

## West and Central Planning Committee – Blended Meeting

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



Wednesday, 3 April, 2024 - 2.00 p.m.

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### AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

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

**4. 19/01725/PPP - LAND TO EAST OF A823, WELLWOOD, FIFE** 5 – 103

Planning Permission in Principle for residential development, open space areas, path and cycle network and associated development at Colton SDA at Land To East Of A823, Wellwood, Fife

**5. 23/00997/FULL - LAND TO SOUTH OF MILLBURN AVENUE COALTOWN OF BALGONIE** 104 – 141

Residential development of 102 units (including 10 affordable units) with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SuDS

**6. 23/02598/FULL - GLENNISTON FARM GLENISTON AUCHTERTOOL** 142 - 179

Installation of 39MW solar PV array with 10MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development

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

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

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

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Finance and Corporate Services

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27 March, 2024

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### **BLENDED MEETING NOTICE**

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

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

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

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

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

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

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

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

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

**6 March 2024**

**2.00 pm – 2.35 pm**

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

**ATTENDING:** Mary Stewart, Service Manager - Major Business & Customer Service, Natasha Cockburn, Lead Professional (Infrastructure), Development Management; Steven Paterson, Solicitor, Gemma Hardie, Solicitor, Planning & Environment and Diane Barnet, Committee Officer, Legal & Democratic Services.

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

**153. DECLARATIONS OF INTEREST**

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

**154. MINUTE**

The committee considered the minute of the West and Central Planning Committee of 7 February 2024.

**Decision**

The committee agreed to approve the minute.

**155. 22/03982/FULL - LAND FOR PROPOSED SOLAR DEVELOPMENT, PARKEND, CROSSGATES**

The committee considered a report by the Head of Planning Services relating to an application for the construction and operation of a 30MW ground-mounted solar PV farm and 9MW Battery Energy Storage System with associated infrastructure including housing for inverters, transformers and electrical equipment, fencing, security cameras, cabling and access tracks.

**Decision**

The committee agreed to approve the application subject to the 20 conditions and for the reasons detailed in the report.

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

**Decision**

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

3rd April 2024  
Agenda Item No. 4

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**19/01725/PPP - Planning Permission in Principle for residential development, open space areas, path and cycle network and associated development at Colton SDA - Land To East Of A823, Wellwood, Fife**

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**Report by:** Pam Ewen, Head of Planning Services

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**Wards Affected:** Dunfermline North

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**Purpose**

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This application was previously considered by Members at the West Planning Committee meeting on 29 September 2021. The officers' report recommended the application for approval subject to conditions and completion of a S75 Legal Agreement securing developer contributions. Members adopted the position that the application should be approved subject to conditions and signing of the aforementioned S75 Legal Agreement.

The purpose of this report is to assess the proposal against National Planning Framework 4 (NPF4) which was adopted by the Scottish Government in February 2023

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**Recommendation(s)**

Approve the application subject to conditions and the conclusion of a legal agreement.

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**Updated Documentation & Assessment against NPF4**

**Background**

This application was previously considered by Members at the meeting of the Central and West Planning Committee held on the 29<sup>th</sup> September 2021. The Officers' report recommended that application (19/01725/PPP) be approved subject to the conclusion of a legal agreement to secure contributions for required infrastructure improvements. Members adopted the position that the application should be approved subject to conclusion of the aforementioned legal agreement.

Since then, in February 2023 National Planning Framework 4 (NPF4) was approved by Scottish Government which now sets the spatial planning framework and national planning policies within Scotland. Upon publication of NPF4, the Strategic Development Plan for South East Scotland (SESPlan, 2013) and Scottish Planning Policy (SPP, 2014) were superseded and cannot not be referred to in planning decision making. Approval of NPF4 resulted in it becoming a new material consideration that needs to be taken in to account in the determination of this application.

Consequently, this front-cover report reviews the updated information submitted in support of the application which seeks to address the requirements of NPF4 given that it now forms part of the Development Plan for Fife, alongside the adopted FIFEplan. It then assesses the proposed development against the policy framework and any specific requirements within

NPF4 which were not published at the time Committee originally considered the application. It also considers whether there are any potential conflicts between NPF4 and FIFEplan; the previous assessment undertaken by the Planning Authority (and approved by the Committee at its meeting in September 2021); then determines whether the proposal complies with the updated NPF4 policy framework and/or whether there are any material considerations that would outweigh a determination in accordance with the (updated) Development Plan since the original decision.

This report is prepared in the context of the Chief Planner's Letter (Feb 2023) Transitional Arrangement for NPF4 which acknowledges that NPF4 must be read and applied as a whole. Also, that conflicts between policies are to be expected with factors for and against development to be weighed up in the balance of planning judgement. It also suggests 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. In this instance, this is NPF4 unless the decision maker places greater weight on a previous policy in FIFEplan in reaching their decision or there are material considerations outweighing a decision in accordance with the Development Plan.

### **Updated Documentation**

To address the additional policy requirements within NPF4, a series of updated and/or new application documentation has been submitted by the applicant. This is summarised as follows:

- Updated Masterplan Framework
  - o Including NPF4 Policy Review (against six qualities of successful places).
  - o Note: No change to design approach/rationale.
- Updated Biodiversity Enhancement Strategy Plan
- Updated Flood Risk Assessment
- Updated Drainage Assessment
  - o Including indicative drainage drawings
- Updated Energy Statement of Intention
  - o Including District Heat Network Strategy
- Updated Planning Supporting Statement
  - o Including NPF4 planning policy assessment
- Statement of Community Benefit
- Woodland Policy Statement

### **Consultation**

Consultation on the updated documentation was undertaken with relevant consultees to obtain comments relative to the updated NPF4 policy context since the original consultation responses were received. A review of the specific comments from consultees is summarised within the policy considerations sections below, noting that no objections were received from any consultees, with some consultees setting out specific requirements via condition(s) to be requested within any application for matters specific in conditions (ARC) applications.

### **Planning Assessment**

This report provides a specific review of the NPF4 Policy framework and how the proposal, including updated documentation, sits against the new Development Plan context which now includes NPF4 (and FIFEplan) since the original decision was made. This complements

the previously submitted planning documentation which the Planning Statement Addendum outlines are still valid with respect to Development Plan policy requirements and other guidance documents beyond NPF4 (i.e. FIFEplan, Fife's Supplementary Guidance, Fife's Planning Guidelines etc).

Importantly, detailed NPF4 policy requirements relative to each planning consideration are set out within Appendix 1 (Relevant NPF4 Planning Policies) below.

For clarity, the NPF4 Policy assessment is based on the previous structure as follows:

- Principle of development
- Development Form and Design
- Transportation
- Open Space/ Play Provision/ Green Networks
- Landscape and Visual Impact
- Natural Heritage and Access
- Built Heritage/ Archaeology
- Residential Amenity
- Water/ Drainage/ Flood Risk
- Air Quality – Contaminated Land/ Land Stability
- Health and Safety
- Affordable Housing
- Education
- Sustainable Development / Low Carbon
- Public Art
- Infrastructure/ Planning Contributions Summary

### **Principle of Development**

The principle of development for the proposal is tested against both NPF4 and FIFEplan (including the site's allocation within the North Dunfermline Strategic Development Area and the corresponding site-specific policies). This report does not re-assess the proposal against the FIFEplan policy provision as the assessment in the original Committee Report (Appendix 3) remain valid.

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

Overall, this, combined with the previous assessment on the principle of development against FIFEplan within the original Committee report which showed compliance, dictate that the principle of development would be supported with respect to the current Development Plan. This position is supported subject to conditions requiring detailed assessments as part of future detailed designs and ensuring compliance with the remaining Development Plan policy framework, assessed below.

## **Development Form and Design**

Policies 14 (Design, Quality & Place) and 15 (Quality Homes) of NPF4 apply in relation to development form and design with respect to the proposal.

The Masterplan Framework includes a series of good high-level design principles and a well-defined design rationale that articulates the future design requirements for development pods, open space, accessibility and other design matters related to the site's future development. Broad design criteria are identified which will be followed up with additional design documents (including Development Briefs) setting out more prescribed design features that detailed design layouts will require to respond to. This accords with NPF4 Policy 14 and will comply with 'six qualities of successful place' requirements within the updated NPF4 appendix. The Masterplan Framework also includes suitable accessible linkages to facilitate easy walking, wheeling and cycling within and beyond the site. Visually, the proposal retains all the requirements to include suitable separation from the adjacent development site to the south (DUN044), alongside additional screening to the north. This will establish a form of a residential development anticipated by an urban expansion of this nature and a scale contemplated by the site's future development as an allocated strategic development area.

The Council's Urban Design Officer was consulted on the latest Masterplan Framework and did not object to the proposal, subject to some modest additions to further enhance the design principles. The applicant agreed and has already incorporated these into the updated version of this document.

Overall, given the above, and subject to conditions to approve additional design documentation, the proposal complies with the above NPF4 policies in relation to design and visual impact.

## **Transportation**

Policies 13 (Sustainable Transport), 14 (Design, Quality & Place) and 15 (Local Living & 20 Minute Neighbourhoods) of NPF4 (2023) apply to transportation with regard to this proposal.

Transportation matters have been considered in detail within the original Committee Report. This assessed traffic impacts on the surrounding area and stipulated a series of measures be included (within conditions and the S75 Legal Agreement) to minimise detrimental traffic impacts on the surrounding area and encourage sustainable travel options. In this regard, there has been no change to the Masterplan Framework design - which retains all the previously approved transportation principles and connectivity options. This includes the indicative alignment of the Northern Link Road (NLR) through the site from its south-western corner to its eastern boundary. It also includes options to ensure suitable connection to the south-west to connect into NLR options within the adjacent development site, subject detailed design considerations. This will ensure that a suitable design solution, agreed via conditions and options within the S75 Legal Agreement. Future detailed design applications would then be reviewed by both TDM and Transport Scotland to ensure that these strategic transportation matters are addressed.

The Transport Assessment submitted with the original application also assessed the potential traffic impacts in detail which considered potential traffic generation cognisant of trips based on the delivery of the wider SDA/SLA development sites being delivered. Accordingly, potential impacts on the surrounding network, including local and strategic road infrastructure, has been fully considered and found to be acceptable subject to proportionate contributions being received to mitigate potential impact in line with the Council's requirements. The applicant has agreed to these, and they be included as contributions for



strategic infrastructure within the S75 Legal Agreement to help mitigate the cumulative impact of the proposal. This would allow for various upgrades to strategic transport infrastructure identified within the Strategic Transport Assessment covering the SDA/SLAs within north and west Dunfermline. The above approach complies with Policy NPF4 Policy 13c) which requires traffic impacts to be considered via suitable Transport Assessments and suitable mitigation provided, as required.

In addition, a series of shared cycleway/footpaths are proposed throughout the site. Future residents will therefore be connected to the wider shared network (existing and planned), encouraging non-vehicular travel and facilitating links to local amenities, commercial, play areas, education and other community facilities within surrounding local centres (including those within the wider North Dunfermline SDA and within Dunfermline). The Masterplan Framework includes indicative alignments which will be confirmed via conditions requiring Development Briefs for each phased and applications for detailed designs. This approach accords with NPF4 Policy 13b) which requires cognisance of sustainable travel options when considering transport impacts.

The provision of the NLR will also play a place-making function creating a primary long-distance link for walking, cycling and wheeling via a consistent design including wider (3m cycleways and set within a boulevard of trees. This approach would align with place-making and design requirements within NPF4 Policy 14.

Finally, the aforementioned provision of shared cycleway/footpath links will also accord with requirements within NPF4 Policy 15 where suitable interconnectivity to the surrounding network is required. It would provide a series of options allow for sustainable (non-car based) travel that will allow future residents to access local amenities, commercial, play areas, education and other community facilities within surrounding local centres (including those within the wider North Dunfermline SDA and within Dunfermline).

Overall, the proposed development complies with the policy requirements within NPF4 Policies 13, 14 and 15 with respect to this matter.

### **Open Space/ Play Provision/ Green Networks**

Policies 20 (Blue & Green Infrastructure) and 21 (Play, Recreation & Sport) of NPF4 apply with regard to this proposal. The Masterplan Framework contains a series of interconnected open space, greenspace and blue (drainage) infrastructure networks throughout the site, proportionate to accommodate the needs of future residents. This includes larger open space areas for recreation, formal equipped play areas, informal play (kickabout), greenspace areas including woodland and structure planting and blue (drainage) infrastructure. The accompanying Green Infrastructure Plan in the Masterplan Framework also outlines strategy showing how new and existing greenspace areas would be interconnected without compromising the strategic offer of existing features. This approach accords with NPF4 Policy 20b) which supports enhanced networks and requires suitable type, mix and quantum of multi-functional open space and green/blue infrastructure. The site is also with close walking distance to the Town Hill Country Park which further enhances open space and greenspace opportunities for future residents.

The proposed play areas also accord with NPF4 Policy 21 which requires proportionate provision to meet demand which, in this instance, will be provided and via conditions and Development Briefs requiring confirmation of the quantum, design and timing of such infrastructure within each phase. NPF4 Policy 21e) also requests that such areas, and public realm, is designed to allow young people to move around easily and maximise opportunities for incidental play. The series of interconnected open space and green space areas, both

inform and formal in nature, and the requirement for detailed design requirements for future applications complies with this policy requirement subject to the aforementioned conditions.

The Masterplan Framework also seeks to integrate with the existing greenspace features within the site and beyond (to the Town Hill Country Park) by generally excluding or setting back development from the existing woodland within the centre of the site and leaving areas within the eastern part of the site undeveloped. This will allow for distinct areas of existing greenspace and woodland to be retained and appropriate connections to the adjacent Country Park. The Masterplan Framework also sets back development from the north-western corner of the site to allow for continuation of the Core Path, and a green network, through the site. Whilst NPF4 does not specify any minimum requirements for open space or green, the Masterplan Framework includes approximately 18 hectares of open space and significantly exceeds the minimum requirements in FIFEplan (c2.7ha open space). It is therefore considered that that would be a sufficient quantum of open space to accommodate future demand and that it would successfully contribute the overall place making requirements within NPF4. Moreover, there is an existing conditional requirement for maintenance details for open space areas, green networks and other drainage infrastructure which would accord with specific requirements within NPF4 Policy 20 e).

Overall, given the above, the proposal would accord with the NPF4 policy framework with respect to this matter.

### **Landscape and Visual Impact**

Policy 4 (Natural Places) of NPF4 applies in relation to landscape and visual impact with regard to this proposal. This policy seeks to protect, restore and enhance natural assets and outlines that development proposals that have unacceptable impacts on the natural environment by virtue of their type location or scale, will not be supported.

This issue is covered in detail within the original Committee Report which outlines the potential landscape and visual impacts - incorporating a series of the positive features and mitigation measures within the Green Infrastructure Plan that are retained within the current proposal. Conditions will also be included requiring additional assessment of future detailed layouts to ensure suitable mitigation is proposed.

With respect to NPF4, the nature of this proposal will create a transition from rural to urban character and visual change to the local landscape. It will also result in selected visual impacts from close views and nearby properties. This is a typical characteristic of any significant urban expansion. To address this, the Masterplan Framework and Green Infrastructure Plan maintain suitable setbacks to nearby properties to create a landscape setting that seeks to incorporate rural/countryside features. This would be complemented by new tree/woodland planting, retention of existing woodland and cutting into the land across the wider site. It is acknowledged that there will be a level of change for these properties but the mitigation measures in the Green Infrastructure Plan will reduce the scale of the proposal from immediate views. Such measures will also screen impacts at the wider level. In particular, retention of the woodland within the eastern ridge, which will contain the site to the north/east and minimise landscape impacts from longer views. To this extent, the proposal is not visible from a large number of longer viewpoints and there are no national or regional designations in the area. There will be views from the Country Park but these will be screened by planting and will not lead to a significant detrimental change to the setting or character of the Country Park. The aforementioned mitigation is therefore appropriate and will further reduce the landscape and visual impacts to an acceptable level. As such, there will be no significantly detrimental impacts in long/distant views to the site.

Overall, based on the above, the proposal would not have any significant detrimental visual or landscape impacts and the local amenity character would be sufficiently protected.

## Natural Heritage and Access

NPF4 Policies 1 (Tackling the Climate & Nature Crises), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, Woodland & Trees) and 20 (Blue & Green Infrastructure) apply to natural heritage considerations with regard to this proposal.

NPF4 Policy 1 requires decision makers to place significant weight on addressing the nature crises when assessing development proposals. Further, NPF4 Policy 3 requires that development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including future biodiversity management. To address this, the applicant has submitted a Biodiversity Enhancement Strategy Plan which indicatively quantifies the potential biodiversity enhancements (i.e. potential net gain) based on the indicative Green Infrastructure Plan within the Masterplan Framework. This shows potential enhancement of the existing arable field in the west of the site and other overarching enhancements. These include an additional 1.35ha native broadleaf tree planting, 2.35ha compensatory tree planting, 1.18ha new wetlands (SUDS ponds), street tree planting, meadow planting and amenity/native grasslands alongside species enhancement measures (bat and bird boxes). This demonstrates that the principle of such enhancements could achieve biodiversity net gain of at least 10%, significantly exceeding the Nature Scot Draft Guidelines which do not require prescriptive minimums to be met. Building on this, enhancement biodiversity specifications will require to be confirmed for each development phase, once detailed landscape plans are available. Conditions will require submission of a detailed Biodiversity Enhancement and Management Plan to show such measures and to show compliance with the latest Nature Scot guidance on Biodiversity Enhancement at the time of any future decision.

NPF4 Policy 4 then goes on to require that development that have an unacceptable impact on the natural environment will not be supported. To address this, the proposal generally sought to exclude development pods within established woodland areas, including retention of this within the eastern part of the site – to protect more biodiverse rich areas and avoid unreasonable detrimental impacts to the natural environment. It is acknowledged that the same modest area of 'young woodland' (approx. 15 years old) would be removed as a worst-case scenario, set against extensive compensatory woodland planting of over three times more than the area to be removed.

The Government's Woodland Removal Policy applies in such circumstances where woodland removal is accepted where public benefits (including social, economic and environmental benefits) and compensatory planting can be undertaken to contribute towards economic growth. The same reasons justifying this matter in the original Committee report apply now. The applicant also provided an updated statement referencing recent NPF4 requirements. To this extent, the applicant identified a series of benefits centred around social and economic growth via the delivery of the strategic development area and enhanced connectivity associated with increased footpath/cycleways. Moreover, the applicant has outlined that enhanced environmental benefits will also be provide via the extensive compensatory planting, significantly exceeding any loss and allowing for the provision of native woodland planting at larger tree specifications via heavy standards that could achieve the same levels of biodiversity benefits and carbon sequestration within 10 years. Combined, this is considered to achieve the requirements of the above Woodlands Removal Policy.

Reference was made to the original Ecological Impact Assessment which outlined that there are no national or regional designations close to the site and no protected species noted at that time. Given the existing habitat (particularly the woodland) and potential for protected species to be present, the same conditions have been included.

In addition, there was no objection from the Council's Natural Heritage Officer who supported the updated documentation assessing impacts on the natural environment and did not object, subject to conditions to quantify the nature and scale of biodiversity enhancements (net gain) within any future detailed design.

Overall, there is unlikely to be significant impacts on the natural environment. The landscape framework remains the same – retaining the majority of the eastern woodland with higher biodiversity potential and developing the arable field with more limited ecological value. Updated protected species surveys will be required to inform the Biodiversity Enhancement and Management Strategy to ensure suitable protection and enhancements best reflect any current species within the site. Any woodland lost would be self-seeded and would be more than compensated for. The proposal is therefore considered to comply with NPF 4 policies relating to ecology, trees and natural heritage.

### **Built Heritage/ Archaeology**

NPF4 Policy 7 (Historic Assets & Places) applies with respect to built heritage and archaeology with regard to this proposal.

A comprehensive assessment on this matter has been identified within the original Committee Report and the conclusions remain the same, particularly as there have been no changes to the Masterplan Framework or relevant conditions requiring re-assessment of this issue as part of applications for future detailed designs.

On this issue, NPF4 Policy 7 requires that development proposals affecting the setting of a listed building preserve its character, and its special architectural or historic interest and that non-designated historic assets and their setting is to be protected and preserved in situ wherever feasible. In this instance, Colton House, a category C Listed Building, is located approximately 100m to the north of the site. The original LVIA (unchanged) outlines that views from the house are screened largely by mature vegetation around this property with potential views of the site during winter, when canopy cover is less. Despite this, cognisant of the distances involved and the provision of landscape screening along northern boundary of the site, there would be no significant adverse impact either on its setting or directly on the Listed Building, according with requirements in NPF4 Policy 7.

The original archaeology assessment considered the potential for archaeological remains within the site. The Council's archaeologist reviewed this original information and did not object subject to provision of more detailed archaeological reporting as part of any detailed applications.

Overall, subject to the above conditions, the proposal would accord with the requirements of NPF4 Policy 7 with respect to built heritage and archaeology.

### **Residential Amenity**

NPF4 Policy 23 (Health & Safety) applies to residential amenity impacts with regard to this proposal.

The key considerations within NPF4 in relation to residential amenity seek to ensure unacceptable noise impacts are avoided. Importantly, considerations relating to potential offsite amenity impacts to nearby sensitive uses (i.e. overlooking/privacy, overshadowing etc) are covered within the original Committee Report and outline minimal potential impacts subject to detailed assessments against relevant policies/guidance at the detailed design stage.

With respect to noise, NPF4 seeks to protect sensitive uses from unreasonable noise impacts or protects noise generating uses (via sufficient stand-off distances/mitigation etc) via the 'agent of change' principle. In this instance, the same noise attenuation principles established within the original noise impact assessment and translated into the Masterplan

Framework will be retained. This included suitable setbacks to existing/future employment use to the southwest of the site and requirements for detailed noise assessment at the detailed design stage. This will ensure that appropriate noise mitigation is implemented to minimise noise impacts from road traffic noise and/or other noise generating sources. Potential amenity impacts related to on-site construction, and attenuation requirements will also be considered via a condition requiring approval of a Construction Environmental Management Plan prior to any on-site activity. Combined, the above approach will allow for detailed designs to be tested against attenuation principles established within the original noise assessment and ensure that the amenity of existing and future residents is protected. Overall, subject to the above conditions, the proposal would comply with NPF4 Policy 23 with respect to residential amenity.

### **Water / Drainage / Flood Risk**

NPF4 (2023) Policy 22 (Flood Risk & Water Management) is relevant with regard to drainage and infrastructure associated with the proposal.

NPF4 Policy 22 requires that development proposals will not increase the risk of surface water flooding to others, or itself be at risk and provide sufficient management of surface water through sustainable urban drainage systems (SUDS), via suitable blue/green infrastructure. An updated Flood Risk Assessment and Drainage Assessment was prepared by the applicant to re-assess the proposal against the updated NPF4 policy context and updated flooding requirements (including updated climate change predations) to ensure suitable avoidance of flood risk and appropriate mitigation could be delivered.

The Development Framework retains the two previous SUDS ponds/basins which would accommodate overland flows. In this regard, the SEPA Flood Maps do not show any significant risk of flooding from fluvial or coastal sources. Some potential surface water flood risk is noted along the southern/northern boundary and eastern part of the, however, the Masterplan Framework excludes any development on these areas.

The Council's Flooding, Shorelines and Harbour's Team was consulted on the updated FRA and had no objection to the proposal from a flood risk or surface water management perspective. SEPA was also consulted and maintains no objections to the proposals and agreed with the findings within the FRA and Drainage Assessment but requested a detailed review of flooding as part of the detailed design stage. This has been addressed by condition.

Overall, the proposal would not result in any significant detrimental flooding or drainage impacts and would comply with NPF4 Policy 22 with respect to Flooding, subject to conditions requiring submission detailed flooding and drained assessments to assess future impacts on future development phases.

### **Air Quality**

NPF4 Policy 23 (Health & Safety) applies to residential amenity impacts with regard to this proposal.

NPF4 Policy 23 applies to protecting air quality with regard to this proposal. It outlines development proposal that have significant adverse effects on air quality will not be supported.

Similar to the noise considerations above, subsequent assessment and approval of a Construction Environment Management Plan would ensure that appropriate mitigation is implemented to control potential on-site emissions related to construction activity. In terms of emissions the original Air Quality Assessment showed that the proposal would result in a negligible change in terms of pollutant emissions (PM10 and PM2.5) from current

background levels. As such, the proposal will not cause any significant change nor any significant detrimental impacts with respect to this issue. The Council's Land and Air Quality Team was consulted on this original air quality assessment and had no objections.

Overall, subject to the above conditions, the proposal would not result in any significant detrimental air quality impacts and would comply with NPF4 Policy 23 with respect to air quality.

### **Contaminated Land, Land Stability & Health and Safety**

NPF4 Policy 23 (Health & Safety) applies to contaminated land, stability and health and safety into the proposal.

This policy seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. This includes assessing impacts relating to contamination, land stability and mining legacy.

In this instance, the baseline conditions remain the same. The Ground Conditions and Mining Desk Study provided within the original submission identified constraints that required future intrusive site investigations. The site is located within a High Risk Coal Mining legacy area with potential for legacy mining activity within the site. As such, a Coal Mining Risk Assessment was submitted with the original submission. It outlined the need for future intrusive site investigations to identify the extent of any previous mine working and requirements for grouting. The Coal Authority was consulted on this original document and confirmed the presence of previous mine working and outlined no objection to the proposal subject to conditions requiring intrusive ground investigations to identify previous mining constraints and identify appropriate mitigation. With respect to potential contamination issues, conditions are retained requiring a full Site Investigation and Remediation Strategy with any detailed applications to address the Council's Land and Air Quality Team original requirement.

Overall, the proposal complies with NPF4 Policy 23 and would avoid any unreasonable contamination, stability or mining legacy impacts subject to conditions requiring a detailed site investigation and remediation measures to address previous contamination and coal mining risks.

### **Affordable Housing**

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

NPF4 policy 16 outlines that housing, including affordable housing, will be supported within land allocated for housing. This is the case in this instance given that the site forms part of a strategic development area where residential and other uses are supported. A Statement of Community Benefit has also been submitted to respond to NPF4 Policy 16 demonstrating that the proposal meets local housing requirement, including for affordable homes. Policy 16e) also outlines requirements to provide at least 25% affordable housing within residential development proposals. In this instance the 25% requirement has been met, aligning with NPF4 Policy 16 and meeting the Council's separate requirements (within FIFEplan and Fife's Affordable Housing Supplementary Guidance). To this extent, the applicant has accepted a requirement to provide at least 25% affordable housing, equating to an equivalent of 113 dwellings within the site, if the maximum 450 dwellings can be delivered.

The Masterplan Framework also shows the indicative location of future affordable housing within the site. Development Briefs and the S75 Legal Agreement will nominate the acceptable delivery timescales for the affordable housing provision within the site. In addition, future ARC applications will confirm the detailed design for affordable housing showing that they are fully integrated with market house and indistinguishable in design. This approach reflects the original Committee Report and there will be a requirement within the Section 75 Legal Agreement to confirm the quantum, siting, delivery approach and other necessary requirements for affordable housing within the site.

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

## **Education**

Policy 18 (Infrastructure First) of NPF4 applies with regard to this proposal.

NPF4 Policy 18 requires that the impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported if it can be demonstrated that provision is made to address the impacts on infrastructure.

The original Committee Report outlines a series of potential options to address the delivery of strategic infrastructure requirements stemming from the proposal, cognisant of the cumulative impacts from the other development sites within the North Dunfermline Strategic Development Area, Wellwood SLA and North Wellwood SDA.

The previously agreed approach remains similar, but the Council has since explored alternative options to secure the necessary primary school capacity to accommodate demand within this part of Dunfermline. A preferred solution has been identified but requires final Council approval prior to being confirmed. Should this be agreed, this option will accommodate primary school educational demand from the proposal and other sites within the North Dunfermline SDA, Wellwood SDA and the nearby SDA sites. The applicant has agreed to the principal of this updated primary school solution and is working with the Council to finalise this approach. In the meantime, they have agreed to concluding the S75 Legal Agreement requiring their proportionate share towards any final primary school education solution, once confirmed. In addition, contributions for secondary school education will be provided in accordance with the previously agreed approach within the original Committee Report and included within the S75 heads of terms summarised in the Infrastructure / Planning Contributions Summary section of this Report (below). These are agreed by the applicant in addition to the inclusion of the same condition preventing occupation of any dwellings within the site until the final primary school solution has been confirmed and delivered.

Given the above, infrastructure delivery requirements associated with the proposal would be accommodated via proportionate contributions towards education infrastructure. This accords with NPF4 Policy 18 subject to conclusion of a S75 Legal Agreement.

## **Sustainable Development / Low Carbon**

Policies 1 (Tackling the Climate & Nature Crises), 2 (Climate Mitigation & Adaptation), 12 (Zero Waste) and 19 (Heating & Cooling) of NPF4 applies with regard to this proposal.

NPF4 Policy 12 seeks to ensure waste minimisation both during construction and operation of proposed developments and to encourage waste hierarchy principles of avoidance, reuse and recycling. Given the indicative nature of the proposed development, no specific details

can be provided on such approaches, however, the Development Brief condition will require these details to be reviewed via Low Carbon Checklists that consider such principles and via review of detailed designs which will be required to show where waste and recycling provision will be located to ensure suitable provision that will allow for 'at source' separation and convenient access minimise water and avoid cross-contamination. Subject to condition, this accords with the respective requirements within NPF4 Policy 12.

NPF4 Policy 19 requires development proposals within or adjacent to a Heat Network Zone are designed and constructed to connect to the existing heat network. It also requires that where a heat network is planned, development proposal will be required to allow for future cost-effective connection at a later date.

In this regard, an Updated Energy Statement of Intention was submitted to assess the proposal against the most recent low carbon requirements within NPF4, including how future housing could respond to requirements for low and zero carbon technologies carbon approaches to reduce emissions and acknowledging options to consider future connection to the adjacent district heat network infrastructure. Indicative Heat Network Zones have been identified within the Council's Draft Local Heat and Energy Efficiency Strategy (LHEASE, 2023) but there are no formal designations given that the next iteration of the FIFEplan Local Development Plan (LDP2) is still to be prepared. Notwithstanding this, the site does not lie within or adjacent to any of the indicative Heat network Zones. However, it does lie adjacent to existing heat network pipework related to a heat network within the Lochhead Landfill site. These heat network pipes run southwards along the A823 past the site and connect waste heat, captured from methane within the landfill, to buildings within Dunfermline. The applicant has committed to exploring available options to enable future connection to this existing heat network. This includes setting aside sufficient land to accommodate a connection on land they confirmed they own/control and ensuring that heat infrastructure can be accommodated within the site. The Energy Statement of Intention outlines that the detailed requirement to achieve this would be explored during the application for detailed design. Climate Change and Zero Waste colleagues were consulted on this updated Statement and support the proposed approach to explore future connectivity to the existing heat network. Suitable conditions will be required to specify that future approach and feasibility and technical deliverability to connect to a heat network are provided within the Development Brief and first application for each phase of development.

