINT	Coal	75WY	70	North-West	5.4	West	170	1900
DUNDONALD	MYNHEER	Coal	75X5	72	Beneath Property	11.3	North-West	91	1901
DUNDONALD	MYNHEER	Coal	75X6	75	Beneath Property	12.5	North-West	84	1908
DUNDONALD	FIVE FOOT	Coal	75X9	77	Beneath Property	7.7	North-West	91	1905

Probable unrecorded shallow workings

Yes.

Spine roadways at shallow depth

No spine roadway recorded at shallow depth.

Mine entries

None recorded within 100 metres of the enquiry boundary.

Abandoned mine plan catalogue numbers

The following abandoned mine plan catalogue numbers intersect with some, or all, of the enquiry boundary:

S4715	S4424	S4612
S4729	S4685	9003
S473	S392	S4682

Our records show we have more plans than those shown above which could affect the enquiry boundary.

Please contact us on 0345 762 6848 to determine the exact abandoned mine plans you require based on your needs.

Outcrops

Seam name	Mineral	Seam workable	Distance to outcrop (m)	Direction to outcrop	Bearing of outcrop
SEVEN FOOT	Coal	Yes	Within	N/A	195

Geological faults, fissures and breaklines

No faults, fissures or breaklines recorded.

Opencast mines

Please refer to the “Summary of findings” map (on separate sheet) for details of any opencast areas within 500 metres of the enquiry boundary.

Coal Authority managed tips

None recorded within 500 metres of the enquiry boundary.

Section 2 –Investigative or remedial activity

Please refer to the 'Summary of findings' map (on separate sheet) for details of any activity within the area of the site boundary.

Site investigations

None recorded within 50 metres of the enquiry boundary.

Remediated sites

None recorded within 50 metres of the enquiry boundary.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

None recorded within 500 metres of the enquiry boundary.

Mine water treatment schemes

None recorded within 500 metres of the enquiry boundary.

Section 3 –Licensing and future mining activity

Future underground mining

None recorded.

Coal mining licensing

None recorded within 200 metres of the enquiry boundary.

Court orders

None recorded.

Section 46 notices

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

Withdrawal of support notices

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

Payments to owners of former copyhold land

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Section 4 –Further information

The following potential risks have been identified and as part of your risk assessment should be investigated further.

Future development

If development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply specialist engineering practice required for former mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or coal mines without first obtaining the permission of the Coal Authority.

MINE GAS: Please note, if there are no recorded instances of mine gas within 500m of the enquiry boundary, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded. Developers should be aware that the investigation of coal seams, mine workings or mine entries may have the potential to generate and/or displace underground gases. Associated risks both to the development site and any neighbouring land or properties should be fully considered when undertaking any ground works. The need for effective measures to prevent gases migrating onto any land or into any properties, either during investigation or remediation work, or after development must also be assessed and properly addressed. In these instances, the Coal Authority recommends that a more detailed Gas Risk Assessment is undertaken by a competent assessor.

Development advice

The site is within an area of historical coal mining activity. Should you require advice and/or support on understanding the mining legacy, its risks to your development or what next steps you need to take, please contact us.

For further information on specific site or ground investigations in relation to any issues raised in Section 4, please call us on 0345 762 6848 or email us at groundstability@coal.gov.uk.

Section 5 –Data definitions

The datasets used in this report have limitations and assumptions within their results. For more guidance on the data and the results specific to the enquiry boundary, please **call us on 0345 762 6848** or **email us at groundstability@coal.gov.uk**.

Past underground coal mining

Details of all recorded underground mining relative to the enquiry boundary. Only past underground workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination, will be included.

Probable unrecorded shallow workings

Areas where the Coal Authority believes there to be unrecorded coal workings that exist at or close to the surface (less than 30 metres deep).

Spine roadways at shallow depth

Connecting roadways either, working to working, or, surface to working, both in-seam and cross measures that exist at or close to the surface (less than 30 metres deep), either within or within 10 metres of the enquiry boundary.

Mine entries

Details of any shaft or adit either within, or within 100 metres of the enquiry boundary including approximate location, brief treatment details where known, the mineral worked from the mine entry and conveyance details where the mine entry has previously been sold by the Authority or its predecessors British Coal or the National Coal Board.

Abandoned mine plan catalogue numbers

Plan numbers extracted from the abandoned mines catalogue containing details of coal and other mineral abandonment plans deposited via the Mines Inspectorate in accordance with the Coal Mines Regulation Act and Metalliferous Mines Regulation Act 1872. A maximum of 9 plan extents that intersect with the enquiry boundary will be included. This does not infer that the workings and/or mine entries shown on the abandonment plan will be relevant to the site/property boundary.

Outcrops

Details of seam outcrops will be included where the enquiry boundary intersects with a conjectured or actual seam outcrop location (derived by either the British Geological Survey or the Coal Authority) or intersects with a defined 50 metres buffer on the coal (dip) side of the outcrop. An indication of whether the Coal Authority believes the seam to be of sufficient thickness and/or quality to have been worked will also be included.

Geological faults, fissures and breaklines

Geological disturbances or fractures in the bedrock. Surface fault lines (British Geological Survey derived data) and fissures and breaklines (Coal Authority derived data) intersecting with the enquiry boundary will be included. In some circumstances faults, fissures or breaklines have been known to contribute to surface subsidence damage as a consequence of underground coal mining.

Opencast mines

Opencast coal sites from which coal has been removed in the past by opencast (surface) methods and where the enquiry boundary is within 500 metres of either the licence area, site boundary, excavation area (high wall) or coaling area.

Coal Authority managed tips

Locations of disused colliery tip sites owned and managed by the Coal Authority, located within 500 metres of the enquiry boundary.

Site investigations

Details of site investigations within 50 metres of the enquiry boundary where the Coal Authority has received information relating to coal mining risk investigation and/or remediation by third parties.

Remediated sites

Sites where the Coal Authority has undertaken remedial works either within or within 50 metres of the enquiry boundary following report of a hazard relating to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures.

Coal mining subsidence

Details of alleged coal mining subsidence claims made since 31 October 1994 either within or within 50 metres of the enquiry boundary. Where the claim relates to the enquiry boundary confirmation of whether the claim was accepted, rejected or whether liability is still being determined will be given. Where the claim has been discharged, whether this was by repair, payment of compensation or a combination of both, the value of the claim, where known, will also be given.

Details of any current 'Stop Notice' deferring remedial works or repairs affecting the property/site, and if so the date of the notice.

Details of any request made to execute preventative works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventative works.

Mine gas

Reports of alleged mine gas emissions received by the Coal Authority, either within or within 500 metres of the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission. Please note, if there are no recorded instances of mine gas reported, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded.

Mine water treatment schemes

Locations where the Coal Authority has constructed or operates assets that remove pollutants from mine water prior to the treated mine water being discharged into the receiving water body.

These schemes are part of the UK's strategy to meet the requirements of the Water Framework Directive. Schemes fall into 2 basic categories: Remedial –mitigating the impact of existing pollution or Preventative –preventing a future pollution incident.

Mine water treatment schemes generally consist of one or more primary settlement lagoons and one or more reed beds for secondary treatment. A small number are more specialised process treatment plants.

Future underground mining

Details of all planned underground mining relative to the enquiry boundary. Only those future workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination will be included.

Coal mining licensing

Details of all licenses issued by the Coal Authority either within or within 200 metres of the enquiry boundary in relation to the under taking of surface coal mining, underground coal mining or underground coal gasification.

Court orders

Orders in respect of the working of coal under the Mines (Working Facilities and Support) Acts of 1923 and 1966 or any statutory modification or amendment thereof.

Section 46 notices

Notice of proposals relating to underground coal mining operations that have been given under section 46 of the Coal Mining Subsidence Act 1991.

Withdrawal of support notices

Published notices of entitlement to withdraw support and the date of the notice. Details of any revocation notice withdrawing the entitlement to withdraw support given under Section 41 of the Coal Industry Act 1994.

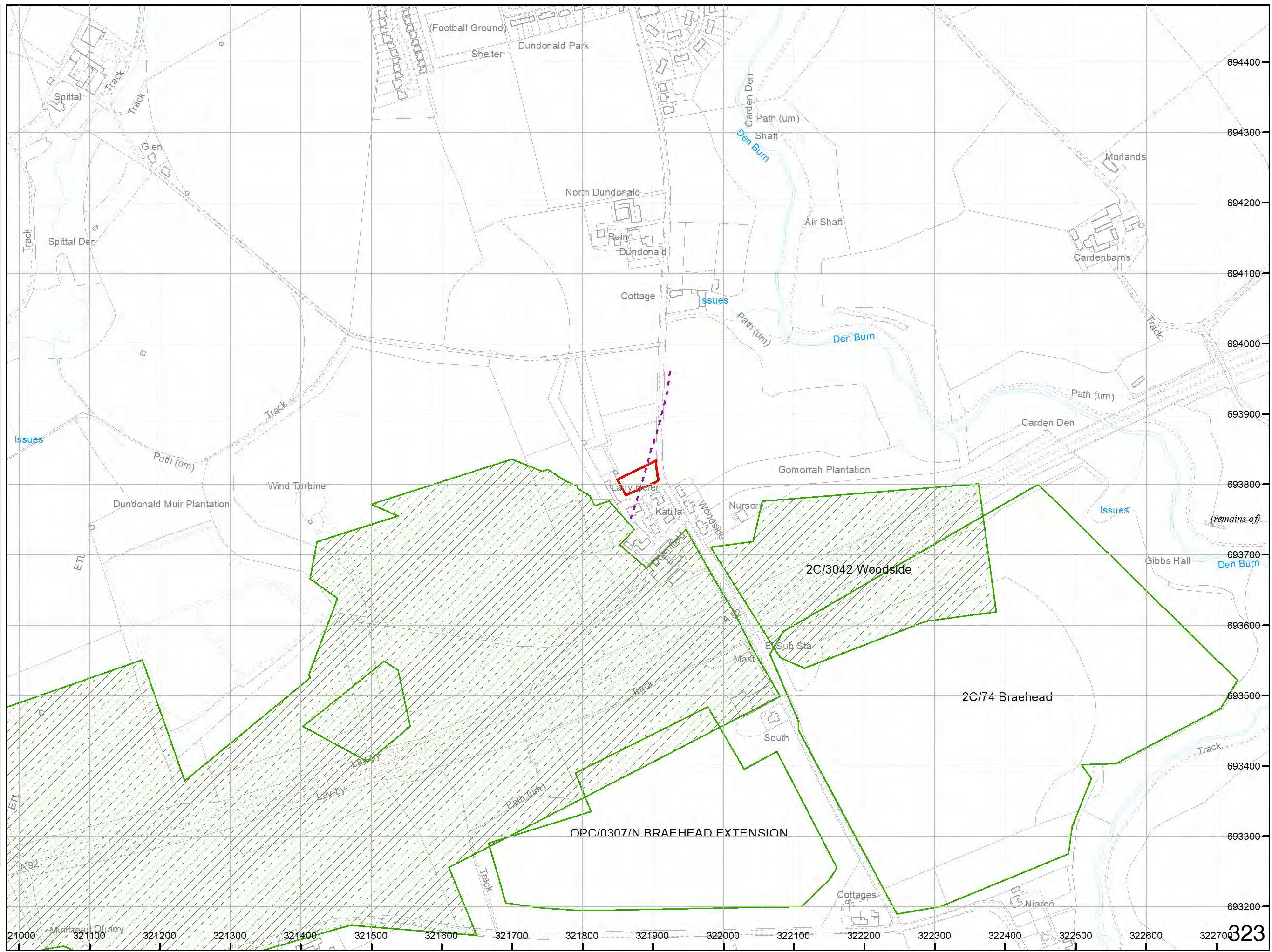
Payment to owners of former copyhold land

Relevant notices which may affect the property and any subsequent notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.

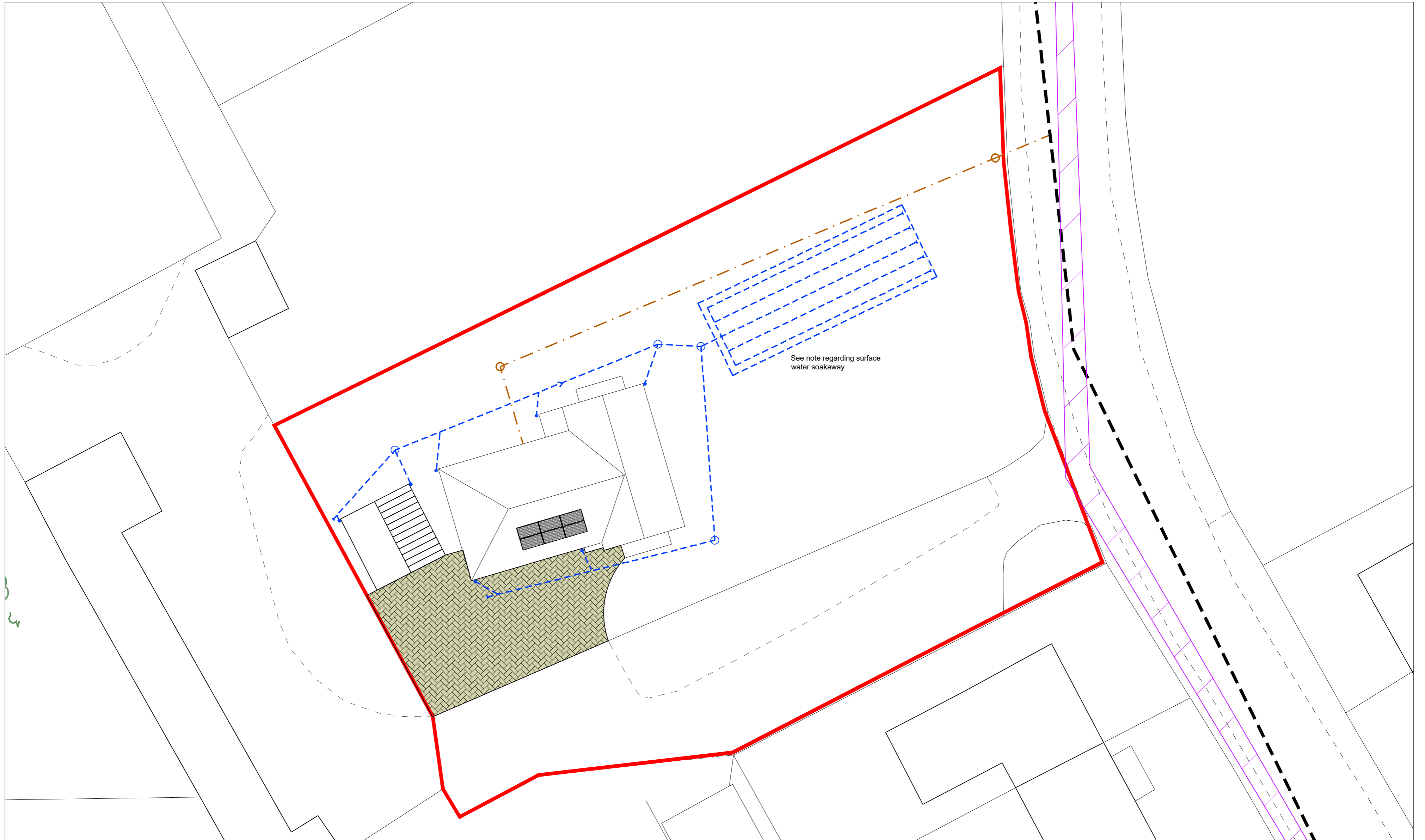
The map highlights any specific surface or subsurface features within or near to the boundary of the site.