The Energy Statement and Masterplan Framework also nominates land within the northern part of the site for a future district heat network energy centre. In addition, there will be requirements for wayleaves to safeguard future provision of district heat and other heat infrastructure to allow for subsequent connection to the existing or new district heat network without distance to existing buildings or other infrastructure. This will be required via conditions within both the Development Brief and future application requirements for detailed designs.

NPF4 Policy 19f) also requires that development proposals for buildings occupied by people are they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials. To address this, the updated Energy Statement outlines key sustainability principles that will be taken forward within the future design of buildings reiterating opportunities for 'fabric first' design to reduce energy requirements via improved thermal insulation and design quality and ensuring that layouts/orientation maximise heat gain. Low and zero carbon generation technologies (LZCGT) for energy generation are also proposed to ensure sufficient energy reductions are incorporated within buildings. Conditions will also require updated Energy Statement and low and zero carbon checklists within future detailed design applications to



demonstrate the detailed measures undertaken to achieve low and zero carbon priorities, minimise lifecycle greenhouse gas emissions and adapt to potential climate change risks within NPF4 policy principles.

Overall, the proposed development accords with the climate change, emissions reduction waste and heat network provisions within NPF4 Policy 1, 2, 12 and 19 subject to the conditions nominated above.

### **Public Art**

NPF4 Policy 31 (Culture and Creativity) applies with regard to this proposal. NPF4 Policy 31 aims to encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

The key test under a NPF4 Policy 31 seeks to ensure sufficient provision for public art with new public spaces and that it reflects the diversity culture and creativity of the local area. In this regard, the Development Framework and accompanying documentation does not confirm details for the public art strategy within the site. Requirements to provide a public art strategy are included within each Development Briefs. Subsequently, specific public art details will then be required within future applications for detailed designs and will be tested against this Public Art Strategy and the Development Plan. Delivery timescales will also be included within Development Briefs to ensure for appropriate delivery within future development phases. Overall, the above approach complies with the requirements of NPF4 Policy 31 with respect to public art provision.

### **Infrastructure / Planning Contributions Summary**

Policies 16 (Quality Homes), 18 (Infrastructure First) and 24 (Digital Infrastructure) of NPF4 (2023) applies with regard to this proposal.

NPF4 Policy 24 supports proposal that include sufficient digital will be sported. Whilst such infrastructure would be provided at the detailed design stage, a condition can request confirmation of future provision accommodating this requirement.

NPF4 Policy 18 requires that the impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported it can be demonstrated that provision is made to address the impacts on infrastructure. The previously agreed approach towards infrastructure delivery remains the same and generally includes the provision of infrastructure or proportionate contributions to accommodate infrastructure demand stemming from the proposal. As such, to address NPF4 Policy 18 requirements, and allow for the proportionate delivery of infrastructure to accommodate demand form the proposal, the applicant has agreed that the following matters within the S75 Legal Agreement or planning conditions.

These would be in accordance with the previously agreed rates within the original Committee Report and included within the S75 Legal Agreement heads of terms.

Transport Infrastructure:

- The NLR to be completed to the eastern boundary by the 250th unit;
- The full cost of the NLR between the eastern extent of the land owned by the applicant and the NLR section being constructed by the Council to be paid by applicant by 250th unit. This includes land costs and potential CPO costs.
- Footway/cycleway creation along A823 by first unit.
- Upgrade of Core Path by the 100th unit.
- Financial contribution towards the Strategic Transport Interventions in Dunfermline.

#### Education:

- Proportionate cost towards a primary school solution (to be confirmed) to accommodate demand from the development.
- Contributions towards Dunfermline Secondary School solution and St Margaret's Primary School.

#### Other matters:

- Securing 25% affordable housing;
- Securing delivery of landscaping associated with development phases already complete should development stall for more than 3 years;

#### Other infrastructure considerations:

- None relevant per the original Committee Report

The costs, timings and figures set out here are preliminary and subject to finalisation in the drafting of the legal agreement. They are therefore subject to change and officers seek delegated authority to conclude the legal agreement.

#### Community Benefit:

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

The applicant's Statement of Community Benefit identifies that there would be a balanced mix of housing to meet anticipated local needs and demands. Specific requirements would be confirmed via future detailed design applications and engagement with affordable housing providers, including the Council's Affordable Housing team. It also identifies a series of infrastructure and utility provision and enhanced community benefits within and beyond the site - including addressing existing constraints. In this regard, the applicant has committed to providing a financial contribution towards a community project within the nearby Town Hill Country park to facilitate enhanced connectivity and accessibility to/from and within the adjacent Country Park. The detail of this will be agreed as part of section 75 legal agreement in consultation with the Council's Parks team. Cumulatively the above should result in a series of enhanced benefits that have the potential to create suitable enhancements for the local community, proportionate to the proposal and cognisant of the overall remit to deliver housing and respective infrastructure within the site and align with the development plan allocation.

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

#### **Conclusion**

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An updated assessment has been undertaken since the original 'Minded to Grant' decision by the Committee which considers the proposal against National Planning Framework 4 (NPF4) given that this now forms part of the Development Plan for Fife.

The Committee is being asked to approve this application, based on the updated Development Plan context subject to conclusion of a S75 Legal Agreement and conditions within Appendix 3. The draft conditions have been updated to reflect any updated NPF4

requirements and the latest contributions, which update those previously agreed by the Committee.

The previous conclusion within the original 'Minded to Grant Decision' was appropriate at the time of the Committee's previous decision. However, it now requires to be updated to remove any reference to superseded documentation (including SESPlan 2013) and to reference NPF4 as a Development Plan document. As such, an updated reason has been prepared below as follows:

### **Reason for Decision:**

Overall, the assessment of this application has considered the application submission documents (including updated submission), the representations received from third parties and the replies to the consultation process.

The proposed development is in accordance with National Planning Framework 4 (2023) and the Adopted FIFEplan (2017) in that the site forms part of the North Dunfermline Strategic Development Area. The development as proposed is in accordance with the development requirements as set out within Allocation Policy DUN039 (Colton SDA) in that the proposal is for residential development within the settlement boundary. The application does propose a number of residential units above the Policy Allocation's indicative unit number however this is considered acceptable. The increase would not result in any significant detriment, would have no significant infrastructure impact that could not be mitigated and the proposal would still be capable meeting the Policy Allocation criteria. The application meets the requirements of DUN039 and DUN067. The submitted Masterplan Framework adequately proves that a development of suitable design and layout can be formed and one that would have no significant adverse impact on visual amenity and the landscape. The development would have no significant impact in terms of residential amenity, transportation, drainage or natural heritage subject to mitigation and controls being implemented in the detailed applications and during the development. The development is in accordance with the Development Plan in all regards, and there are no material considerations which would outweigh the Development Plan in this instance. The proposal is therefore considered acceptable.

### **Background Papers**

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

Previous Committee Report 19/01725/PPP – Central and West Planning Committee – September 2021

National Policy, Regulations and Guidance:

Designing Streets (2010)

Creating Places (2013)

Circular 3/2012 planning obligations and good neighbour agreements (2012)

PAN 33 Development of Contaminated Land (2000)

PAN 51 (Planning and Environmental Protection)

PAN 65 Planning and Open Space (2008)

PAN 68 Design Statements

PAN 77 Designing Safer Places

PAN 78 Inclusive Design (2006)

PAN 2/2011 Planning and Archaeology (2011)

PAN 1/2011 Planning and Noise (2011)

Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)  
Development Management Procedure (Scotland) Regulations (2013)  
Air Quality and Land Use Planning (2004)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)  
Historic Environment Scotland Policy Statement (2016)  
Scottish Government's Control of Woodland Removal Policy (2009)

Development Plan, Supplementary Guidance and other material considerations:  
National Planning Framework 4 (2023)  
Adopted FIFEplan (Fife Local Development Plan) (2017)  
Fife Councils Minerals Supplementary Guidance  
Making Fife's Places Supplementary Guidance (2018)  
Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places Supplementary Guidance (2018)  
Fife Council's Supplementary Guidance on Affordable Housing (2018)

Fife Council's Planning Obligations Framework Guidance (2022)  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009)  
Fife Council's Noise Guidance for New Developments  
The Royal Environmental Health Institute of Scotland (REIS) Briefing 17 - Noise Guidance for New Developments  
World Health Organisation (WHO) Guidelines for Community Noise (2015)  
Air Quality and Land Use Planning (2004)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)  
Historic Environment Scotland Policy Statement (2016)  
Scottish Government's Control of Woodland Removal Policy (2009)

Plan for Fife 2017-2027 - Local Outcome Improvement Plan

## **Report Contact**

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Report prepared by Steve Iannarelli, Strategic Development Manager

Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead

## APPENDIX 1 – RELEVANT NATIONAL PLANNING FRAMEWORK 4 (NPF4) POLICIES

### Relevant NPF4 Policies

The following provides a review of the updated policy context with respect to the NPF4 and the corresponding policy principles within each relevant policy. As the purpose of this report seeks to review the proposal against the provisions of NPF4, the details of the other existing policy framework documents including FIFEplan, Fife Council's Supplementary Guidance, Fife Council's Planning Guidance, and other national planning policy guidance is not included within this front cover report. A detailed review of this policy framework is included within the original Committee Report (Appendix 3) and a list of all policies review as part of this current assessment is provided within the Policies section at the end of this front-cover report.

### National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crisis - To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Relevant requirements in NPF4 Policy 1 sets out that:

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2: Climate mitigation and adaptation - To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Relevant requirements in NPF4 Policy 2 sets out that:

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible;
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

Policy 3: Biodiversity - To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy 4: Natural places - To protect, restore and enhance natural assets making best use of nature-based solutions.

Relevant requirements in NPF4 Policy 4 sets out that:

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

Policy 5: Soils - To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy 6: Forestry, woodland and trees - To protect and expand forests, woodland and trees.

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

Relevant requirements in NPF4 Policy 7 sets out that:

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy 12: Zero Waste - To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Relevant requirements in NPF4 Policy 12 sets out that:

a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

b) Development proposals will be supported where they:

i. reuse existing buildings and infrastructure;

ii. minimise demolition and salvage materials for reuse;

iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;

iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;

v. use materials that are suitable for reuse with minimal reprocessing.

c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

i. provision to maximise waste reduction and waste separation at source, and

- ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Policy 13: Sustainable transport - To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Relevant requirements in NPF4 Policy 13 set out that:

- (a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported.
- (b) 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.
- (c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- (d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- (e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- (f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- (g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

Policy 14: Design, quality and place - To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Relevant requirements in NPF4 Policy 14 set out that:

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy; Pleasant; Connected; Distinctive; Sustainable; and Adaptable.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

### Policy 15: Local Living and 20 minute neighbourhoods

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

Relevant requirements in NPF4 Policy 15 set out that;

a) development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to: sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks; employment; shopping; health and social care facilities; childcare, schools and lifelong learning opportunities; playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities; publicly accessible toilets; affordable and accessible housing options, ability to age in place and housing diversity.

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

Relevant requirements within NPF4 Policy 16 Policy set out that:

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

Policy 18: Infrastructure first - To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Relevant requirements within NPF4 Policy 18 set out that:

a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.



b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Policy 19 Heating and Cooling - To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

Relevant requirements in NPF4 Policy 19 set out that:

a) Development proposals within or adjacent to a Heat Network Zone identified in a LDP will only be supported where they are designed and constructed to connect to the existing heat network.

b) Proposals for retrofitting a connection to a heat network will be supported.

c) Where a heat network is planned but not yet in place, development proposals will only be supported where they are designed and constructed to allow for cost-effective connection at a later date

f) Development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials

Policy 20: Blue and green infrastructure - To protect and enhance blue and green infrastructure and their networks.

Relevant requirements in NPF4 Policy 20 outlines that:

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) Development proposals for temporary open space or green space on unused or under-used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these

Policy 21: Play, recreation and sport - To encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Policy 22: Flood risk and water management - To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Relevant requirements in NPF4 Policy 22 outlines that:

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue/green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported

Policy 23: Health and Safety - To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely

Policy 24: Digital Infrastructure - To encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

NPF4 Policy 31 Culture and Creativity - To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Relevant policies in NPF4 Policy 31 set out that:

a) Development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported.

## APPENDIX 2 – S75 HEADS OF TERMS & DRAFT CONDITIONS

The application shall be approved subject to the conclusion of the Planning Obligation and the amended planning conditions and reasons (changes highlighted in **bold** and ~~strikethrough~~) as set out below:

### Recommendation(s)

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

A. A legal agreement securing the following matters:

- The securing of proportionate financial contribution towards a new Primary School;
- Providing access to the land associated with the link road within the site should this be needed to deliver the Northern Link Road;
- A Strategic Transport contribution of £5332 (indexed) per market unit
- A contribution of £6067 (indexed) per 3 bedroom market residential units towards secondary school education. This shall be increased and decreased on a sliding scale per bedroom and index linked.
- A contribution of £226 (indexed) per 3 bedroom residential units towards St Margaret's Roman Catholic Primary School. This shall be increased and decreased on a sliding scale per bedroom and index linked.
- The securing of 25% affordable housing on the site;
- Securing the final delivery of landscaping and open space for development areas should the development stall for 3 years or more;
- A financial contribution or direct completion of the Northern Link Road at the eastern end of the development site outwith the area of site specified on plan 50126\_106 and condition 22 including land, CPO and construction costs.
- A contribution towards general or project-specific improvements to enhance the wider setting of, including accessibility to/from, Townhill Country Park

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

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

D. The following conditions and reasons:

### **Bold text identifies updates to Conditions**

1. A further application(s) for the matters of the development (Approval of Matters Required by Condition) as set out below shall be submitted for the requisite approval of this Planning Authority;
  - (a) the construction of residential development and associated infrastructure (including affordable housing);
  - (b) the development of the road, cycleway and footpath network including water crossings;
  - (c) engineering operations associated with infill, regrading or remediation;
  - (d) play provision, open space and landscaping;
  - (e) the construction of SUDS facilities and drainage including all associated engineering works;

- (f) the provision of renewable energy generating facility(s) capable of serving all or part of the development site;
- (g) An updated Masterplan Framework (when considered necessary by the planning authority) and phasing plan as defined by condition 5;
- (h) A Development Brief for each phase; **and**
- (i) Strategic Infrastructure Delivery Plan.**

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

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

2. Every application for Approval of Matters Specified by Condition submitted under the terms of conditions 1(a-f) shall be submitted for the written permission of this Planning Authority with the following supporting information, unless agreed otherwise between the parties, each acting reasonably and this shall include where relevant:-

- (a) A location plan of all the existing site to be developed, to a scale of not less than 1:2500, showing generally the site, existing contours, any existing trees, hedges and walls (or other boundary markers);
- (b) A detailed plan of not less than 1:1250 showing any previous phases of development and how this application relates to that development;
- (c) A detailed plan to a scale of not less than 1:500 showing the current site contours, the position and width of all proposed roads and footpaths including public access provision and accesses.
- (d) Detailed plans, sections, proposed contours and elevations of all development proposed to be constructed on the site, together with details of the colour and type of materials to be used;
- (e) Details of boundary treatment;
- (f) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. This shall also include details of strategic landscaping associated with that phase of development;
- (g) Details of the future management and aftercare of the proposed landscaping and planting;
- (h) A Design and Access Statement including an explanation in full how the details of the application comply with the Masterplan Framework, relevant Development Brief and shall provide a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2018);
- (i) Site Sections (existing and proposed);
- (j) Details of land regrading and retaining walls
- (k) Biodiversity Protection, Enhancement and Management Plan for that phase;
- (l) Bat survey where relevant
- (m) Updated Ecological surveys (if a year has passed since the last one was carried out);
- (n) Visual appraisal with the detail of the development (including photomontages)
- (o) The contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;
- (p) Details of the public art;
- (q) A detailed Drainage Strategy with validation certificates;
- (r) Site investigation and remediation strategy;
- (s) Construction Traffic Management Plan (including details of wheel washing facilities);
- (t) Construction Environmental Management Plan;

- (u) Maintenance details of SUDS, water courses, drains, culverts, open space and play areas;
- (v) Tree surveys of any trees to be removed and tree protection measures for trees being retained including a scheme of Supervision for the tree protection measures.
- (w) An energy statement **(including district heat network strategy)** and low carbon checklist with the first application of each phase.
- (x) Transportation Statement;
- (y) Noise impact assessment;
- (z) Stage 2 Road Safety Audit;
- (aa) Intrusive Coal Mining Remediation Strategy
- (bb) Archaeological Assessment

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

3. Every Application for Approval of Matters Specified by Condition submitted under the terms of condition 1(a) shall be submitted with the relevant details as required by condition 2 and the following details and supporting information, unless agreed otherwise between the parties, each acting reasonably:-

- (a) Details of the intended methodology and delivery of the on-site Affordable Housing, including tenure;
- (b) A statement indicating the aggregate number of housing units already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission, split in to open market units and affordable units;
- (c) Details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Detailed plans of open space provision associated with this residential area with 60 square metres of open space provided per residential unit expected to be delivered in the site or shown to be delivered elsewhere;
- (e) Route of build plan

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

4. If any of the information required within conditions 2 and 3 was submitted and subsequently approved as part of a previous application and is still relevant, then a statement setting out this detail can be submitted in lieu of a full package of information. This statement shall provide sufficient information to allow the planning authority to easily identify the information in the other planning applications

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

5. The development shall be carried out in a phased manner in accordance with the terms of the approved Masterplan Framework (Revised August 2020) (or any subsequent approved versions as per this condition or required through conditions 1 of this planning permission). The mix and layout of development on each phase shall not be altered as a result of the applications submitted under condition 1 unless the Phasing Plan and the

Development Framework have first been resubmitted and approved for the whole site subject to this planning permission in principle and the impacts of the change to that phase outlined in the context of the whole development. For avoidance of doubt any new Masterplan Framework and Phasing Plan or amendments thereto shall be submitted for the written approval of Fife Council as Planning Authority under the terms of this permission and through this condition. However the Council reserves the right to request an application for Matters Specified by Condition 1 (g) if the changes require assessment or consultation or a new application for planning permission in the event that the change has a significant impact on the terms of the Development Plan current at the time of the request.

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

6. Prior to or with the first application for each phase of development as defined by the phasing plan, a Development Brief for that phase shall be submitted for written approval in accordance with condition 1(h). This shall set out the following:

- a) Character/ design themes, concepts, styles for the phase;
- b) Identification of character areas, sensitive locations and constraints;
- c) Set the design criteria for the character areas identified within the Masterplan Framework and any others identified through this document;
- d) Indicative heights of buildings;
- e) Hierarchy of streets and footpath network;
- f) Play area locations, form and age groups (including timescale for delivery);
- g) Green space strategy setting out how the various elements of the urban parks/ green space would be delivered including allotments, orchards and amenity spaces;
- h) Public Art Strategy for the phase including locations and contribution level to be spent on phase and timescales for delivery;
- i) Biodiversity enhancement locations and delivery;
- j) Strategic landscaping and advanced planting;
- k) Enhanced detailing locations including boundary treatment, gables and elevations;
- l) Bus route infrastructure (including timescale for delivery);
- m) Internal and external footpath and vehicular connections including the connections to the existing settlement;
- n) Temporary and permanent safe routes to school;
- o) Proposed crossing points on the NLR and how this links to green networks;
- p) Incorporation of utilities and any network associated with the energy generation or heat network;
- q) Strategy for integrating new development with existing residential properties, including suitable buffers and planting where necessary and the creation of a street which would allow access to the property on the southern boundary;
- r) Existing topography, gradients and landscape features;
- s) Design solution for the topography, gradients and landscape feature;
- t) Phasing for installation of ultrafast broadband.
- u) Direction of build and vegetation clearance;
- v) Delivery of localised district heat and **energy including safeguarding strategy** (if applicable);
- w) Maintenance and Management of strategic landscaping;
- x) Connections to the countryside;
- y) Hedgerows, woodland and trees to be retained and removed;
- (aa) Sequencing of Core Path upgrades;
- (bb) Timing of woodland planting;
- (cc) Scheme for re-routing the low voltage overhead lines within the site;

**(dd) Digital infrastructure provision/safeguarding;**

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

The timing of the delivery of each matter shall be associated to the phasing and completion of triggers associated with the neighbouring development within that zone (i.e completion of 40th unit). Updates to the Development Briefs can be made through the submission for the written approval of Fife Council as planning authority of an amended Development Brief under the terms of this condition but the Council reserves the right to request a new planning application through condition 1(i) in the event that the change to the Development Brief requires significant assessment or consultation.

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

7. The Development Briefs shall include the following detail where relevant to that phase:

- Details of a delivery schedule for the north west landscape boundary shall be provided in the first Development Brief. This will be seen as important strategic landscaping and should be planted in early course;
- Where possible existing hedgerow and trees in and around the site shall be retained. Any that are proposed for removal need to be identified in the Development Brief along with locations for compensatory planting;
- The provision of play areas, open spaces and green network shall be delivered concurrently with adjacent land parcels. The play area shall be delivered in phase 1.
- If the development stalls for 3 years or more the strategic planting and an appropriate level of open space shall be delivered on site. The areas to be delivered for each phase shall be identified in these documents and delivery will be secured through legal agreement.
- Details of the level re-grading strategy for that phase. For the avoidance of doubt the strategy shall aim to avoid fill as much as possible with cutting used instead to avoid significant visual and landscape impact;
- A potential vehicular connection to Janefield to the south needs to be shown in the internal street layout.
- An additional north/ south green network shall be incorporated into the central/ eastern part of the site. This shall be shown on the relevant Development Brief.
- The southern boundary of the development with Allocation DUN044 must be designed to reflect that this site may be developed or it may not. An appropriate frontage and boundary treatment needs to be chosen which reflects both circumstances.

Reason: To confirm the detail required within the Development Brief and ensure delivery of the Masterplan Framework.

8. Unless otherwise agreed in writing with Fife Council as planning authority, development on site cannot start on site until there is a commitment in place to a primary school solution for the site. Before development starts on site, the applicant shall write to Fife Council as planning authority confirming the start date of development. No development shall start on site until Fife Council as planning authority has confirmed, in writing, that there is a committed primary school solution and development can start. Fife Council as planning authority shall respond within 21 days of receiving the proposed start date of the developer.

Reason: To ensure there is a primary school education solution for this site prior to works starting to avoid any unnecessary landscape impact.

9. Unless otherwise agreed in writing with Fife Council as planning authority, there shall be no occupation of any residential unit within this development until a new primary school is constructed and fully operational within Wellwood SLA or another education solution is identified for this development site.

Reason: To ensure there is a primary school education solution for this site.

10. The residential development can include Class 9 dwellinghouses and flatted dwellings and the number of residential units developed across the whole site shall not exceed 450 units.

Reason: To clearly define the maximum number of residential units.

11. The Biodiversity Protection, Enhancement and Management Plan required through condition 2(k) shall include the following details **unless otherwise agreed**:

- **Confirmation of biodiversity enhancement (overall net gain)**

- **Details of all biodiversity enhancement measures including, but not limited to, nature-based solutions and nature networks, linking to and strengthening habitat connectivity within and beyond the development;**

- Rain gardens, swift blocks, bird and boxes, where appropriate.

- Enhancement and replacement of any trees removed;

- Planting of berry rich plants, pollinators and fruit bearing plants;

- Buffers to retained trees;

- Planting of Species rich vegetation;

- Mitigation measures identified through updated ecological survey work;

- No vegetation clearance during the bird breeding season unless it is proven that no breeding birds are within that area of the site or mitigation is provided;

The measures identified should not be considered exhaustive and further enhancement shall be considered. Such measures can be implemented off site if this is considered acceptable by Fife Council as planning authority and can be secured by appropriate means.

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

12. THE FIRST APPLICATION SUBMITTED FOR EACH PHASE SHALL BE ACCOMPANIED BY an Energy Statement informed by a feasibility study of a potential localised power and/or heat generating station and/ or network. This shall explore connection to a district heat network through either onsite heat generation or co-location with an existing or proposed heat source or connection to the existing network. It shall also explore the potential for renewable on site sources of energy production. THE ENERGY STATEMENT FOR THE FIRST PHASE shall carry out an assessment for the whole application site and not just that phase and shall be informed by a Feasibility Study demonstrating how the proposal will meet the requirements for providing district heating and energy generation on site. This should be prepared in line with the Scottish Government's online planning advice Planning and Heat, **or any updates**, and assess the technical feasibility and financial viability of on site generation and heat network/district heating for this site, identifying any available existing or proposed sources of renewable energy and heat (within or outwith the site) and other factors such as where land will be safeguarded for future district energy and heating infrastructure.



Reason: To assist in providing a sustainable on site source of energy or heat in accordance with **National Planning Framework 4** ~~Scottish Planning Policy~~ and to assist in meeting Scotland's climate change targets.

13. Land and vegetation clearance shall occur on a phased basis unless otherwise set out within the Construction Environmental Management Plan.

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

14. The tree planting at the north west boundary of the site shall be undertaken early in the development and the detail of the timing of this shall be provided in the relevant Development Brief in accordance with conditions 6 and 7 of this planning permission.

Reason: To ensure the trees in this location establish quickly to reduce the landscape impact of the development.

15. Where relevant applications for Approval of Matters Specified by Condition 1 shall incorporate the following design requirements unless otherwise agreed:

(a) Access driveways at a gradient not exceeding 1 in 10 (10%) with appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation. Driveways shall not exceed 5m in width unless appropriate justified;

(b) Off street car parking, including visitor and cycle parking, being provided in accordance with the current Fife Council Parking Standards contained within the Transportation Development Guidelines within Making Fife's Places or any document which supersedes this;

(c) Garages adjacent to dwelling houses located at least six metres from the road boundary and all driveways in front of dwellings having a minimum of six metres from the road boundary;

(d) Electric car charging points;

(e) A distributor road network with carriageway widths of 6 - 6.5 metres; 2 metres wide grass verges on both sides; 3 metres wide footway/cycleway on one side; and a 2 metres wide footway on the other. For the avoidance of doubt, the distributor road network is the Northern Link Road (NLR) through the site.

(f) A local street network with carriageway widths of 4.5 - 5.5 metres (6 metres if on a prospective bus route) with 2 metres wide footways and/or 2 metres wide grass verges/service strips on both sides of the carriageway. The provision of a footway on one side of the carriageway with a 2 metres wide grass verge/service strip on the other side would be acceptable.

(g) The provision of bus stops with shelters, boarders and poles and provision for safe crossing facilities. The locations would be identified as applications are submitted for the adjacent land parcels.

(h) The provision of crossings at key crossing points on the NLR;

(i) The provision of a minimum of two means of vehicular access to each housing land parcel from the NLR with vehicular/pedestrian links or pedestrian/cyclist links with the adjacent sites unless it can be justified otherwise;

(j) Visibility splays of 2.4m x 43m to the right and left at the development junction with the A823;

(k) Visibility splays of 2.4m x 43m to the right and left at junctions within the NLR;

(m) Visibility splays of 2.4m x 25m to the right and left at junctions of vehicular access with proposed 20mph streets;

(n) Garages will only be considered as an off street parking space if they 3m x 7m.

(o) The provision of a toucan crossing adjacent to the railway cutting where the A823 intersects the core path network and a controlled crossing point(s) along the Northern Link Road within the application site. A controlled crossing point shall be provided where the NLR intersects the Core Path at the southern boundary of the site.

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

16. Visibility splays required for the safe operation of junctions on the site shall be provided prior to those junctions coming into use, and thereafter retained for the lifetime of the development.

Reason: In the interests of road safety.

17. Prior to the completion of any development applied for under condition 1 of this planning permission, the required off-street parking spaces, visitor parking spaces, cycle storage facilities and electric vehicle charging points shall be provided in accordance with the current Parking Standards contained within the SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations.

Reason: To ensure there is sufficient parking facilities on site.

18. All roads and associated works serving the proposed development shall be constructed in accordance with the Scottish Government 'Designing Streets' Policy; the current Fife Council Transportation Development Guidelines and its Supplementary 'Designing Streets' Guidance and where appropriate the Design Manual for Roads and Bridges or the current version of these documents. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

Reason: To ensure the design of the road and footpath network reflects the current advice advocated by the Scottish Government and Fife Council

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

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

20. Prior to the occupation of the 1st residential unit, a 30mph gateway feature shall be provided on the A823, at the northern boundary of the site. Details of this feature shall be provided with the first application for Matters Specified by Condition 1(a) **unless otherwise agreed in writing.**

Reason: In the interests of pedestrian and road safety.

21. Prior to occupation of the 1st residential unit, as far as practically possible, a 2 metres wide footway within the existing adopted grass verge on the east side of the A823 between the south west corner of the application site and the existing footway fronting the former Wellwood Primary School shall be provided unless otherwise agreed in writing. (The footway would not be required should a 3 metres wide footway/ cycleway behind a 2 metres wide grass verge be provided as part of the DUN044 site).

Reason: To provide connectivity to Wellwood village and Wellwood SLA from the site.

22. The Northern Link Road through the site from the southern boundary to the eastern boundary of the land in ownership of I and H Brown (as specified on plan 50126\_106) shall be completed and open to vehicular traffic prior to occupation of the 250th residential unit. Should prior to occupation of the 250th house the NLR not have been provided through site DUN044 a temporary route shall be provided from the A823 on the western boundary of the site. This trigger may be subject to change through written agreement of Fife Council as planning authority if there is valid reason for it not to be completed by this schedule.

Reason: To ensure that the transport mitigation is in place to alleviate the traffic impact of this development.

23. Prior to or with the first application for Approval of Matters Specified by Condition 1(a), details shall be submitted of the package of public transport measures to be introduced within and outwith the site to encourage the use of public transport during the build-out of the site. This shall include a timetable for implementation. The public transport measures subsequently being delivered in accordance with the approved details.

Reason: To ensure delivery of sustainable transport methods for the site.

24. Safe routes to school shall be identified as part of the Development Briefs required as part of condition 6 of this planning permission. This shall take into account temporary rerouting due to on-site construction and also the need for any offsite or on-site footpath/footway upgrades. With the first application for approval of Matters Specified by Condition 1(a) the detail for at least one finalised safe route to school shall be submitted for written approval. Prior to the occupation of any residential unit on site, the safe route(s) to school approved through that application shall be constructed and available to use.

Reason: To ensure there is a safe route to school for future pupils.

25. Prior to occupation of the 100th house, the upgrading of core path P588/05 (on Council owned land) between the A823 and the applicant's Wellwood SLA site shall be completed, to form part of a safer route to the proposed Wellwood primary school **unless otherwise agreed**. Details of the work shall be approved through Matters Specified by Conditions 1(b) and 1(c). Works shall include the infilling of the disused railway cutting (utilising potential excess material from site cut & fill operations) and removal of the road bridge parapets resulting in the existing core path being upgraded to a useable condition. The core path would be constructed as a rural type footpath where it did not form part of the safe route to school.

Reason: To provide sustainable connections from the site and a safe route to school for future pupils.

26. Following completion of any measures identified in the Remediation Strategy required by condition 2(r) a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site relating to the Remediation Strategy shall be brought into use until such time as the remediation measures have been completed in accordance with the approved Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority.

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

27. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately unless otherwise agreed with Fife Council as planning authority. The local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

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

28. The Construction Environmental Management Plan (CEMP) required through condition 2(t) shall include a pollution protection measures to avoid an impact on the environment. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted.

It shall provide the following details:

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

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

29. The Construction Traffic Management Plan (CTMP) required by condition 2(s) shall provide a construction traffic routing plan and phasing arrangements for the site. It shall include also include mitigation such as deliveries avoiding peak hours, maximising loads to minimise trips, preventing vehicles waiting on streets until the site opens, restricted reversing alarms and agreed transport routes. Details of the provision of wheel washing facilities, site operatives parking area, traffic management required to allow off site operations such as public utility installation shall also be provided.

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

30. The noise assessment required by condition 2(y) shall demonstrate that the detailed development can comply with the following environmental noise criteria for new dwellings:
1. The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours in any noise sensitive rooms in the development.
  2. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours inside any bedroom in the development.
  3. The LAMax shall not exceed 45 dB between 2300 and 0700 hours inside any bedroom in the development.
  4. The 16hr LAeq shall not exceed 55 dB between 0700 and 2300 hours in outdoor amenity areas.

The noise assessment must consider noise from the roads (including NLR and A823), any employment uses to the west (including those proposed within the LDP) and the transformer station. The noise assessment shall address the potential range of mitigation measures that could be implemented to ensure compliance with these noise criteria. Mitigation measures shall be considered in the following order of preference, taking into account the feasibility of their implementation, and having regard to the urban design requirements of the Indicative Development Framework hereby approved:

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with Development Framework and urban design requirements;
- (ii) Orientation of dwellings to avoid noise impacts on sensitive elevations and/or habitable rooms, where this can be achieved in accord with masterplan and urban design requirements;
- (iii) Installation of acoustic barriers, where this is consistent with urban design requirements;
- (iv) Incorporation of acoustic insulation in new dwellings, for example acoustic glazing.
- (v) The methods used to predict noise from road traffic shall be in accordance with methods approved in writing by the planning authority. The methods used to assess noise inside any habitable room shall be in accordance with BS 8233:2014 or other method approved in writing by the planning authority.

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

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

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

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

31. The drainage strategy required through condition 2(q) shall provide the drainage details for the proposed development with SUDS. This shall include confirmation from

Scottish Water that connections can be made to their infrastructure. Details of the culverts to be used and information on the feasibility of the Lead as a discharge point shall be included. Confirmation of any third party permissions required to allow discharge shall also be included. The surface water drainage shall be discharged at a rate of the lesser of the 1:5year greenfield runoff rate or 4l/s/Ha. The Drainage Strategy shall include a certification for a Chartered Engineer.

Reason: To ensure adequate drainage for the site.

32. Compensatory woodland shall be planted within 6 months after the removal of any woodland on site. Details of the compensatory planting shall be provided in the Biodiversity Protection, Enhancement and Management Plan.

Reason: To ensure compensatory planting is provided timeously.

33. Prior to the removal of any trees on site which are identified as having bat potential within the Ecological Impact Assessment Version 1 (16th August 2018, updated 22nd May 2019), a bat survey shall be undertaken. Should a bat roost be found then suitable mitigation shall be provided. The survey and mitigation shall be submitted for the written approval of Fife Council as planning authority prior to those trees being removed.

Reason: In the interests of protecting the bat population which may be on site.

34. Core Path P589/02 within the site, shall be upgraded as part of the development works. Details of the specification and timing for these upgrades shall be provided within the Development Brief for the relevant phase.

Reason: In the interest of connectivity, permeability and place making.

35. The Tree Protection Measures required through condition 2(v) shall include a Scheme of Supervision for the arboricultural protection measures. The Scheme shall be appropriate to the scale and duration of the works and shall include details of the following:

- (a) Induction and personnel awareness details of arboriculturalist matters,
- (b) Details of the identity of individual responsibilities and key personnel,
- (c) A statement of the delegated powers afforded to key personnel,
- (d) Details of the timing and methods of site visiting and record keeping, and
- (e) Details on the updates procedures for dealing with variations and incidents.

Reason: To ensure the trees of high value which are being retained are not adversely affected by the construction works.

36. With the exception of the trees indicated for felling within the Development Briefs, all other trees existing on the site at the date of this decision shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: To protect the trees on site in the interests of biodiversity and visual amenity.

37. The intrusive site investigation required by condition 2(aa) shall include the following details:

- Scheme of identification of mine entries / opencast highwall(s);
- Scheme of intrusive site investigations for the shallow coal workings for approval;
- The undertaking of both of those schemes of intrusive site investigations;

- Submission of a report of findings arising from the intrusive site investigations;
- Submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- Submission of a layout plan which identifies the position of the opencast highwall(s), and the definition of suitable 'no-build' zones;
- Submission of a scheme of treatment for the mine entries on site for approval;
- Submission of a scheme of remedial works for the shallow coal workings for approval.

Reason: To identify the risks to the development from historic coal workings.

38. Any remedial treatment identified in condition 37 shall be complete prior to the development relevant to that area of remediation starting.

Reason: In the interests of ensuring site stability prior to development starting on site.

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

Reason: To provide verification that remediation has been carried out to the planning authority's satisfaction and to ensure all contamination within the site is dealt with.

**40. The development to which this permission relates must be commenced no later than 15 years from the date of this permission.**

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

**41. THE FIRST APPLICATION SUBMITTED UNDER THE TERMS OF CONDITION 1 SHALL BE / OR ACCOMPANIED BY a Strategic Infrastructure Delivery Plan for written approval. This shall divide the Masterplan area into phased development zones to confirm the phasing and delivery timescales for strategic infrastructure within each development area and across the whole site.**

Unless otherwise agreed in writing, the plan shall include the general location and the delivery timing for the following matters in each zone:

- a) Open space
- b) strategic/structure planting and any advanced planting;
- c) Biodiversity protection, enhancement and management Plan mitigation;
- d) Public art (overall theme);
- e) Temporary and permanent safe routes to school;
- f) Delivery timing of SUDS, including construction SUDS
- g) Any woodland management and improvement;
- h) Details of existing assets for retention such as trees, hedgerow, walls;
- i) Strategy for any land clearance in advance of development;
- j) Strategy for retaining access to Rights of Way and Core Paths during construction;
- k) timing for the delivery of localised district heat and energy and
- l) Phasing of link road.

It will include the timing for the delivery of each matter associated to a phase and completion triggers associated with the neighbouring development within that zone (i.e stating: 'prior to occupation of the xxth residential unit on the site').

Updates to the Strategic Infrastructure Delivery Plan can be made through the submission for the written approval of Fife Council as planning authority of an amended Strategic Infrastructure Delivery Plan under the terms of this condition but the Council reserves the right to request a new planning application in the event that the change to the Strategic Infrastructure Delivery Plan requires significant assessment or consultation. Thereafter all applications for Matters Specified by Condition 1 shall reflect the details approved through this condition where directly relevant to that further application.

Reason: This plan will incorporate multiple 'Phasing Plans' for Strategic Infrastructure delivery. It is required to set out in one document the delivery of the strategic infrastructure within development zones to ensure these areas are delivered in the interest of amenity, landscape impact and natural heritage.



**ITEM NO:**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 19/01725/PPP**

**SITE ADDRESS: LAND TO EAST OF A823 WELLWOOD FIFE**

**PROPOSAL : PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT, OPEN SPACE AREAS, PATH AND CYCLE NETWORK AND ASSOCIATED DEVELOPMENT AT COLTON SDA**

**APPLICANT: I & H BROWN, MR ALLAN MILLER  
HEAD OFFICE 174 DUNKELD ROAD PERTH**

**WARD NO:** W5R02  
Dunfermline North

**CASE OFFICER:** Kevin Treadwell

**DATE REGISTERED:** 15/08/2019

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The proposal is considered a Major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

**SUMMARY RECOMMENDATION**

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

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

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

1.0 BACKGROUND

1.1 Site

1.1.1 The application site extends some 34.1 hectares of predominantly agricultural land situated on the northern edge of Wellwood, Dunfermline. The site largely comprises of arable farming land and field boundaries and associated vegetation although there is also some woodland situated at the east and south-east corner of the site and largely situated on an existing ridge. Part of the woodland is designated as Semi-Natural Woodland. The site is to the east of the A823, north-west of the Town Loch and Country Park and north of Wellwood village, although there is an area of land between the site and the village itself. To the east of the site is a site of a former power station, which has been cleared with the exception of a transformer station, and Townhill allotments lie beyond that. To the north is further agricultural land. On the southern boundary is a former mineral railway which is now designated as a Core Path. A Core Path also enters the site at the south-east corner before travelling north into the site and then west through existing woodland before travelling north almost at the centre point of the site. Once it reaches the northern boundary it then travels west on a farm track before meeting the A823. The farm track is within the development site. Along the northern boundary are overhead powerlines and there are also low voltage powerlines within the site which run north west to south east. There are individual properties to the south and north of the site. The site is situated on a ridge and sits higher than Wellwood to the south. There is a high point centrally within the northern part of the site. There is also a ridge running west to east through the site. The site largely rises in a south to north direction until the ridge where there is a decline in a largely north-easterly direction. The highest point of the site is at the western end at 157.5mAOD with a relatively even fall to 141mAOD at the southern boundary where it meets the A823 (south-west). The south-east corner of the site is 137mAOD. The northern boundary climbs gradually from 146.5mAOD in the north-west corner to 149mAOD in the centre before falling to 136mAOD in the north-east corner.

1.1.2 The site is in an area allocated as part of the North Dunfermline Strategic Development Area and specifically allocated as 'Colton' (DUN039). The report will refer to the site as Colton SDA for simplicity. This site forms one of multiple sites which make up the North Dunfermline SDA. Allocation DUN039 is allocated for residential development for 300 residential units. The applicant has an ownership interest in the majority of the site (mostly the central and western extent) with Scottish Power owning the eastern end of the site. Scottish Power are not applicants within the application but have been notified of the application.

## 1.2 Proposal

1.2.1 The application is for Planning Permission in Principle and proposes 450 residential units, open space and woodland enhancement, SUDS and a portion of the Northern Link Road.

1.2.2 The development proposals are set out within the Masterplan Framework accompanying the application and this sets out the general concepts for the site along with an indicative layout. The Masterplan Framework shows the residential development being placed within the western, south-western and southern extents of the site. The development is set back from the northern boundary and the north-east edge and eastern extent is retained as open space and woodland. The Northern Link Road (NLR) is shown to connect at the south-west corner and continue through the site to the eastern edge. Character areas have been shown at the north-western corner to create a gateway to Dunfermline and in an area to the north due to potential landscape impacts.

1.2.3 A phasing plan is within the Masterplan Framework which shows the development essentially split into a western development area (phase 1) and an eastern development area (phase 2).

## 1.3 Site History

1.3.1 There is no planning history relevant to the development under consideration. The only application (04/00900/WFULL) within the redline boundary was for a 15m high telecommunications mast which is situated within the woodland at the eastern extent of the site. This was approved on 17 May 2004.

1.3.2 As noted, this site forms part of the North Dunfermline SDA. In terms of other parts of the SDA the following have been received/ determined:

- 17/01677/EIA - Halbeath - Residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm
- Approved subject to conclusion of Planning Obligation;
- 18/03293/FULL - Kent Street - Construction of 92 residential units, access, landscaping and associated development – Approved through appeal;
- 17/00103/PPP – North Wellwood - Residential development (approximately 150 units) – Refused subject to appeal.
- 19/01026/PAN – Swallowdrum – Residential development (approximately 900 units) – Awaiting submission of formal application.

#### 1.4 Application Process

1.4.1 The application site area is greater than 2 hectares and therefore the proposal is categorised as a Major development within the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required Pre-Application Consultation (PAC) through holding public events (18/00256/PAN). The Proposal of Application Notice (PAN) response letter from the Planning Authority set out that two public consultation events should be undertaken unless there was an appropriate reason not to carry out the second event such there being no comments that could be addressed by a second event. The applicant only carried out one public event and set out in their PAC Report that a second event would not have been worthwhile as there was a low turnout at the first event and the majority of concerns raised were in relation to offsite matters which could not have been addressed through a second event. On the basis of the content within the PAC Report it is acknowledged that the concerns raised were not matters that a further consultation event could readily explain further or resolve. The single event has therefore been accepted as meeting the requirements for public consultation as this met the minimum requirements of national regulations at that time.

1.4.2 A PAC report outlining comments made by the public and the consideration of these in the proposals has been submitted as part of this application. Community engagement was held on 28 March 2018 setting out the entire proposal and looking for feedback. Around 1200 flyers were sent to homes and business in the area along with a statutory advert in the newspaper. The event took place within the Salvation Army Community Centre in Wellwood. The PAC report sets out the concerns raised and how this have been addressed (where possible). The PAC report illustrates that the public consultation was sufficient to meet the national regulations.

1.4.3 The application was advertised in the local press on 22 August 2019 for Neighbour Notification purposes and for being potentially contrary to the Development Plan.

1.4.4 An EIA Screening Request (18/00411/SCR) was submitted by the applicant prior to making an application. The conclusion of the EIA screening request was that EIA would not be required for this proposal however the cumulative effects of the development with the other development in the area would need to form part of the assessment.

## 2.0 EXECUTIVE SUMMARY

2.1 Having regard to the provisions of the development plan, and the concerns raised during the course of the planning application process, the main issues in the consideration of this application for planning permission in principle were

- the principle of development
- transport impacts
- landscape and visual impact
- natural heritage
- drainage and flood risk
- education

2.2 The site is allocated for residential development within the LDP and also forms part of the North Dunfermline SDA within SESPlan (2014). The proposal complies with the policy criteria within the allocation albeit the proposal does exceed the indicative number within the policy criteria. The exceedance would not result in the development not meeting the allocation policy criteria; cause any significant detrimental impact or result in an infrastructure impact. The number of units proposed appears to be achievable on site without creating any significant detriment. The proposal is therefore considered to be acceptable in principle.

2.3 The development is considered to have an acceptable impact on the road network. The indicative layout shows a permeable and well-connected development which meets the requirements of Designing Streets. The development proposes on-site and off-site public transport and sustainable connections to promote walking and cycling. This includes the upgrade of Core Paths and provision of crossings. The proposed development is considered to have an acceptable impact on the road network subject to the completion of the Strategic Transport Intervention Measures identified within the Planning Obligations Framework draft SG (2017). The applicant is providing a portion of the NLR and their proportionate financial contribution towards delivery of the Strategic Transport Intervention Measures thereby helping to mitigate the cumulative impact of their development. The development would be well connected and highly permeable. With appropriate conditions and contributions being collected, the development is considered acceptable and in accordance with SPP, the Allocation Policy DUN039 and DUN067 and policies 3, 4, 10 and 14 of the Adopted FIFEplan (2017) in this regard.

2.4 The development would have an impact on the landscape character of the area which would lead to some visual impact particularly from close views. The change from rural environment to urban environment would be visually apparent and significant at a local scale, particularly given the elevated position of the site. Mitigation has been provided in terms of tree planting and cutting into the landscape instead of raising levels. The existing woodland in the site also provides some visual mitigation. The greatest impact will be on close by views and this is the case of any significant urban expansion. This however would not be significantly adverse given the low number of viewpoints into the site and that there are no regional or national designations in the area. Visual mitigation has been provided through the proposed landscaping and the set back from existing properties. This will not fully mitigate the impact but would mitigate the impact to a level that would not be considered significantly detrimental. There would be views of the development from the Country Park however again these would be screened by vegetation and would not lead to a significant detrimental change to the setting or character of the Country Park. Changes were made to the Masterplan Framework along the north-west and northern section to lessen the landscape

impact and these changes are acceptable. With this, the development is considered to comply with the Adopted FIFEplan (2017) policies 1, 10 and 14 and Making Fife's Places SG (2018).

2.5 The site is largely arable farmland and therefore has little ecological or biodiversity value. There is however semi-natural woodland within the site with beech trees of ecological value. The boundary features such as hedgerow and scattered trees also have some value. The beech trees were found to have high bat roost potential. The Masterplan Framework sets out that the beech trees would be retained along with the majority of the woodland. An area of younger woodland would be removed to allow for the NLR to be constructed as well as residential development. This would be compensated for by a large area of compensatory woodland planting. With this, there would be no significant detrimental impact on ecology or biodiversity and instead the new woodland would have significant value for recreation and biodiversity. The proposal complies with the LDP and SPP on these points.

2.6 The site is not shown to be at any significant flood risk on the SEPA flood maps. The proposal includes two SUDS basins and the intention is to discharge the surface water to the Lead to the south of the site which connects to the Town Loch. Two letters of objection raise concern with this. The concern by the neighbouring property is that the Lead travels through their property and is close to their building and they are worried that this proposal would increase flood risk for their home and the access to their home. The second concern is by another landowner that the Lead is not a viable watercourse for discharging surface water to. From the information available it does appear that the Lead has some flow in it, but not where it is in the landowners land. Whether it has sufficient flow for use as surface water discharge would be a matter for detailed applications. The SUDS would be designed so as to not inundate the Lead and avoid any flood risk to the neighbouring property. The flow rate should be no greater than present. Again, these are matters for consideration at a later stage via detailed applications. The proposal is considered to comply with the LDP in principle on these points, but further detailed investigation will be needed to support the detailed applications.

2.7 The application site is situated within the McLean Primary School catchment however this school does not have capacity to accommodate this development and there is no potential to permanently expand that school to accommodate this development. The primary school solution within the LDP for this site is a new primary school however the two new primary schools for this SDA are too far from this site to be usable. A solution has been identified by increasing the size of the Wellwood SLA school which is to be constructed at a neighbouring site. The school would need to be 14 classes in size to accommodate Wellwood SLA, this site and the neighbouring site at Wellwood North SDA. The applicant has agreed to pay their proportionate contribution to this. How this solution is to be delivered is still being discussed and conditions are applied restricting any development until that is finalised and then restricting occupations until the school is open. The development would make proportionate contributions towards the Dunfermline secondary school solution and an extension to St Margaret's Roman Catholic Primary School. The development is considered to comply with the Development Plan in this regard and the Planning Obligations Framework draft SG (2017).

2.8 Taking all the relevant issues and concerns into account the proposal is considered acceptable as the application is in accordance with the Development Plan and National Policy and Guidance.

### 3.0 PLANNING ASSESSMENT

3.1 This application is for planning permission in principle however to fully consider the implications of the development a significant amount of information has been submitted to

support the application. The issues to be assessed against the development plan and other material considerations can be listed as follows

- Principle of development
- Development Form and Design
- Transportation
- Open Space/ Play Provision/ Green Networks
- Landscape and Visual Impact
- Natural Heritage and Access
- Built Heritage/ Archaeology
- Residential Amenity
- Water/ Drainage/ Flood Risk
- Air Quality
- Contaminated Land/ Land Stability
- Health and Safety
- Affordable Housing
- Education
- Sustainable Development
- Public Art
- Infrastructure/ Planning Contributions Summary

### 3.2 Principle of development

#### (a) Land Use Policy

3.2.1 The site is located within the settlement boundary of Dunfermline and is allocated as part of the North Dunfermline Strategic Development Area (SDA) (DUN039) within the Adopted FIFEplan (2017). Scottish Planning Policy (SPP) (2014) seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and, a more connected place. Scottish Planning Policy (SPP) promotes the use of the plan-led system with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act. The SPP (Enabling the Delivery of New Housing) also requires the Development Plan to identify a generous supply of housing land, within a range of attractive, well designed sites that can contribute to the creation of successful and sustainable places. The Development Plan is the preferred mechanism for the delivery of housing / residential land rather than individual planning applications.

3.2.2 The Fife Partnership's Plan for Fife - Local Outcome Improvement Plan 2017-2027 (2017) is Fife's new overall community plan, which aims to deliver real improvements for the people of Fife over the next 10 years resulting in a fairer Fife. The plan provides a clear focus for all other plans and sits alongside the Local Development Plan (FIFEplan), which deals with physical and spatial planning issues, and the Climate Change Strategy, which sets out what the Partnership aim to do to address climate change and its likely impacts. The vision for a fairer Fife is based on 4 priority themes - Opportunities for All; Thriving Places; Inclusive Growth and jobs; and Community Led Services. In summary, the 12 ambitions aim to make Fife - poverty free; fair work, affordable, connected, empowered, skilled and healthier. The proposal would contribute towards delivering 3 of the 4 objectives of this document and therefore this is a positive material consideration towards approval of the application.

3.2.3 The Development Plan comprises the SESPlan Strategic Development Plan 2013 - 2032 (2013) and the Adopted FIFEplan (Fife Local Development Plan) (2017). Approved SESplan - Strategic Development Plan (2013) Policy 1A advises that local development plans will indicate

the phasing and mix of uses as appropriate to secure the provision and delivery of infrastructure to accommodate development and identify any areas of restraint as a result of environmental and infrastructure constraints. Further to this, proposals should ensure (under Policy 1, Part B) there are no significant adverse impacts on national and local natural or built or cultural designations, they must have regard to the quality of local communities, create more healthy and attractive places to live, contribute to the response to climate change and have regard to the need for high quality design, energy efficiency and use of sustainable building materials. Policy 1, Part C advises that development proposals must be supported by the relevant information or assessments to demonstrate that they will comply with policy criteria.

3.2.4 SESPlan (2013) Spatial Strategy sets 13 Strategic Development Areas within 5 Sub Regional Areas and these are considered the locational priorities for development up to 2024. The SESPlan (2013) indicates that additional development within Fife should be focussed in the North Dunfermline and Ore/ Upper Leven Valley areas. This application site forms part of the Dunfermline North SDA within SESplan (2013).

3.2.5 The Adopted FIFEplan (2017) allocates 7 sites as part of the North Dunfermline SDA. The North Dunfermline SDA is covered by an overriding policy as well as individual Allocations for each site. This site is allocated as Colton (DUN039) and is allocated as a residential development site with an estimated capacity of 300. The main policy sets out that the SDA will deliver 2850 residential units over a number of sites and also sets out the following requirements: Development proposals will be tested against the 6 qualities of successful places established in Scottish Government's Designing Places policy. Fife Council's Making Fife's Places Supplementary Guidance on 'Design' also provides further information on:

- the site appraisal process to be undertaken;
- the design principles which apply to all developments in Fife; and
- how Fife Council will evaluate if a proposal meets the 6 qualities of successful places in the Government's Designing Places policy. Masterplans will be produced by the developers for Fife Council approval, reflecting the nature, requirements and phasing of the sites.

Detailed requirements to include:

- a minimum 25% affordable housing
- 2 new primary schools one in the east, at Halbeath, and one in the west, at Swallowdrum
- Contributions to a new secondary school and/or provision of land
- Strategic and local road improvements, including a Northern Link Road (NLR) and Western Distributor (indicative routes shown on Proposals Map)
- Public transport facilities and services.
- Provision of pedestrian and cycle links, both within the site and linking to existing external networks.
- Identification of sites suitable for provision of health care.
- Community services including local shops
- Public art.
- Open space, and landscape improvements, including structural planting.
- Sustainable drainage systems
- Neighbourhood-wide combined heat and power (CHP) systems.
- Recycling facilities.
- To address concerns about the effect of development on the transport network, including Halbeath Road corridor, Kingseat Road (railway level crossing), Whitefield Road, Townhill Road and East Baldrige Drive, transport assessments for each individual development must be carried out. The assessments will not be confined to the locations just mentioned but will consider the effects on the whole of the transport network. The assessments must include the effects of traffic on air quality. The assessments must identify mitigation measures needed to

maintain the efficiency of the transport network and to avoid unacceptable effects on air quality. The layout of all new development will follow urban design principles. Existing routes, principal points of interest, views and landscapes feature will influence the layout. New housing should incorporate:

- Energy efficient features and on-site zero or low carbon equipment.
- Strong building lines and active frontages along pedestrian and vehicle routes.
- New and existing gateways, arterial routes and strategic views.

In addition, the North Dunfermline SDA will cater for a range of housing needs and provide a wide choice in tenures, house types and sizes of property.

3.2.6 Allocation DUN039 (Colton) allocates the site for residential development with an estimated capacity of 300 units and sets out the following requirements:

- The site forms part of a larger allocation (390 ha), which is out with Dunfermline, which includes expansion of Townhill Country Park to form a leisure hub, with supporting Tourism / Hotel / Leisure.
- The housing site forms part of the North Dunfermline SDA.
- Development of the site will deliver part of the Northern Link Road.
- Housing will only be built on the south-western part of the housing site to protect and integrate with the green network on the eastern edge (see below).
- Flood Risk Assessment required.
- No development should be within 10m of woodland, wetland habitat and field boundary trees.

3.2.7 The policy sets the following Green Network Priorities:

- Develop a new high quality landscape edge between the proposed housing and the proposed golf course and leisure uses. This should incorporate recreational access through the site into the countryside and habitat provision.
- Consider the layout of the housing site alongside DUN 044; these proposals should be well integrated. Ensure that the new northern link road functions as a street, with well-designed crossing points, so that it does not become a barrier to connectivity.
- Establish new high quality greenspace as an integral part of the wider green network, combining greenspace, with access, habitat and SUDS provision. Provide a high quality development frontage on to the green network.
- High quality access links should be established to the Country Park from the proposed housing.
- Proposals for the whole site should enhance the wider landscape setting of the Country Park.

3.2.8 The site is also covered by Policy DUN067 which relates to the completion of the Northern Link Road (NLR) for Dunfermline.

3.2.9 Policy 1 of the Adopted FIFEplan (2017) states that the principle of development will be supported if it is either within a defined settlement boundary and in compliance with the policies for the location or in a location where the proposed use is supported by the Local Development Plan (LDP). The proposal must also meet the criteria set out within parts B and C of the policy. Where relevant, these will be addressed in subsequent sections of this report.

3.2.10 The site is located within the settlement boundary and the principle of this development is set by Allocation DUN039. The principle of this type of development in this location is therefore accepted in line with Policy 1 part A of the Adopted FIFEplan (2017). The report will assess the proposals compliance with the criteria within Allocation Policy DUN039 and then consider each of the land use implications.



3.2.11 As noted the proposal complies with the Allocation Policy DUN039 in that it is residential development on a site allocated for residential development. The site however is allocated for 300 residential units and the proposal indicatively sets out that the site could accommodate 450 residential units. This would be a 50% increase above the allocation number. Where a proposal results in an uplift or reduction in units by greater than 20% it could be considered contrary to the Development Plan although direct reference to this percentage was removed by the Reporter during the Adoption of the FIFEplan. The site capacity within the LDP is largely dictated by an estimated density and development area coverage based on the overall site allocation area. This would also take into account known constraints on site. The site capacity however should not be seen as an absolute or definitive limit but an indicative number that may work most effectively on a site. The allocation would have been drafted without any significant detailed assessment although the indicative number would have factored into an overall assessment on matters such as infrastructure delivery. An increase over the allocated site capacity can be accepted where this would not cause any significant impact in regard to other Development Plan policies, infrastructure constraints and other material considerations. In principle the uplift in numbers as proposed would be acceptable as it would see the more effective use of allocated residential land rather than allocating new housing land in the future. While the principle can be accepted this would be subject of the detailed consideration of whether this number could be accommodated on site while ensuring the proposal can meet the specific site designation requirements and there would be no significant infrastructure or general impact as a consequence of this number of residential units being consented.

3.2.12 In terms of infrastructure delivery, as set out within section 3.4 of the report, the applicant has done a full assessment of the site in terms of traffic impact and this considers the uplift in unit numbers. This shows that even with 450 residential units there would be no significant impact on the localised road network or the Strategic Transport Intervention Measures which would result in additional measures being required over and above that already identified in the Planning Obligations draft Supplementary Guidance (2017). The applicant has also taken an appropriate cumulative approach to this work, factoring in other development sites within the LDP to ensure that the cumulative impact of the site's additional numbers is adequately assessed. As set out within section 3.14 of the report, there is a potential primary school solution which would be adequate for the proposal along with other development sites in the area. The uplift in residential units would not result in an alternative school solution being required for any of the other previously identified school interventions including at the non-denominational secondary school and denominational primary school. On this basis, it is not considered that the uplift in residential units would result in an unacceptable impact on the existing infrastructure and the impact identified can be adequately mitigated.

3.2.13 In terms of the other requirements of the Allocation Policy, it is noted that the site forms part of a larger allocation and this refers to the site which was put forward at the LDP adoption stage. The site proposed for the LDP was much larger and included land to the north which was proposed for Country Park expansion with leisure, hotel and tourism related uses. It was decided at the LDP written statement stage to include the proposed site within the SDA and only the residential aspects were included within the LDP and settlement boundary. This was on the basis that the other uses could come forward, if still desired, if in accordance with the countryside policies. The reference to the wider proposals is not directly relevant to this application and may come forward separately. The Allocation Policy also notes the site forms part of the North Dunfermline SDA. The proposal will be assessed against the terms of the overarching North Dunfermline SDA Allocation Policy in section 3.2.22 of the report. The proposal includes an indicative alignment of the NLR through the site. This includes from the south-western boundary

with the North Wellwood site (DUN044) through to the eastern boundary where the Council would construct the NLR section between Colton SDA and Halbeath SDA.

3.2.14 The development is primarily located in the south-west of the site in accordance with the Allocation Policy although there is some development within an area that might be considered the north-west of the site. It is noted that the Policy Allocation aims to create integration with the Country Park and green networks through stipulating that development would be in the south-west of the site and thereby leaving the eastern extent closest to the Country Park, free of development. The Masterplan Framework shows development set off back from the north-west edge and space being left so that the northern green network can be achieved and the continuation of the Core Path. The development area is also sufficiently set back from the existing woodland on site and a large area of land is left undeveloped at the eastern and north-eastern extent of the site. These elements would ensure that the development integrates with the Country Park with the transition from the built form to the woodland/ open space then to the Country Park. It is clear from the Masterplan Framework that the housing areas have distinctly been located to co-locate with the existing residential areas and proposed residential areas in DUN044 by being at the western end of the site, and the rest of the site being designated as open space/ woodland retention to create that distinction and integration. On this basis, it is considered that the proposal complies with this criterion of the Policy Allocation.

3.2.15 The Allocation Policy refers to the enhancement of the overall Country Park which mostly refers to the wider proposals for leisure and hotel uses proposed at LDP stage. The site would provide some enhancement and betterment to the overall Country Park through the woodland expansion proposed centrally within the site and the retention of the other woodland and availability of this for public use. However, this would not be directly adjacent to the Country Park. The theme throughout the Allocation Policy is that the residential development be situated to the west of the allocation while the east of the allocation should create the integration/ enhancement with the Country Park. The creation of the enhancement and integration with the Country Park within the eastern most part of the allocation is shown within the Masterplan Framework as land which would not be developed. The eastern extent of the site is not owned by the applicant, and it is not their intention to alter this area but instead this area would remain as it is at present. The land in question is understood to be owned by Scottish Power. As this land would not be enhanced and remain in third party ownership, it would result in part of the site not being utilised. While enhancement would not be provided, there would be no detriment as the land would remain as woodland. This area of the site would not form part of either the Country Park or the development site however.