Key

- Approximate position of the enquiry boundary shown
- Outcrop (Conjectured)
- Opencast mine licence area
- Unlicensed opencast site



How to contact us
 0345 762 6848 (UK)
 +44 (0)1623 637 000 (International)
 www.groundstability.com

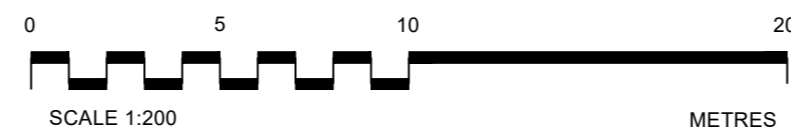


LEGEND

- Scottish Water (public) sewer
- Proposed foul sewer
- Proposed surface water sewer
- Inspection/silt trap chamber
- Disconnecting manhole chamber
- Rainwater down pipe
- Rodding eye
- Pervious paving - private driveway
- Surface water soakaway (Refer to engineers drawing 603863-DRG-0002-0A for size)

PROPOSED DRAINAGE PLAN

SCALE 1:200



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1	Surface water soakaway details updated.	22/05/23
Rev	Description	DATE
Client: Mr & Mrs Abel Lomond View, Lady Helen Road		
Date: 31/12/2022	AGC Design Services	A2
Proj. Title: New House Northeast Lomond View		Scale: 1:200
Dwg Title: Drainage plan	Dwg No. A121122-03	324



Enviro All-in-One

Non-Residential Search Report

LOMOND VIEW, LADY HELEN ROAD, DUNDONALD, CARDENDEN, FIFE, KY5 0AL

Thank you for placing your order with the Coal Authority Mining Reports team.

Please find enclosed the Coal Authority's Non-Residential CON29M and Groundsure Screening Report.

The icon below summarises whether the Coal Authority consider that the following conditions may affect the ground stability at the report location. A fuller explanation of the condition and its potential to result in ground movement are given in the Coal Authority section of this report.



Coal mining

Yes

If you need any further assistance, please do not hesitate to contact our experts on 0345 762 6848 quoting the Coal Authority reference number.

Issued by:

The Coal Authority, Property Search Services, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG
Website: www.groundstability.com Phone: 0345 762 6848

TONI COPPOLA 12 LADY NINA SQUARE COALTOWN OF BALGONIE FIFE KY7 6HN	Our reference: 51003317262001 Your reference: Date of your enquiry: 10 October 2022 Date we received your enquiry: 10 October 2022 Date of issue: 12 October 2022
-------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

This report is for the property described in the address below and the attached plan.

Non-Residential Enviro All-in-One - On Coalfield

LOMOND VIEW, LADY HELEN ROAD, DUNDONALD, CARDENDEN, FIFE, KY5 0AL

This report is based on and limited to the records held by the Coal Authority, at the time we answer the search.

Coal mining	See comments below
-------------	--------------------

Information from the Coal Authority

Underground coal mining

Past

The property is in a surface area that could be affected by underground mining in 6 seams of coal at 50m to 140m depth, and last worked in 1958.

Any movement in the ground due to coal mining activity associated with these workings should have stopped by now.

In addition the property is in an area where the Coal Authority believes there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered, particularly prior to any site works or future development activity, as ground movement could still be a risk. Your attention is drawn to the Comments on the Coal Authority information section of the report.

Present

The property is not within a surface area that could be affected by present underground mining.

Future

The property is not in an area where the Coal Authority has received an application for, and is currently considering whether to grant a licence to remove or work coal by underground methods. The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area likely to be affected from any planned future underground coal mining.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

Mine entries

There are no recorded coal mine entries known to the Coal Authority within, or within 20 metres, of the boundary of the property.

This information is based on the information that the Coal Authority has at the time of this enquiry.

Based on the Coal Authority's knowledge of the mining circumstances at the time of this enquiry, there may be unrecorded mine entries in the local area that do not appear on Coal Authority records.

Coal mining geology

The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

Opencast coal mining

Past

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

Present

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

Future

There are no licence requests outstanding to remove coal by opencast methods within 800 metres of the boundary.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

The Coal Authority has no record of a mine gas emission requiring action.

Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Coal Authority, under its Emergency Surface Hazard Call Out procedures.

Withdrawal of support

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

Working facilities orders

The property is not in an area where an order has been made, under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

Payments to owners of former copyhold land

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Comments on Coal Authority information

In view of the mining circumstances a prudent developer would seek appropriate technical advice before any works are undertaken.

Therefore if development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply good engineering practice developed for mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or mines of coal without the permission of the Coal Authority. Developers should be aware that the investigation of coal seams/former mines of coal may have the potential to generate and/or displace underground gases and these risks both under and adjacent to the development should be fully considered in developing any proposals. The need for effective measures to prevent gases entering into public properties either during investigation or after development also needs to be assessed and properly addressed. This is necessary due to the public safety implications of any development in these circumstances.

Additional Remarks

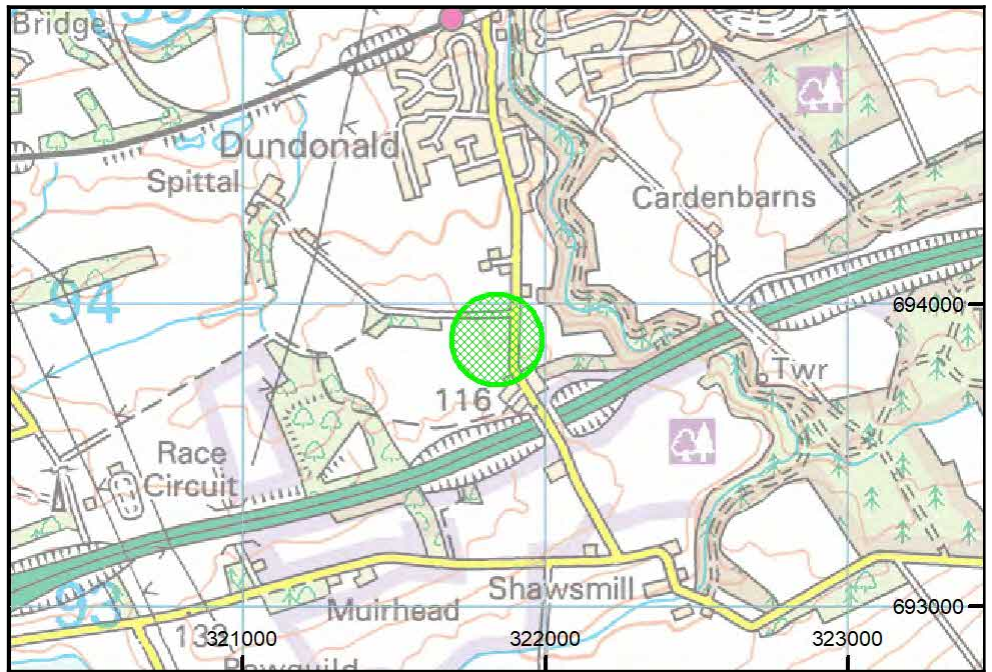
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The Coal Authority owns the copyright in this report. The information we have used to write this report is protected by our database rights. All rights are reserved and unauthorised use is prohibited. If we provide a report for you, this does not mean that copyright and any other rights will pass to you. However, you can use the report for your own purposes.

Location map



Approximate position of property

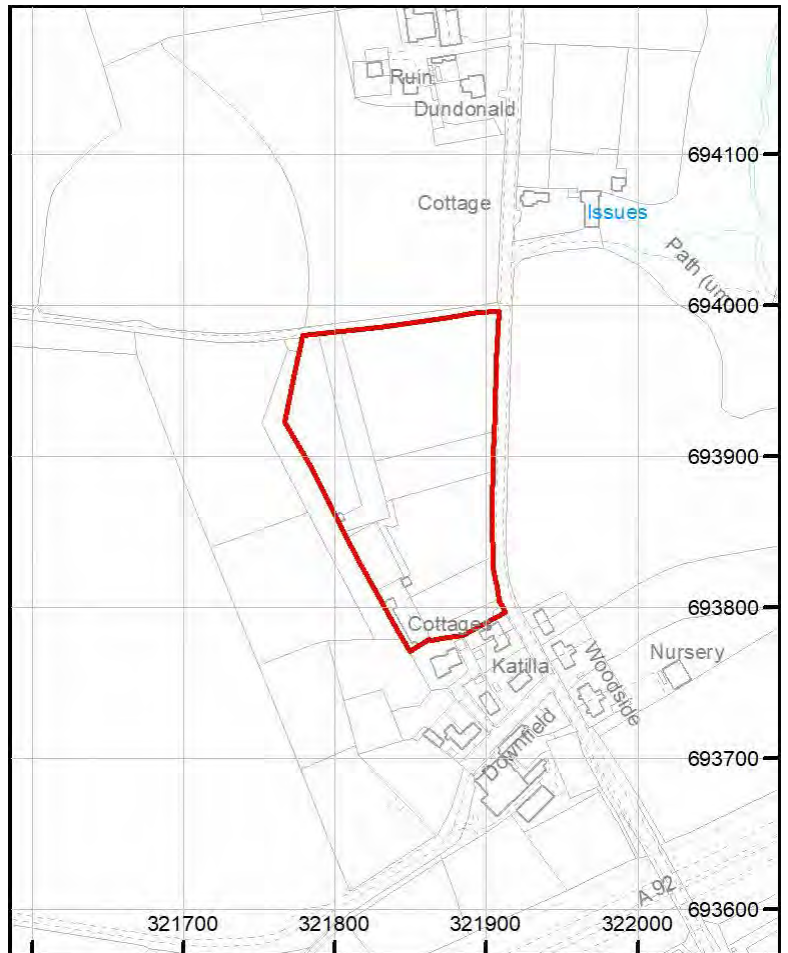


Enquiry boundary

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Key

Approximate position of enquiry boundary shown



Thank you for ordering your environmental report from Groundsure. Before you read your search results as normal we wanted to explain some recent improvements that have been made to your report. We want to let you know what **ClimateIndex™** is and what it is designed to do, so we've provided some explanation below as to why we have added climate data and the **ClimateIndex™** assessment into our reports.

What have we updated in ClimateIndex™

£525 billion worth of property could be written off due to climate change in the long term*. This is due to an **801%** increase in the number of properties affected by subsidence, an **881%** increase in coastal erosion and a **195%** increase in flooding by 2070.**

The Bank of England/Prudential Regulation Authority has set out their detailed plan to address climate risks in a financial context and climate change is now a mainstream risk that all UK banks are implementing into their credit risk management policies and procedures.

In September 2022, one of the UK's leading environmental law practitioners, Stephen Tromans KC, released his legal opinion on a firm's duty of care to advise residential and commercial property clients on climate risk. Based on this opinion, Groundsure have updated the guidance in our **ClimateIndex™** forward climate analysis to follow best practice advice. You can access the opinion [here](#)

The Law Society's Planning and Environment Committee is now actively reviewing the development of a climate risk practice note alongside existing environmental notes. The inclusion of **ClimateIndex™** in this report enables solicitors to become compliance-ready for these future changes now.

* XD Analysis Report 2021

** Groundsure **ClimateIndex™** modelling 2022

About ClimateIndex™

In this report we've added our brand new **ClimateIndex™** to the cover page (**page 2**), which includes two calculations:

1. A rating of the future climate risk of the property, for 1 year, 5 years and 30 years.
2. An explanation of the variance between these ratings, to show the change between time periods.

On **page 37** you'll find a more detailed review of these calculations, including a breakdown of the different physical risks and their relative impact on the property. The physical risks used in the calculation are flooding, natural ground instability and coastal erosion.

As a result of these changes, the site plan has been moved to the second page.

Feedback

If you have any feedback, questions or concerns, about the addition of **ClimateIndex™** into Groundsure's reports, please get in touch with us, we'd love to hear from you. We have a survey that you can fill out about the **ClimateIndex™** feature [here](#).

We are currently recruiting for our Groundsure Customer Advisory Board. Members of the board get a unique opportunity to input into Groundsure's product direction, as well as exclusive insight into our product roadmap and work in progress.

If you'd like to take part, please let us know at feedback@groundsure.com.

LOMOND VIEW, LADY HELEN ROAD, DUNDONALD, CARDENDEN, FIFE, KY5 0AL

Professional opinion



Contaminated Land

**Moderate:
Acceptable Risk**

page 6



Flooding

Negligible

page 7

Consultant's guidance and recommendations inside.



Ground Stability

Identified

page 7



Radon

Passed



Energy

Identified

page 8



Planning Constraints

Not identified



Transportation

Identified

page 9

A full assessment of transportation is available in our Energy and Transportation report. Contact Groundsure or your search provider for further details.

ClimateIndex™

Our ClimateIndex™ provides a climate score for your property, and projects changes in physical and transition risks from flooding, natural ground instability and coastal erosion. Please refer to **page 37** for more detailed analysis and guidance.

1 year



No change

5 years



No change

30 years



No change

A No risk predicted

B Minor risk

C Minor to moderate risk

D Moderate risk

E Significant risk

F Severe or existential risk predicted

Contaminated land liability

Banking security

Is it likely that the property will represent acceptable banking security from a contaminated land perspective?

Yes

Statutory or 3rd party action

Is there a risk of statutory (e.g. Part 2A EPA 1990) or third party action being taken against the site?

Unlikely

Environmental liability

Is there a risk that the property value may be impacted due to contaminated land liability issues?

Unlikely

Site Plan



Useful contacts

Fife Council:

<http://www.fifedirect.org.uk>

fife.council@fife.gov.uk

03451 55 00 00

Scottish Environment Protection Agency (SEPA)

<https://www.sepa.org.uk/contact/contact-us-via-email/>

03000 99 66 99

Overview of findings and recommendations

To save you time when assessing the report, we only provide maps and data tables of features within the search radius that we have identified to be of note. These relate to environmental risks that may have liability implications, affect insurance premiums, property values and/or a lender's willingness to lend.

You can view the fully comprehensive library of information we have searched on **page 42**.



Contaminated Land

Groundsure considers there to be an acceptable level of risk at the site from contaminated land liabilities despite some potentially contaminative land uses being identified, particularly in relation to the past and current land uses. These land uses are not considered a significant risk if the site remains in its current use, however if the property is to undergo a change of use or redevelopment the planning process is likely to require contaminated land investigations. It is recommended that this is completed at an early stage of planning.

If you require further advice with regards to this, please contact our customer services team on 08444 159 000 or e-mail at info@groundsure.com.



Flooding



Ground stability

The property is indicated to lie within an area that could be affected by infilled land. You should consider the following:

Next steps for consideration:

- if a survey has been undertaken at the property that considers ground instability and no issues were found, no further action is required
- however, based on the findings of this report, the purchaser should be encouraged to consider potential instability in any future development or alteration of the ground including planting and removing trees, and regardless of the survey outcome
- if no survey has yet been undertaken, we recommend one is carried out by a suitably qualified and experienced person
- if ground instability issues have been or are subsequently identified in a survey we recommend following any advice given in the survey findings

Coal

The property is assessed to lie within a coal mining area as defined by the Coal Authority.

Next steps for consideration:

- Groundsure recommends that a Regulated Coal Mining Search is conducted. This can be ordered through Groundsure or your preferred search provider.

Other considerations

These are next steps associated with non-environmental search returns on matters of energy and transport infrastructure and planning constraints.



Energy

Wind

Existing or proposed wind installations have been identified within 10km.

Next steps for consideration:

- use the details given in the report to find out more about the potential impacts on the property
- contact the operating company and the relevant Local Authority for further information
- visit the area in order to more accurately assess the impact this wind development would have on the property



Solar

Existing or proposed solar installations have been identified within 5km of the property.

Next steps for consideration:

- use the details given in the report to find out more about the potential impacts on the property by contacting the operating company and/or Local Authority
- visit the area in order to more accurately assess the impact this solar farm would have on the property

Power stations

One or more Power Stations have been identified within 5km of the property.

Next steps for consideration:

- visit the power station operator's website for further information. Many power stations have large amounts of information on their local impacts available on the operator's website
- additionally, you could contact the Air Quality team of the Local Authority which may hold additional information regarding any air quality impacts in the area
- if a nuclear installation has been identified, consider visiting <http://www.onr.org.uk/regulated-sites.htm> for further information on the site

Consultant's assessment



Environmental searches are designed to ensure that significant hazards and risks associated with this property are identified and considered alongside the investment in or purchase of a property.

Please see **page 3** for further advice.



Contaminated Land

The Contaminated Land Assessment was completed using a detailed risk assessment designed by qualified Environmental Consultants.

Please see **page 14** for details of the identified issues.

Past Land Use

Moderate

Waste and Landfill

Low

Current and Recent Industrial

Moderate

Current and proposed land use

Current land use

Groundsure has not been advised by the client (or their advisers) of the current use of the property. Groundsure has therefore assumed that the property is likely to be used for commercial purposes.

Proposed land use

Groundsure has assumed that the property will remain in its current use.

Historical land use

On-site

A potentially contaminative historical land use of moderate concern has been identified at the study site.

Surrounding area

Potentially contaminative historical and current land uses of moderate concern have been identified in proximity to the study site.

Site setting

Potentially vulnerable receptors have been identified including site users, residents of properties in proximity.

Conclusion

Groundsure has identified a potential contaminant-pathway-receptor relationship though this is unlikely to give rise to significant environmental liability. Please refer to the Contaminated Land assessment methodology contained within this report.

Environmental summary



Flooding

No significant concerns have been identified as a result of the flood risk searches. No action required.

Further explanation of flood risk assessment can be seen in the Flood information on [page 42](#).

River and Coastal Flooding	Negligible
Groundwater Flooding	Low
Surface Water Flooding	Negligible
FloodScore™ insurance rating	Very Low



Ground stability

The property is assessed to have potential for natural or non-natural ground subsidence.

Please see [page 23](#) for details of the identified issues.

Natural Ground Stability	Negligible-Very low
Non-Natural Ground Stability	Identified



Radon

Local levels of radon are considered normal. The percentage of homes estimated to be affected by radon in your local area is less than 1%.

Not in a radon affected area



Energy summary



Oil and gas

No historical, active or planned wells or extraction areas have been identified near the property.

Oil and gas areas
Oil and gas wells

Not identified
Not identified



Wind and Solar

Our search of existing and planned renewable wind and solar infrastructure has identified results.

Please see **page 3** for further advice. Additionally, see **page 25** for details of the identified issues.

Planned Multiple Wind
Turbines

Identified

Planned Single Wind Turbines

Identified

Existing Wind Turbines

Identified

Proposed Solar Farms

Identified

Existing Solar Farms

Identified



Energy

Our search of major energy transmission or generation infrastructure and nationally significant infrastructure projects has identified results.

Please see **page 3** for further advice. Additionally, see **page 35** for details of the identified issues.

Power stations

Identified

Energy Infrastructure

Not identified

Projects

Not identified



Transportation summary



The property has been identified to lie within the search radius of one or more transportation features detailed below.

If required, full details on these transportation features including a detailed location plan relative to the property are available when you purchase a Groundsure Energy and Transportation Report via your preferred searches provider.

HS2

No results for Phase 1 or Phase 2 of the HS2 project (including the 2016 amendments) have been identified within 5km of the property. However, HS2 routes are still under consultation and exact alignments may change in the future.

Visual assessments are only provided by Groundsure if the property is within 2km of Phase 1 and 2a. Other assessments may be available from HS2.

HS2 Route	Not identified
HS2 Safeguarding	Not identified
HS2 Stations	Not identified
HS2 Depots	Not identified
HS2 Noise	Not assessed
HS2 Visual impact	Not assessed

Crossrail

The property is not within 250 metres of either the Crossrail 1 or Crossrail 2 project.

Crossrail 1 Route	Not identified
Crossrail 1 Stations	Not identified
Crossrail 2 Route	Not identified
Crossrail 2 Stations	Not identified
Crossrail 2 Worksites	Not identified
Crossrail 2 Safeguarding	Not identified
Crossrail 2 Headhouse	Not identified

Other Railways

Our search indicates the property is within 250 metres of railways or railway stations, subway or DLR lines, active railways, historical railways or tunnels.

The Underground assessment includes London Underground, DLR, Tyne and Wear Metro, Merseyrail and Glasgow Subway.

Active Railways and Tunnels	Not identified
Historical Railways and Tunnels	Identified
Railway and Tube Stations	Not identified
Underground	Not identified

Screening

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DUNDONALD, CARDENDEN, FIFE, KY5
0AL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Planning summary



Planning constraints

No protected areas have been identified within 250 metres of the property. Protected areas include nature reserves and other conservation areas.

Environmental Protected Areas Not identified
Visual and Cultural Protected Areas Not identified

Other environmental considerations



The following additional risks or issues are outside the scope of the opinion provided by this report. However, further consideration of these may be appropriate for the subject property.

Asbestos

The Control of Asbestos Regulations 2012 require an Asbestos Management Plan to be maintained for all commercial property constructed prior to 2000 i.e. where asbestos may be contained within the building fabric. Refurbishment or demolition of site structures may require further Refurbishment and Demolition Asbestos Surveys.

Site-specific features

This report has considered additional site specific information, where provided by the client, however it has not included a site inspection. Additional issues may exist at the property that cannot be reasonably identified by a desk based report like this one. Examples might include operational issues such as those linked to oil storage, waste management, materials handling and site drainage. Additional surveys and assessments may be required if these issues are considered to be a concern.

Unexploded ordnance (UXO)

The UK has a history of military activity, including extensive military training sites, bombing during the First World War and sustained strategic bombing during the Second World War. A legacy of this military activity is the incidence of UXO across Britain. Construction increases the risk from UXO. If intrusive works are planned on site, an assessment of the likelihood of UXO risk should be carried out in compliance with the Construction (Design and Management) Regulations 2015.

Environmental insurance

The ownership or possession of land and property is one of the most valuable assets an individual or organisation can have. In cases where we are unable to provide a low risk assessment with regards to contaminated land, environmental insurance should be considered. Environmental insurance can protect against regulatory and third party action, potential losses and additional costs in dealing with contamination. Independent, specialist brokers are able to access the entire environmental insurance market, providing bespoke environmental policies to address risk and transactional issues.

Phase 1 environmental risk assessment

A Phase 1 environmental risk assessment (Contaminated Land) aims to clarify any identified environmental risks further or could support a planning application. It includes a site inspection, regulatory consultation and additional details of site context. Our expert analysis provides a detailed breakdown of each potential exposure pathway and suggested mitigation measures. For further information or to request a quote please e-mail us at projects@groundsure.com. The reports start from £1245+VAT, which includes a discount for current reporting.

Made ground and infilled land

Areas of made ground and infilled land can settle over time and could potentially cause subsidence. If the property is known to be located on made or infilled ground it would be prudent to contact a RICS accredited surveyor and/or geotechnical engineer to clarify any structural/subsidence risks and determine if possible what materials were used during the infilling process.

Screening

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0AL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Recent aerial photograph



Aerial photography supplied by Getmapping PLC. © Copyright Getmapping PLC 2022. All Rights Reserved.

Capture Date: 17/09/2020

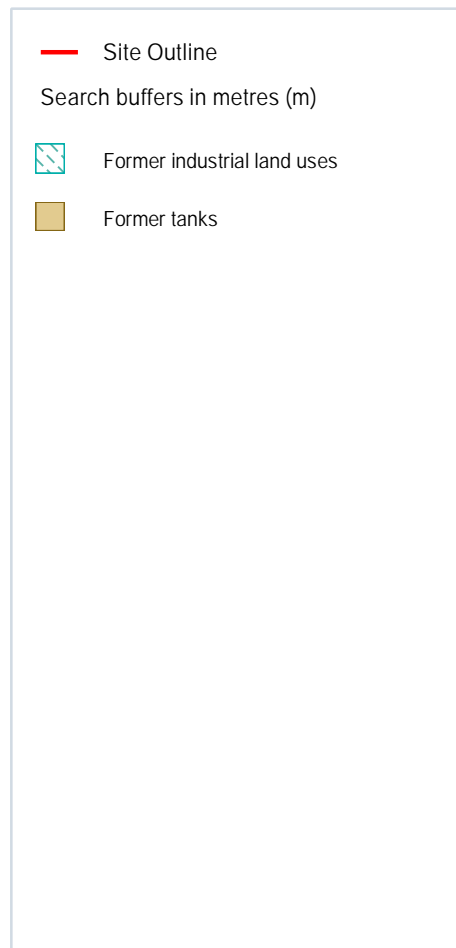
Site Area: 2.29ha

Contaminated Land summary



Past land use	On-Site	0-50m	50-250m
Former industrial land use (1:10,560 and 1:10,000 scale)	9	10	50
Former tanks	1	1	0
Former energy features	0	0	0
Former petrol stations	0	0	0
Former garages	0	0	0
Former military land	0	0	0
Waste and landfill	On-Site	0-50m	50-250m
Former landfill (from Local Authority and historical mapping records)	0	0	0
Waste site no longer in use	0	0	0
Active or recent landfill	0	0	0
Active or recent landfill	0	0	0
Active or recent waste sites	0	0	0
Active or recent waste sites	0	0	0
Current and recent industrial	On-Site	0-50m	50-250m
Recent industrial land uses	0	0	0
Current or recent petrol stations	0	0	0
Dangerous or explosive sites	0	0	0
Hazardous substance storage/usage	0	0	0
Sites designated as Contaminated Land	0	0	0
Current or recent licensed industrial activities	0	0	0
Local Authority licensed pollutant release	0	0	0

Contaminated land / Past land use



Former industrial land use (1:10,560 and 1:10,000 scale)

These historical land uses have been identified from 1:10,560 and 1:10,000 scale Ordnance Survey maps dated from the mid to late 1800s to recent times. They have the potential to have caused ground contamination. Please see the Environmental Summary to find out how these could impact the site.