3.2.16 As the area of land is not in the ownership of the applicant, it is unlikely that this area would ever come forward independently as it has no development value. One option discussed with the applicant was to provide a sum of money to purchase this area of land and improve the area through footpath creation and further woodland planting. The Council's Greenspace officers were consulted on the proposals to expand the Country Park in this location and on the footpath/ woodland proposals however they felt that further woodland and land in this location would not be beneficial for the Country Park. They considered there to be sufficient woodland at present and concerns were raised with regards to the land quality given the proximity to the former power station. Instead, it was considered that this land could be left unchanged and a monetary sum be provided by the developer towards the enhancement of the Country Park elsewhere. The sum would be put towards a project or other enhancement of the Country Park creating the equivalent of providing this additional land for the Country Park. The Greenspace officers have agreed to this and the detail of the sum and how it would be used would be secured through legal agreement. This could allow the local community to also get involved in deciding how the sum might be spent.

3.2.17 While the full LDP allocation would not be developed by this development, it is noted that the development itself delivers more than enough open space for the size of residential development proposed. In addition, some Country Park betterment is provided through the expansion of the woodland area in the site which would also contain woodland paths for public use. The connectivity of the Country Park to the site would also be improved. What will be missing is the direct connectivity of the Country Park to the residential land by the intervening Scottish Power land. While this would have expanded the Country Park in theory by increasing the woodland area available to the public, the equivalent betterment can be provided by the new woodland proposed within the site, the open space/ land for integration and the monetary contribution towards the enhancement of the existing Country Park. Connectivity of the Country Park to the site can still be made by the NLR and connections to the Core Path. It is not expected that the monetary contribution would be large given it forms part of a package of overall enhancement and would be the equivalent of providing forest paths and woodland planting but should be enough to cover a project within the Country Park. This will be detailed within the legal agreement. With this, it is considered that the development would meet the terms and spirit of the Allocation Policy.

3.2.18 A Flood Risk Assessment has been submitted with the application and will be discussed in section 3.10 of the report. In terms of set back from existing woodland, the proposals at present are indicative only but it is evident for the Masterplan Framework that the woodland is to be retained and it is noted that there is adequate scope to create a separation of 10m between the woodland and the future properties. This matter can be fully addressed at the detailed application stage.

3.2.19 In terms of the criteria within the Green Network Requirements there is a need to develop a new high quality landscape between the proposed housing and the proposed golf course and leisure uses. This in reference to the other uses proposed for the Adopted FIFEplan but that were not included in the allocation. This reference would be more relevant to those uses if they come forward and ensuring that the two areas are integrated. The design of this site's northern boundary would assist with this in that a landscaped edge is proposed along with a lower density of the residential units. Countryside access is shown in terms of the connectivity of the internal path network to the Core Path network.

3.2.20 There is a requirement to consider the housing alongside DUN044, which is the North Wellwood SDA site to the south-west. Application 17/00103/PPP for the North Wellwood site was previously refused partly due the site not including connectivity to the Colton SDA site and thereby not creating the integration required by the Allocation Policies. The indicative Masterplan Framework shows a row of residential units along the southern boundary. These would align to what was proposed for the development at the south and would not prejudice the development of that site given the sites are separated by a Core Path. This proposal also includes indicative connections to the southern boundary, in the form of footpaths and the NLR. This would ensure connectivity across the sites subject to the site to south delivering their connections. Details of the NLR will be discussed in section 3.4 of the report but generally the proposal also meets the requirements of Allocation Policy DUN067 by providing a route for the NLR.

3.2.21 The indicative masterplan sets out the extent of new greenspace and how this would integrate with the wider green networks and Country Park. There would be a combination of greenspace specific for the residential development and greenspace to form the integration with the Country Park. Further detail on the greenspace delivery would be provided with the next layer of overall design and delivery information. Links are shown between the site and the Country Park

and this includes links through the woodland and to the existing Core Path network. It is considered that the proposals would help to enhance the wider landscape setting of the Country Park with additional woodland planting and general landscaping and the visual separation between the housing and the Country Park itself. Overall, it is considered that the Green Network Requirements have been met by the proposal.

3.2.22 In terms of compliance with the overarching North Dunfermline SDA policy, the proposal would meet the 6 qualities of successful places and this is shown by the site appraisal and Masterplan Framework provided for the site. This will be discussed further in section 3.3 of the report. The proposal includes 25% affordable housing and financial contributions would be made to a secondary school solution. The site provides a section of the NLR and public transport facilities are proposed as part of this. Pedestrian and cycle links form part of the sustainable transport strategy for the site. Health care provision and shops are not specifically identified in the masterplan however a community hub is shown in the Wellwood SLA site to the west of this site which could provide a more strategic location for these facilities. Public art, open space, SUDS and District Heat have been adequately considered at this stage. A site for recycling facilities has not been identified but again this would be better located in a local centre and this is already included in the Wellwood SLA site. The transport impacts on the overall network have been properly assessed and mitigation identified. Items such as energy efficiency and house types/sizes would be matters for future detailed applications. Overall, it is considered that the proposal complies with the overarching North Dunfermline SDA allocation criteria.

3.2.23 Overall, the proposal as submitted is considered to meet the terms of Allocation Policies DUN039 and DUN067 of the Adopted FIFEplan (2017) in that it would deliver the requirements of this Allocation Policy. While the proposal would see an uplift in residential units, in principle this can be accommodated on site while meeting all other policy requirements and there would be no detrimental infrastructure implications. The uplift is therefore considered acceptable. The development is therefore considered to comply with Policy 1 of the Adopted FIFEplan (2017) in principle. The proposal is also considered to comply with SESPlan (2013) in that it would deliver an SDA allocated through that Plan. The principle of development is therefore supported by the Development Plan.

### 3.3 Development Form and Design

3.3.1 The SPP 2014 within the section on "Placemaking" advises that "Planning should take every opportunity to create high quality places by taking a design-led approach" and "Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place. Distinctive; safe and pleasant; welcoming; adaptable; resource efficient; easy to move around and beyond." The use of masterplans and development briefs to set out how an area may be developed is part of the SPP strategy and applied in this case. Scottish Government policy on design is contained within Designing Places and Designing Streets, which have equal status to the SPP, outlining the 6 qualities of successful places and a methodology for assessing development, in both urban and rural environments. There are several PANs that support national design policy and explain in more detail how to achieve their overall purpose of creating better places. These are PAN68 - Design Statements, PAN77 - Designing Safer Places and PAN78 - Inclusive Design.

3.3.2 A combination of the terms of Policy 1 of the Adopted FIFEplan (2017) and the relevant supporting policies provide a strong urban design based context for the determination of this development. Policy 14 of the Adopted FIFEplan (2017) states that the Council will apply the six qualities of successful places when considering development proposals. New development will

need to demonstrate how it has taken account of and meets each of the following six qualities: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond. Making Fife's Places Supplementary Guidance (August 2018) provides detailed guidance for the consideration of design matters and provides greater detail on the six qualities of place which a development must meet to be considered acceptable.

3.3.3 The Allocation Policy for North Dunfermline SDA sets out the need for Masterplans to be provided for each site. The Allocation Policy (DUN039) for the site itself sets out specific design requirements for the site which are set out within sections 3.2.6 and 3.2.7 of this report and will be assessed in this section of the report.

3.3.4 The applicant has submitted a Masterplan Framework for the site which sets out the context for development including constraints and opportunities and the general placemaking concepts and principles for the site. It sets out an indicative layout to show how the level of development proposed can be accommodated along with a levels strategy, green infrastructure plan and phasing plan. There is a clear reference within the Masterplan Framework statement to the principles established by the Designing Streets Policy Guidance and sustainability and how this would influence the shape and form of the residential areas and importantly how these areas relate to the road and street network.

3.3.5 The proposals show the housing to be situated at the western end of the site creating the relationship with the neighbouring residential area to the south and Allocation DUN044. Wellwood SLA sits to the south-west of the site and this site along with that development area would create the new gateway entrance to Dunfermline from the A823. The Masterplan Framework has identified this and notes the need for higher quality residential frontage at the north-west corner of the site. The Masterplan Framework identifies this area as a 'Gateway' Character Area to enshrine its status. The details within the Masterplan Framework state that this area is likely to be formed by 2.5 – 3 storey town houses creating a strong urban frontage but that these would be styled to be traditional and relevant to that area of Dunfermline. To create the transition to the countryside some tree cover would be provided to the north. This would create some screening and disrupt the hard edge to the countryside that could be created without vegetation but also not overly screen the new northern edge of Dunfermline. The properties in this location would face east onto the A823 and north to the countryside to create that active frontage.

3.3.6 The applicant worked with the Urban Design officer on this area of the site to create the right balance between forming a 'gateway' to Dunfermline and also recognising the countryside transition and need for a woodland backdrop in views from the south. It is considered that a 'harder' built gateway could have been incorporated if built development was being formed on both sides of the A823 however this is not the case and thereby the gateway is only being formed on one side of the road. An overly dense and urban appearance was not considered appropriate but some landscape screening on the northern edge strikes the right balance with the built form being proposed. The style of properties identified in the Masterplan Framework would also help create the appropriate character for this entrance. The detail of this would come forward in the next level of design document and the detailed application. A condition has been added requiring that this area be specifically detailed within the Development Brief for that area. Of further relevance to this is character of the area behind these properties. By fronting to the north and west, a courtyard parking area would be incorporated. The design and layout of this area is as equally as important as views into the courtyard would be possible from the A823 and again this would be detailed further within the Development Brief. Overall, the indicative design to this important development edge is considered acceptable.

3.3.7 The Masterplan Framework shows a general grid layout which is relatively linear in a west to east direction. This is largely driven by the onsite constraints in terms of woodland and levels. The development at the western end of the site has greater developable area and shows a more varied street network with less of a linear approach. As the site moves eastward the developable area moves to the southern part of the site to retain as much of the existing woodland as possible and the Masterplan Framework indicates that this area of site would largely comprise of streets branching from the Northern Link Road which would travel west to east through this space. The development in these areas are shown to be designed in a way that would avoid cul-de-sacs with the internal roads linking and ultimately connecting back to the NLR. The proposed layout is highly permeable and well connected and respects the natural constraints as much as possible. The indicative layout as shown could create well designed development which complies with Making Five's Places and Designing Streets.

3.3.8 A second character area has been identified within the Masterplan Framework. This is on the northern extent of the site. Concern was raised by the Urban Design officer that any development in this area would be prominent given the elevated position and proximity to the countryside edge. Through discussions with the applicant, it was determined that the best fit for this location would be low density cottage style dwellings which reflected the countryside edge and were of a scale and massing which had less visual prominence in the elevated part of the site. The Masterplan Framework has identified this area as a specific character area to reflect this design criteria and this would also be specified through future design documents.

3.3.9 As noted in section 1.1.1 of the report, the site has level constraints in the form of slopes and a prominent ridge. The Masterplan Framework has indicative sections through the site to illustrate how the level change would be managed. The sections show that the ridge would largely be retained thereby retaining the majority of woodland, which is present on it, in situ. At the western extent of the ridge, further woodland would be planted extending the prominence of this ridge and woodland. It is proposed to cut into the southern slope of the site to create two areas of level development platform which would gradually step down. Some infilling would be needed to create the level platform however the majority of engineering work would be in the form of cutting into the slope. The detail behind the engineering works would come forward in future detailed applications however the indicative approach appears reasonable. The character of the slope would not be significantly changed with the woodland on the upper slopes retaining prominence and the general fall in a southerly direction retained albeit through a stepped approach rather than the current slope. The nature of the site fall would largely be disguised by the tree planting and built form but it would be important to avoid major retention features being needed that could cause visual detriment. This is largely a matter for detailed applications however it does appear by the sections that this approach could avoid any need for significant retention. The proposed levels strategy is considered acceptable.

3.3.10 With the level change, the proposed engineering solution and the constrained linear development area at the south-central part of the site, there is an area of existing woodland proposed for removal on the lower part of the slope. This would be in an area where cut is required to provide the development platform. The loss of woodland from an ecological perspective will be considered later in the report but from a design perspective, the loss of the woodland is accepted. The NLR is a defining infrastructure feature of this and has gradient requirements in order for it to meet the design requirements for a road of this nature. To make the construction of this viable through a development site, a level of development is needed either side of it so that it can function as a primary access route for the development and a link road to the wider Dunfermline area. Frontage development is also important to ensure vehicle speeds on the NLR are kept low. To create this, the re-grading as set out is important and this unfortunately has led to the loss of some

woodland. As noted in the Allocation Policy, a set back of the development from the trees of 10m is required and this can be achieved for the future permanent structures. The applicant however is proposing to extend the woodland westward and would replace the area lost by a significant area of replacement planting. In addition, tree planting is proposed along the southern boundary and at the south-eastern edge. The loss of trees and woodland is more than compensated for. Therefore, it is considered the woodland removal is acceptable from a design perspective given there is legitimate reason for the loss of the woodland, and this would have no significant detrimental harm given the compensatory planting.

3.3.11 The Masterplan Framework illustrates the green and blue infrastructure proposed for the site and indicatively shows the likely landscape treatment around the edges of the site. It is noted that landscaping would be used around the periphery of the site to create some screening and separation between neighbouring uses and also soften the edges of the site. The bulk of the landscaping would be on the ridge in the site and also at the south east corner creating the transition from urban to the Country Park. The indicative drawings also highlight the importance of tree planting throughout the site for decorative and biodiversity reasons and in particular the NLR would be lined by trees to create an avenue character. The indicative landscaping for the site is considered acceptable.

3.3.12 In terms of the Policy Allocation criteria, as set out previously, the development of the site is largely within the south west and a 10m buffer from woodland and field boundary trees could be achieved, accepting that some woodland would be removed. A new high quality landscape edge will be provided at the north and the development has been designed to integrate with the Country Park. The proposals show a highly permeable and well-connected scheme which would promote connectivity with the wider Country Park. Overall, the Masterplan Framework has shown that the site can largely comply with Allocation Policy requirements.

3.3.13 One element for consideration in this regard is the relationship between Allocation DUN044 and this site. Prior to the development of DUN044 there would be a gap between Wellwood village and this new development. Visually this would only be apparent from some views but geographically this would be more apparent on maps. To minimise the visual impact of this particularly from Wellwood, there is a requirement for the Development Brief to include consideration of how the southern boundary might be designed to reflect the non-development of DUN044. This potential impact is considered to be only temporary and a consequence of the gradual development of large scale allocations however even if it was a longer term impact, it is noted site DUN044 is less rural in nature. It is currently a paddock for horses which would not be out of place in either a rural or urban environment. It is considered that the visual and design consequences of the separation of this site with Wellwood would not be significant enough to warrant refusal of the application however it will lead to the appearance of this development almost being a separate entity from Wellwood from some views.

3.3.14 The Council's Urban Design officer raised some concerns with regards to the detail incorporated within the Masterplan Framework. They were concerned that there was a lack of detail around specific principles and a commitment to certain elements. The Masterplan Framework has been updated to reflect some of these comments however the principles are still quite high level, although some detailed concepts and elements have now been set out as examples. The Council's Urban Design officer's comments are noted in this regard however it is considered that sufficient detail is provided in this document to both confirm the acceptability of the proposal and inform future documents and proposals of the concepts and principles for the site.

3.3.15 The initial consultation responses by the Urban Design officer raised a number of issues specific to the site and the proposals. These included the balance of landscaping to built form at the north west edge, the building form along the northern edge, need for further connections to the south, incorporation of existing boundary features, need for more topography cut rather than building up of topography and need for further north/ south green corridors to reduce massing on the ridgeline. Amendments were made to the Masterplan Framework addressing many of these concerns including the changes along the northern boundary referred to previously. Further detail was provided on the strategy to address the topography and a condition has been applied specifying the need for cut rather than uplift. The retention of boundary features has also been included as a condition. Further south/ north green connections have not been included and it is evident that a further connection could easily be incorporated. A condition has been applied requiring detail of this through the Development Brief for each phase. Due to the levels on site, these green networks might be more difficult to achieve at the number the Urban Design officer was seeking but a balance can be struck at the detailed stage.

3.3.16 Overall, the Masterplan Framework sets out a good standard of design for the site and would create a place which meet the principles of place making within Making Fife's Places Supplementary Guidance (2018) and Designing Streets. The broad principles and design criteria are acceptable at this stage, however they should be seen as the first stage in the overall planning of a site for this size. Some of the aspects of further design detail have been requested through condition.

3.3.17 While the Masterplan Framework is a good high level initial guide for the design and layout of the future site and acts as a set of guiding principles, more detailed design documents would be required to inform future applications. A condition has been applied requiring Development Briefs to be provided for each phase or combined phase to inform the development detail further. This would set out more detailed design principles along with setting out the infrastructure delivery within that phase including public art, green space and landscaping. These will also produce further design principles to guide the character areas. The phasing plan shows the development being in two phases. The development would start in the west and finish in the east. All aspects of the areas of development are shown to be within each phase. Land at the eastern extent of the site is not included within the phasing plan and this area was discussed in section 3.2.15 of the report. The delivery of these aspects would be controlled through planning condition and legal agreement.

3.3.18 The Masterplan Framework and Phasing Plan are considered acceptable for this stage of the development process and comply with the Allocation Policy DUN039 and Policies 1, 10 and 14 of the Adopted FIFEPlan (2017). The key land uses and the design principles are acceptable, and this provides a good template for future development. On the basis that conditions are attached to the permission to ensure these documents continue to direct and inform the basis of future applications and the submission of the Development Briefs, the development is considered acceptable in this regard.

## 3.4 Transportation

3.4.1 The SPP (Promoting Sustainable Transport and Active Travel) states that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety. In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network.



Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer. Planning permission should also be resisted if the development would have a significant impact on the strategic road network. The design of all new development should follow the place-making approach set out in SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

3.4.2 Policy 1 Part C (2) of the Adopted FIFEplan states that the site must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. The Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance (August 2018) provide details of expected standards to be applied to roads and parking etc. Policy 3 (Infrastructure and Services) states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance (August 2018).

3.4.3 Policy 4 requires contributions to be made for certain infrastructure requirements including for delivering the Strategic Transport Infrastructure Measures (STIM). This policy links to the Planning Obligations Framework draft Supplementary Guidance (2017) which outlines the transport infrastructure requirements for Fife. Figure 4.1 of Policy 4 of the Adopted FIFEplan also sets out the contribution requirements for North Dunfermline SDA. Fife Council's Planning Obligations Framework draft Supplementary Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the impacts a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, greenspace, public art and employment land.

3.4.4 A Transport Assessment has been submitted with the application and this considers the modes of travel for the site and the impact on the road network. A Transport Assessment Addendum (TAA) was also submitted in response to comments from Transportation Development Management (TDM). Both of these Assessments are referred to as the Transport Assessment (TA) within this report. The TA considers the sustainable transport implications of the proposal. It states that the Dunfermline Bus Station would be 25mins walk from the site and Carnegie Leisure Centre and Tesco superstore 21 mins and 22 mins respectively. There are existing bus stops on the A823 close to the site. These provide services to the bus station allowing for onward travel. National Cycle Route 1 is close to the eastern boundary of the site. The Transport Assessment identifies that the site is in a location which could be highly sustainable given the relatively close public transport and pedestrian and cycling routes and the relatively close amenities. The

Transport Assessment however identifies that there are improvements needed to ensure that these sustainable links are utilised by the site.

3.4.5 The TA sets out that following pedestrian and cycling improvements would be made to ensure high quality connectivity:

- 3m wide shared footway/ cycle way along the site frontage on the A823;
- Upgrade of Core Path along the southern and south west boundary of the site;
- Crossing on the A823;
- Provision of bus stops on the A823;
- Lowering of speed limit along the site frontage.

In terms of sustainable transport connections, the above measures would help assist in providing the option for individuals to access bus travel within 400m of their home, however in the long term there would be a preference for bus penetration along the route of the NLR. TDM have thereby requested that bus stop provision also be made on the NLR.

3.4.6 The Core Path along the southern boundary is inaccessible adjacent to the A823 where the levels fall dramatically and the Core Path sits lower than the A823. The A823 crosses the Core Path at this point via a road bridge with the Core Path passing underneath on the former railway cutting. The proposal is that the Core Path would be infilled bringing it level with the A823 to make it usable again and then a crossing being provided on the A823 to link with the Wellwood SLA site to the west. The bridge parapets would be removed as a result. This would have some betterment for the overall Core Path route and provide connectivity for the development. Where this is to be utilised as a safe route to school this would be properly surfaced and have street lighting but otherwise would be designed as a rural type path. TDM also set out that a connection to the National Cycle Route 1 at the south east should be provided. This would be formed through the NLR associated Cycle Path. With these measures being provided the site would be considered to be well connected in terms of sustainable transport links and within easy walking distance of public transport links.

3.4.7 In terms of existing connectivity on the A823, the site sits quite separate from the existing footway network. The sustainable transport notes that a footway widening would need to extend along the frontage of the site and the frontage of the site to the south (North Wellwood SDA). This would be a requirement of the North Wellwood SDA site should it attain planning permission and there is a question as to whether it would be reasonable to ask another developer to fulfil the requirements of another. The timing of this is therefore important. There is an issue here as to how a pedestrian/ cycle connection is made from the site to amenities at Wellwood SLA, the town centre and the schools if that upgrade is not carried out. Options to resolve this would be for this developer to widen the footway along the frontage of DUN044, create a connection across the A823 via a crossing to the Wellwood SLA site and then this site being used for onward travel. That site is already making a number of offsite pedestrian and cycling improvements which would support this. Alternatively, upgrades could be made to other Core Paths/ local paths which connect to the existing footpath network. Early delivery of one of these routes is necessary to ensure a safe route to school is established. What the application has shown is that there are a number of sustainable links to be made from the site and these are viable and reasonable. The main issue is the delivery of these in conjunction with the neighbouring sites and the timing of what needs delivered when. This will depend on progress of the Wellwood SLA and North Wellwood SDA site and the delivery of their sustainable links. Options are available regardless of their progress and the best strategy would need to be identified at the time the site is ready to develop. Conditions are attached requiring this detail at the appropriate stage but some of these have been specified

for completion in early course to provide some connectivity. A 2m wide footway is proposed along DUN044 in the first instance to create some connectivity and this would be widened further by the developer of DUN044 at the time that site is developed.

3.4.8 There is a Core Path internally within the site and the Masterplan Framework indicates that this would be upgraded as part of the development. The Masterplan Framework does not propose any deviation to the Core Path and the majority of enhancement would likely be to a rural type path of whin dust or similar. As the Core Path passes through the woodland no lighting is expected and an appropriate surfacing material would be required so as to not impact on the woodland. At the northern boundary, the Core Path joins an existing farm track and there is more scope to upgrade that with the development site if it is intended to utilise this as part of the development.

3.4.9 Externally pedestrian connections are shown to A823, to the Core Path to the south and to the east. The site would have two vehicular connections to the A823 which is in accordance with Making Fife's Places SG. In addition, on completion of the NLR through the site there would be a third connection to the east. Also, subject to the delivery of the North Wellwood SDA site to the south, there would be a further connection. This would be where the NLR joins the two sites. The Development Framework shows the route of the NLR through the site, entering the site at the southern edge and then exiting at the east where the Council will deliver the portion between this site and Halbeath SDA. TDM have confirmed that the specification given for the NLR and its routing through the site is acceptable. The site would be highly permeable and well connected with the connections shown.

3.4.10 In terms of delivery of the NLR, this is considered important as a placemaking mechanism and for overall transport mitigation. The NLR would function as a primary access for all development on its route and this needs to be of higher specification given the number of units it would serve. From the A823 to Colton, there would be 590 units served. The connectivity brought between the sites by the NLR is important for creating the integration for vehicles, cyclists and pedestrians and in particular a long distance route for pedestrians and cyclists. The NLR would also be designed as a link between the sites having a consistent design and boulevard of trees. As discussed later in the report, the NLR is also important traffic mitigation and thereby the timing of its delivery is also important.

3.4.11 The assessment of the strategic impact of the development will be discussed later in the report, however the TA identifies the cumulative impact of development on the town centre junctions and the need for mitigation. Through discussion with TDM, a condition has been drafted which requires the completion of the NLR by the 250<sup>th</sup> unit. This however would be subject to the completion of the rest of the NLR in an easterly direction and the progress of other development in the area. The NLR in this site might not be required as early if there were changes in the delivery elsewhere. The condition has been written with some flexibility as a result.

3.4.12 There are two further aspects to the NLR delivery at this site. The NLR enters the site from the allocation to the south DUN044. As noted, this was refused planning permission (currently at appeal) and it is not known when this might come forward. As the NLR forms part of the strategic mitigation for this site and other sites in the area, it is important that an alternative temporary route can be found. The Masterplan Framework has shown that one of the entry points into the site from the A823 would be designed to a specification that it could be temporarily used for the NLR if necessary. This would ensure that the mitigation is in place when needed and allow development to continue. This would not be a favoured long term solution however as it is more convoluted than the LDP route and could jeopardise the delivery of allocation DUN044 due to the junction arrangements needed along the A823 to make the NLR have priority. As a result, it would be likely

that allocation DUN044 could only be served by one junction onto the A823 which would not be acceptable. If DUN044 came forward, there would still be an expectation for the NLR to travel through it to this application site. The Masterplan Framework for Colton SDA provides for both the temporary and preferred final route of the NLR.

3.4.13 The other aspect is that the eastern area of land within the development site is not owned by the applicant. The indicative route of the NLR is shown travelling through this area and it was envisaged within the Planning Obligations Framework draft SG (2017) that this area would be delivered by the developer. The contributions being taken do not include this area of land. As a consequence, the applicant has agreed to directly fund the delivery of the NLR within this section. This would include CPO costs, land purchase and construction costs. This would be drafted into the legal agreement. The payment of this would either be set by the same trigger as the rest of the NLR route in the site or by the Council schedule for delivering the rest of the NLR to the east. If the section of NLR being delivered by the Council is not delivered on schedule, then a higher trigger of 300 units is specified albeit with a caveat that the NLR payment will need to be made by the point the Council's work meets the eastern boundary of the site. This ensures there is a minimum trigger agreed for the delivery of the NLR but also a fallback position should the NLR not be needed as early as currently scheduled. The developer has the option to make a payment or directly deliver the NLR themselves. Overall, the developer has committed to the delivery of the NLR through the site through the Masterplan Framework and contributions and accords with the Development Plan in this regard.

3.4.14 The submitted Transport Assessment (TA) indicates that the development would generate approximately 426 AM (two way) vehicle peak trips and 520 PM (two way) weekday peak hour trips. The Transport Assessment considered the impact of the development on the immediate junctions and the town centre junctions and the wider road network. The Transport Appraisal carried out to support the proposed FIFEplan included assessment of this development site albeit at 300 residential units. The FIFEplan Transport Appraisal identified a number of Strategic Transport Intervention Measures (STIM) needed to mitigate the cumulative impact of development on the road network. This includes the NLR through this site. As this proposal includes an uplift in residential units from that initial Transport Appraisal the applicant was asked to carry out further cumulative Transport Assessment taking into account the uplift with the cumulative impact of development. This included the work carried out more recently for other development sites in the Dunfermline Area.

3.4.15 The Transport Assessment noted that without the STIMs the development (cumulatively with others) would have a detrimental impact on the road network in terms of journey time and queue length with the town centre junctions being a particular issue. The STIMs sufficiently alleviate this issue and it is clear from this Transport Assessment and others done looking at the wider network, that there is a need for the STIMs. The Transport Assessment looked at the delivery schedule for the STIMs already identified within the Council's work plan and other TA's and noted which STIMs would be in place during the build out of this development. The TA concluded that should this schedule be followed, there would be sufficient mitigation for this development.

3.4.16 TDM have considered the TA and confirm that the indicative forecast for STIMs has the eastern bridge of the NLR being complete by end of 2024 and the section between Halbeath SDA and this site being complete by the end of 2025. Based on current build out rates proposed for this site, this would roughly be at the 250<sup>th</sup> unit in this site. This ties with the condition outlined in section 3.4.11 of the report. The TA also looks at the other STIMs in town and notes that there would need to be some earlier delivery of measures. The Pitreavie Roundabout signalisation would be required prior to occupation of the 30<sup>th</sup> dwelling within the site, however, that intervention

is largely complete. Both the Bothwell Gardens signalisation and Nethertown Broad Street/Elgin Street signalisation upgrade are required prior to occupation of the 60th dwelling within the site. The TA notes that with the completion of the NLR through this site and to the M90 to the east and the other STIMs on this schedule, there would be sufficient mitigation for this development. TDM confirm this to be the case but note that there would still be some increases in vehicle trips on the wider road network outwith the NLR as a result of the cumulative impact of development. This would be further mitigated by the completion of the Western Distributor Road (WDR) which is scheduled after the completion of Colton SDA.

3.4.17 The TA submitted with the application confirms the necessity for the STIMs and this development would contribute towards the mitigation of this with a portion of the NLR and a financial contribution of £5,332 per market dwelling. It would then be incumbent on the Council to deliver the STIMs in line with the schedule to ensure there is no significant detrimental impact on the road network. The TA has also confirmed that the uplift in residential units in this site above the LDP allocation does not require any new STIMs or other road/ junction improvements and the currently identified STIMs is sufficient.

3.4.18 TDM have not raised any issues with the indicative internal layout of the development which has generally been designed in accordance with the requirements of Designing Streets. The streets would be well connected in a block form. The layout of the streets are therefore considered acceptable by TDM from a transportation perspective and could aid in reducing vehicle speeds while still providing practical manoeuvrability for larger vehicles and is highly permeable. Matters relating to parking numbers and parking courts would be reserved for the detailed applications.

3.4.19 The school solution for this site is currently a new primary school within Wellwood SLA. TDM have set out that the preference for a safe route to school would be to avoid being along the frontage of the A823. This is particularly relevant prior to the frontage development being in place and the urbanisation of the A823 at this point. TDM have indicated a preference for a linkage to be made with the Wellwood SLA site by providing a route through that site to the school. The applicant is in control of the Wellwood SLA site and therefore this could be delivered however the detail of this would be subject of the timing of the delivery of each site. The original TDM consultation response set out that the Core Path would be upgraded and a crossing on the A823 provided by the first unit for this purpose. The cost of this however would be significant and it would be too early in the development for this to be affordable. An alternative route would be found prior to this being completed and conditions are attached looking at this. The trigger for the Core Path upgrade is now 100 units.

3.4.20 The Transport Assessment sets out that it is anticipated that preparatory works would be undertaken by using the existing Colton Farm track off the A823 before construction access tracks are created in site. The TA notes that Construction Traffic Management Plans (CTMP) would be required as the development moves forward. This has been added as a condition.

3.4.21 The proposed development is considered to have an acceptable impact on the road network subject to the completion of the Strategic Transport Intervention Measures identified within the Planning Obligations Framework draft SG (2017). The applicant is providing a portion of the NLR and their proportionate financial contribution towards delivery of the Strategic Transport Intervention Measures thereby helping to mitigate the cumulative impact of their development. The development would be well connected and highly permeable. The site is considered to be highly sustainable in location given the close proximity bus links, amenities and pedestrian and cycling links however improvements are required to ensure connection to the sustainable links that already exist and to enhance those taking into account the additional population. Planning

conditions are attached to ensure delivery of these. With appropriate conditions and contributions being collected, the development is considered acceptable and in accordance with SPP, the Allocation Policy DUN039 and DUN067 and policies 3, 4, 10 and 14 of the Adopted FIFEplan (2017) in this regard.