Please see [page 3](#) for further advice.

Distance	Direction	Use	Date
0	on site	Collieries	1920
0	on site	Collieries	1920
0	on site	Colliery	1943
0	on site	Mineral Railway Sidings	1943
0	on site	Colliery	1947

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Distance	Direction	Use	Date
0	on site	Unspecified Mine	1954
0	on site	Railway Sidings	1954
0	on site	Unspecified Mine	1966
0	on site	Railway Sidings	1966
2 m	W	Mineral Railway Sidings	1947
2 m	SW	Unspecified Heaps	1947
3 m	W	Mineral Railway Sidings	1920
40 m	W	Tramway Sidings	1894
41 m	SW	Unspecified Ground Workings	1947
44 m	SW	Unspecified Heap	1954
45 m	S	Refuse Heap	1920
45 m	S	Refuse Heap	1920
46 m	W	Engine Coal Pit	1920
46 m	W	Engine Coal Pit	1920
53 m	SW	Refuse Heap	1920
53 m	SW	Refuse Heap	1920
54 m	S	Unspecified Pit	1943
63 m	W	Old Coal Pit	1855
74 m	W	Unspecified Old Shaft	1954
74 m	W	Old Shaft	1947
76 m	W	Unspecified Old Shaft	1943
88 m	W	Unspecified Shafts	1894
101 m	S	Tramway Sidings	1920
102 m	S	Tramway Sidings	1943
109 m	S	Tramway Sidings	1947
113 m	SW	Colliery	1894
113 m	S	Unspecified Pit	1920
113 m	S	Unspecified Pit	1920

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Distance	Direction	Use	Date
129 m	N	Unspecified Old Shaft	1920
129 m	N	Unspecified Old Shaft	1920
129 m	N	Unspecified Shaft	1894
132 m	NW	Unspecified Old Shaft	1954
132 m	NW	Old Shaft	1947
136 m	NW	Unspecified Old Shaft	1954
139 m	NW	Unspecified Shaft	1920
139 m	NW	Unspecified Shaft	1920
139 m	N	Old Coal Pit	1855
140 m	NW	Unspecified Shafts	1894
140 m	SW	Unspecified Pit	1943
140 m	NW	Unspecified Old Shaft	1943
142 m	SW	Unspecified Pit	1947
144 m	S	Cuttings	1920
145 m	SW	Unspecified Pit	1954
145 m	NW	Unspecified Heap	1954
145 m	NW	Unspecified Heap	1966
145 m	NW	Unspecified Heap	1947
146 m	NW	Unspecified Heap	1943
146 m	NW	Coal Pit	1855
148 m	NW	Engine House	1855
155 m	NW	Chimney	1954
156 m	NW	Chimney	1947
157 m	NW	Chimney	1943
180 m	SE	Cuttings	1992
188 m	SE	Cuttings	1992
195 m	SW	Refuse Heap	1947
217 m	N	Unspecified Pit	1943

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
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Distance	Direction	Use	Date
222 m	N	Unspecified Old Shaft	1920
222 m	N	Unspecified Old Shaft	1920
223 m	SW	Unspecified Disused Workings	1988
223 m	SW	Unspecified Disused Workings	1992
224 m	N	Unspecified Shaft	1894
227 m	N	Old Coal Pit	1855
228 m	SW	Refuse Heap	1947
242 m	SW	Railway Building	1920

This data is sourced from Ordnance Survey/Groundsure.

Former tanks

These tanks have been identified from high detailed historical Ordnance Survey maps dating from the mid-late 1800s to recent times. Tanks like this can sometimes store harmful waste, chemicals or oil, as well as more benign substances. Liquids stored in these tanks can leak when the tanks rust or become damaged over time, which could have caused contamination at this site.

Please see **page 3** for further advice.

Distance	Direction	Use	Date
0	on site	Unspecified Tank	1985
3 m	W	Unspecified Tank	1992

This data is sourced from Ordnance Survey/Groundsure.

Superficial hydrogeology



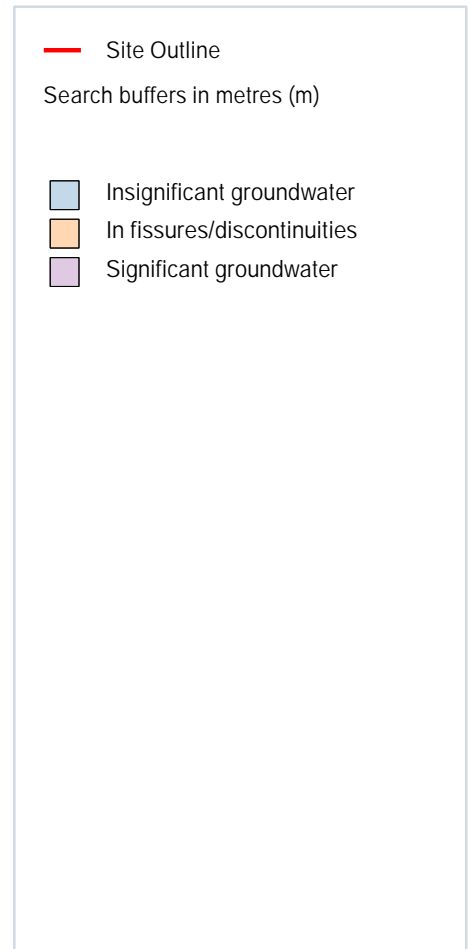
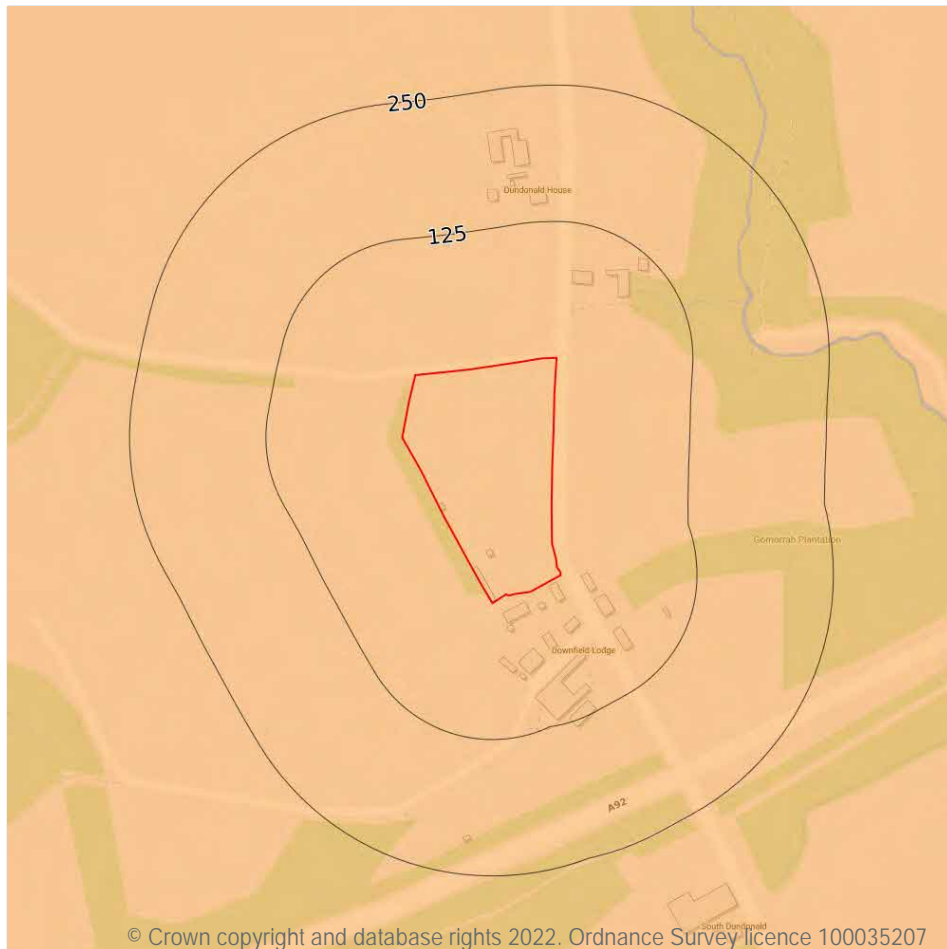
Superficial geology

Superficial deposits are the youngest natural geological deposits formed during the most recent period of geological time. They rest on older deposits or rocks referred to as bedrock. This information comes from the BGS 1:50,000 Digital Geological Map of Great Britain, where available.

Description	BGS LEX Code	Rock Type
TILL, DEVENSIAN	TILLD-DMTN	DIAMICTON

This data is sourced from British Geological Survey.

Bedrock hydrogeology



Aquifers within bedrock geology

The British Geological Survey have assigned designations or types to the aquifers that exist within bedrock. These designations reflect the importance of aquifers in terms of groundwater as a resource. Aquifers found in bedrock are:

Concealed aquifers / aquifers of limited potential / regions without significant groundwater - Areas where there are impermeable rocks, generally without groundwater except at shallow depth.

Locally important aquifers - Aquifers in which flow is dominantly in fissures and other discontinuities.

Highly productive aquifers - Aquifers in which intergranular flow is significant.

Distance	Direction	Designation
0	on site	Highly productive aquifers (not extensive)

This data is sourced from the British Geological Survey (BGS).

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

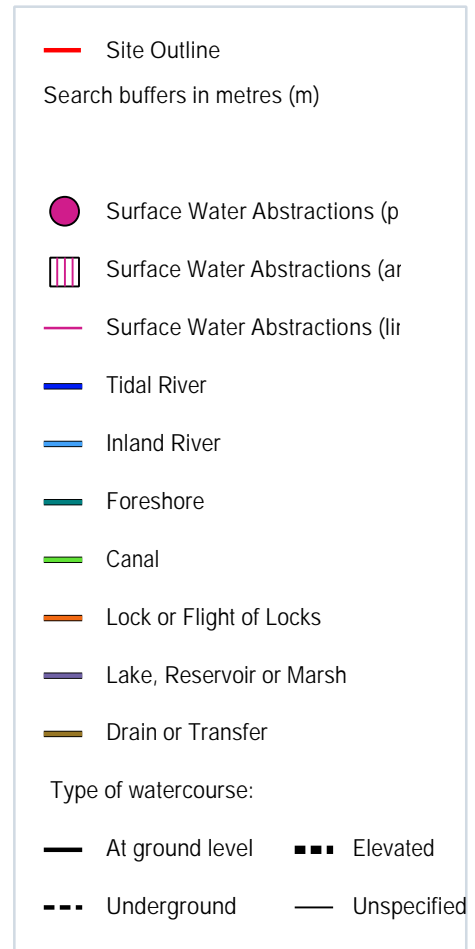
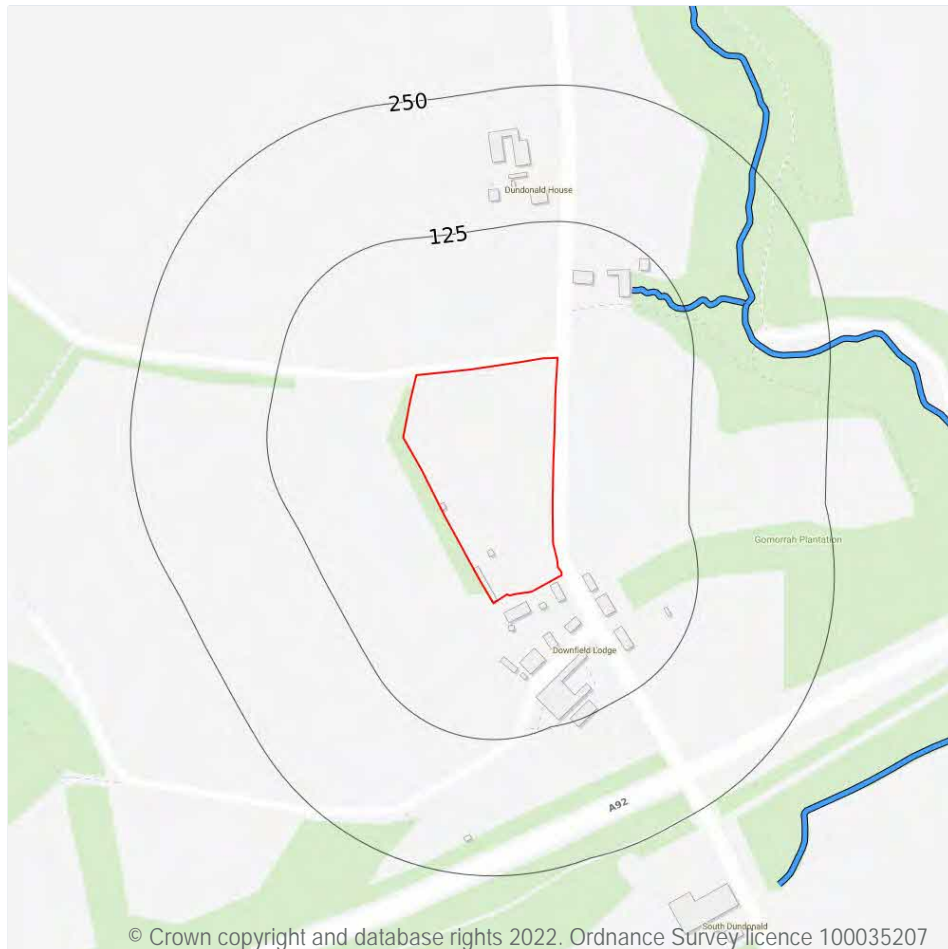
Bedrock geology

Bedrock geology is a term used for the main mass of rocks forming the Earth and is present everywhere, whether exposed at the surface in outcrops or concealed beneath superficial deposits or water. This information comes from the BGS 1:50,000 Digital Geological Map of Great Britain, where available.