### 3.5 Open Space/ Play Provision/ Green Infrastructure

3.5.1 The SPP in terms of sustainable development advocates the protection of, enhancement and promotion of access to natural heritage, including green infrastructure, open space and the wider environment. The part of the policy aimed at maximising the benefits of Green Infrastructure sets out a set of policy principles to help guide the delivery of this. The planning system should ensure that Green Infrastructure is an integral element of places, facilitates the long term integrated management of Green Infrastructure and provides for easy and safe access to Green Infrastructure. Detailed advice is also provided within PAN 65 Planning and Open Space.

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

3.5.3 Making Fife's Places Supplementary Guidance (August 2018) provides further detail in this regard. It states that large scale developments should provide a hierarchy of spaces from large park areas of over 4 hectares designed to serve the neighbourhood to smaller pockets of open space of half or quarter of a hectare designed to serve a very local need. The number and scale of the spaces required will depend on the local context and the size of the development proposed, but generally for larger developments there will be an expectation that larger areas of active open space are provided. Fife Council aspires to provide access to a large area of open space (over 4ha) within 500m of a house and access to smaller areas of open space (around 0.2 Ha) within 250m. There should also be other pockets of very small spaces provided which serve a very local need. New housing proposals of 10 houses or more are required to provide a minimum of 60sqm of total open space per household, alongside accessible and secure equipped play, sport and recreational facilities commensurate to the scale of development. Local equipped play areas must be provided on site for developments which have over 200 houses that are more than 500m from an existing equipped play area.

3.5.4 The Green Network requirements have been discussed in section 3.2.10 of the report. In brief the requirements for this site have been met and the development would provide a significant network of greenways both for travel, SUDS and open space benefits. The site would require at least 2.7 ha of open space in accordance with Making Fife's Places. While the site is within easy walking distance of the Country Park, the open space requirement would easily be achievable on the site as the Masterplan Framework sets out that the site would contain 18Ha of open space. This would be a mixture of open space areas including areas for play, recreation, woodland, drainage and informal spaces. This would all contribute well to the overall place making of the site. The Development Framework sets out that every dwelling would be within 250m walking distance of open space.

3.5.5 The Development Framework shows the location of a play area which would be on the western side of the central area of the site. The Development Framework states that an accessible and level area would be created south of the western ridge, overlooked by housing, for informal kickabout space and a formal play area. The play area would be well located to provide for all residents on site with the recognition that the Country Park is also directly to the east. Further play areas might be necessary as the Development Briefs come forward. The phasing plan shows that the central open space and play area is within phase 1 of the development meaning that it would be provided in the first proportion of development which would assist in the place making principles being achieved early in the development. The relative timing of this would be identified in the Development Brief for that phase.

3.5.6 Overall, the development would meet the requirements of Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in this regard subject to detailed being required through the next applications.

### 3.6 Landscape and Visual Impact

3.6.1 SPP (Landscape and Natural Heritage) advises that Scotland's landscape and natural heritage are internationally renowned and important and are a key components of the high environmental quality which makes it an attractive place in which to live, do business and invest and as such improving the natural environment and the sustainable use and enjoyment of it is one of the Government's national outcomes. In terms of landscape, the SPP advises that the landscape in both countryside and urban areas is constantly changing and therefore the aim should be to facilitate positive change whilst maintaining and enhancing its distinctive character. The SPP also advises that different landscapes will have different capacities to accommodate new development, the most sensitive landscapes may have little or no capacity to accept new development, and the siting and design of developments should be informed by local landscape character. Landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes are considered. Careful planning and design can minimise the potential for conflict and maximise the potential for enhancements, however there will be occasions where the sensitivity of the site or the nature or scale of the proposed development is such that the development should not be permitted.

3.6.2 The SPP advises that statutory natural heritage designations are important considerations, but such designations should not necessarily imply a prohibition on development. The precautionary principle should also apply where the impacts of a proposed development on nationally or internationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Such a precautionary principle however should not be used to impede development unnecessarily especially when further research, surveys or assessments could remove or reduce such uncertainty. Developments that would have a detrimental effect on international (such as Special Protection Areas or Special Areas of Conservation etc.), national (such as National Scenic Areas, Sites of Special Scientific Interest, National Parks, or National Nature Reserves) or local designations (such as Local Nature Reserves (LNR's), or Local Landscape Area (LLA's) etc.) should not be supported.

3.6.3 The Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013) states that for visual effects or impacts, the two principle criteria which determine significance are the scale

and magnitude of effect, and the environmental sensitivity of the location or receptor. A higher level of significance is generally attached to large-scale effects and effects on sensitive or high-value receptors; thus small effects on highly sensitive sites can be more important than large effects on less sensitive sites. The guidelines note that large-scale changes which introduce new, discordant or intrusive elements into a view are more likely to be significant than small changes or changes involving features already within the view. The document goes on to state that changes in views from recognised and important views or amenity routes are likely to be more significant than changes affecting other less important paths and roads.

3.6.4 Policy 1 Part B (7) of the Adopted FIFEplan (2017) states that development must safeguard the character and qualities of the landscape. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including landscape character and views.

3.6.5 SNH's Fife Landscape Character Assessment (1999) designates the Landscape Character Type (LCT) classification for this area as Lowland Hills and Valleys which is a type which extends across most of the countryside surrounding Dunfermline and across many other lowland areas of Fife. The Lowland Hills and Valleys LCT typically consist of gently undulating, rounded, low hills often with relatively large areas of plantations and the land uses tend to consist predominantly of arable agriculture and grass. The key characteristics are the variety and subtlety of landform; open, regular farmland patterns, variable patterns of post and wire fences and hedges; extensive areas of plantations, linear pattern and distribution of steadings, network of roads well related to landform, a generally tended, safe, quiet, balanced and calm landscape, but also a busy, random, disturbed one in the more urban, industrialised areas; and the variety, continuity, maturity and subtlety of the landscape with its long history of settlement.

3.6.6 This Local Character Area (LCA) of most relevance to this site is North Dunfermline Rolling Farmland. The Fife Landscape Character Assessment (1999) describes these as fields primarily under arable production on a rolling landform, sometimes quite steeply sloping. Fields are medium sized and mainly rectilinear, separated by farm tracks low hedgerows and wire fences. Mature hedgerow trees and woodland blocks enhance the rural characteristics. Steadings occur throughout the landscape and urban/ industrial influences are present in the form of power lines. Part of this area, to the south west of the Lothead landfill site, is restored open cast coal mining with a notable absence of mature trees or vegetated field boundaries.

3.6.7 There have been a number of landscape assessments carried out for Dunfermline. A Fife Landscape Capacity for Development (dated 16 October 2002) Assessment for Dunfermline was carried out. This site was considered as part of this and was identified in an area described as Dunfermline North. Development in this area was considered to be constrained by the ridgeline which was considered to form a strong edge to the northern outskirts of Dunfermline. Woodland planting was suggested for the northern edge to reinforce this. The site wasn't proposed for development as part of this study. Following this, a Strategic Framework - Dunfermline Final Report (dated June 2009) was undertaken along with the Dunfermline Green Belt Study (dated July 2009). Neither of these considered this site.

3.6.8 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application given it is a large scale expansion of the settlement into the countryside. There are no national or local landscape designations close to the site although a Country Park does border the site. This is not specifically designated for its landscape qualities however landscape does form part of the visitor experience. The main landscape and visual issues are predicted to be mostly local and include the following:



- Views of the development from the immediate surrounding urban areas within high populations, potentially prominent on the ridge;
- Potential impacts to the recreational landscapes including the Country Park to the south, with a potential urbanisation of its character;
- The loss of views from the core paths and other tracks which pass across around and near the site;
- The currently 'contained' urban development seen to be expanding into open countryside.

3.6.9 The LVIA includes a Zone of Theoretical Visibility (ZTV) which looks at the theoretical visibility of the site from the surrounding area. Through the ZTV it is evident that the most complete visibility of the site is from the immediate south and east (up to approximately 2km from the site). At a greater distance from the site, views become more screened and partial due to intervening landform and built form. It is clear from the ZTV that the change of the site is likely to have a localised effect rather than a distant one.

3.6.10 The LVIA assesses that the impact on the Local Landscape Character Area in the site would be low/ medium and slight to moderate adverse. There would be direct impacts at the development site itself which would be significant. It is noted however that this LLCA is extensive and makes up a large portion of the countryside to the north and north west of Dunfermline. The loss of the land in this LLCA would not be significant to the landscape character area. The impact is also lessened by the contained nature of the site. The retention of the woodland and the A823 create physical barriers to how this area is seen within the overall LLCA. Views from the wider LLCA to this site are broken and screened by topography and vegetation. It is therefore considered that the direct loss of this LLCA would not be significant.

3.6.11 The LVIA considers the impact on the other relevant LLCA to be low and slight to moderate adverse. This LLCA relates to the eastern area of the site and the land to the east of the site. This area of land would remain largely unaffected apart from where the NLR needs to be delivered. Again the retention of the woodland would avoid any significant visual influence from the development on this LLCA. The NLR impact would be minor and could be mitigated through appropriate landscaping and tree planting. The impact is therefore not considered significant.

3.6.12 The LVIA considers that the Country Park would experience some adverse effects from loss of its rural setting. These effects would be experienced more greatly to the west in the more open landscape around the Town Loch. The LVIA concludes that the landscape would still be perceived as an open water body surrounded by woodland and therefore the key landscape characteristics would be retained. The impact is considered to be low with a slight to moderate adverse effect. This assessment is reasonable. As the development within the site is further to the west the backdrop to the Country Park would still largely be the woodland and this would be the immediate focal point for the Country Park. The development would be visible from the Country Park but would be more associated with the existing residential area within Wellwood village which is currently visible. The development in the backdrop of the Country Park would be screened largely by the trees adjacent to the Country Park and to be planted as part of the development. Overall, it is not considered that there would be any significant landscape impact on the Country Park from the development.

3.6.13 The loss of the immediate countryside to the settlement would obviously have a detrimental impact which cannot be completely mitigated. Again, the retention of the woodland and rural features and the set back from the Country Park would help retain that rural setting. The incorporation of the green networks and landscaped edges aides with this too and the

strengthening of the backdrop of trees along the northern edge would also assist. These measures would not fully mitigate the impact however would be sufficient to avoid any significant detrimental impact.

3.6.14 In terms of cumulative impact it is noted that the Colton SDA and North Wellwood (DUN044) are all within the Lowland Hills and Valleys LCT. While cumulatively these sites would remove a large area of this LCT, this LCT is one of the most common in Fife and covers a significant area of the north of Dunfermline. The overall impact on this LCT therefore would not be significant.

3.6.15 The visual assessment within the LVIA considered 10 viewpoints and the LVIA use these to consider the visual impact on various receptors. Viewpoint 1 is from the Country Park and illustrates that the development would largely be visible to the west. The trees and woodland bordering the Country Park would help to screen any other views more centrally and behind the Town Loch. Viewpoint 2 is taken from a Core Path to the north of the site. The Council's Urban Design Officer raised concern with the potential impact on the landscape from this view. They considered the development along the northern boundary to be visually prominent due to the scale and massing. Following the change to the Masterplan Framework and the introduction of a character area in this location, the impact on the landscape from this viewpoint has changed. The visual prominence is less with greater separation between buildings and the units would be lower in height. While it is accepted that this Viewpoint illustrates that there may be some impact on the countryside edge, it is considered that the changes to the Masterplan Framework reduces this to an acceptable level. This is on the basis, that the Viewpoint is from a Core Path which would not be significantly populated and that only the principle of development is being considered here. The detailed mitigation will be formulated through the Development Brief for this phase and this character area in particular to ensure that the impact is minimised.

3.6.16 Viewpoint 3 is illustrative of views within Wellwood when travelling to the site along the A823. The dwellings are visible above the dwellings in Wellwood however this only represents the fact that the site sits higher. The dwellings would not be significantly higher and the backdrop of trees ensures that there is a physical backdrop to the development lessening the impact on the horizon and enclosing the development. Given the urban nature of the foreground (Wellwood), the development does not appear out of place. The Viewpoint is also representative of views experienced by residents within Wellwood. The LVIA considers the impact to be low, moderate adverse and significant particularly where open views are experienced. The change experience here would be as described in section 3.6.9 in that there would be an obvious shift from rural to built development. The change would be gradual however and take place over a number of years. While the visual change to the residents would be significant, the visual impact would not be unusual or significant and the development would appear as a natural expansion of the settlement.

3.6.17 Viewpoint 5 illustrates a view from Townhill Road to the north of Bellyeoman. This is an elevated view in which the majority of the development is visible. The extent of change is significant with the change of rural environment to urban. This would be illustrative of views from a well used road and also some residents along this stretch. The urban expansion would be highly visible but also contained by the backdrop of woodland. The majority of the development would be below the horizon with only the north west corner more prominent in this regard. The introduction of the trees along the north west boundary provides a further backdrop to the properties in that location lowering the impact. The LVIA considers there to be a moderate adverse impact for residents and a slight to moderate adverse impact for users of the road. The impact would likely be more visible at night with the introduction of lighting to an area previously rural in nature. This Viewpoint strongly illustrates the change from rural to urban and shows there would

be some visual change and impact however the visual impact is not considered significant given the enclosed nature of the landscaping which will envelope the housing and the visual association with Wellwood.

3.6.18 Viewpoint 10 represents the view adjacent to the site from the A823. The Urban Design officer initially raised concern with the design of this corner of the site due to the potential adverse landscape impacts of the hard edge to the countryside and the scale of development. A solution was found whereby trees would be introduced along the northern boundary to soften this edge and also create a backdrop to the dwellings. The design of the units are to reflect a more rural type of dwelling while giving a vertical emphasis. This would make them quite visually apparent and the tree planting will assist in reducing this impact. A condition has been added requiring early planting of this. The visual impact of this edge is obviously quite stark given it is directly adjacent to development however this would not make it unacceptable. The development would create the new urban edge to development and has been designed to emphasis the transition from the countryside. Accepting that the urban development would take place, it is considered that the impact would be acceptable with the mitigation proposed.

3.6.19 Viewpoint 4 is taken from Cairncubie Road and shows that the development would be quite contained from this Viewpoint with only a small element showing. Viewpoints 6 – 9 are illustrative of wider views and show that there is very little visibility of the development if at all from those wider views.

3.6.20 The LVIA considers the visual impact on receptors such as the single properties and small groupings of properties around the site. The LVIA notes that these properties are likely to experience the visual change of the rural environment to built form. The closest property is that on the southern boundary which would have direct views into the development site. The change from a rural outlook to urban would be most evident to that property. Similarly, Colton Mains to the north would have the same impact albeit that property is set back somewhat. The other properties to the north are more distant and screened to some degree. The development would obviously represent a change to their current outlook. While the individual view from a property is not protected and not a material consideration, the general impact on the setting of the settlement and visual amenity are. It is noted that the Masterplan Framework has addressed this somewhat by creating a landscape setting for existing properties and incorporating a standoff. This would help mitigate any direct impact on the setting of existing properties and the integration with the existing settlement. The impact on amenity would be subject of the future detailed applications. It is accepted that the change in outlook for these properties cannot be fully retained however the concepts brought forward in the Masterplan Framework should help lessen the overall impact by retaining some semblance of landscaping and countryside feel.

3.6.21 Overall it is considered that the development would have no significant detrimental visual impact and the visual amenity of the area would be protected.

3.6.22 One aspect in terms landscape character and visual impact is the relationship of this site with allocation DUN044. Geographically, DUN044 sits between the site and Wellwood. Without that development area there is a gap geographically between the site and the existing urban environment. This is apparent to some degree in some of the viewpoints particularly in the view from Townhill Road and some views on the A823 on approach to the site. DUN044 is currently utilised as a paddock and therefore has less of a countryside feel. This might lessen the feeling that this development sits separately from the settlement. There are few views where this separation might be apparent however it is a factor in the consideration of visual and landscape impact. The 'filling in' of DUN044 would create that urban continuity between the two sites which

would assist with that visual and landscape coherence but this is not considered fully necessary for this site to be considered acceptable from a visual and landscape perspective. Consideration will be needed as to how the southern boundary is designed and looks visually with this in mind as it needs to be designed with a concept that DUN044 may or may not come forward. The integration with Wellwood should DUN044 not come forward will be important. As noted, it is not considered that the visual and landscape impact of this stand alone development is so significant that it should be refused until DUN044 comes forward. Sufficient design mitigation can be put in place to resolve this.

3.6.23 Overall, it is considered that the development would result in a visual and landscape change to the immediate settlement edge in that the rural environment would be changed to an urban context. This would have some visual and landscape impact on elevated immediate positions and to the properties on the settlement edge and individual properties. This is the consequence of any urban expansion. This is mitigated by the landscape enhancements included in the development particularly the boundary treatment along the southern and northern boundaries and the retention of the woodland on the ridge. There are areas which will require specific design emphasis like the north east and north west edge and the southern boundary to ensure the landscape and visual impact is contained at the detailed stage. Further visual impact assessment will need to be submitted with those detailed applications to illustrate the development is acceptable. With this the development is considered to comply with the Adopted FIFEplan (2017) policies 1, 10 and 14 and Making Fife's Places SG (2018).

### 3.7 Natural Heritage

3.7.1 SPP (Valuing the Natural Environment) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration. SPP (2014) states that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.

3.7.2 Policy 1 Part B (9) of the Adopted LDP states that development must safeguard or avoid the loss of natural resources. Policy 13 of the Adopted FIFEplan also outlines that development proposals will only be supported where they protect or enhance natural heritage and access. This includes designated sites of international, national and local importance; woodlands and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Where adverse impacts on existing assets are unavoidable the development plan will only support proposals where these impacts will be satisfactorily mitigated.

3.7.3 The Scottish Government's Control of Woodland Removal Policy (2009) includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.

3.7.4 The Scottish Government's Control of Woodland Removal Policy (2009) provides guidance on when woodland removal with compensatory planting is most likely to be appropriate. It also outlines that there will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodland integral to the value of designated or special sites (Special Areas of Conservation (SACs)); Special Protection Areas (SPAs); Sites of Special Scientific Interest (SSSIs); Ramsar sites; National Nature Reserves (NNRs); areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; Scheduled Monuments; National Scenic Areas; and woodlands listed within the Inventory of Gardens and Designed Landscapes); woodlands critical to water catchment management or erosion control; or woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.

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

3.7.6 An Ecological Impact Assessment was submitted with the application and assessed the potential impact of the development. The Ecological Impact Assessment notes that there are no national or regional designations close to the site. As noted previously the Country Park is adjacent to the site. The Assessment also sets out that there is woodland within the Ancient Woodland Inventory to the north west of the site and Semi- Natural Woodland within the site. The development would have no significant impact on National or Regional designation and the impact on the Native Woodland will be discussed later in the next sections of the report.

3.7.7 In terms of habitats on site, the majority of the site comprises of arable farmland. The areas of any ecological value are field boundaries to the north and south and the area of woodland to the east. There is some scrub grassland within the site which connects the south east woodland and north east woodland. In terms of impact, the loss of the arable farmland would have no significant impact given these are highly managed areas of land at present. In terms of the field boundaries, the Assessment notes the presence of scattered trees and hedgerow and recommends these should be retained where possible. In particular these are sited along the north west boundary. It should be possible to retain this along with the development proposed in that location as the track to which the hedgerow aligns would be retained as an access for Colton Mains farm and the Core Path. There is some scattered hedgerow along the A823 that may need removed to put in the 3m wide cycleway/ footway however it may be sufficiently set back to be able to form boundary treatment. In terms of the north/ south scrubland, this is shown to be retained in the Masterplan Framework albeit the NLR will remove a portion of it. The loss of that portion would be negligible.

3.7.8 The greatest potential impact would be the loss of Native Woodland. The Assessment sets out that the extent of trees for removal has not been defined yet as would be subject to the final design and alignment of the NLR, however it is estimated that no more than 100sqm of woodland

would need to be removed. This has been used as the worst case scenario. The Assessment sets out that 1.1Ha of replacement woodland would be planted. This is a significant area of compensatory planting relative to that being lost and would have significant recreational, visual amenity and ecological benefits. The Control of Woodland Removal Policy (2009), states there should be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks. Woodland removal should only be permitted where it would achieve public benefits and the benefits secured to ensure delivery. The proposal would result in the removal of trees at the edge of the woodland and thereby would not lead to the total loss of woodland or fragmentation of the habitat. The removal of the trees would allow for the delivery of the NLR which has a public benefit as well as a benefit for the development. The delivery of the NLR and compensatory trees would both be controlled through condition. The woodland in question also appears to be self-seeded and relatively young with mature trees to the north retained and protected. On this basis, it is considered that the removal of woodland is fully justified and would have no significant detrimental impact given the compensatory planting proposed. The development also would have no significant adverse impact in terms of the other habitat loss.

3.7.9 A Tree Survey was submitted with the application which identified some of the important trees within the woodland. These would largely be retained, with the area of woodland for removal being of young plantation. Three Category B Ash trees would likely be removed with the younger trees in the woodland. The Council's Tree Officer set out that they would prefer to see all of the woodland retained including the young plantation. As noted above, the loss of this woodland area would be more than compensated for and that would include the three Category B trees. The Tree Officer with this has set out some conditions requiring a scheme of supervision for work in the area of trees and tree protection for those being retained.

3.7.10 No protected species were identified on site including red squirrel or badgers. Grey squirrels were seen on site however and were considered to be locally frequent. The trees within the Native Woodland are predominantly beech trees and due to their age and health are considered to be suitable habitat for bats. As these trees would be retained, no significant impact on the bat population is identified. The additional tree planting would also be beneficial as a linear feature. The trees proposed for removal are in this part of the plantation. The proposal thereby would have no significant impact on protected species.

3.7.11 A number of breeding bird surveys were undertaken on the site and over the time 42 species were identified. Due to the cultivated nature of the site there were not a lot of breeding pairs in the site itself with the majority around the fringes and offsite. Of the red list species, the most affected would be yellowhammer which had the highest numbers on or around the site. The loss of habitat could have an impact on this species however the Assessment notes that landscaping throughout the site and the retention of the woodland would be sufficient to mitigate any impact on this species. Given that much of the habitat of the species identified would be retained, the impact on breeding birds both directly and through displacement would not be significant.

3.7.12 In terms of ecological enhancements the Assessment sets out that all new tree planting should incorporate only native broad-leaved trees, excluding ash. Grasslands within the new tree planting should be sown with a suitable grass seed mix and hedgerows should be retained and enhanced with tree planting (preferably oak) and new hedgerow provided where any is removed. These are all considered mitigation enhancements and further enhancements would be sought at the detailed stage through Biodiversity Enhancement and Management Plans (BEMP).

3.7.13 The Council's Natural Heritage officer requested further detail on how many trees would be removed and the extent of woodland removal. The final extent will not be known until detailed assessment is carried out however it is estimated at 100sqm. They also requested protection for boundary features and the important beech trees on site. The beech trees are not in an area of tree removal and a condition has been added requiring the retention of boundary features where possible. They also requested further detailed on ecological enhancement. This has been requested through supporting information at the detailed planning application stage.

3.7.14 Making Fife's Places SG states that dwellings and gardens should be set back from existing trees by the full extent of the fall distance of that tree at maturity. There is a mixture of mature and young trees within the site. The proposed dwellings could be set back sufficiently from the majority of the woodland. As noted some tree removal would be required for other reasons and following this, the residential properties could be situated with sufficient distance from the trees if necessary. This would largely be a matter for the detailed application stage but in principle, what is proposed is acceptable.

3.7.15 The majority of the site has limited value for ecology and biodiversity at present given it is mostly in agricultural use. The areas of greatest ecological value would largely be retained in the form of the woodland and field boundaries. The woodland that would be removed would be more than compensated for. The proposal is considered to be in compliance with the Development Plan and SPP in relation to ecology and natural heritage.

### 3.8 Built Heritage/ Archaeology and Cultural Heritage

3.8.1 In general terms the SPP (2014) states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. SPP paragraph 145 states that where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. SPP paragraph 149 states planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields. SPP paragraph 150 states planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible planning authorities should, ensure that developers undertake appropriate excavations, recording, analysis, publication and archiving before and/ or during development. SPP paragraph 151 states there is also a range of non-designated historic assets and areas of historical interest which do not have statutory protection but are an important part of Scotland's heritage.

3.8.2 Similarly Historic Environment Scotland Policy Statement (2016) sets out the key test set by the legislation that planning authorities should have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. PAN2/2011 (Planning and Archaeology) advises that, in determining planning applications, planning authorities should take into account the relative importance of archaeological sites. It also notes that in determining planning applications that may impact on archaeological features or their

setting, planning authorities may on occasion have to balance the benefits of development against the importance of archaeological features.

3.8.3 Policy 1 B(10) of the Adopted FIFEplan states that developments must safeguard the characteristics of the historic environment, including archaeology. Policy 14 of the LDP advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage:

- the Outstanding Universal Value of the World Heritage Site and its setting;
- the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans;
- listed buildings or their setting, including structures or features of special architectural or historic interest;
- sites recorded in the Inventory of Historic Gardens and Designed Landscapes and other non-inventory gardens and designed landscapes of cultural and historic value;
- Scheduled Ancient Monuments, including their setting;
- patterns of traditional orchards and medieval garden riggs;
- inventory of Historic Battlefields; or
- the preservation objectives of Historic Marine Protected Areas

3.8.4 Colton House is approximately 100m to the north of the site and is a category C Listed Building. The LVIA notes that views from the house are screened largely by mature vegetation around that property. The LVIA did note that winter views may be more prominent when the trees aren't in foliage. The LVIA noted a moderate adverse impact on this property. It is noted however that views to the site would also be partially screened by the vegetation along the northern boundary of the site and Colton Mains farm. The properties along the north would also be lower density within the character area and thereby lower in height. The development would be apparent to the Listed Building with urbanisation moving closer, however with the vegetation and the distance between the site and the Listed Building, there would be no significant adverse impact either on its setting or directly on the Listed Building. The development would be sufficiently distant and distinct from the Listed Building to avoid any significant impact.

3.8.5 There are no other sites of significant built or cultural heritage near to the site.

3.8.6 An archaeology assessment was submitted with the application and only identified two aspects of cultural heritage within the site. These were three buildings of nineteenth century date identified on historic maps at the south west corner of the site. No evidence of the buildings remain on the surface. The second identified aspect was an old coal pit. The assessment concludes that based on historic maps the site does not appear to be archaeologically sensitive but being a large scale greenfield site, there is the potential for undiscovered sub surface remains.

3.8.7 The Council's archaeologist has been consulted and initially considered that no archaeology was likely to be found on site. Following a further review, they consider that the ridge could be a relict road of great antiquity. They also discovered on 18<sup>th</sup> century plans the lost place name of Gallowsbank identified at the north west of the site. This suggests that there could have been gallows on or close to the site. As a result there is the potential for archaeology to be present on site and the archaeologist has requested a condition be added requesting assessment at the detailed stage. Based on the assessment by the Council's archaeologist a condition has been attached.



3.8.8 It is therefore considered that the proposals comply with the relevant criteria of both National and Development Plan Policy and the emerging development plan with regard to the built heritage and archaeology.

### 3.9 Residential Amenity

3.9.1 Policy 10 of the Adopted FIFEplan 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. The policy sets out the considerations in this regard which includes impact from noise, traffic movements, construction impacts and loss of privacy, sunlight and daylight. PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It states that it promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. The WHO Guidelines (2015) are referred to as the standards which should be achieved for environmental noise. These include 50dB for external space with 55dB being considered an upper limit, 35dB for internal space through the day and 30dB for internal space through the night.

3.9.2 Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009) complement the aforementioned policies by advocating that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and unacceptable impacts on light or sunlight to nearby properties are avoided. Fife Council's Planning Customer Guideline on Minimum Distances between Window Openings sets out British Industry Standards on the accepted distance between windows to ensure personal privacy is maintained.

3.9.3 A briefing note has been issued by the Royal Environmental Health Institute for Scotland. This sets out considerations for noise impact in terms of development and the appropriate noise levels which should be achieved and sets out how noise should be assessed. The REHIS guidance states that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. The guidance specifies exceptional circumstances as proposals which aim to promote sustainable development and transport within the local authority area and which would provide benefits such as:

- (a) reducing urban sprawl
- (b) reducing uptake of greenfield sites
- (c) promoting higher levels of density near transport hubs, town and local centres
- (d) meeting specific needs identified in the local development plan

Exceptional circumstances will, therefore, generally apply only to sites, which are small to medium in scale, within urban areas. This may include sites in established residential areas; brownfield sites; town and village centres, and sites near public transport hubs. This guidance is not a statutory document but is considered to have material weight as it sets out criteria for the assessment of noise.

3.9.4 Fife Council have created guidance entitled 'Noise Guidance for New Developments'. This brings together the methodology to assess the impact of noise from development from the aforementioned guidance and legislation. This specifies the noise standard expectations for existing and future receptors following development and this is based on the WHO Guidelines

(2015). As with the REHIS guidance, exceptional circumstances criteria have been included where the upper limit on noise standards and a closed window approach can be considered.

3.9.5 The closest residential properties are Colton Mains which is a group of farm buildings to the north of the site and an individual property to the south of the site. The detailed design of the site would dictate the eventual impact on residential amenity in terms of loss of sunlight/ daylight and privacy however no significant impact is likely. The Masterplan Framework shows the development areas set back from these properties and there is sufficient distance between the existing properties and the site. The visual amenity for these properties would require further assessment with the future applications but again this impact would be dictated by detailed design. On these points it is considered that the development would comply with Policy 10 of the Adopted FIFEplan (2017) although final assessment of these impacts would be required through the detailed applications.

3.9.6 A noise assessment has been submitted with the application. At the scoping stage, the Council's Public Protection officer indicated that the noise from any industrial sources and road traffic noise from the A823 and NLR should be considered. SEPA were also contacted and indicated that noise from the Lohead Waste Management Site and Craigies Poultry Farm should also be assessed. The Noise Assessment sets out that both these latter noise sources were not detected in the baseline surveys and so would have no material impact on the future development.

3.9.7 During the initial surveys it was identified that an electricity transformer station to the south east of the site had the potential to have an adverse impact on residential amenity. The electricity transformer station is remnants of the former power station and still in operation. It sits within the land allocated as TWH001. The Noise Assessment concludes that mitigation would need to be designed into the future layouts of the site. From the noise contour mapping within the Noise Assessment, it is noted that the high sound levels are closest to the electricity transformer and this is largely within the retained woodland area on the Scottish Power land. The Development Framework also shows a set back from the electricity transformer within the applicant's land with a SUDS basin proposed in the closest location. The noise contour mapping suggests that sound levels at the residential properties would be much lower with this separation distance meaning that significant physical mitigation is unlikely to be required. The noise assessment indicates that a landscaped bund near to the site boundary with the electricity transformer might be sufficient. If the noise contour plan suggested that the sound levels were still likely to be significant in the proposed development areas, then this detail would be required at the detailed application stage. It is not considered that the electricity transformer station would be a significant constraint based on the Masterplan Framework layout.