Description	BGS LEX Code	Rock Type
LIMESTONE COAL FORMATION	LSC-CYCC	SEDIMENTARY ROCK CYCLES, CLACKMANNAN GROUP TYPE

This data is sourced from British Geological Survey.

Hydrology



Water courses from Ordnance Survey

These are water features such as ponds, lakes, rivers and streams that have been identified by Ordnance Survey. These features may be sensitive to contamination.

Distance	Direction	Details
92 m	NE	Name: Type of water feature: Inland river not influenced by normal tidal action. Ground level: On ground surface Permanence: Watercourse contains water year round (in normal circumstances)
175 m	E	Name: Den Burn Type of water feature: Inland river not influenced by normal tidal action. Ground level: On ground surface Permanence: Watercourse contains water year round (in normal circumstances)

Screening

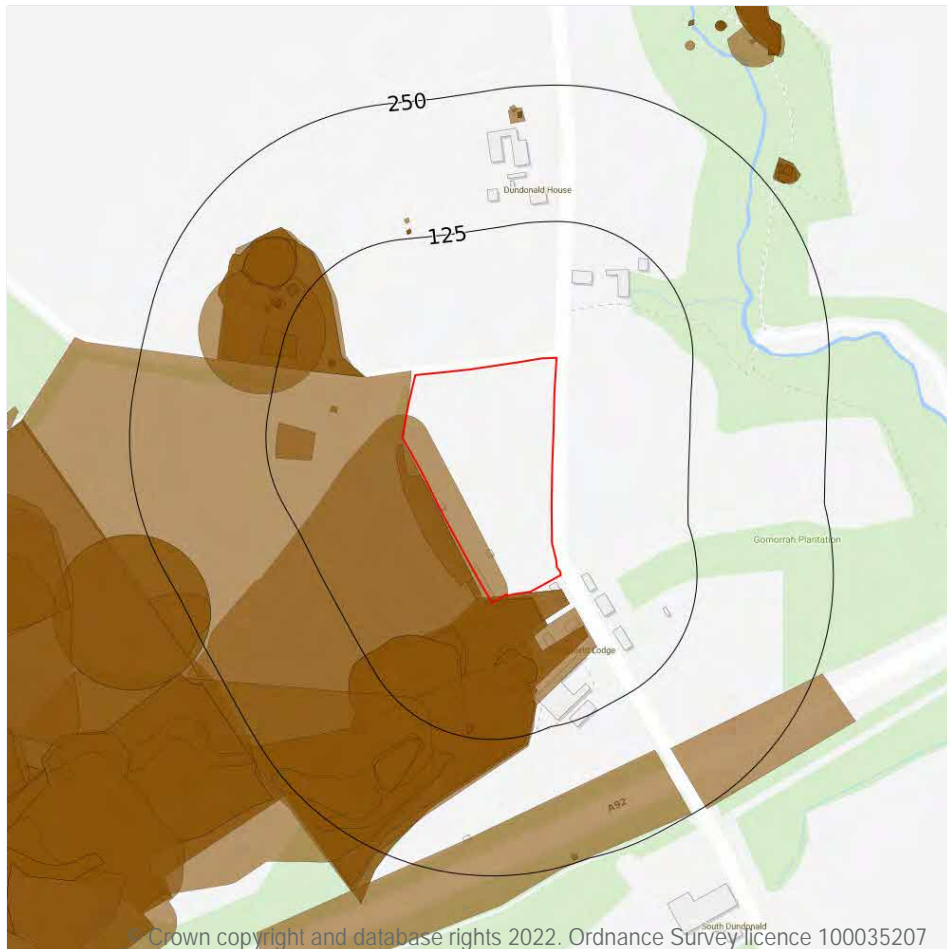
LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Distance	Direction	Details
181 m	E	Name: Den Burn Type of water feature: Inland river not influenced by normal tidal action. Ground level: On ground surface Permanence: Watercourse contains water year round (in normal circumstances)

This data is sourced from Ordnance Survey.

Ground stability / Non-natural ground subsidence



— Site Outline
Search buffers in metres (m)

■ Infilled Land

Mining hazards:

■ Highly likely

■ Likely

Coal mining

The property is located in an area that may be affected by surface or sub-surface coal mining. Mining may cause ground stability problems such as subsidence, surface collapses, mass movement and landslides, depending on the style of mining used.

Please see **page 3** for further advice.

Infilled land

Maps suggest the property is located on a previous pond, quarry, mine, landfill or other hole in the land. These land cavities are often filled in with various materials and this can cause structural problems, although such events are rare. Groundsure's experts recommend that you check whether your structural surveys have taken this into account.

Please see **page 3** for further advice.

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Distance	Direction	Use	Date
0	on site	Unspecified Mine	1954
0	on site	Unspecified Mine	1966
0	on site	Collieries	1920
0	on site	Collieries	1920
0	on site	Colliery	1943
0	on site	Colliery	1947
2 m	SW	Unspecified Heaps	1947

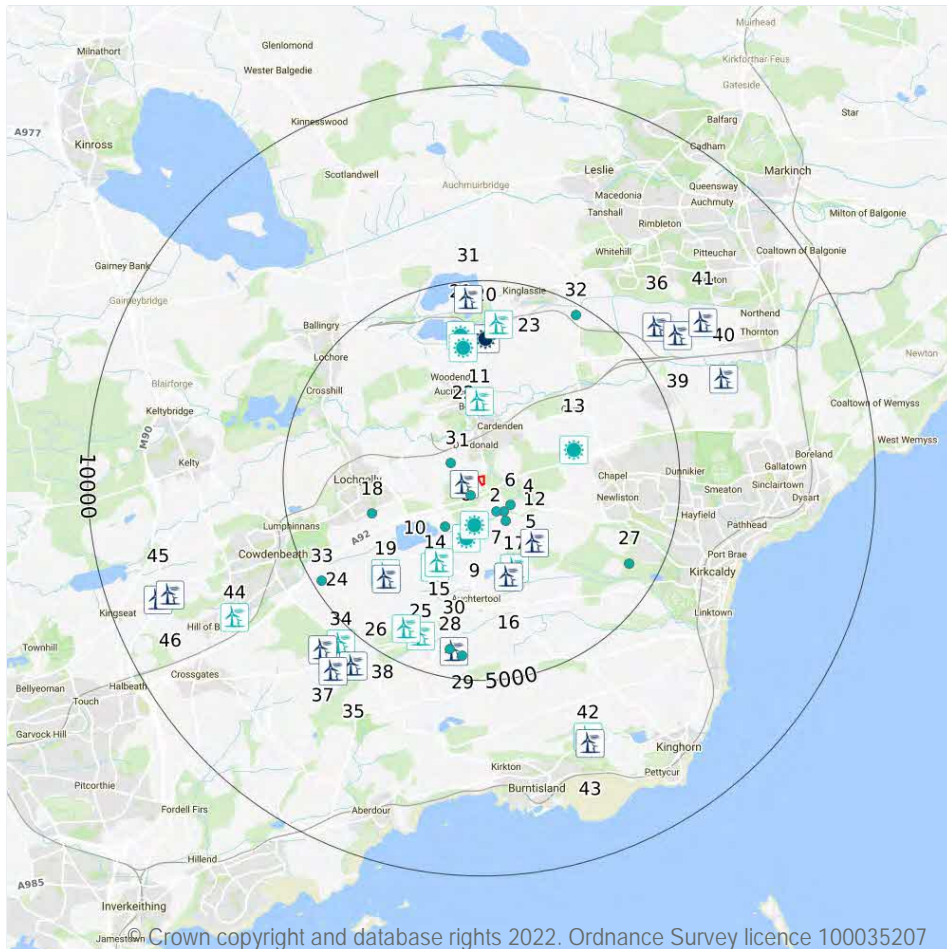
Groundsure's experts systematically analyse historical maps, which can highlight areas that, over time, may have been filled with various materials. The materials used are usually safe, although in some cases contaminative materials may also have been used. Past ground workings have been identified at the site. These workings may be associated with railway cuttings or other ground engineering but may also indicate mining activity. Information is taken from features identified on Ordnance Survey historical maps, which do not indicate the distance or direction that mines extend beneath the surface. For example, features such as mine shafts only indicate the entrance to a mine. From this, we may infer the potential for underground features to extend outward from this point. Some features within this database may also relate to non-mining underground activities e.g. air shafts for underground railways.

Screening

LOMOND VIEW, LADY HELEN ROAD,
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OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Energy / Wind and solar



Wind farms

An active wind farm, group of turbines or individual wind turbine has been identified within 10,000m of the property. See below for details of the operating company, number of turbines, project and turbine capacity.

ID	Distance	Direction	Details	
1	391 m	W	Site Name: Dundonald, Lady Helen Road, Cardenden, Scotland Operator Developer: Locogen Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.8MW Total project capacity: 0.8 Approximate Grid Reference: 321400, 693787

Screening

LOMOND VIEW, LADY HELEN ROAD,
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OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

ID	Distance	Direction	Details	
12	1-2 km	SE	Site Name: Raith Estate, Torbain Road, Kirkcaldy, Scotland, KY9 1JD Operator Developer: Landowner or private owner Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.055MW Total project capacity: 0.055 Approximate Grid Reference: 323197, 692285
16	2-3 km	S	Site Name: Clentrie Farm (Gevens), Nr Auchtertool, Scotland Operator Developer: Green Cat Renewables Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 3 Turbine Capacity: 2.3MW Total project capacity: 6.9 Approximate Grid Reference: 322532, 691417
24	3-4 km	SW	Site Name: Little Raith, Lochgelly, Scotland Operator Developer: West Coast Energy Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 9 Turbine Capacity: 2.75MW Total project capacity: 24.75 Approximate Grid Reference: 319008, 691504
30	4-5 km	S	Site Name: Pitkinnie Farm, Pitkinnie Farm, Scotland, KY2 5UZ Operator Developer: 1 Stop Renewables Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.225MW Total project capacity: 0.225 Approximate Grid Reference: 320925, 689331
31	4-5 km	N	Site Name: Westfield, former open cast coal site, near Cardenden, Benarty and Kinglassie, Scotland Operator Developer: Infinis Energy Management Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 4 Turbine Capacity: 2.5MW Total project capacity: 10 Approximate Grid Reference: 321504, 698516
35	5-6 km	SW	Site Name: Kirkton Farm (Cullaloe), Cullaloe, Scotland Operator Developer: Lomond Energy Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.5MW Total project capacity: 0.5 Approximate Grid Reference: 318565, 689141
36	5-6 km	NE	Site Name: Skeddoway Farm, Strathore Road, Thornton, Scotland Operator Developer: Green Cat Renewables Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 1.5MW Total project capacity: 1.5 Approximate Grid Reference: 326322, 697807

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

ID	Distance	Direction	Details	
37	5-6 km	SW	Site Name: Mossmorran, Land At To The West Of Chemical Works, Scotland Operator Developer: Airvolution Energy Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 2 Turbine Capacity: 2.3MW Total project capacity: 4.6 Approximate Grid Reference: 317778, 689557
38	6-7 km	SW	Site Name: Collier Goathill Quarry, Cowdenbeath, Scotland Operator Developer: Wind Direct Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 1.5MW Total project capacity: 1.5 Approximate Grid Reference: 318044, 689007
39	6-7 km	NE	Site Name: Noble Foods - Fife, Poultry Buildings Strathore Farm, Strathore Road, Strathore, Thornton, Scotland Operator Developer: Wind Direct Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 1.5MW Total project capacity: 1.5 Approximate Grid Reference: 326854, 697587
40	6-7 km	E	Site Name: Middle Balbeggie Farm, Glenrothes, Scotland Operator Developer: Airvolution Energy Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 2 Turbine Capacity: 3.2MW Total project capacity: 6.4 Approximate Grid Reference: 328033, 696476
41	6-7 km	NE	Site Name: West Strathore Farm, Wester Strathore Farmhouse, Strathore Road, Thornton, Kirkcaldy, Scotland, KY1 4DG Operator Developer: Intelligent Land Investments Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.5MW Total project capacity: 0.5 Approximate Grid Reference: 327501, 697921
43	7-8 km	SE	Site Name: Whinnyhall Landfill, Whinnyhall Landfill Site, Burntisland, Fife, Scotland, KY3 9YG Operator Developer: Landowner or private owner Status of Project: Operational	Type of project: Onshore Number of Turbines: 2 Turbine Capacity: 0.06MW Total project capacity: 0.12 Approximate Grid Reference: 324582, 687317
45	8-9 km	W	Site Name: Cuddyhouse Road Turbine 2 (Resubmission), Kingseat, Scotland Operator Developer: Midland Solar Ltd Status of Project: Consented	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.25MW Total project capacity: 0.25 Approximate Grid Reference: 313571, 690831

ID	Distance	Direction	Details	
46	8-9 km	W	Site Name: Cuddyhouse Road (Resubmission), Kingseat, Scotland Operator Developer: Midland Solar Ltd Status of Project: Operational	Type of project: Onshore Number of Turbines: 1 Turbine Capacity: 0.5MW Total project capacity: 0.5 Approximate Grid Reference: 313496, 690699

This data is sourced from the UK Wind Energy Database supplied by Renewable UK. Groundsure recommends further independent research with Renewable UK of any sites of interest to determine exact locations and details of the projects.

Proposed wind farms

A wind farm or group of turbines or individual wind turbine has been proposed within 10,000m of the property. See below for details of the operating company, number of turbines, project and turbine capacity.

Please note some planning applications identified as having been refused, may have subsequently been granted on appeal without appearing as such within this report. Additionally, please be aware that as the identified records are taken from a planning record archive, the proposals identified may have already been undertaken.

ID	Distance	Direction	Details	
11	1-2 km	N	Site Name: Westfield, Near Kingassie, Lochgelly, Fife, KY5 Planning Application Reference: 09/01861/EIA Type of Project: Wind Farm	Application Date: 2009-07-31 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises construction of 5 wind turbines, one anemometer mast, substation building, construction of access, hardstandings and temporary construction compound. The site, which was previously operated by Scottish Coal, is currently being leased by Approximate Grid Reference: 321790, 695909
14	2-3 km	SW	Site Name: Wind Farm, Little Raith Farm, Cardenden, Fife, Lochgelly, Fife, KY5 OAX Planning Application Reference: 05/00094/WFULL Type of Project: Wind Farm (Alterations)	Application Date: 2005-02-08 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises construction of 50 metre high anemometry mast and association equipment. Approximate Grid Reference: 320651, 691669
15	2-3 km	SW	Site Name: Little Raith Wind Farm, KY5 Planning Application Reference: - Type of Project: Wind Farm Works	Application Date: - Planning Stage: Planning Not Required Project Details: Scheme comprises works to the wind farm. Approximate Grid Reference: 320652, 691668

Screening

LOMOND VIEW, LADY HELEN ROAD,
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ID	Distance	Direction	Details	
17	2-3 km	S	Site Name: Clentrie Farm, Auchtertool, Kirkcaldy, Fife, KY2 5XG Planning Application Reference: 11/04794/FULL Type of Project: 3 Wind Turbines	Application Date: 2011-09-22 Planning Stage: Early Planning Detailed Plans Submitted Project Details: Scheme comprises installation of three wind turbines (99.5m to blade tip). Approximate Grid Reference: 322646, 691338
19	3-4 km	SW	Site Name: Little Raith Farm, Cardenden, Lochgelly, Fife, KY5 0AX Planning Application Reference: 08/01053/WEIA Type of Project: Wind Farm	Application Date: 2008-04-09 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises construction of windfarm consisting of 9 wind turbine generators, substation, anemometry mast, formation of access tracks and temporary compound area and site offices. Approximate Grid Reference: 319386, 691507
23	3-4 km	N	Site Name: Strathruddie Farmhouse, Kinglassie, Lochgelly, KY5 0UA Planning Application Reference: 15/02339/FULL Type of Project: 2 Wind Turbine	Application Date: 2015-07-15 Planning Stage: Detail Plans Withdrawn Project Details: Scheme comprises installation of 2 51 kW wind turbines (28.6 metres to blade tip). Approximate Grid Reference: 321952, 697544
25	4-5 km	S	Site Name: Newton Farm, Auchtertool, Kirkcaldy, Fife, KY2 5XH Planning Application Reference: 10/00227/FULL Type of Project: 2 Wind Turbines	Application Date: 2010-02-01 Planning Stage: Early Planning Detail Plans Refused Project Details: Scheme comprises construction of two 19.5m high (15m high hub height) wind turbines (each 15kw) and ancillary track. Approximate Grid Reference: 320286, 689909
26	4-5 km	S	Site Name: Farmhouse Newton Farm, Auchtertool, Kirkcaldy, Fife, KY2 5XH Planning Application Reference: 11/01967/FULL Type of Project: 2 Wind Turbines	Application Date: 2011-04-11 Planning Stage: Early Planning Detail Plans Refused Project Details: Scheme comprises construction of two 20kw wind turbines (27m to blade tip). Approximate Grid Reference: 320286, 689909
34	5-6 km	SW	Site Name: Land At To The West Of Chemical Works, Mossmorran, Cowdenbeath, Fife, KY4 8EP Planning Application Reference: 12/02692/FULL Type of Project: 2 Wind Turbines	Application Date: 2012-06-18 Planning Stage: Early Planning Detail Plans Withdrawn Project Details: Scheme comprises construction of 2 wind turbines 126.5 metres to tip height with associated sub-station and control building, new access to public road, connecting access tracks, and associated hardstanding and infrastructure. Approximate Grid Reference: 318244, 689706

ID	Distance	Direction	Details	
42	6-7 km	SE	Site Name: Whinnyhall Landfill Site, Fife, Burntisland, Fife, KY3 Planning Application Reference: 13/01247/FULL Type of Project: 2 Wind Turbines	Application Date: 2013-05-07 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises construction of 2 wind turbines (29.95m to blade tip). Approximate Grid Reference: 324564, 687319
44	7-8 km	SW	Site Name: Chemical Works, Mossmorran, Cowdenbeath, Fife, KY4 8EE Planning Application Reference: 12/02692/FULL Type of Project: 2 Wind Turbines	Application Date: 2012-06-18 Planning Stage: Early Planning Detail Plans Withdrawn Project Details: Scheme comprises erection of two wind turbines 126.5 metres to tip height with associated sub-station and control building, formation of access to public road, connecting access tracks, and associated hardstanding and infrastructure. Approximate Grid Reference: 315527, 690382

This information is derived from planning data supplied by Glenigan, in some cases with further accuracy applied by Groundsure's experts. This search includes planning applications for wind farms with multiple turbines within 10,000m of the property. This data is updated on a quarterly basis.

If the existence of a planning application, passed or refused may have a material impact with regard to the decision to purchase the property, Groundsure recommends independent, thorough enquiries are made with the Local Authority. If any applications have been identified within this report, Groundsure have included the planning reference to enable further enquiries to be made.

Proposed wind turbines

Planning applications for individual wind turbines have been proposed within 5,000m of the property. See below for details of the operating company, number of turbines, project and turbine capacity.

Please note some planning applications identified as having been refused may have subsequently been granted on appeal without appearing as such within this report. Additionally, please be aware that as the identified records are taken from a planning record archive, the proposals identified may have already been undertaken.

ID	Distance	Direction	Details	
2	394 m	W	Site Name: Site To SW Of Dundonald Lady, Helen Road, Cardenden, Lochgelly, KY5 0 Planning Application Reference: 12/04996/FULL Type of Project: Wind Turbine	Application Date: 2012-12-19 Planning Stage: Detail Plans Granted Project Details: Scheme comprises construction of single 99.5m wind turbine and formation of access. Approximate Grid Reference: 321396, 693791

Screening

LOMOND VIEW, LADY HELEN ROAD,
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ID	Distance	Direction	Details	
3	806 m	NW	Site Name: Spittal Farm Dundonald, Cardenden, Lochgelly, Fife, KY5 0AJ Planning Application Reference: 11/03918/FULL Type of Project: Wind Turbine	Application Date: 2011-07-25 Planning Stage: Early Planning Detail Plans Withdrawn Project Details: Scheme comprises construction of wind turbine (67m high to blade tip). Approximate Grid Reference: 321055, 694335
6	853 m	SE	Site Name: Land 650M South East Of Shawsm, Kirkcaldy, Lochgelly, KY5 0AN Planning Application Reference: 14/02768/FULL Type of Project: Wind Turbine	Application Date: 2014-08-13 Planning Stage: Detail Plans Withdrawn Project Details: Scheme comprises construction of one 225kW wind turbine (56.7 metres to blade tip) with control cabinet and associated infrastructure. Approximate Grid Reference: 322410, 693104
5	853 m	SE	Site Name: Land 650m S/E Of, Shawsmill Farm, Cardenden, Lochgelly, KY5 0AN Planning Application Reference: 15/01923/FULL Type of Project: Wind Turbine	Application Date: 2015-06-15 Planning Stage: Detail Plans Withdrawn Project Details: Scheme comprises installation of one 225kW wind turbine (56.7 metres to blade tip) and associated infrastructure. Approximate Grid Reference: 322410, 693104
4	853 m	SE	Site Name: Shawsmill Farm, Shawsmill, Fife, Kirkcaldy, Fife, KY1 Planning Application Reference: 13/03606/FULL Type of Project: Wind Turbine	Application Date: 2013-12-05 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises installation of wind turbine (46.3 metres to blade tip) with control cabinet and associated infrastructure. Approximate Grid Reference: 322410, 693104
7	854 m	SE	Site Name: Shawsmill Farm, Cardenden, Fife, Lochgelly, Fife, KY5 0AN Planning Application Reference: 13/03608/FULL Type of Project: Wind Turbine	Application Date: 2013-12-05 Planning Stage: Early Planning Detail Plans Withdrawn Project Details: Scheme comprises construction of wind turbine (56.7 metres to blade tip) with control cabinet and associated infrastructure. Approximate Grid Reference: 322410, 693103

Screening

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ID	Distance	Direction	Details	
10	1-2 km	SW	Site Name: Cardenden, Fife, Lochgelly, Fife, KY5 0AX Planning Application Reference: 13/02128/FULL Type of Project: Wind Turbine	Application Date: 2013-08-23 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises installation of one 60kW Harbon wind turbine 32.6m to blade tip. Approximate Grid Reference: 320911, 692695
18	2-3 km	W	Site Name: 20 McKenzie Crescent, Fife, Lochgelly, Fife, KY5 9LT Planning Application Reference: 06/04293/WFULL Type of Project: Wind Turbine	Application Date: 2006-12-29 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises installation of domestic wind turbine. Approximate Grid Reference: 319040, 693035
27	4-5 km	SE	Site Name: Raith Estate, Kirkcaldy, Fife, KY2 5YB Planning Application Reference: 12/00866/FULL Type of Project: Wind Turbine	Application Date: 2012-03-12 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises construction of wind turbine (34.3m from ground to tip), formation of access track and ancillary works at land at Raith Estate, Kirkcaldy, KY2 5YB. Approximate Grid Reference: 325626, 691769
28	4-5 km	S	Site Name: Pitkinnie Farm, Kirkcaldy, Fife, KY2 5UZ Planning Application Reference: 09/02398/FULL Type of Project: Wind Turbine	Application Date: 2009-09-25 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises installation of single wind turbine. Approximate Grid Reference: 321035, 689576
29	4-5 km	S	Site Name: Fife, Kirkcaldy, Fife, KY2 5UZ Planning Application Reference: 14/02847/FULL Type of Project: Wind Turbine	Application Date: 2014-08-21 Planning Stage: Early Planning Detail Plans Withdrawn Project Details: Scheme comprises installation of 500kW wind turbine (67 metres to blade tip) including associated infrastructure and access road. Approximate Grid Reference: 321035, 689575

ID	Distance	Direction	Details	
32	4-5 km	NE	Site Name: Clunydykes Road, Kinglassie, Fife, Lochgelly, Fife, KY5 0UW Planning Application Reference: 10/03114/FULL Type of Project: Wind Turbine	Application Date: 2010-08-31 Planning Stage: Plans Approved Detail Plans Granted Project Details: Scheme comprises construction of a 60m wind monitoring mast (land at kinglassie, fife). Approximate Grid Reference: 324256, 698121
33	4-5 km	SW	Site Name: Little Raith Wind Farm, Cardenden, Lochgelly Planning Application Reference: 16/02689/FULL Type of Project: Wind Turbine	Application Date: 2016-08-16 Planning Stage: Detail Plans Granted Project Details: Scheme comprises construction of (75m) wind monitoring mast (field to west of little raith windfarm). Approximate Grid Reference: 317757, 691320

This information is derived from planning data supplied by Glenigan, in some cases with further accuracy applied by Groundsure's experts. This search includes planning applications for single wind turbines only, within 5,000m of the property. This data is updated on a quarterly basis.

If the existence of a planning application, passed or refused, may have a material impact with regard to the decision to purchase the property, Groundsure recommends independent, thorough enquiries are made with the Local Authority. If any applications have been identified within this report, Groundsure have included the planning reference to enable further enquiries to be made.

Existing and agreed solar installations

There is an operational or planned solar photovoltaic farm or smaller installation located near the property.

Please note this will not include small domestic solar installations. See below for details on installed capacity, operating company and the status of the project on a given date.

ID	Distance	Direction	Address	Details	
20	3-4 km	N	Strathruddie, Kinglassie - Solar farm, Land At Strathruddie Kinglassie, KY5 0UA	Contractor: Renewable Connection Developments Limited LPA Name: Fife Council Capacity (MW): 25	Application Date: 11/11/2021 Pre Consent Status: Planning Permission Granted Post Consent Status: Awaiting Construction Date Commenced: -

The solar installation data is supplied by the Department for Business, Energy & Industrial Strategy and is updated on a monthly basis.

Proposed solar installations

There is a planning permission application relating to a solar farm or smaller installation near to the property.

Please note this will not include small domestic solar installations and that one site may have multiple applications for different aspects of their design and operation. Also note that the presence of an application for planning permission is not an indication of permission having been granted. Please be aware that as the identified records are taken from a planning record archive, the proposals identified may have already been undertaken. See below for details of the proposals.