3.9.8 A noise assessment was also carried out considering traffic noise. This considered noise from the A823 and predicted noise from the future NLR. The assessment found that the road noise from both the A823 and future NLR would be a significant feature of the background noise of the site. This is likely to have a significant effect on the properties fronting onto the A823 and NLR. The Noise Assessment concludes that with a closed window approach the internal spaces of the dwellings could meet the required standards both at day and night times. The Noise Assessment predicts that the future dwellings could meet the upper limit of noise levels within the gardens. The dwellings fronting onto these roads should create a sufficient barrier for those behind to adequately meet the noise standards without significant mitigation.

3.9.9 Without the closed window approach, the only solution would be to set the residential properties far back from these roads thereby sterilising a large part of the development site. This would not be an effective use of land nor would it be a suitable design solution in helping to

keep vehicle speeds low on the NLR. From a design perspective, it is more appropriate to have frontage onto these roads for surveillance and creating that urban perspective for the driver to manage their speed. Finding the balance between road noise and urban design is difficult particularly where the road in question will be heavily trafficked.

3.9.10 The PAN 1/2011, REHIS guidance and Council's Policy document 'Noise Guidance for New Developments' sets out that assessment should be carried out with windows open unless there are specific reasons where closed window assessment should be considered. The REHIS document and the Council's Noise Guidance states that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. The REHIS and Council's guidance differ in what is considered exceptional circumstances. As the Council's guidance has been through public consultation, approved by Committee and provides a local context, it has been given a greater status in terms of material consideration for the purpose of this report.

3.9.11 The Council's Policy document sets out that in order to achieve wider outcomes of the Local Outcome Improvement Plan and the Local Development Plan (FIFEplan) it is recognised that the physical separation of noise and noise sensitive development will not be possible in all circumstances and that it may be appropriate to make provision for development in certain exceptional circumstances in order to achieve wider strategic objectives. The following examples are provided as benefits of the development which might allow the planning authority to consider the development to be an exceptional circumstance:

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

3.9.12 The proposed development would meet the criteria of the exceptional circumstances in that approval of this development would help achieve the objectives set out within the Local Development Plan and Strategic Development Plan through the delivery of the SDA. The design concepts with the Masterplan Framework would help to deliver high-quality, well-designed development achieving the principles set out in Making Fife's Places and Designing Streets. The sound levels would still be within acceptable limits but at the higher end and would avoid unsightly barriers, large standoff distances or houses backing onto the road unless absolutely required and would allow greater options for design along the NLR and A823. The final mitigation for this would come through the detailed design however as noted flexibility should be included if necessary. This would be on the understanding that all reasonable measures are taken to attempt to meet the lower standard subject to good design principles. While it could be argued that the delivery of the site without the direct street frontage might still achieve the delivery of the Development Plan, it would not meet the concepts of Making Fife's Places and Designing Streets. To achieve this design element and the benefits it brings to the delivery of the Development Plan and the design concept, the exceptional circumstance must be applied.

3.9.13 Within the Policy Document it is stated that where the exceptional circumstance is applied the development must still evidence that the following sequential approach has been taken:

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with urban design principles and Masterplan;
- (ii) Orientation of dwellings to avoid noise impacts on sensitive elevations and/or habitable rooms, where this can be achieved in accord with urban design principles and Masterplans;
- (iii) Installation of acoustic barriers, where this would have no unacceptable detrimental impact;
- (iv) Use of acoustic insulation/ closed window approach in new dwellings and allowance for the upper limit of 55dB in gardens.

Condition 29 has been proposed which sets out the future need for noise assessment on the NLR and A823 in particular taking into account the detailed layout when known and this must evidence what mitigation is being applied and that the above sequential approach has been taken.

3.9.14 Thereby, to achieve the policy aims of delivering the NLR and the Colton SDA development, the exceptional circumstance approach has been accepted for this site. This would allow the detailed development stage the use of a closed window approach (with appropriate alternative ventilation) and the higher garden noise threshold if the above sequential approach is followed. The closed window approach would not reduce the level of amenity to the future residents as a suitable ventilation alternative would need to be provided. The opening of a window is seen as being the quick expulsion of air if required and an alternative means of doing this would be provided in the future detailed applications. With this, it is concluded that the development would have no significant noise impact and the future residents can be protected from unacceptable noise sources.

3.9.15 There is allocated industrial land to the south west of the site both at an existing facility (former bus depot) and shown within the Masterplan for the Wellwood SLA. The existing facility is largely vacant with no real industrial use on the site and no significant noise was recorded during the Noise Assessment. A Noise Assessment carried out for the development site to the south (17/00103/PPP), noted that even if the employment area came back into use there would be no significant increase in noise from the site relative to the existing background noise. The conclusion of that report was that the employment land was unlikely to cause any significant impact. This was accepted within the Report on Handling for that application. The same conclusion can be drawn for this application given this proposal is no closer to the noise source than that application. Any change in circumstances on the employment land would be identified in future noise assessments as well.

3.9.16 Public Protection have been consulted and accept the conclusions of the Noise Assessment. They note that there are areas of elevated noise and accept that these will need further assessment at the detailed stage. They set out that it is for the Planning Service to determine whether the exceptional circumstances should be applied. The assessment of this has been set out above. Public Protection also raise the matter of construction impacts. It is noted there are two residential properties relatively close to the site While this cannot be fully mitigated and would be for a temporary period, it is important that measures are put in place during the construction period to try and limit the impact on residential amenity. A condition has been applied requiring the submission of a Construction Environmental Management Plan with the detailed applications.

3.9.17 There are overhead lines and pylons at the northern boundary of the site and low voltage lines running through the site. The overhead lines at the north of the site would remain in situ and a stand-off is provided. The low voltage lines through the site are shown to be removed on the Masterplan Framework. A strategy for how this would be achieved for each phase is specified as a requirement for the Development Briefs.

3.9.18 Subject to the use of conditions to control certain aspects of amenity, especially to consider future noise mitigation and the use of a Construction Environmental Management plan the development would be able to comply with national guidance and policies 1 and 10 of the Adopted FIFEPlan (2017) in this regard.

### 3.10 Water/ Drainage/ Flood Risk

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

3.10.2 Policy 12 of the Adopted FIFEplan (2017) states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere; reduce the water conveyance and storage capacity of a functional flood plain; detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use; detrimentally impact on future options for flood management; require new defences against coastal erosion or coastal flooding; and increase coastal erosion on the site or elsewhere.

3.10.3 The SEPA Flood Maps do not indicate that the development is at any significant risk of flooding from fluvial or coastal sources. There is evidence of potential surface water flood risk along the southern and northern boundary and also at the eastern extremes of the site. None of these areas are shown for development within the Masterplan Framework. A Flood Risk Assessment has been submitted with the application. This identifies that there is a ditch within the site that travels southward to the Lead watercourse which is to the south of the site. Investigations for application 17/00103/PPP noted the Lead (within that site) is no longer a viable watercourse with no significant flow within the channel. Both of these features were therefore considered not to have any significant flood risk for the site. No sources of pluvial or ground water flooding are identified as having any significant risk due to the development area sitting higher than any area identified as being a risk. The FRA concludes that providing the Finished Floor Levels are above ground level by 300mm there should be no detrimental impact in this regard. On this basis, the site is not considered to be at any significant flood risk.

3.10.4 A Drainage Strategy has been submitted with the application and this identifies two locations for SUDS basins. One centrally within the site but at the southern boundary and the other at the south east boundary. The central one would capture the western most drainage with the eastern capturing the eastern catchment area. The basins would be limited to a discharge of 4 l/s/ha. The SUDS basins would be designed to take into account a 1 in 200 year event +35% for climate change. The SUDS would discharge to the Lead via two existing culverts which then discharges to the Town Loch. While the Lead has been identified as not being a viable

watercourse, there is a drainage ditch remaining on its former route which appears to capture run off and discharge from the north albeit not at any significant volume. The applicant considers that this channel can be used for the SUDS drainage.

3.10.5 The owner of the neighbouring property to the south has objected to the proposal and their points of objection includes concern with regards to the use of the Lead for water discharge. The objector notes that the Lead is a shallow watercourse which is within 8m of the back of their house but through their property. They are concerned that the use of the existing culverts and the Lead could result in additional flood risk to their property. They are also concerned that the Drainage Strategy notes that the Lead is no longer a viable watercourse but is being proposed for use as drainage discharge. The objector is also concerned with the potential flood risk to their only access to their property due to the surface water discharges.

3.10.6 The concerns raised by the objector are noted and accepted. These were raised with the applicant and they contacted the objector directly as it is understood that some agreement would be needed to allow the drainage discharge through their property. At this in principle stage, the Drainage Strategy identifies a suitable solution however the final drainage solution would only be known at the detailed stage and may require access rights and other consents including potentially from the objector. The final design also must ensure that the objector's property or access would not be at any elevated risk of flooding from the existing situation. While the objector has concern with the use of the existing culverts it should be noted that these culverts already take water from the agricultural land and discharge it to the Lead. The SUDS basins will collect all surface water from the same land and ensure the discharge rate is controlled so that the culverts are not inundated. This detail will come with future applications. The point with regards to the Lead is noted. The point on the Lead not being viable as a watercourse relates more to the fact that it appears to have been cut by a railway cutting and no longer has a flow from the west. The drainage channel remains but is largely a grass depression. It appears that the channel does collect water from the runoff from the fields and may have flow from time to time and this is more evident at the eastern extent of the Lead closer to the Loch. On the objector's access, one of the requirements of the proposed conditions is to ensure one of the internal streets travels to the southern boundary of the site to provide the opportunity for an alternative access to the objector's property should they wish it.

3.10.7 The Harbours, Flood and Coast team have no objection or comment to make on the flood risk aspect of the site. They also express no objection to the drainage strategy but note a number of points that would need to be addressed at the detailed application stage. This is around the detail of the drainage design. On this basis, the details within the FRA and Drainage Strategy are accepted at this in principle stage and further information will be needed at the detailed design stage to prove that the development would cause no significant flood risk to neighbouring properties and that the drainage solution including the use of the Lead and existing culverts is suitable to the final detailed development design.

3.10.8 Scottish Water were consulted and set out that there is currently capacity at the Ironmill Bay Wastewater Treatment Works to service the initial phases of this development. However, the cumulative number of units will ultimately require additional treatment works capacity. Scottish Water has initiated a strategic project to service all development within Dunfermline in the Local Development Plan and aims to deliver this without detriment to development plans. In addition, drainage network upgrades will likely be required to service this development. These matters would be addressed separately with Scottish Water and do not need secured through this planning permission. Scottish Water confirm that there is also sufficient Water capacity for the site.

3.10.9 The site would not be at any significant flood risk and a suitable Drainage Strategy has been proposed albeit further detail on this will need to be finalised once the detailed design of the site comes forward. Evidence that the points raised by the objector have been considered and resolved would be needed at this stage. In principle, the development is considered acceptable and would be in accordance with National Policy and the Development Plan on this matter.

### 3.11 Air Quality

3.11.1 The Air Quality and Land Use Planning (2004) document and PAN51 (Planning and Environmental Protection) are relevant in considering how air quality matters are considered through the planning system. Land-Use Planning and Development Control: Planning for Air Quality' (2015) requires the consideration of cumulative effects particularly on commuter routes.

3.11.2 Policy 10 of the Adopted FIFEplan 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. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas (AQMA) and contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

3.11.3 Given the scale of development an Air Quality Assessment (AQA) has been submitted by the applicant. There is an Air Quality Management Area (AQMA) within Dunfermline at Appin Crescent. In consultation with SEPA, they raised a potential concern with regards to odour from the Lochhead Waste Management site. They note that they have received some complaints with regards odour from this site historically, however currently there is not a large number of residential properties near to the Waste Management Site. They note that the development would bring a larger number of residential properties closer to the facility. The site is licensed by SEPA. As part of the Air Quality Assessment submitted by the applicant this site, and the Craigies Poultry Farm were both considered for potential impact

3.11.4 The AQA noted the Lochhead Landfill Site was 670m to the north west while Craigies Poultry Farm was 790 m northeast of the proposed development. The AQA states that taking into account their location relative to the prevailing wind direction (south westerly) and the large distances, these sources are unlikely to have a significant impact on future residents. The Land and Air Quality team have considered this information and have no objection to the proposal. Following re-consultation with SEPA, they have not raised any further concerns on this point.

3.11.5 The AQA considers the construction phase and operational phase impacts of the development. The AQA notes that there are not many existing residential receptors within 100m of the site currently but accepts that development progresses there would be new residential receptors. This would be within this site and the neighbouring North Wellwood site. The AQA considers there to be three likely causes of air quality issues on site and these would be earthworks, construction and trackout from the construction vehicles. The AQA indicates that the risk of impact from this is high without mitigation. As the mitigation for this, the AQA recommends mitigation measures for the control of dust during the construction period and that this should be written into a dust management plan. This would be included in the Construction Environmental Management Plan required by condition.

3.11.6 The AQA assessed the potential impact of the development from an increase in vehicle emissions. This looked at particular sensitive receptors in the local area including the AQMA. The assessment includes a standard assessment and a worst case assessment which assumes that

technological advances in improving vehicle emissions are not successful. In terms of NO<sub>2</sub>, it was found that there would be some discernible increase as a result of this development particularly in the road network within and adjacent to the site. The majority of this however would be between 1-3% and this was considered to be negligible. At the site entrance onto the A823 it was considered to be a 6% increase in the standard assessment and 7% increase in the worst case scenario. This was considered a slight adverse impact however would not lead to an exceedance of the national air quality objectives. Similarly, the development would not lead to an exceedance of the national air quality objectives at any of the tested locations. The development is therefore not considered to have any significant detriment in this regard.

3.11.7 The development would see a negligible change in terms of PM<sub>10</sub> and PM<sub>2.5</sub> pollutants from the current background levels with the highest change being at the site entrance and the change would only be 2%. On this basis the development would cause no significant change and have no significant detrimental effect. The Council's Land and Air Quality Team have considered the assessment and conclude that they have no objection to the proposal based on the assessment submitted.

3.11.8 Overall, the development would have no significant detrimental impact on air quality and would comply with the national objectives and guidance. The development also would not be at any significant risk from SEPA licensed processes which could have a detrimental impact on air quality. The development is therefore considered to comply with policies 1 and 10 of the Adopted FIFEplan (2017) in this regard.

### 3.12 Contaminated land and land stability

3.12.1 The SPP does not isolate the issue of contaminated land or land stability in terms of policy guidance. It is a technical constraint affecting the form and scale of development and is addressed by Planning Advice instead. PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. The SPP advises that Local Development Plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development.

3.12.2 Policy 10 of the Adopted FIFEplan 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. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas) and contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

3.12.3 A Ground Conditions and Mining Desk Study has been carried out for the site has been submitted and identifies that there are constraints on site which would require an intrusive site investigation to be carried out. The Council's Land and Air Quality Team have confirmed that a condition should be applied requiring the submission of a full Site Investigation and remediation strategy be submitted with the detailed application.

3.12.4 The site sits within a High Risk Coal Mining legacy area and the Coal Mining Risk Assessment has been submitted. This identifies that historically there is evidence of a colliery within the central eastern portion of the site and a mineral railway ran along the southern boundary of the site. Along the northern boundary of the site opencast coal working took place although the land in that location is now reinstated. Old shafts, coal pits and quarries are noted in the wider



historical maps. Coal Mining Risk Assessment identifies the need for the intrusive site investigation to identify the extent of shallow mine workings and identification of mineshafts and adits. The report proposes grouting for any coal mining risks.

3.12.5 The Coal Authority have been consulted and confirm that they are aware of 3 coal mine entries either within the site or within 20m of the site. They agree with the conclusions of the Coal Mining Risk Assessment and have no objection to the proposal subject to a condition requiring intrusive ground investigation to identify the coal mining constraints and mitigation being provided prior to any development on site. They propose a condition which have been added to the planning condition schedule.

3.12.6 Subject to conditions requiring a site investigation and remediation measures for contamination and coal mining risks the development complies with the Development Plan in this regard.

### 3.13 Affordable Housing

3.13.1 Policy 2 of the Adopted FIFEplan states that open market housing development must provide affordable housing at the levels shown in Figure 2.2 for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. The Supplementary Guidance on Affordable Housing (2017) supplements this policy.

3.13.2 The Council's Affordable Housing Team have been consulted and they confirm that 25% of the site should be provided as affordable housing which equates to 113 units. The Masterplan Framework sets out that the affordable housing would be located close to the principal road to benefit from good access to bus services and local amenities. These units should be fully integrated with market housing and be indistinguishable from other forms of housing. The requirement to deliver the affordable housing would be secured through the legal agreement and future application details would dictate where the affordable housing would be located.

3.13.3 Subject to the conclusion of a legal agreement setting out the affordable housing requirements for this site, the development would be in accordance with the Development Plan and Affordable Housing Supplementary Guidance.

### 3.14 Education Provision

3.14.1 Policy 4 of the Adopted FIFEplan (2017) states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. The contributions will mitigate development impact by making a contribution to existing infrastructure; providing additional capacity; improving existing infrastructure or providing new infrastructure. This is reinforced in the Planning Obligations Framework Supplementary Guidance (2015). Figure 4.1 of Policy 4 of the Adopted FIFEplan also sets out the contribution requirements for the Dunfermline North SDA sites in terms of Education. Fife Council's Planning Obligations Framework draft Supplementary Guidance (2017) re-iterates this advice and also provide more recent and up to date calculations and methodologies with regards to existing infrastructure. It is, therefore, considered that the calculations from the draft Guidance should be used in this instance as this document provides the most recent and accurate calculations with regards to planning obligations.

3.14.2 Figure 2 within the Fife Councils Planning Obligations Framework draft Supplementary Guidance (2017) as well as the overarching Dunfermline North Policy sets out the education requirements for Dunfermline North SDA. This states that two new primary schools are required with one required at Halbeath and the other at Swallowdrum and this would provide the capacity for the whole SDA. The Education Service has been consulted and indicates that this development is within the catchment of Queen Anne High School and St Columbas Roman Catholic High School and McLean Primary School and St Margaret's Roman Catholic Primary School.

3.14.3 While the FIFEplan and draft Supplementary Guidance sets out a position whereby the North Dunfermline SDA will be served by two primary schools, these primary schools are within the most eastern and western sites within the SDA. The development areas more centrally within the SDA are too remote from the school sites in order to be served by them. This application site is within the catchment of McLean Primary School but is a considerable walk from the school. The eastern extent to which housing is shown on the Masterplan Framework would be around 1.8km from the school. The Education Service have outlined that McLean Primary School has no capacity for this site at present. The capacity within the school is being used for Wellwood SLA with the SLA already having paid a contribution of £240,000 towards the provision of two temporary modular classrooms. These will be placed at the school later this year. Wellwood SLA is required to build a new Primary School by the 300th unit on their site and at that point the temporary classrooms would be removed. At present Wellwood SLA has built around 170 units but consents are in place for over 250 units with a further application having been submitted which would see the 300 unit trigger being reached.

3.14.4 Due to the location of the Wellwood SLA primary school site, it has been decided that this school would be best placed to provide the education solution for Colton SDA and North Wellwood SDA as well as Wellwood. This is on the basis that the Education Service do not want any permanent extension of McLean Primary School as this would permanently reduce the playground area to an unacceptable level and that pupils from this site would walk past the new Wellwood school on their way to McLean primary School. From a planning perspective, it is also considered that the new Wellwood Primary School is the appropriate solution for this site. The intention is to move the primary school closer to the A823 and thereby closer to Colton SDA and North Wellwood SDA. The school would therefore be sited centrally within the new communities which would be beneficial for place making and social cohesion. It is therefore considered that this development site should use the new Wellwood Primary School on the basis of place making, sustainable travel and good planning. It is also noted that the Local Development Plan has always envisaged this site would contribute towards a new Primary School albeit this originally would have been one of the new SDA schools at Swallowdrum or Halbeath.

3.14.5 The primary school to accommodate Wellwood SLA, Colton SDA and North Wellwood SDA would need to be 2 stream (14 classes). Currently the legal agreement for Wellwood SLA requires the developer to construct a smaller primary school however they have informed the Council that due to cashflow constraints on their site, they may not be able to construct the school when required. How the primary school will be delivered is still being discussed with the Council considering whether it should construct the primary school. Until a new primary school is constructed, there would be no education capacity for this site. Conditions have been proposed which would not allow the development to start until the solution to the school delivery is identified.

3.14.6 The Colton SDA developer has agreed to make a financial contribution to a 2 stream primary school and agreed to a planning condition that there can be no occupations on site until

the primary school is complete and operational. Given the McLean Primary School constraints, the only suitable option identified is a new primary school.

3.14.7 The Planning Obligations Framework draft Supplementary Guidance (2017) sets out that there is a capacity risk across the Dunfermline Secondary School catchments. There is a cross catchment solution to this and all sites within Dunfermline require to contribute towards this. This would see a solution(s) being put in place to the benefit of all the catchments by providing additional capacity to a catchment which can either be used directly by that catchment or by moving other pupils from another catchment thereby providing space for new pupils from development. The contribution level is set at £6,067 per 3 bedroom market unit. A tariff approach is employed with 2 bedroom properties contributing 25% less while every additional bedroom would contribute a further 25% more (i.e. 5 bedroom property would contribute 50% more). This would be included in the Planning Obligation and the contribution this site makes would depend on the house types chosen.

3.14.8 St Margaret's Roman Catholic Primary School has capacity issues due to the level of development within its catchment. The identified solution is two additional classes at a cost of £1.05million. The cost per unit would be £228 per 3 bed unit with the tariff applied per bedroom. The Education Authority have confirmed that there is no significant capacity risk at St Columba's Roman Catholic Secondary School.

3.14.9 There is a requirement for this development to provide contributions towards a new Primary School within Wellwood SLA and solutions for a secondary school and Roman Catholic School capacity risk. The developer has agreed to provide these contributions. Controls are also proposed to restrict development until the primary school solution is in place. It is considered that the development is in compliance with the Adopted FIFEplan and Planning Obligation Supplementary Guidance in this regard.

### 3.15 Public Art

3.15.1 The Planning Obligations draft Supplementary Guidance (2017) and Policy 4 of the Adopted FIFEplan sets out when public art is required and ties to the Making Fife's Places Supplementary Guidance (2018) which provides further details on how public art should be integrated into a site and when and where this should be provided.

3.15.2 Public art has not been fully addressed within the Masterplan Framework. A public art strategy would come forward with each phase and would also be detailed in the Development Briefs. The public art would then be delivered out as part of the detailed application for each phase.

3.15.3 The delivery of public art would be confirmed through the Development Brief for each phase and the detailed applications and with this would be in compliance with the Development Plan in this regard.

### 3.16 Low Carbon Fife Council

3.16.1 SPP (2014) introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

3.16.2 SPP states that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery;
- and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

3.16.3 Scottish Planning Policy (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

3.16.4 Policy 11 (Low Carbon) of the Adopted Local Plan states that planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
2. Construction materials come from local or sustainable sources;
3. Water conservation measures are in place;
4. sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and
5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

3.16.5 Fife Council's Low Carbon Fife Supplementary Guidance (January 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. In addition, planning application applicants are expected to submit a completed sustainability development checklist (Appendix B of the guidance).

3.16.6 The applicant has submitted an Energy Statement of Intention to support their application. There is a district heat network which runs southward along the A823 adjacent to the site. The applicant confirms that they own sufficient land to be able to make a connection to this network. The Energy Statement of Intention sets out that a detailed exploration into the ability to connect to this network will be made at the detailed application stage in line with Fife Council's Low Carbon Fife Supplementary Guidance. A condition has been added specifying that this needs to be assessed as part of the first detailed applications. SEPA were consulted and stated that they had no objection subject to a condition requiring this information at the detailed application stage.

3.16.7 The Energy Statement of Intention sets out the key components of the development going forward include a fabric first approach through reducing energy requirements by improving the building quality and ensuring site layout, orientation and design maximises heat gain. It also sets out that renewable energy generation will be incorporated on the properties and energy efficiency will also be incorporated into building design. Streets will be designed to reduce the dominance of cars and promote public transport and walking and cycling. The detail of these measures will be incorporated into the Sustainability Statements for each application.

3.16.8 In terms of the SPP principles set out in 3.16.2 of the report, it is considered that the application would largely comply with these where applicable. The SPP sets out that these are a material consideration of any development. Although the proposal already complies with the Development Plan, compliance with the SPP principles is also another positive material consideration towards approving the application.

3.16.9 Overall the development is considered to comply with SPP, the Adopted FIFEplan and associated SG in this regard.

### 3.17 Infrastructure Considerations and Summary of matters to be included in the legal agreement and conditions

3.17.1. In terms of transport infrastructure the following would be required:

- The NLR to be completed to the eastern boundary by the 250<sup>th</sup> unit;
- The full cost of the NLR between the eastern extent of the land owned by the applicant and the NLR section being constructed by the Council to be paid by applicant by 250<sup>th</sup> unit. This includes land and CPO costs.
- Footway/ cycleway creation along A823 by first unit.
- Upgrade of Core Path by the 100<sup>th</sup> unit.
- Financial contribution towards the Strategic Transport Interventions in Dunfermline.

3.17.2 The education contributions and requirements would be as follows:

- Proportionate cost of 2 stream primary school.

- Contributions towards Dunfermline Secondary School solution and St Margaret's Primary School.

### 3.17.3 Other matters include:

- Securing 25% affordable housing;
- Securing delivery of landscaping associated with development phases already complete should development stall for more than 3 years;

### 3.17.4 Other infrastructure considerations:

In terms of the provision of retail, community and health facilities, the LDP allocation policy does not include any requirements for this. It is noted however that this is included within the Masterplan for Wellwood SLA and this could be the centre point to which a new community place is built around. On this basis, no additional infrastructure or facilities have been requested.

The costs, timings and figures set out here are preliminary and subject to finalisation in the drafting of the legal agreement. They are therefore subject to change and officers seek delegated authority to conclude the legal agreement.

## CONSULTATIONS

Community Council The Coal Authority	No comments. No objection subject to condition requiring intrusive assessment and mitigation.
NHS Fife Scottish Rights Of Way And Access Society Archaeology Team, Planning Services	No comments. No comments No objection subject to condition requiring archaeology assessment prior to development starting on site.
Land And Air Quality, Protective Services	No objections subject to condition requiring an intrusive site investigation at the detailed design stage. No objection on the air quality issue.
Education (Directorate)	Contributions are required for a new Wellwood SLA primary school, towards the expansion of secondary school provision and an extension to St Margaret's Primary School.
Housing And Neighbourhood Services	Confirm the need for 25% of the residential units to be for affordable housing.
Structural Services - Flooding, Shoreline and Harbours	No objection subject to detailed drainage information being submitted at the detailed application stage.
Environmental Health (Public Protection)	Confirm that the noise assessment is sufficient and have no objections subject to a

Transportation, Planning Services	condition mitigating the potential impacts on amenity from construction. No objection subject to conditions on delivery of connections, crossings, infrastructure and NLR.
Parks Development and Countryside	No comments on proposals but did comment on the proposed measures for the Country Park enhancements.
Scottish Environment Protection Agency	No objection on odour, drainage or flood risk but have requested a condition requiring an Energy Statement at the detailed stage.
Scottish Water	No objection
Urban Design, Planning Services	Initially raised concerns with regards to development on the ridge and above and the potential visual impact. Alterations to the plans were made to try and resolve these. Requested additional detailed information in the Masterplan etc to pinpoint specific details for the site.
Natural Heritage, Planning Services	No objection subject to securing retention of particular features through condition. Some concerns raised with regards to woodland loss however this has been discussed and set out in the report.
Trees, Planning Services	Sets out that the woodland areas should be retained and protected. Proposes conditions in terms of tree protection and arboricultural supervision. These matters are discussed in the report.

## REPRESENTATIONS

Two letters of objection have been received to the application. One of the letters of objection is from the immediate property to the south and they make the following comments:

- Their property is a semi-rural smallholding and the development in this site combined with the development to the west (DUN044) would change the setting of their property;
- The development would bring a huge increase in noise and light pollution to their property decreasing their standard of living.
- Wellwood village will be overwhelmed by all the development proposed in the SLA and SDA leading to it losing its identity;
- Losing the greenspace to the north and west of the village will have a significant effect on the feel of the village and also the wildlife. Bats and deer are seen in the fields.
- The greenspace for dog walkers, horse riders and as amenity space will be pushed further from the village.

Response:

It is accepted that the setting for this dwelling will change however through the detailed design stage sufficient set back can be provided to avoid any significant detriment. The rural setting of the dwelling will change and that cannot be fully mitigated but sufficient set back can be provided to avoid any significant rise in noise or loss of daylight/ sunlight or privacy. Similarly, a set back and landscaping can minimise the light pollution issues to a degree however the darkness of a rural setting would be lost. This is not considered a significant material consideration as the area is not designated for having a particular dark sky character.

In terms of the changes to the character of Wellwood village, this is an issue more related to the FIFEplan adoption stage. The allocation of residential units to an area is decided through that process. The additional 150 units proposed would not significantly alter the assessment carried out at the LDP stage in this regard. It is accepted that a large number of units are proposed and would increase the size of the village but the identity of a settlement can be retained with the right design and community building through the creation of a sense of place. These would be matters for the detailed design stage. The greenspace to the north and west would be lost to a degree however significant areas would be retained and enhanced. Wellwood SLA will include a community parkland and the woodland in this site will be enhanced with footpaths to increase recreational opportunities. The Core Path will also be enhanced and this is directly north of the village.

#### Road issues

- The NLR needs to be delivered early to avoid any significant impact through the road network particular at A907/ Carnegie Drive, A823/ Pilmuir Street and Sinclair Gardens roundabout. The objector notes there are particular pinch points and peaks on this network which will worsen with this development and others without the NLR being in place;
- They wanted to create an access onto the NLR but notes it has moved into the development site. Their current access is maintained by Fife Council and is not well kept.

Response:

The considerations around the delivery of the NLR are set out in sections 3.4.11 – 3.4.16 of the report. A trigger point taking into account the potential impact on the road network has been identified. In terms of a new access point to this property, a condition has been added ensuring that a street internally within the site finishes at a point that the objector could form an access to the north.

#### Infrastructure

- Concern raised with the capacity at existing schools;

Response:

This is addressed in section 3.14 of the report with education solutions identified for all the education infrastructure constraints.

#### Flooding

- Concern that the Lead would be used for drainage (See section 3.10.5 of the report);
- Concern that their access might flood (see 3.10.5 of the report).

Response:

These matters are addressed in section 3.10 of the report.



Another letter of objection has been received by the owner of the land within Allocation DUN044. There points of objection include:

- The scale of the units proposed constitutes a significant departure from the allocation in FIFEplan and no justification has been given for the proposed increase in units.
- No layout has been provided to show the site can accommodate this level of units.
- There is no discussion or assessment of the proposed departure from policy within the Planning Statement and the proposal does not comply with Policy 2: Homes.
- The Planning Statement asserts incorrectly that the application within DUN044 proposes a section of the NLR.
- There are references in the Drainage Assessment that the surface water from the site would discharge to the Lead and by inference onto DUN044. As noted in application 17/00103/PPP the Lead is not a function watercourse.