ID	Distance	Direction	Address	Details
8	1-2 km	S	Glenniston Farm, Gleniston Auchtertool, Lochgelly, Fife, KY5 0AX	Applicant name: Locogen Ltd Application Status: Proposal of Application Notice Application Date: 28/06/2022 Application Number: 22/02099/PAN
9	1-2 km	S	Glenniston Farm, Gleniston, Auchtertool, Lochgelly, Fife, KY5 0AX	Applicant name: Geum Howatson Application Status: Registered Application Date: 12/01/2022 Application Number: 21/03961/SCR
13	2-3 km	E	The Bowhouse, Cluny Kirkcaldy, Fife, KY2 6FN	Applicant name: Mr Ian Sneddon Application Status: Registered Application Date: 25/09/2019 Application Number: 19/02297/FULL
21	3-4 km	N	Land At Strathruddie, Kinglassie, Fife	Applicant name: Renewable Connections Developments Ltd Application Status: Registered Application Date: 09/11/2021 Application Number: 21/03531/FULL
22	3-4 km	N	Land At Strathruddie, Kinglassie, Fife	Applicant name: Abigail Brown Application Status: Registered Application Date: 27/07/2021 Application Number: 21/02389/PAN

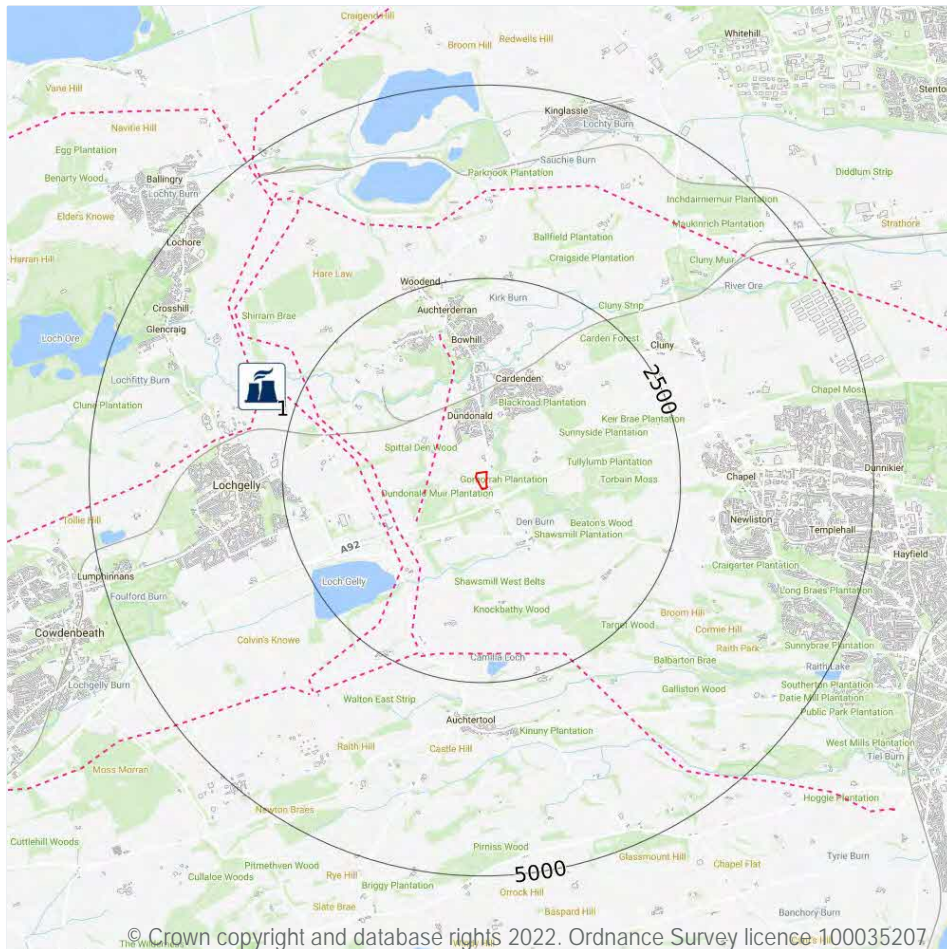
The data is sourced from public registers of planning information and is updated every two weeks.

Screening

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Energy / Energy infrastructure



Power stations

There is an active power station on or near to the property. Power stations can cause air pollution issues and may not be visually pleasing.

Power generation stations identified by these searches have a capacity of over 1 MW (Million Watt output) and will be one of the following types: Combined Cycle Gas Turbine (CCGT), Gas/Oil, Coal Gas, Diesel Gas, HP Oil, Poultry Litter, Coal/Oil, Coal/Gas, Meat and Bone, Pumped Storage Mine Gas, Rapeseed Oil, Straw/Gas Waste Combined Heat or Power Biomass.

Air pollution issues can be investigated further through the Air Quality team at the Local Authority. If the existence of any of a power generation station may have a material impact with regard to the decision to purchase the property, Groundsure recommends making independent enquiries with the operating company listed.

Screening

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ID	Distance	Direction	Company name	Power station name	Type of power station	Total capacity (MW)	Operating since
1	2-3 km	W	EPR	EPR Scotland LTD	Conventional Steam	12.5	2000

This data is sourced from the Digest of United Kingdom Energy Statistics (DUKES), a database from the Department for Business, Energy & Industrial Strategy.

ClimateIndex™ physical and transition risks - Breakdown



Our ClimateIndex™ provides a climate score for your property, and projects changes in physical and transition risks from flooding, natural ground instability and coastal erosion. Climate change could have a significant medium to longer term impact on your property, which may be increasingly considered by your lender if you are arranging a mortgage. ClimateIndex™ provides ratings that indicate potential **physical risks** (loss and damage to property) and how these give rise to **transition risks** such as having a material impact on the ability to insure or mortgage the property in the medium to long term. In turn, this could affect the future resale value of the property.

You can see how these relate to the individual calculated risks in the breakdown below. The letter ratings should be used in conjunction with the change variance over the three time periods. Where an increase has been recorded we recommend following the additional advice below.

Properties rated as A or B - no further action required;

Properties rated as C or D or a minor increase - compared to today you should be aware there is an increase in risk due to climate change. We recommend taking this into account and discussing with your insurer if the property is likely to be insurable in the next 5 to 30 years. You may wish to raise this at the time of valuation;

Properties rated as E or F or a major increase - you should be aware there are physical risks affecting the property either now or in the future which could significantly impact upon the availability of insurance or a mortgage which in turn can impact upon the properties resale value;

Properties with a significant increase in their ClimateIndex rating over time may experience issues in obtaining insurance and mortgage lending on the property in the coming years. Projections may show that the property could also become uninhabitable in a worse case scenario.

Overall rating	1 year	5 years	30 years
Surface water flooding	No change	No change	No change
River flooding	No change	No change	No change
Coastal flooding	No change	No change	No change
Ground instability	No change	No change	No change
Coastal erosion - defended	No change	No change	No change
Coastal erosion - undefended	No change	No change	No change
Coastal erosion - complex cliffs	No change	No change	No change

No risk predicted
 Minor risk
 Minor to moderate risk

Moderate risk
 Significant risk
 Severe or existential risk predicted

Climate change / Flood risk (1, 5 and 30 Years)

Ambiental's FloodScore™Climate data provides flood risk information from river, tidal and surface water flooding for a range of future time periods and emissions scenarios (Low emissions - RCP 2.6, medium and most likely emissions - RCP 4.5, and high emission - RCP 8.5). The temperature increases shown for each scenario are predicted increases by 2081-2100. The models are based on the UK Climate Projections 2018 (UKCP18). It is plausible that climate change will increase the severity and frequency of flood events in the future. FloodScore™Climate has been designed to provide banks, building societies and insurers with future flood risk information for their long-term assets. The data within this report is based on the highest risk found within a buffer zone around the buildings. The 'Year' in the table represents the median of the date range used for each modelled timeframe.

Temp increase range	Year	Combined flood risk	River flooding	Coastal flooding	Surface water flooding
RCP 2.6 0.9-2.3°C	2023	No change	No change	No change	No change
RCP 2.6 0.9-2.3°C	2027	No change	No change	No change	No change
RCP 2.6 0.9-2.3°C	2055	No change	No change	No change	No change

Temp increase range	Year	Combined flood risk	River flooding	Coastal flooding	Surface water flooding
RCP 4.5 1.7-3.2°C	2023	No change	No change	No change	No change
RCP 4.5 1.7-3.2°C	2027	No change	No change	No change	No change
RCP 4.5 1.7-3.2°C	2055	No change	No change	No change	No change

Temp increase range	Year	Combined flood risk	River flooding	Coastal flooding	Surface water flooding
RCP 8.5 3.2-5.4°C	2023	No change	No change	No change	No change
RCP 8.5 3.2-5.4°C	2027	No change	No change	No change	No change
RCP 8.5 3.2-5.4°C	2055	No change	No change	No change	No change

This data is sourced from Ambiental Risk Analytics.

Climate change / Natural ground instability (1, 5 and 30 Years)

This data shows the increase in shrink swell subsidence hazards as a result of climate change. When certain soils take in water they can swell, causing heave. Conversely, when these soils dry out they can shrink and cause subsidence. Climate change will result in higher temperature and therefore likely cause periods of drought and an increase in shrink swell subsidence. This data has been produced using the Met Office local projections to accurately model predicted rainfall, it is only available for RCP8.5 (the 'worst case' climate scenario).

Screening

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Temp increase range	Year	Wet scenario	Average rainfall	Dry scenario
RCP 8.5 3.2-5.4°C	2023s	No change	No change	No change
RCP 8.5 3.2-5.4°C	2030s	Highly unlikely	Highly unlikely	Highly unlikely
RCP 8.5 3.2-5.4°C	2050s	Highly unlikely	Highly unlikely	Highly unlikely

This data is sourced from the British Geological Survey.

Datasets searched

This is a full list of the data searched in this report. If we have found results of note we will state "Identified". If no results of note are found, we will state "Not identified". Our intelligent filtering will hide "Not identified" sections to speed up your workflow.

Contaminated Land		Bedrock hydrogeology	
Former industrial land use (1:10,560 and 1:10,000 scale)	Identified	Aquifers within bedrock geology	Identified
Former tanks	Identified	Groundwater abstraction licences	Not identified
Former energy features	Not identified	Bedrock geology	Identified
Former petrol stations	Not identified	Source Protection Zones and drinking water abstractions	
Former garages	Not identified	Source Protection Zones	Not identified
Former military land	Not identified	Source Protection Zones in confined aquifer	Not identified
Former landfill (from Local Authority and historical mapping records)	Not identified	Drinking water abstraction licences	Not identified
Waste site no longer in use	Not identified	Hydrology	
Active or recent landfill	Not identified	Water courses from Ordnance Survey	Identified
Active or recent waste sites	Not identified	Surface water abstractions	Not identified
Recent industrial land uses	Not identified	Flooding	
Current or recent petrol stations	Not identified	River flooding	Not identified
Dangerous or explosive sites	Not identified	Coastal flooding	Not identified
Hazardous substance storage/usage	Not identified	Surface water flood risk	Not identified
Sites designated as Contaminated Land	Not identified	Groundwater flooding	Not identified
Current or recent licensed industrial activities	Not identified	Natural ground subsidence	
Local Authority licensed pollutant release	Not identified	Natural ground subsidence	Not identified
Superficial hydrogeology		Natural geological cavities	Not identified
Aquifers within superficial geology	Not identified	Non-natural ground subsidence	
Superficial geology	Identified	Coal mining	Identified

Screening

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Non-natural ground subsidence

Non-coal mining Not identified

Mining cavities Not identified

Infilled land Identified

Radon

Radon Not identified

Oil and gas

Oil or gas drilling well Not identified

Proposed oil or gas drilling well Not identified

Licensed blocks Not identified

Potential future exploration areas Not identified

Wind and solar

Wind farms Identified

Proposed wind farms Identified

Proposed wind turbines Identified

Existing and agreed solar installations Identified

Proposed solar installations Identified

Energy

Electricity transmission lines and pylons Not identified

National Grid energy infrastructure Not identified

Power stations Identified

Nuclear installations Not identified

Large Energy Projects Not identified

Planning constraints

Sites of Special Scientific Interest Not identified

Internationally important wetland sites (Ramsar Sites) Not identified

Planning constraints

Special Areas of Conservation Not identified

Special Protection Areas (for birds) Not identified

National Nature Reserves Not identified

Local Nature Reserves Not identified

Designated Ancient Woodland Not identified

Green Belt Not identified

World Heritage Sites Not identified

Areas of Outstanding Natural Beauty Not identified

National Parks Not identified

Conservation Areas Not identified

Listed Buildings Not identified

Certificates of Immunity from Listing Not identified

Scheduled Monuments Not identified

Registered Parks and Gardens Not identified

Coastal Erosion

Complex cliffs Not identified

Projections with intervention measures in place Not identified

Projections with no active intervention Not identified

Climate change

Flood risk (1, 5 and 30 Years) Identified

Natural ground instability (1, 5 and 30 Years) Identified

Contaminated Land Assessment Methodology and Limitations

Our risk assessment methodology and limitations can be found at [Risk Assessment methodology and Limitations - Groundsure](#)

Flood information

The Flood Risk Assessment section is based on datasets covering a variety of different flooding types. No inspection of the property or of the surrounding area has been undertaken by Groundsure or the data providers. The modelling of flood hazards is extremely complex and in creating a national dataset certain assumptions have been made and all such datasets will have limitations. These datasets should be used to give an indication of relative flood risk rather than a definitive answer. Local actions and minor variations, such as blocked drains or streams etc. can greatly alter the effect of flooding. A low or negligible modelled flood risk does not guarantee that flooding will not occur. Nor will a high risk mean that flooding definitely will occur. Groundsure's overall flood risk assessment takes account of the cumulative risk of river and coastal data, historic flood events and areas benefiting from flood defences provided by the Environment Agency/Natural Resources Wales (in England and Wales) and surface water (pluvial) and groundwater flooding provided by Ambiental Risk Analytics. In Scotland the river and coastal flood models are also provided by Ambiental Risk Analytics.