Response:

The principle of uplift in residential units above the allocation has been considered in section 3.2 of the report. This has been deemed acceptable. No justification has been provided for the uplift but nor is this required. Sufficient evidence is available that there would be no significant detrimental impact and no significant policy or infrastructure implications as a consequence. The Masterplan Framework and work around the LVIA provides sufficient justification that up to 450 units can be accommodated with the site constraints. The detailed applications may find that this number cannot be achieved but in principle this is acceptable. The proposal is considered to comply with Policy 2. There is no criteria within that Policy which the proposal would not comply with. As noted, the number of units within the Allocation Policy is indicative only.

The comment on DUN044 is noted. There is an application (17/00103/PPP) and appeal which is still pending on this matter. The point on the Lead is noted. The proposal however does not propose new connections to the Lead but to use existing culverts. The commentary on this not being a viable watercourse is accepted and was accepted in application 17/00103/PPP. There does seem to evidence of a watercourse to the east of DUN044 and this is confirmed by the other objector. It maybe that this is formed by runoff from the north. The detail of how this will actually function would come via the detailed planning application but in principle a suitable drainage solution has been identified and the relevant consultees have no objection. Any third party rights to the water discharge would need to be resolved separately by the applicant.

The points of objection made by both parties raise no matters which either have not been addressed or would warrant refusal of the application.

## **CONCLUSIONS**

The assessment of this application has considered the application submission documents, the representations received from third parties and the replies to the consultation process.

The proposed development is in accordance with the Approved SESplan (2013) and Adopted FIFEplan (2017) in that the site forms part of the North Dunfermline SDA. The development as proposed is in accordance with the development requirements as set out within Allocation Policy DUN039 (Colton SDA) in that the proposal is for residential development within the settlement boundary. The application does propose a large number of residential units above the Policy Allocation's indicative unit number however this is considered acceptable. The increase would not result in any significant detriment, would have no significant infrastructure impact that could not be mitigated and would not result in the proposal not meeting the Policy Allocation criteria. The

application meets the requirements of DUN039 and DUN067. The submitted Masterplan Framework adequately proves that a development of suitable design and layout can be formed and one that would have no significant adverse impact on visual amenity and the landscape. The development would have no significant impact in terms of residential amenity, transportation, drainage or natural heritage subject to mitigation and controls being implemented in the detailed applications and during the development. The development is in accordance with the Development Plan in all regards, and there are no material considerations which would outweigh the Development Plan in this instance. The proposal is therefore considered acceptable.

## **RECOMMENDATION**

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

A. A legal agreement securing the following matters:

- The securing of proportionate financial contribution towards a new Primary School;
- Providing access to the land associated with the link road within the site should this be needed to deliver the Northern Link Road;
- A Strategic Transport contribution of £5332 per market unit
- A contribution of £6067 per 3 bedroom market residential units towards secondary school education. This shall be increased and decreased on a sliding scale per bedroom and index linked.
- A contribution of £226 per 3 bedroom residential units towards St Margaret's Roman Catholic Primary School. This shall be increased and decreased on a sliding scale per bedroom and index linked.
- The securing of 25% affordable housing on the site;
- Securing the final delivery of landscaping and open space for development areas should the development stall for 3 years or more;
- A financial contribution or direct completion of the Northern Link Road at the eastern end of the development site outwith the area of site specified on plan 50126\_106 and condition 22 including land, CPO and construction costs.

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

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

D. The following conditions and reasons:

1. A further application(s) for the matters of the development (Approval of Matters Required by Condition) as set out below shall be submitted for the requisite approval of this Planning Authority;
  - (a) the construction of residential development and associated infrastructure (including affordable housing);
  - (b) the development of the road, cycleway and footpath network including water crossings;
  - (c) engineering operations associated with infill, regrading or remediation;
  - (d) play provision, open space and landscaping;
  - (e) the construction of SUDS facilities and drainage including all associated engineering works;

- (f) the provision of renewable energy generating facility(s) capable of serving all or part of the development site;
- (g) An updated Masterplan Framework (when considered necessary by the planning authority) and phasing plan as defined by condition 5;
- (h) A Development Brief for each phase;

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

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

2. Every application for Approval of Matters Specified by Condition submitted under the terms of conditions 1(a-f) shall be submitted for the written permission of this Planning Authority with the following supporting information, unless agreed otherwise between the parties, each acting reasonably and this shall include where relevant:-

- (a) A location plan of all the existing site to be developed, to a scale of not less than 1:2500, showing generally the site, existing contours, any existing trees, hedges and walls (or other boundary markers);
- (b) A detailed plan of not less than 1:1250 showing any previous phases of development and how this application relates to that development;
- (c) A detailed plan to a scale of not less than 1:500 showing the current site contours, the position and width of all proposed roads and footpaths including public access provision and accesses.
- (d) Detailed plans, sections, proposed contours and elevations of all development proposed to be constructed on the site, together with details of the colour and type of materials to be used;
- (e) Details of boundary treatment;
- (f) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. This shall also include details of strategic landscaping associated with that phase of development;
- (g) Details of the future management and aftercare of the proposed landscaping and planting;
- (h) A Design and Access Statement including an explanation in full how the details of the application comply with the Masterplan Framework, relevant Development Brief and shall provide a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2018);
- (i) Site Sections (existing and proposed);
- (j) Details of land regrading and retaining walls
- (k) Biodiversity Protection, Enhancement and Management Plan for that phase;
- (l) Bat survey where relevant
- (m) Updated Ecological surveys (if a year has passed since the last one was carried out);
- (n) Visual appraisal with the detail of the development (including photomontages)
- (o) The contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;
- (p) Details of the public art;
- (q) A detailed Drainage Strategy with validation certificates;
- (r) Site investigation and remediation strategy;
- (s) Construction Traffic Management Plan (including details of wheel washing facilities);
- (t) Construction Environmental Management Plan;
- (u) Maintenance details of SUDS, water courses, drains, culverts, open space and play areas;

- (v) Tree surveys of any trees to be removed and tree protection measures for trees being retained including a scheme of Supervision for the tree protection measures.
- (w) An energy statement and low carbon checklist with the first application of each phase.
- (x) Transportation Statement;
- (y) Noise impact assessment;
- (z) Stage 2 Road Safety Audit;
- (aa) Intrusive Coal Mining Remediation Strategy
- (bb) Archaeological Assessment

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

3. Every Application for Approval of Matters Specified by Condition submitted under the terms of condition 1(a) shall be submitted with the relevant details as required by condition 2 and the following details and supporting information, unless agreed otherwise between the parties, each acting reasonably:-

- (a) Details of the intended methodology and delivery of the on-site Affordable Housing, including tenure;
- (b) A statement indicating the aggregate number of housing units already approved through previous applications for Matters Specified by Condition across the whole site at the time of submission, split in to open market units and affordable units;
- (c) Details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment;
- (d) Detailed plans of open space provision associated with this residential area with 60 square metres of open space provided per residential unit expected to be delivered in the site or shown to be delivered elsewhere;
- (e) Route of build plan

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

4. If any of the information required within conditions 2 and 3 was submitted and subsequently approved as part of a previous application and is still relevant, then a statement setting out this detail can be submitted in lieu of a full package of information. This statement shall provide sufficient information to allow the planning authority to easily identify the information in the other planning applications.

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

5. The development shall be carried out in a phased manner in accordance with the terms of the approved Masterplan Framework (Revised August 2020) (or any subsequent approved versions as per this condition or required through conditions 1 of this planning permission). The mix and layout of development on each phase shall not be altered as a result of the applications submitted under condition 1 unless the Phasing Plan and the Development Framework have first been resubmitted and approved for the whole site subject to this planning permission in principle and the impacts of the change to that phase outlined in the context of the whole development. For avoidance of doubt any new Masterplan Framework and Phasing Plan or amendments

thereto shall be submitted for the written approval of Fife Council as Planning Authority under the terms of this permission and through this condition. However the Council reserves the right to request an application for Matters Specified by Condition 1 (g) if the changes require assessment or consultation or a new application for planning permission in the event that the change has a significant impact on the terms of the Development Plan current at the time of the request.

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

6. Prior to or with the first application for each phase of development as defined by the phasing plan, a Development Brief for that phase shall be submitted for written approval in accordance with condition 1(h). This shall set out the following:

- a) Character/ design themes, concepts, styles for the phase;
- b) Identification of character areas, sensitive locations and constraints;
- c) Set the design criteria for the character areas identified within the Masterplan Framework and any others identified through this document;
- d) Indicative heights of buildings;
- e) Hierarchy of streets and footpath network;
- f) Play area locations, form and age groups (including timescale for delivery);
- g) Green space strategy setting out how the various elements of the urban parks/ green space would be delivered including allotments, orchards and amenity spaces;
- h) Public Art Strategy for the phase including locations and contribution level to be spent on phase and timescales for delivery;
- i) Biodiversity enhancement locations and delivery;
- j) Strategic landscaping and advanced planting;
- k) Enhanced detailing locations including boundary treatment, gables and elevations;
- l) Bus route infrastructure (including timescale for delivery);
- m) Internal and external footpath and vehicular connections including the connections to the existing settlement;
- n) Temporary and permanent safe routes to school;
- o) Proposed crossing points on the NLR and how this links to green networks;
- p) Incorporation of utilities and any network associated with the energy generation or heat network;
- q) Strategy for integrating new development with existing residential properties, including suitable buffers and planting where necessary and the creation of a street which would allow access to the property on the southern boundary;
- r) Existing topography, gradients and landscape features;
- s) Design solution for the topography, gradients and landscape feature;
- t) Phasing for installation of ultrafast broadband.
- u) Direction of build and vegetation clearance;
- v) Delivery of localised district heat and energy (if applicable);
- w) Maintenance and Management of strategic landscaping;
- x) Connections to the countryside;
- y) Hedgerows, woodland and trees to be retained and removed;
- (aa) Sequencing of Core Path upgrades;
- (bb) Timing of woodland planting;
- (cc) Scheme for re-routing the low voltage overhead lines within the site.

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

The timing of the delivery of each matter shall be associated to the phasing and completion of triggers associated with the neighbouring development within that zone (i.e completion of 40th unit). Updates to the Development Briefs can be made through the submission for the written approval of Fife Council as planning authority of an amended Development Brief under the terms of this condition but the Council reserves the right to request a new planning application through condition 1(i) in the event that the change to the Development Brief requires significant assessment or consultation.

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

7. The Development Briefs shall include the following detail where relevant to that phase:

- Details of a delivery schedule for the north west landscape boundary shall be provided in the first Development Brief. This will be seen as important strategic landscaping and should be planted in early course;
- Where possible existing hedgerow and trees in and around the site shall be retained. Any that are proposed for removal need to be identified in the Development Brief along with locations for compensatory planting;
- The provision of play areas, open spaces and green network shall be delivered concurrently with adjacent land parcels. The play area shall be delivered in phase 1.
- If the development stalls for 3 years or more the strategic planting and an appropriate level of open space shall be delivered on site. The areas to be delivered for each phase shall be identified in these documents and delivery will be secured through legal agreement.
- Details of the level re-grading strategy for that phase. For the avoidance of doubt the strategy shall aim to avoid fill as much as possible with cutting used instead to avoid significant visual and landscape impact;
- A potential vehicular connection to Janefield to the south needs to be shown in the internal street layout.
- An additional north/ south green network shall be incorporated into the central/ eastern part of the site. This shall be shown on the relevant Development Brief.
- The southern boundary of the development with Allocation DUN044 must be designed to reflect that this site may be developed or it may not. An appropriate frontage and boundary treatment needs to be chosen which reflects both circumstances.

Reason: To confirm the detail required within the Development Brief and ensure delivery of the Masterplan Framework.

8. Unless otherwise agreed in writing with Fife Council as planning authority, development on site cannot start on site until there is a commitment in place to a primary school solution for the site. Before development starts on site, the applicant shall write to Fife Council as planning authority confirming the start date of development. No development shall start on site until Fife Council as planning authority has confirmed, in writing, that there is a committed primary school solution and development can start. Fife Council as planning authority shall respond within 21 days of receiving the proposed start date of the developer.

Reason: To ensure there is a primary school education solution for this site prior to works starting to avoid any unnecessary landscape impact.

9. Unless otherwise agreed in writing with Fife Council as planning authority, there shall be no occupation of any residential unit within this development until a new primary school is constructed and fully operational within Wellwood SLA or another education solution is identified for this development site.

Reason: To ensure there is a primary school education solution for this site.

10. The residential development can include Class 9 dwellinghouses and flatted dwellings and the number of residential units developed across the whole site shall not exceed 450 units.

Reason: To clearly define the maximum number of residential units.

11. The Biodiversity Protection, Enhancement and Management Plan required through condition 2(k) shall include the following details:

- Mitigation measures identified through the updated ecological survey work;
- Enhancement and replacement of any trees removed;
- Planting of berry rich plants, pollinators and fruit bearing plants;
- Buffers to retained trees;
- Planting of Species rich vegetation;
- No vegetation clearance during the bird breeding season unless it is proven that no breeding birds are within that area of the site or mitigation is provided;
- Rain gardens, swift blocks, bird and boxes where appropriate.

The measures identified should not be considered exhaustive and further enhancement shall be considered. Such measures can be implemented off site if this is considered acceptable by Fife Council as planning authority and can be secured by appropriate means.

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

12. THE FIRST APPLICATION SUBMITTED FOR EACH PHASE SHALL BE ACCOMPANIED BY an Energy Statement informed by a feasibility study of a potential localised power and/or heat generating station and/ or network. This shall explore connection to a district heat network through either onsite heat generation or co-location with an existing or proposed heat source or connection to the existing network. It shall also explore the potential for renewable on site sources of energy production. THE ENERGY STATEMENT FOR THE FIRST PHASE shall carry out an assessment for the whole application site and not just that phase and shall be informed by a Feasibility Study demonstrating how the proposal will meet the requirements for providing district heating and energy generation on site. This should be prepared in line with the Scottish Government's online planning advice Planning and Heat and assess the technical feasibility and financial viability of on site generation and heat network/district heating for this site, identifying any available existing or proposed sources of renewable energy and heat (within or outwith the site) and other factors such as where land will be safeguarded for future district energy and heating infrastructure.

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

13. Land and vegetation clearance shall occur on a phased basis unless otherwise set out within the Construction Environmental Management Plan.

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

14. The tree planting at the north west boundary of the site shall be undertaken early in the development and the detail of the timing of this shall be provided in the relevant Development Brief in accordance with conditions 6 and 7 of this planning permission.

Reason: To ensure the trees in this location establish quickly to reduce the landscape impact of the development.

15. Where relevant applications for Approval of Matters Specified by Condition 1 shall incorporate the following design requirements unless otherwise agreed:

(a) Access driveways at a gradient not exceeding 1 in 10 (10%) with appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation. Driveways shall not exceed 5m in width unless appropriate justified;

(b) Off street car parking, including visitor and cycle parking, being provided in accordance with the current Fife Council Parking Standards contained within the Transportation Development Guidelines within Making Fife's Places or any document which supersedes this;

(c) Garages adjacent to dwelling houses located at least six metres from the road boundary and all driveways in front of dwellings having a minimum of six metres from the road boundary;

(d) Electric car charging points;

(e) A distributor road network with carriageway widths of 6 - 6.5 metres; 2 metres wide grass verges on both sides; 3 metres wide footway/cycleway on one side; and a 2 metres wide footway on the other. For the avoidance of doubt, the distributor road network is the Northern Link Road (NLR) through the site.

(f) A local street network with carriageway widths of 4.5 – 5.5 metres (6 metres if on a prospective bus route) with 2 metres wide footways and/or 2 metres wide grass verges/service strips on both sides of the carriageway. The provision of a footway on one side of the carriageway with a 2 metres wide grass verge/service strip on the other side would be acceptable.

(g) The provision of bus stops with shelters, boarders and poles and provision for safe crossing facilities. The locations would be identified as applications are submitted for the adjacent land parcels.

(h) The provision of crossings at key crossing points on the NLR;

(i) The provision of a minimum of two means of vehicular access to each housing land parcel from the NLR with vehicular/pedestrian links or pedestrian/cyclist links with the adjacent sites unless it can be justified otherwise;

(j) Visibility splays of 2.4m x 43m to the right and left at the development junction with the A823;

(k) Visibility splays of 2.4m x 43m to the right and left at junctions within the NLR;

(m) Visibility splays of 2.4m x 25m to the right and left at junctions of vehicular access with proposed 20mph streets;

(n) Garages will only be considered as an off street parking space if they 3m x 7m.

(o) The provision of a toucan crossing adjacent to the railway cutting where the A823 intersects the core path network and a controlled crossing point(s) along the Northern Link Road within the application site. A controlled crossing point shall be provided where the NLR intersects the Core Path at the southern boundary of the site.

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



16. Visibility splays required for the safe operation of junctions on the site shall be provided prior to those junctions coming into use, and thereafter retained for the lifetime of the development.

Reason: In the interests of road safety.

17. Prior to the completion of any development applied for under condition 1 of this planning permission, the required off-street parking spaces, visitor parking spaces, cycle storage facilities and electric vehicle charging points shall be provided in accordance with the current Parking Standards contained within the SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations.

Reason: To ensure there is sufficient parking facilities on site.

18. All roads and associated works serving the proposed development shall be constructed in accordance with the Scottish Government 'Designing Streets' Policy; the current Fife Council Transportation Development Guidelines and its Supplementary 'Designing Streets' Guidance and where appropriate the Design Manual for Roads and Bridges or the current version of these documents. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

Reason: To ensure the design of the road and footpath network reflects the current advice advocated by the Scottish Government and Fife Council

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

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

20. Prior to the occupation of the 1<sup>st</sup> residential unit, a 30mph gateway feature shall be provided on the A823, at the northern boundary of the site. Details of this feature shall be provided with the first application for Matters Specified by Condition 1(a).

Reason: In the interests of pedestrian and road safety.

21. Prior to occupation of the 1st residential unit, as far as practically possible, a 2 metres wide footway within the existing adopted grass verge on the east side of the A823 between the south west corner of the application site and the existing footway fronting the former Wellwood Primary School shall be provided unless otherwise agreed in writing. (The footway would not be required should a 3 metres wide footway/ cycleway behind a 2 metres wide grass verge be provided as part of the DUN044 site).

Reason: To provide connectivity to Wellwood village and Wellwood SLA from the site.

22 The Northern Link Road through the site from the southern boundary to the eastern boundary of the land in ownership of I and H Brown (as specified on plan 50126\_106) shall be completed and open to vehicular traffic prior to occupation of the 250th residential unit. Should prior to occupation of the 250th house the NLR not have been provided through site DUN044 a temporary route shall be provided from the A823 on the western boundary of the site. This trigger may be subject to change through written agreement of Fife Council as planning authority if there is valid reason for it not to be completed by this schedule.

Reason: To ensure that the transport mitigation is in place to alleviate the traffic impact of this development.

23 Prior to or with the first application for Approval of Matters Specified by Condition 1(a), details shall be submitted of the package of public transport measures to be introduced within and outwith the site to encourage the use of public transport during the build-out of the site. This shall include a timetable for implementation. The public transport measures subsequently being delivered in accordance with the approved details.

Reason: To ensure delivery of sustainable transport methods for the site.

24. Safe routes to school shall be identified as part of the Development Briefs required as part of condition 6 of this planning permission. This shall take into account temporary re-routing due to on-site construction and also the need for any offsite or on-site footpath/ footway upgrades. With the first application for approval of Matters Specified by Condition 1(a) the detail for at least one finalised safe route to school shall be submitted for written approval. Prior to the occupation of any residential unit on site, the safe route(s) to school approved through that application shall be constructed and available to use.

Reason: To ensure there is a safe route to school for future pupils.

25. Prior to occupation of the 100th house, the upgrading of core path P588/05 (on Council owned land) between the A823 and the applicant's Wellwood SLA site shall be completed, to form part of a safer route to the proposed Wellwood primary school. Details of the work shall be approved through Matters Specified by Conditions 1(b) and 1(c). Works shall include the infilling of the disused railway cutting (utilising potential excess material from site cut & fill operations) and removal of the road bridge parapets resulting in the existing core path being upgraded to a useable condition. The core path would be constructed as a rural type footpath where it did not form part of the safe route to school.

Reason: To provide sustainable connections from the site and a safe route to school for future pupils.

26. Following completion of any measures identified in the Remediation Strategy required by condition 2(r) a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site relating to the Remediation Strategy shall be brought into use until such time as the remediation measures have been completed in accordance with the approved Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority.

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

27. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately unless otherwise agreed with Fife Council as planning authority. The local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in

writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

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

28. The Construction Environmental Management Plan (CEMP) required through condition 2(t) shall include a pollution protection measures to avoid an impact on the environment. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted.

It shall provide the following details:

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

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

29. The Construction Traffic Management Plan (CTMP) required by condition 2(s) shall provide a construction traffic routing plan and phasing arrangements for the site. It shall include also include mitigation such as deliveries avoiding peak hours, maximising loads to minimise trips, preventing vehicles waiting on streets until the site opens, restricted reversing alarms and agreed transport routes. Details of the provision of wheel washing facilities, site operatives parking area, traffic management required to allow off site operations such as public utility installation shall also be provided.

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

30. The noise assessment required by condition 2(y) shall demonstrate that the detailed development can comply with the following environmental noise criteria for new dwellings:

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

2. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours inside any bedroom in the development.
3. The LAMax shall not exceed 45 dB between 2300 and 0700 hours inside any bedroom in the development.
4. The 16hr LAeq shall not exceed 55 dB between 0700 and 2300 hours in outdoor amenity areas.

The noise assessment must consider noise from the roads (including NLR and A823), any employment uses to the west (including those proposed within the LDP) and the transformer station. The noise assessment shall address the potential range of mitigation measures that could be implemented to ensure compliance with these noise criteria. Mitigation measures shall be considered in the following order of preference, taking into account the feasibility of their implementation, and having regard to the urban design requirements of the Indicative Development Framework hereby approved:

- (i) Setting back of dwellings from noise sources, where this can be achieved in accord with Development Framework and urban design requirements;
- (ii) Orientation of dwellings to avoid noise impacts on sensitive elevations and/or habitable rooms, where this can be achieved in accord with masterplan and urban design requirements;
- (iii) Installation of acoustic barriers, where this is consistent with urban design requirements;
- (iv) Incorporation of acoustic insulation in new dwellings, for example acoustic glazing.
- (v) The methods used to predict noise from road traffic shall be in accordance with methods approved in writing by the planning authority. The methods used to assess noise inside any habitable room shall be in accordance with BS 8233:2014 or other method approved in writing by the planning authority.

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

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

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

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

31. The drainage strategy required through condition 2(q) shall provide the drainage details for the proposed development with SUDS. This shall include confirmation from Scottish Water that connections can be made to their infrastructure. Details of the culverts to be used and information on the feasibility of the Lead as a discharge point shall be included. Confirmation of any third party permissions required to allow discharge shall also be included. The surface water

drainage shall be discharged at a rate of the lesser of the 1:5year greenfield runoff rate or 4l/s/Ha. The Drainage Strategy shall include a certification for a Chartered Engineer.

Reason: To ensure adequate drainage for the site.

32. Compensatory woodland shall be planted within 6 months after the removal of any woodland on site. Details of the compensatory planting shall be provided in the Biodiversity Protection, Enhancement and Management Plan.

Reason: To ensure compensatory planting is provided timeously.

33. Prior to the removal of any trees on site which are identified as having bat potential within the Ecological Impact Assessment Version 1 (16<sup>th</sup> August 2018, updated 22<sup>nd</sup> May 2019), a bat survey shall be undertaken. Should a bat roost be found then suitable mitigation shall be provided. The survey and mitigation shall be submitted for the written approval of Fife Council as planning authority prior to those trees being removed.

Reason: In the interests of protecting the bat population which may be on site.

34. Core Path P589/02 within the site, shall be upgraded as part of the development works. Details of the specification and timing for these upgrades shall be provided within the Development Brief for the relevant phase.

Reason: In the interest of connectivity, permeability and place making.

35. The Tree Protection Measures required through condition 2(v) shall include a Scheme of Supervision for the arboricultural protection measures. The Scheme shall be appropriate to the scale and duration of the works and shall include details of the following:

- (a) Induction and personnel awareness details of arboriculturalist matters,
- (b) Details of the identity of individual responsibilities and key personnel,
- (c) A statement of the delegated powers afforded to key personnel,
- (d) Details of the timing and methods of site visiting and record keeping, and
- (e) Details on the updates procedures for dealing with variations and incidents.

Reason: To ensure the trees of high value which are being retained are not adversely affected by the construction works.

36. With the exception of the trees indicated for felling within the Development Briefs, all other trees existing on the site at the date of this decision shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with Fife Council as Planning Authority

Reason: To protect the trees on site in the interests of biodiversity and visual amenity.

37. The intrusive site investigation required by condition 2(aa) shall include the following details:

- Scheme of identification of mine entries / opencast highwall(s);
- Scheme of intrusive site investigations for the shallow coal workings for approval;
- The undertaking of both of those schemes of intrusive site investigations;
- Submission of a report of findings arising from the intrusive site investigations;

- Submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- Submission of a layout plan which identifies the position of the opencast highwall(s), and the definition of suitable 'no-build' zones;
- Submission of a scheme of treatment for the mine entries on site for approval;
- Submission of a scheme of remedial works for the shallow coal workings for approval

Reason: To identify the risks to the development from historic coal workings.

38. Any remedial treatment identified in condition 37 shall be complete prior to the development relevant to that area of remediation starting.

Reason: In the interests of ensuring site stability prior to development starting on site.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Policy, Regulations and Guidance:

SPP - Scottish Planning Policy (2014)

Designing Streets (2010)

Creating Places (2013)

Circular 3/2012 planning obligations and good neighbour agreements (2012)

PAN 65 Planning and Open Space (2008)

PAN 33 Development of Contaminated Land (2000)

PAN 2/2011 Planning and Archaeology (2011)

PAN 1/2011 Planning and Noise (2011)

PAN 68 Design Statements

PAN 77 Designing Safer Places

PAN 78 Inclusive Design (2006)

Landscape Institute and Institute for Environmental Management and Assessment document  
Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)

Development Management Procedure (Scotland) Regulations (2015)

Air Quality and Land Use Planning (2004)

PAN 51 (Planning and Environmental Protection)

Land-Use Planning and Development Control: Planning for Air Quality (2015)

Historic Environment Scotland Policy Statement (2016)

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

Development Plan, Supplementary Guidance and other material considerations:

SESpplan Strategic Development Plan (2013)

Adopted FIFEplan (Fife Local Development Plan) (2017)

Fife Councils Minerals Supplementary Guidance

Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places  
Supplementary Guidance (2018)

Fife Council's Planning Obligations Framework Guidance (2015)

Fife Council's Draft Planning Obligations Framework Supplementary Guidance (2017)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Supplementary Guidance on Affordable Housing (2018)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2009)

Fife Council's Noise Guidance for New Developments  
The Royal Environmental Health Institute of Scotland (REIS) Briefing 17 - Noise Guidance for New Developments  
World Health Organisation (WHO) Guidelines for Community Noise (2015)

Plan for Fife 2017-2027 - Local Outcome Improvement Plan

Report prepared by Kevin Treadwell, Service Manager  
Report agreed and agreed by Pam Ewen, Head of Planning

Date Printed 20/09/2021

3 April 2024

Agenda Item No. 5

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**Application for Full Planning Permission**

**Ref: 23/00997/FULL**

**Site Address:** Land To South Of Millburn Avenue Coaltown Of Balgonie

**Proposal:** Residential development of 102 units (including 10 affordable units) with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SuDS

**Applicant:** Quale Homes Ltd, Pine Lodge Ladybank

**Date Registered:** 26 May 2023

**Case Officer:** Bryan Reid

**Wards Affected:** W5R15: Glenrothes Central And Thornton

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

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

### **Summary Recommendation**

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

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## **1.0 Background**

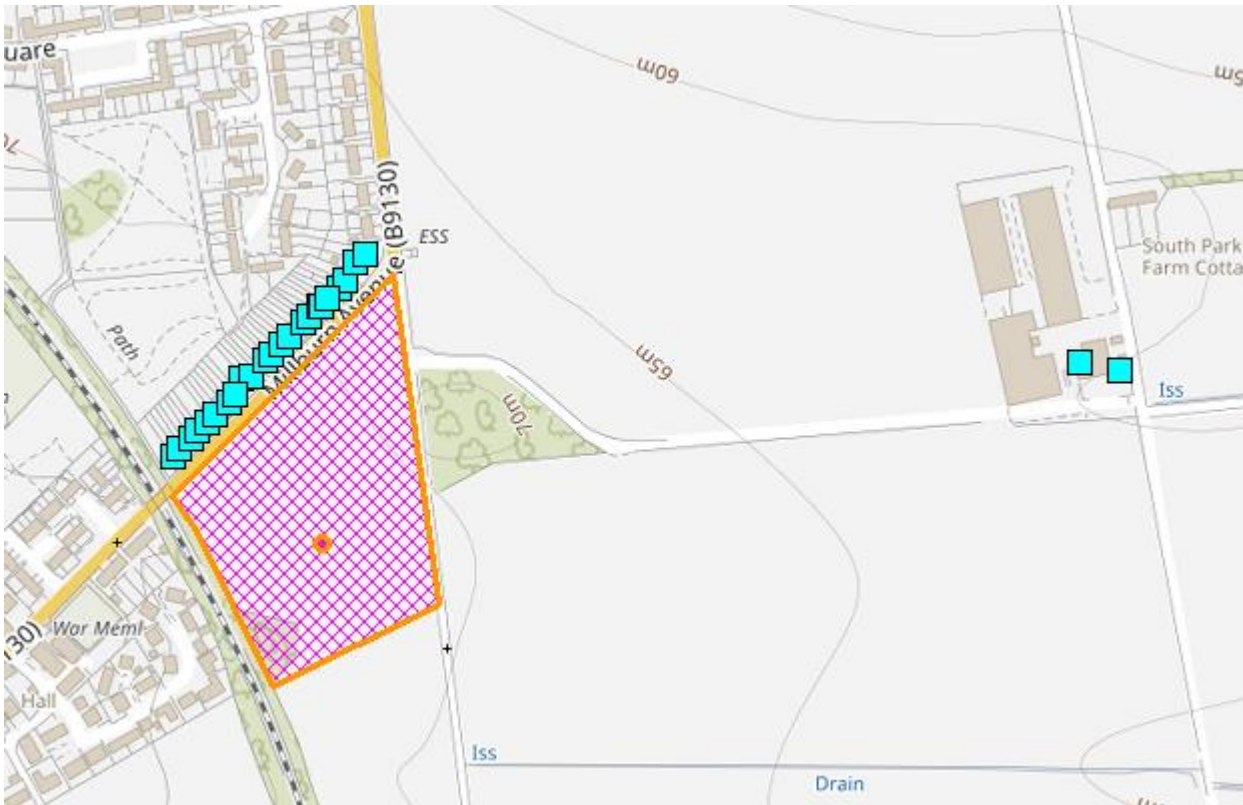
### **1.1 The Site**

1.1.1 The application site is an approximately 3.74ha greenfield site which is currently used for agricultural purposes and is bounded by hedgerows to the north, east and south. The site is located at the eastern edge of the settlement of Coaltown of Balgonie, however it forms part of the defined settlement envelop (FIFEplan, 2017). The site is allocated in FIFEplan (2017) as CLB001 for residential development; with an estimated capacity of 88 units. The application site is contained by the B9130 (Millburn Avenue) to the north, an unadopted road/farm track to the east, agricultural fields to the south, and a railway line to the west. Millburn Avenue contains a row of two storey semi-detached houses along its northern side, with the eastern edge (east of the railway line) of Coaltown of Balgonie largely characterised by properties of a similar design. The majority of the site is identified by the Coal Authority as a Development High Risk Area due to past mining activity, with the site also identified as being potentially contaminated. The application site does not contain any ancient woodland or protected trees. A copse of woodland



is located in the south west corner of the application site. There are no natural heritage designations covering the site, nor are there any within the vicinity of the site.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The application is for full planning permission for residential development of 102 units (including 10 affordable units) with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SuDS.