Risk of flooding from rivers and the sea

This is an assessment of coastal and river flood risk in Scotland produced using modelled data, provided by Ambiental Risk Analytics. It also takes account of flood defence information provided by the Scottish Environment Protection Agency (SEPA). The chance of flooding from rivers and/or the sea is presented in the following categories:

- 1 in 30 year (3.3%)
- 1 in 75 year (1.3%)
- 1 in 100 year (1%)
- 1 in 200 year (0.5%)
- 1 in 1,000 year (0.1%)

Surface water flooding

Ambiental Risk Analytics surface water flood map identifies areas likely to flood following extreme rainfall events, i.e. land naturally vulnerable to surface water or "pluvial" flooding. This data set was produced by simulating 1 in 30 year, 1 in 100 year, 1 in 250 year and 1 in 1000 year rainfall events. The flood risks for these rainfall events are reported where the depth would be greater than the threshold for a standard property to modern building standards. Modern urban drainage systems are typically built to cope with rainfall events between 1 in 20 and 1 in 30 years, though older ones may even flood in a 1 in 5 year rainstorm event.

Groundwater flooding

Groundwater flooding is flooding caused by unusually high groundwater levels. It occurs as excess water emerging at the ground surface or within underground structures such as basements. Groundwater flooding tends to be more persistent than surface water flooding, in some cases lasting for weeks or months, and it can result in significant damage to property. This risk assessment is based on a 5m Digital Terrain Model (DTM) and a 1 in 100 year return period.

Conservation Area data limitations

Please note the Conservation Area data is provided by Historic England and individual Local Authorities. Due to different methodologies used by different Local Authorities the data may be incomplete. We recommend reviewing your local search for confirmation.

Subsidence data limitations

The natural ground subsidence assessment is based on the British Geological Survey's GeoSure data. GeoSure is a natural ground stability hazard susceptibility dataset, based on the characteristics of the underlying geology, rather than an assessment of risk. A hazard is defined as a potentially damaging event or phenomenon, whereas a risk is defined as the likelihood of the hazard impacting people, property or capital. The GeoSure dataset consists of six data layers for each type of natural ground subsidence hazard. These are shrink-swell clay, landslide, compressible ground, collapsible ground, dissolution of soluble rock and running sand. Each hazard is then provided with a rating on its potential to cause natural ground subsidence. This rating goes from A-E, with A being the lowest hazard, E being the highest. Groundsure represent full GeoSure data as either Negligible (ratings of A), Very Low (ratings of B), Low (C), Moderate (D) or High (E). Where GeoSure Basic is instead used, ratings are displayed as Negligible-Very Low (A or B ratings), Low (C) or Moderate-High (D or E). The GeoSure data only takes into account the geological characteristics at a site. It does not take into account any additional factors such as the characteristics of buildings, local vegetation including trees or seasonal changes in the soil moisture content which can be related to local factors such as rainfall and local drainage. These factors should be considered as part of a structural survey of the property carried out by a competent structural surveyor. For more information on the "typical safe distance" trees should be from a property please see this guide:

<https://www.abi.org.uk/globalassets/sitecore/files/documents/publications/public/migrated/home/protecting-your-home-from-subsidence-damage.pdf>

ClimateIndex™ data and limitations

Groundsure's ClimateIndex™ is an assessment of the physical risk to the property from hazards which may be exacerbated by climate change. It considers the following hazards only:

- River flooding
- Flooding from the sea and tidal waters
- Surface water flooding
- Shrink swell subsidence
- Coastal erosion

These hazards are assessed using a weighted sum model, which allows for the consistent comparison of hazards between different time periods, emissions scenarios and the relative severity of predicted impacts. All flood and subsidence impacts have been produced using the latest UKCP18 climate prediction models. Assessments are provided for the near -present day (c.1 year), short term (c.5 years) and medium term (c.30 years) only. A range of [Representative Concentration Pathways \(RCPs\)](#) have been used depending on the source dataset and its derivation. For example, flood data has been provided for RCP2.6, 4.5 and 8.5, whereas subsidence data has been derived using local projections only available for RCP8.5. Each RCP variance has been assigned an appropriate weighting in the calculator to reflect the relative likelihood of that scenario and where a full range of RCP scenarios is not available Groundsure have extrapolated to give equivalent values.

The banding applied to a property reflects its current and future risk from the hazards identified above. If a property's banding does not change from the present day to the medium term, the property's risk profile is not considered likely to be affected by climate change, though risks may still be present. Any increase in the banding of a property indicates that the property has the potential to be affected by climate change.

Band	Description	1 year	Short term (c.5 year)	Medium term (c.30 year)
A	No or very minor risk e.g. minor increase in subsidence potential	86.52%	75.80%	75.01%
B	Minor risks e.g. low level surface water flooding	6.44%	14.83%	15.15%
C	Moderate risks e.g. river flood event above property threshold	4.59%	4.16%	4.03%

Screening

LOMOND VIEW, LADY HELEN ROAD,
DUNDONALD, CARDENDEN, FIFE, KY5
OAL

Ref: 51003317262001
Your ref: -
Grid ref: 321848 693896

Band	Description	1 year	Short term (c.5 year)	Medium term (c.30 year)
D	Moderate-high risks e.g. above threshold flood events and significant increase in subsidence potential	0.78%	2.29%	2.65%
E	High risks e.g. multiple flood risks above property threshold	0.90%	1.50%	1.61%
F	Significant or existential risks to property e.g. coastal erosion risk	0.77%	1.42%	1.56%

Percentage of properties falling into each band

Conveyancing Information Executive and our terms & conditions

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- Compliance with the Conveyancing Information Executive Standards will be a condition within the Conveyancing Information Executive Member's Terms and Conditions.
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- acknowledge it within 5 working days of receipt
- normally deal with it fully and provide a final response, in writing, within 20 working days of receipt
- liaise, at your request, with anyone acting formally on your behalf

Complaints should be sent to:

Operations Director, Groundsure Ltd, Sovereign House, Church Street, Brighton, BN1 1UJ. Tel: 08444 159 000. Email: info@groundsure.com If you are not satisfied with our final response, or if we exceed the response timescales, you may refer the complaint to The Property Ombudsman scheme (TPOs): Tel: 01722 333306, E-mail: admin@tpos.co.uk We will co-operate fully with the Ombudsman during an investigation and comply with their final decision.

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Appendix 1 - Sustainable Drainage Design Compliance Certificate

I certify that all the reasonable skill, care and attention to be expected of a qualified and competent professional in this field has been exercised in designing the sustainable drainage system for the below named development in accordance with CIRIA C753: The SuDS Manual 2015, the current edition of Sewers for Scotland and Fife Council's – Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements.

ePlanning Reference No.....

Planning Application No. (completed by Fife Council Planning Service)

Roads Construction Consent No. (completed by Fife Council Planning Service)

Name of Development Proposed new dwelling house, Northeast Lomond View

Name of Developer Mr Brian Abel

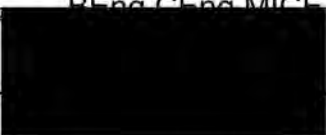
Name and Address of Designers Organisation..... Allen Gordon LLP

..... Saltire House, Whitefriars Business Park, Perth, PH2 0PA

Name of Designer..... Gordon Davie

Position Held..... Partner/senior engineer

Engineering Qualifications (..... BEng CEng MICE

Signed 

Date 10/05/2023

Drawing No's relative to this certificate

..... 603863-DRG-0002 Drainage layout plan

..... 603863-DRG-0003 Drainage details

(2) Minimum Qualification - Incorporated Engineer or equivalent from an appropriate Engineering Institution.

Proposal Details

Proposal Name	100629341
Proposal Description	Construction of new single story detached dwelling
Address	
Local Authority	Fife Council
Application Online Reference	100629341-005

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Planning Supporting statement	Attached	A4
SUDS design certificate	Attached	A4
Site location plan	Attached	A2
Proposed house plan	Attached	A1
Drainage plan	Attached	A2
Coal report	Attached	A4
Environmental Report	Attached	A4
Photographic exhibit of equestrian yard	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-005.xml	Attached	A0

Agenda Item 6(4)

**Land adjacent to the north of 4 Lady Helen
Cottages, Lady Helen Road, Dundonald, Cardenden
Application No. 23/01353/PPP**

Consultee Comments

MEMORANDUM

TO: Brian Forsyth, Planner, Development Management

FROM: Blair Falconer, Technical Officer, Land & Air Quality

DATE: 19th June 2023

OUR REF: PC230047.C1

YOUR REF: 23/01353/PPP

SUBJECT: Planning Permission in Principle for the erection of dwellinghouse (Class 9) and formation of access at land adjacent 4 Lady Helen Cottages, Lady Helen Road, Dundonald, Cardenden

After receiving your request for comment regarding the above planning application, I would provide the following:

Coal Mining/Land Quality – Conditions required

Coal Mining Assessment

It is noted from the Coal Mining Risk Assessment submitted in support of the application (The Coal Authority – 17/01/2023) that intrusive works are recommended to assess potential mining hazards/ground instability/ground gas risks.

Ground Gas Assessment

It is also noted within the above mentioned report that a detailed ground gas risk assessment should be undertaken and included given the anticipated shallow mineworkings. Reference should be made to the appropriate guidance including CIRIA C665 'Assessing risks posed by hazardous ground gases to buildings' whereby any such assessment should include a minimum of 3 monitoring installations in accordance with Section 4.3.

The intrusive coal mining assessment (including detailed ground gas risk assessment) should be provided to the Land and Air Quality team for comment and should elevated ground gas levels be identified and remedial measures be deemed to be required (installation of ground gas protection measures) a suitable Remedial Strategy will require to be submitted for approval

If Development Management are minded to approve the application, it is advised that the coal mining/land quality conditions **LQC1 to LQC3 (attached) be utilised to ensure that the specified intrusive coal mining investigation report (including detailed ground gas risk assessment) is submitted for approval.**

This response has been sent directly from the Land & Air Quality Team. Our colleagues in the Public Protection Team will provide their own comments in relation

to issues such as noise and dust in relation to the proposed development.

Should you require any further information or clarification regarding the above comments, please do not hesitate to contact this office.

Regards, Blair Falconer - Technical Officer (Enc. Model Conditions)

Model Planning Conditions for Coal Mining/Land Quality

LQC1

NO DEVELOPMENT SHALL COMMENCE ON SITE until a suitable Coal Mining Intrusive Investigation (including detailed ground gas risk assessment) has been submitted to and approved in writing by the local planning authority. Where remedial action is recommended in the Intrusive Investigation Report (in relation to ground instability and/or ground gas), no development shall commence until a suitable Remedial Action Statement has been submitted 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.

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

LQC2

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. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in the Intrusive Investigation Report is identified or encountered on site — all work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted 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.

LQC3

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

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	23/01353/PPP
	Planning Permission in Principle for Erection of Dwellinghouse (Class 9) at Land to the North of 4 Lady Helen Cottages, Dundonald
Date:	14th July 2023
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This PPP application is for the erection of a dwellinghouse and garage with vehicular access being via the existing access sited to the North of 4 Lady Helen Cottages.
- 1.2 According to the current Fife Council Making Fifes Places Appendix G, 2m x 110m visibility splays must 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. These splays are currently available at the junction of the access and the public road.

1.3 Off-street parking for the dwelling must be provided within the curtilage of the site, in accordance with the current Fife Council Making Fife's Places Appendix G.

2.0 CONCLUSIONS

2.1 TDM have no objections to approval being granted, subject to the imposition of the following conditions.

3.0 RECOMMENDATIONS

3.1 Prior to the first occupation of the dwelling, visibility splays 2 metres x 110 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level at the junction of the site access with public road, in accordance with the current Fife Council Making Fife's Places Appendix G. 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.

3.3 Prior to the first occupation of the dwelling, off-street parking shall be provided within the curtilage of the site in accordance with the current Fife Council Making Fife's Places 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.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 14/07/2023

E-mail: andy.forrester@fife.gov.uk

Number: 03451 55555 extension 480211

Wednesday, 21 June 2023



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

**Land Adjacent To The North Of, 4 Lady Helen Cottages Lady Helen Road
Dundonald, Cardenden, KY5 0AL
Planning Ref: 23/01353/PPP
Our Ref: DSCAS-0089055-56V
Proposal: Planning permission in principle for erection of dwellinghouse
(Class 9) and associated development, including formation of access**

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenfarg Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Levenmouth Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Case Officer

Fife Council

[By Email: development.central@fife.gov.uk]

28 June 2023

Dear Sir or Madam

PLANNING APPLICATION: 23/01353/PPP

Planning permission in principle for erection of dwellinghouse (Class 9) and formation of access at Land Adjacent to the North of 4 Lady Helen Cottages, Lady Helen Road, Dundonald, Cardenden, Fife

Thank you for your consultation letter of 16 June 2023 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow

depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The application is accompanied by a Coal Mining Risk Assessment report (17 January 2023, prepared by the Coal Authority's commercial arm). Based on a review of appropriate sources of coal mining and geological information, the report concludes that due to the potential for unrecorded shallow mine workings in three shallow coal seams, the risk to the site from legacy mining features is medium.

Accordingly, the report goes on to make appropriate recommendations for the carrying out of intrusive ground investigations in order to investigate ground conditions and the coal mining situation beneath the site and to inform any necessary remedial measures.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment and proposed development layout, and should be appropriate in terms of assessing the ground conditions in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

The submitted report concludes that the risk to ground stability at the site from recorded mine entries is low. However, it identifies the potential for unrecorded mine entries to be present within the site and recommends a watching brief be maintained during site works. We take this opportunity to highlight that should any previously unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required, in accordance with details permitted under a Coal Authority Permit.

Mine Gas

It should be noted 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. These risks should always be considered by the LPA. In this case, the submitted report recommends that a gas risk assessment should be undertaken, which may recommend the incorporation of basic gas protection measures within the development.

The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

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 seek their own advice from a technically competent person to 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.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. No development shall commence until;**
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and**

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 2. Prior to the occupation of the development, or it being taken into beneficial use, 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 Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***

The Coal Authority's Planning & Development Team therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours faithfully

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

General Information for the Applicant

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 will result in trespass, with the potential for

court action. 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

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response, The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.