1.2.2 The development would consist of a mix of 2, 3 and 4 bedroom terraced, semi-detached, detached and flatted units. With the exception of two semi-detached amenity bungalows (Plots 101 and 102), all buildings would be two storeys in height. Finishing materials would comprise of white dry dash rendered walls, grey or buff multi facing brick feature areas and bays, grey concrete roof tiles, grey uPVC windows, precast concrete cills, black rainwater goods and white uPVC soffits and fascias. Rear boundary treatments would comprise of timber fencing (including acoustic fence where required) with hedgerows proposed to be located in front in key locations. Front garden areas would be defined by low native species hedgerows. Each dwelling would adopt a 'fabric first' approach and incorporate solar PV panels.

1.2.3 Two priority junctions with Millburn Avenue are proposed to provide vehicular access to the site. A pedestrian footway is proposed along the northern boundary of the site with Millburn Avenue. A pedestrian and cycle connection to the adjacent core path network is proposed at the eastern boundary of the site. A hierarchy of streets is proposed through the use of differing surface materials and colours, with secondary and territory streets featuring narrower carriageways.

1.2.4 A mixture of larger and smaller open space areas and children's play areas are proposed throughout the site. A below ground cellular drainage storage system is proposed within the

south eastern corner of the application site. Surface water runoff from the site would discharge by way of a gravity connection to the existing ditch at the southeast of the site adjacent to the existing track.

1.2.5 With regard to biodiversity enhancement proposals, the proposed development would incorporate hedgerow planting, street trees, species rich grasslands and wildflowers, a landscape buffer, SuDS, and bat and bird boxes.

### **1.3 Relevant Planning History**

22/00156/PAN - Proposal of Application Notice for residential development and associated infrastructure - Approved - 26/01/22

### **1.4 Application Procedures**

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

1.4.2 The proposal falls within 'Class 2: Housing' of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As more than 50 units are proposed, the application is categorised as a Major development. The applicant has carried out the required Pre-Application Consultation (PAC) through holding public information events (Ref: 22/00156/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application.

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

1.4.4 This application was advertised in the local press for Neighbour Notification purposes.

### **1.5 Relevant Policies**

#### **National Planning Framework 4 (2023)**

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

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

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

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 31: Culture and creativity

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

## **Adopted FIFEplan (2017)**

### **Policy 1: Development Principles**

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

### **Policy 2: Homes**

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

### **Policy 3: Infrastructure and Services**

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

### **Policy 4: Planning Obligations**

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

### **Policy 10: Amenity**

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

### **Policy 11: Low Carbon Fife**

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

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

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

### **Policy 13: Natural Environment and Access**

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

### **Policy 14: Built and Historic Environment**

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

## **National Guidance and Legislation**

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

WHO's Guidelines for Community Noise

REHIS Briefing Note 017 Noise Guidance for New Developments  
Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)  
Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)  
Wildlife and Countryside Act 1981 (as amended)  
Wildlife and Natural Environment (Scotland) Act (2011)  
Nature Conservation Scotland Act 2004 (as amended)  
British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

### **Supplementary Guidance**

Supplementary Guidance: Affordable Housing (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

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

Supplementary Guidance: Making Fife's Places (2018)

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

### **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

### **Planning Customer Guidelines**

Daylight and Sunlight

Garden Ground

Trees and Development

Minimum Distances between Window Openings

Affordable Housing

Design and Access Statements

## 2.0 Assessment

### 2.1 Relevant Matters

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

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

### 2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 5, 9 and 16, FIFEplan (2017) Policies 1, 2 and 7, Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28, Fife Council's Housing Land Audit 2022 and the Housing Need and Demand Assessment 2 (HNDA2) apply with regard to the principle of development for this proposal.

2.2.2 The application site is allocated within FIFEplan (2017) as site CLB001, a 3.6ha site with an estimated capacity of 88 units. The FIFEplan (2017) allocation sets out that the application site should be accessed by a new roundabout at the bend in Millburn Avenue at the north east corner of the site. There are no green network priorities identified for the site. The application site is also identified as site CLB001 in the HLA 2022 as a non-effective site given the marketing constraints. As a non-effective site, the 88 units have not been included in the housing land requirement figures within the HLA. Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28 identifies that 10 affordable housing units are to be delivered in Coaltown of Balgonie on the application site.

2.2.3 Whilst NPF4 generally discourages greenfield development, directing development towards vacant and previously developed sites within settlements, as the application site is allocated in the Local Development Plan, it is considered that the proposal complies in principle with Policies 9(b) and 16(a) of NPF4.

2.2.4 The proposal is for a residential development of 102 residential units with associated infrastructure, landscaping and access. The number of proposed affordable units is consistent with the figure identified in the Council's Strategic Housing Investment Plan and FIFEplan requirements for a development of the size proposed. In general land use terms, the proposed

residential development is therefore considered to meet the requirements of Part A of Policy 1 and Policy 2 of FIFEplan (2017). Whilst the proposed 102 units would exceed the 88 unit estimated capacity of the site (per FIFEplan and the HLA), the estimated site capacity is just that, not informed by a significant level of detailed, site specific considerations and it is for the Planning Authority to determine through the assessment of the application (giving regard to material considerations) whether it would be appropriate for the estimated site capacity to be exceeded; full consideration shall be given to such considerations later in this report.

2.2.5 With regard to the FIFEplan site requirement for the site to be accessed by a new roundabout at the bend in Millburn Avenue at the north east corner of the site, it is noted that there does not appear to be any reasoned justification as to why a roundabout is required in this location. It is also noted that the un-named road/track which runs along the eastern boundary of the site which connects with Millburn Avenue; to which it is presumed would connect into the roundabout envisioned in FIFEplan; appears to only serve limited farm traffic and provide access to vehicles associated with the Levenmouth Rail Link project. It is considered that the current access arrangements for this road/track are sufficient for its purposes. The proposed development does not include a roundabout within the north east corner of the site. The proposed development would be contrary to FIFEplan Policy 2 in this respect. Nevertheless, if evidence can be provided which demonstrates that alternative access arrangements would be acceptable this would be a material consideration in favour of the development. Since in all other respects, the principle of development on the site is supported, such evidence should be sufficient to establish the principle of development at the site. Instead of a roundabout, two priority junction accesses are proposed, rather than a single entrance which a roundabout would have created. This is considered to be beneficial in terms of placemaking and vehicular and pedestrian movement within the site; ensuring the layout is not principally designed for vehicles. The application is also supported by a Transport Assessment (TA) which concludes that the proposed development (including the proposed vehicular access arrangements) would not give rise to any significantly adverse impacts on the road network. The TA and proposed access arrangements were reviewed by the Council's Transportation Development Management (TDM) team who did not raise any concerns. It is concluded therefore that the proposed vehicular access arrangements would be acceptable and sufficient to set aside the FIFEplan site requirement for a roundabout.

2.2.6 Approximately half of the application site is defined as Prime Agricultural Land with a grade of 3.1; potential to produce a moderate range of crops, with good yields for some (cereals and grass) and moderate yields for others (potatoes, field beans, other vegetables). Objection comments received raise concerns regarding the loss of prime agricultural land. Policy 5 of NFF4 and Policy 7 of FIFEplan both seek to protect prime agricultural land. Whilst both policies set instances where development on prime agricultural land may be supported (including for essential infrastructure, renewable energy, and development linked to rural business), there is a potential incompatibility in the policies. Whilst FIFEplan Policy 7 supports development where it is a component of the settlement strategy, i.e. allocated in the Local Development Plan, Policy 5 of NPF4 contains no such provision. Ordinarily, where such an incompatibility is identified, the Town and Country Planning (Scotland) Act 1997 sets out that whichever of them was adopted most recently (in this instance NPF4) is to prevail. Notwithstanding the incompatibility between the highlighted policies, it is considered that the principle of development remains acceptable with regard to NPF4 as Policy 16 confirms that all development proposals for new homes on allocated for housing in Local Development Plans will be supported. The development of prime agricultural land is therefore considered to be acceptable.

2.2.7 The submitted representations question the need for residential development in the location, citing concerns regarding the loss of countryside land which defines the character of

the village. As the application is allocated in the local development plan however, it is considered that the principle of developing the site has already been established (as detailed above).

2.2.8 Overall, the proposed residential development on this allocated site is considered to be acceptable in principle, complying with the requirements of Policies 9 and 16 of NPF4 and Policies 1 and 2 of FIFEplan (2017). Despite the fact that the application site includes prime agricultural land, it is considered that Policy 16 of NPF4 provides support for the development and the provisions of Policy 5 of NPF4 can therefore be set aside. The overall acceptability of the development will depend on whether the proposal satisfies other relevant Development Plan policy criteria; this shall be explored in the proceeding sections of this report.

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

2.3.1 NPF4 (2023) Policies 3, 4, 12, 13, 14, 15, 16, 20, 21 and 23, FIFEplan Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) and Designing Streets (2010) apply with consideration of the design and layout of the proposed development.

2.3.2 A Design and Access Statement (DAS) has been submitted as part of the application, as required by virtue of reaching the threshold of a major application, explaining the rationale behind the chosen layout and how this responds to the constraints of the application site and how the proposal responds to its location. The development proposals are considered by the DAS in relation to the six qualities of successful places and other relevant planning policies and demonstrates how the placemaking principles within Making Fife's Places and its Evaluation Framework have been successfully applied. The design information submitted discusses the context and various uses surrounding the site and informs how the proposed development provides an appropriate response to these.

2.3.3 Within the development there would be a variation of house types and sizes. Properties would consist of 2, 3 and 4 bedroom terraced, semi-detached and detached dwellinghouses, as well as 3no. two storey blocks of flats. With the exception of two amenity bungalows at the north west corner of the site, all buildings would be two storeys in height. With 102 units proposed on the 3.74ha site, this would result in an approximate building density of 27dph; which is considered to be a medium building density broadly consistent with the existing settlement. Finishing materials would comprise of white dry dash rendered walls, grey or buff multi facing brick feature areas and bays, grey concrete roof tiles, grey uPVC windows, precast concrete cills, black rainwater goods and white uPVC soffits and fascias. The proposed building density, simple palette of materials and predominance of two storey dwellings is considered to be sympathetic and in-keeping with the specific context of this site and settlement of Coaltown of Balgonie; particularly the eastern part of the settlement which is characterised by an abundance of two storey dwellings featuring a dry dash render finish. The general form, massing, layout and architectural style, as well as the mix of housetypes, of the proposed units are considered to be well suited to the site's location. The mix of housetypes, heights of buildings and use of different colour facing bricks would add further visual interest to the housing development by preventing excess uniformity. It is noted that proposed dwellings facing Millburn Avenue have been set back from the road in response to the deep set back of the dwellings opposite, with the front elevations of these properties and proposed open space area creating an active frontage to the street. It is considered that whilst the proposed affordable housing units would be grouped together, these would be visually indistinguishable from the proposed market housing with there being no notable difference in the design quality of the market and affordable units. Most dwellings would feature in curtilage off-street parking spaces, however, a number of parking courts and bay parking areas are also proposed.

2.3.4 The orientation and set back of buildings in relation to streets, open spaces, public paths and courtyards is welcomed, with active building fronts and gables facing public spaces and



closing down key nodes, creating a greater visual interest and encouraging passive surveillance. Buildings are also positioned close to the road/footway in key locations within the site to create a sense of enclosure, giving these streets a different character whilst also encouraging slower vehicle speeds. Consideration has also been given the road geometry, forward visibility, shared surfaces and positioning of open spaces to slow vehicular traffic travelling through the site. Building lines and plot arrangements are not presented in a continuous uniform manner, which is a positive design principle. Key views from within the site are generally framed by building fronts and/or designed open space areas. The incorporation of open space areas (including hard landscaped courtyards), street trees, dedicated footpaths/cyclepaths and shared street surfaces would create a distinct, pedestrian friendly environment which would allow for greater movement permeability and choice of routes into and through the site. Cul-de-sacs are generally avoided which is welcomed, with the limited number which are proposed featuring pedestrian footpaths beyond the termination of the carriageway. It is recognised that steps have been taken to reduce the visual impact of parked cars on the principle movement routes through the incorporation of side of house parking, courtyards and street trees, whilst the use of shared surfaces, raised tables, varying street widths, and use of pedestrian footpaths at the end of cul-de-sacs and connecting footpaths beyond the site would promote pedestrian permeability and meet “streets for people” principles. A street hierarchy would be aided through the use of differing surface materials and colours, with secondary and territory streets featuring narrower carriageways and dwellings brought closer to the carriageway edge. Overall, it is considered that the layout does not give the impression of being principally designed for vehicles. The site layout creates attractive spaces and routes for access for both vehicles and pedestrians. Rear boundary treatments would comprise of timber fencing (including acoustic fence where required) however views of these from public vantagepoints would be limited, and where unavoidable, hedgerows in front of the fences are proposed in the interest of enhancing visual amenity.

2.3.5 Three principal amenity spaces are proposed; a large SuDS detention basin and landscaped area in the south east corner, an open space and equipped play area in the south west corner, and a large open space and equipped play area along the northern boundary of the site (between the two vehicular access points). Smaller/pocket open space areas and street trees are proposed throughout the site. Whilst the total area of open space proposed would be below the policy requirements (discussed in full detail later in this report), the proposed development would feel generally open through the location and function of the proposed spaces, particularly the large open spaces proposed at the site entrance and north east corner, aided by the pocket open spaces and street trees and hedgerow planting proposed throughout. Limited details of the landscaping planting proposals have been submitted which is regrettable, however, from the plans provided, there is sufficient scope that a well-designed planting strategy can be delivered at the site to provide both habitat value and suitable visual enhancement. It is therefore proposed to secure this through planning conditions. The proposed planting strategy will require to take into consideration the comments provided by Network Rail who stressed that falling leaves must not impact the operational railway. Noting the open fields beyond the site and core path route which provides access to the countryside, a landscape buffer is proposed along the eastern boundary of the site to create a separation between the urban and rural environments; a pedestrian link is also proposed within the site to provide direct access to the core path route.

2.3.6 Urban design comments were provided on the proposed development during the assessment of the application, with many of the suggestions put forward considered by the applicant and integrated into the proposal including improved connections, defined front garden areas (featuring hedgerows), strengthening the building lines of the flatted blocks in the north east of the site, reinforcing of nodal points, ensuring a more appropriate urban-rural transition

and changes to the road layout and geometry to encourage slower vehicle speeds. Whilst it is noted that some additional suggestions put forward by the Urban Design Officer were not incorporated by the applicant it is ultimately considered that these matters are not that significant and that the proposed development would still deliver a high-quality urban realm within the context of its surroundings.

2.3.7 The Urban Design Officer did raise a concern regarding the visual prominence of parked cars within the site. Noting this concern, it is considered that a fine balance requires to be struck between the visual impact of parked cars versus the need to provide sufficient off-street parking spaces in this location given the existing on-street parking problems on Millburn Avenue, a concern raised by a number of objectors; which could be compounded if insufficient parking spaces were provided for this development. In this regard, whilst it is noted that the majority of driveway parking spaces are located at the front of properties (rather than the side) and there is a long row of parking spaces along the western access road (albeit broken up by street trees), it is considered that sufficient steps have been taken to remove parked cars from view at key nodal points within the site, with continuous stretches of driveways on either side of carriageways also generally avoided.

2.3.8 The objection comments received raise concerns regarding the positioning of the proposed flatted blocks and loss of view of the open countryside for existing properties. In response to this, it is considered the two storey flatted blocks, with a total height of 8.25m, would be sufficiently designed and set back from the roadside to ensure they would not overwhelm neighbouring residential properties. A loss of view is not a material planning consideration so this cannot be considered in the assessment of the application.

2.3.9 In conclusion, the proposed residential development is considered to be acceptable within its setting and has been well supported by robust contextual analysis. The general form, massing, layout and architectural style, as well as the mix of housetypes, of the proposed units are considered to be acceptable in this location, as is the road layout, whilst the proposed landscaping and areas of open space would give a sense of identity to development. Through its design and layout, the proposed development is thus considered to be acceptable for its location is therefore supported as it is in accordance with the aforementioned development plan policies, supplementary guidance and design guidance documents.

## **2.4 Residential Amenity**

2.4.1 NPF4 (2023) Policies 14, 16, and 23, FIFEplan (2017) Policies 1 and 10, Planning Advice Note (PAN) 1/2011: Planning and Noise, REHIS Briefing Note 017 Noise Guidance for New Developments, WHO's Guidelines for Community Noise, Fife Council Policy for Development and Noise (2021), Fife Council Customer Guidelines on Daylight and Sunlight (2018), Garden Ground (2016) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.4.2 Objectors have raised concerns regarding loss of privacy and daylight/sunlight for existing properties. Considering the relationship and distance between proposed and existing properties, as all proposed dwellings are more than 25m from existing properties, the proposed development is not considered to raise any significantly adverse privacy impacts. Additionally, given the height, massing and set back distance of proposed dwellings, and the orientation of existing properties, it is calculated that the proposed development would not give rise to any significantly adverse loss of daylight or sunlight for existing properties, nor would the development lead to an unwelcomed sense of enclosure. Given the outlook available from the proposed dwellinghouses, the development would not lead to an unacceptable degree of overlooking of the private amenity spaces of existing neighbouring properties, and vice versa.

Lastly, given the residential nature and scale of the development, it is considered that no significantly adverse noise or light pollution concerns would arise; the noise impacts from road traffic will be discussed in more detail below.

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

2.4.4 With the exception of two units, the proposed detached dwellings would exceed the minimum garden space recommendations of 100sqm, with some garden areas in excess of 135sqm. The larger semi-detached units would be served by garden areas of 85sqm to 100sqm+. The smaller semi-detached and terraced units would feature garden sizes ranging from 45-84sqm (mean of 76sqm). Each of the proposed flatted blocks would be set in an area of ground of approximately 50sqm per flat. As the smaller units semi-detached and terraced units and are attached to other units, it is more difficult to meet the minimum standard without having disproportionately longer gardens. To meet the minimum garden size recommendation, these gardens would need to have long thin gardens or have disproportionately large side gardens. While the smaller units have gardens which are less than the standard within the guidance, it is considered that this reflects the smaller size of the building and it could be argued better reflects the specific needs of that unit. The minimum garden ground standards are contained within a guidance document and are not a statutory policy for the very reason that garden size should reflect the context of the site and they should reflect an aim for a site rather than a requirement. Flexibility must be provided for sites with the overall aim being to ensure that a suitable standard of amenity is provided for future residents. This is achieved here. Overall, it is considered that an acceptable level of garden ground is being provided for the proposed units which reflects the size of units. Additionally, it is considered that the overall medium density of housing proposed (27dph) is appropriate for the area, with the dwellings not appearing cramped within the site.

2.4.5 A Noise Impact Assessment (NIA), prepared by ITP Energised, has been submitted in support of this application given the potential for the proposed residential properties to be significantly impacted by existing noise sources; notably the B9130 to the north and railway to the west; whilst also potentially resulting in additional traffic noise which could impact existing properties. The NIA found that noise from the railway was substantially screened by the embankment, such that railway noise would not be intrusive for future residents of the proposed development. Regarding road noise, the NIA sets out that this has the potential to impact on the internal and external spaces of the proposed dwellings – these impacts shall be explored in detail below. The NIA was considered alongside Environmental Health Officers (EHOs). EHOs did not raise any concerns with the methodology, findings or conclusions of the NIA, however advised that it is for the Planning Authority to consider as to whether a closed window solution would be supported.

2.4.6 The prediction model within the NIA calculated that as a consequence of the increase in vehicular traffic travelling along the B9130, stemming from the increase in population in the area from the proposed residential development, there would be an increase of approximately 0.3dB. It is therefore concluded that the vehicular traffic generated by the development would not give rise to adverse noise impacts for existing properties fronting the B9130.

2.4.7 Considering the noise environment for the proposed dwellings, the NIA predicts the internal noise levels on the assumption of windows being open for ventilation. The NIA predicts that the internal noise levels for properties fronting the B9130 would exceed the recommended daytime and night-time noise limits; the predicted noise levels would lead to major adverse impacts for future residents. A closed window solution was therefore considered for these properties. With the adoption of a closed window solution, the NIA predicted that each of the properties fronting the roads would achieve an acceptable internal noise level. The NIA recommends that acoustic ventilation be provided for the rooms fronting the roads; this would ensure that rooms could be ventilated without requiring windows to be open, with the windows remaining openable to allow rapid ventilation as required. Whilst the windows of the affected rooms would be openable to allow rapid ventilation as required, they are designed to allow occupants the choice to close their windows to mitigate against road and rail traffic noise while still receiving appropriate levels of background ventilation as required by the Buildings (Scotland) Regulations. The use of a closed window scenario with mechanical ventilation to mitigate road noise is considered acceptable as the occupant has the option to open their window and accept the noisier conditions or keep their windows closed and use the mechanical ventilation. Considering the exceptional circumstances criteria set out by REHIS, as the site is allocated for residential development in FIFEplan, the use of closed window solution for units which front the B9130 are considered to be acceptable on this occasion. Additionally, the proposed closed window solution would be beneficial in visual amenity terms rather than erecting a long acoustic barrier or landscaping bund across the frontage of the site. The properties fronting the B9130 would effectively screen the road noise levels for properties located behind. It is noted however that the site layout used to inform the NIA was an earlier version of the proposed development, with dwellings proposed much closer to the B9130. With the dwellings now proposed to be set further back from the road, it is expected that the internal noise levels for the properties would likely be less than what was predicted in the NIA, potentially reducing the number of properties which would require a closed window solution. . As it would remain preferable for as many properties as possible to not require a closed window solution (and to avoid unnecessary acoustic ventilation being installed), a condition is included in the recommendation for additional noise information to be submitted to ascertain which properties will require an acoustic ventilation solution as a result of the updated layout.

2.4.8 Lastly, the NIA considers the noise levels of external amenity/garden spaces for the proposed residential properties. It is noted that the site layout used to inform the NIA was an earlier version of the proposed development. The NIA advised that the garden areas of the properties noted as NSR1 and NSR2 on the site layout plan would require acoustic fencing as the garden areas would directly front the B9130. Comparing the site layout plan within the NIA to the current iteration, it is apparent that there are no longer any private gardens within proximity of NSR2 (now location of flatted blocks and open space area), meaning that an acoustic barrier would only be required for the property at NSR1 – Plot 102. With the recommended acoustic barrier in place, examining the NIA findings within the context of the updated site layout, it is predicated that, during the daytime period, the noise levels experienced within private external amenity spaces would be less than 50dB for all properties. It is not considered necessary for additional noise information to be submitted by the applicant with regard to external amenity spaces, as the assessment carried out is considered to be adequate. However, a condition is recommended to ensure that full specifications of the required acoustic barrier is provided prior to the commencement of works.

2.4.9 Given the scale of the proposed development, there would be a concern regarding the potential disturbance of neighbouring properties during construction from noise and dust. Such concerns have been raised in a number of representations. To mitigate such concerns, a condition could be included for a Construction Environmental Management Plan (CEMP) to be submitted in the event this application was to be approved.

2.4.10 In conclusion, it is considered that the proposed development would not give rise to adverse residential amenity concerns. Whilst the site is bound by a busy road and railway, the mitigation measures proposed are satisfactory and would ensure future residents would not be subjected to adverse noise impacts. Additionally, the proposed development has been laid out to protect the privacy, sunlight and daylight provisions of existing neighbouring properties, whilst ensuring the proposed dwellinghouses would receive an acceptable standard of amenity. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 14, 16 and 23 of NPF4 (2023) and Policies 1 and 10 of FIFEplan (2017).

## **2.5 Transportation/Road Safety**

2.5.1 Policies 13, 14 and 15 of NPF4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) and Scottish Government Designing Streets (2010) apply with regard to this proposal.

2.5.2 As noted above, the FIFEplan (2017) allocation sets out that the application site should be accessed by a new roundabout at the bend in Millburn Avenue at the north east corner of the site. Vehicular access to the site is proposed through two priority junctions with Millburn Avenue. The B9130 Millburn Avenue fronting the northern boundary of the site is subject to a 20mph speed limit. As the site is currently used for agricultural purposes general pedestrian access is not supported and the site is fenced on the perimeter. Adjacent to the site, Millburn Avenue benefits from a footway on the northern side of the carriageway only, with this extending from the village boundary in the northeast to Glenrothes in the west. Street lighting is also present on the northern side of the carriageway. Traffic calming in the form of speed cushions and raised zebra crossings is present along Millburn Avenue and Main Street.

2.5.3 A Transport Assessment (TA), prepared by ECS Transport Planning Limited, has been submitted in support of the planning application. The TA has been reviewed alongside the Council's Transportation Development Management (TDM) Officers. The TA has followed Transport Scotland's "Transport Assessment Guidance" and has considered the impact of the proposed development on the surrounding public road network. The TA has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport. Chapter 4 of the TA, 'Sustainable Accessibility', describes the existing walking, cycling and public transport options adjacent to the site and proposed mitigation measures to promote the use of sustainable travel. The local primary school, a few local shops and services with Coaltown of Balgonie, and the eastern edge of Eastfield Industrial Estate are all within walking distance of the site. Coaltown of Balgonie is served by a number of bus services, however it is noted that these are not extensive (also reflected in the submitted objections to this application). The nearest railway station to the development site is Markinch Railway Station approximately 1.7km north of the site, accessible via Balgonie Road. The TA confirms that the local road network would continue to operate within capacity with the introduction of the additional traffic associated with the development proposals. Fife Council's Transportation Development Management (TDM) Officers did not raise any concerns regarding the conclusions of the TA.

2.5.4 To encourage sustainable links between the application site and Coaltown of Balgonie, and to ensure the proposal accords with the principles of 20 minute neighbourhoods, the proposed development would incorporate additional road and pedestrian infrastructure in the form of a footway along the frontage of the site/southern side of Millburn Avenue, which would connect with the existing footway network to the west. The proposed footway would feature street lighting and crossing points. Additionally, to promote access to the countryside, it is proposed to create a pedestrian link at the eastern site boundary to connect with the existing core path route which runs along this boundary. A condition is recommended to secure the proposed core path link.

2.5.5 Giving regard to the location of the site, existing and proposed pedestrian, cycle and public transport connectivity, it is considered that the proposed development would promote sustainable transport opportunities. It is also noted that the applicant has committed to providing a Residential Travel Plan to future residents which can assist with reducing reliance on single-occupancy car use and encouraging the use of alternative forms of transport thus helping to reduce the impact of travel. Whilst the submitted objections raise concerns regarding the availability of bus services (particularly in the evening), it is considered that it is beyond the scope of this application to request that operators provide additional services for Coaltown of Balgonie, however it is recognised that the proposed development (and recently approved development at Queens Meadows) may result in an increased demand for services, making them more financially attractive for commercial operators.

2.5.6 With regard to the FIFEplan site requirement for the site to be accessed by a new roundabout at the bend in Millburn Avenue at the north east corner of the site, as set out above, the proposed development does not include such an arrangement. Two priority junctions with Millburn Avenue are proposed for site access/egress rather than a single point of access/egress from a roundabout. The submitted TA concludes that the proposed vehicular access arrangements would not give rise to any significantly adverse impacts on the road network. As detailed previously in this report, given the benefits in terms of placemaking and vehicular and pedestrian movement within the site provided by two points of vehicular access, the fact that traffic calming/20mph speed limit is in place along Millburn Avenue, and as the current junction arrangements (including visibility splays) for the road/track along the eastern boundary are considered to be sufficient for the limited traffic which uses the road. The FIFEplan site requirement for a roundabout can therefore be set aside on this occasion.

2.5.7 The visibility splays for the proposed junctions with Millburn Avenue, as well as the forward visibility of the junctions, have been designed in accordance with Making Fife's Places Supplementary Guidance (2018). Swept path plans have been provided which demonstrate that the site can safely be accessed and manoeuvred by large refuse vehicles. A condition is however recommended to ensure the proposed visibility splays are provided and suitably maintained.

2.5.8 With regard to the layout of the site, the proposed development is considered to generally be well designed in accordance with Designing Streets (2010) and Making Fife's Places Supplementary Guidance (2018) through consideration being given the road geometry, forward visibility, shared surfaces, street trees and positioning of open spaces to slow vehicular traffic travelling through the site. The incorporation of open space areas (including hard landscape courtyards), street trees, dedicated footpaths/cyclepaths and shared street surfaces would create a distinct, pedestrian friendly environment which would allow for greater movement permeability and choice of routes into and through the site. Cul-de-sacs are generally avoided which is welcomed, with the limited number which are proposed featuring pedestrian footpaths

beyond the termination of the carriageway. The use of shared surfaces, raised tables, varying street widths, and use of pedestrian footpaths at the end of cul-de-sacs and connecting footpaths beyond the site would promote pedestrian permeability and meet streets for people principles. A street hierarchy would be aided through the use of differing surface materials and colours, with secondary and territory streets featuring narrower carriageways and dwellings brought closer to the carriageway edge. TDM Officers did not raise any significant concerns regarding the proposed internal road and footpath network and general site layout, however they did note the proposed footway on the southern side of Millburn Avenue would not extend the full frontage of the development. In response to this recommendation, it is ultimately considered that extending the footway beyond the easternmost units would not raise any significant concerns given the anticipated desire lines of pedestrians. A condition is recommended to ensure all roads and associated works shall be constructed in accordance with Making Fife's Places Supplementary Guidance (and Fife Council Transportation Development Guidelines (Appendix G) therein) to a standard suitable for adoption. Additional standard conditions relating to road design have also been included in the recommendation.

2.5.9 Upon inspection of the site it was noted that many properties on Millburn Avenue do not feature in-curtilage parking spaces, resulting in a large number of vehicles being parked on the northern side of the carriageway. This observation was also reflected in the submitted objections, with concerns being raised that the proposed development would result in more cars being parked on Millburn Avenue, with the proposed access points to the development limiting the available space for existing residents to park their cars on the street. In response to these concerns, it has been assessed that sufficient off-street parking spaces and opportunities for on-street parking would be provided within the site, with the proposed development in accordance with the recommendations within Making Fife's Places Supplementary Guidance (2018). Additionally, it is considered that the layout of development and positioning of dwellings would make parking on Millburn Avenue unattractive for residents and visitors of the proposed development. Whilst TDM Officers did highlight that some of the proposed dwellings feature allocated parking spaces outwith their curtilage, with others featuring in-curtilage parking remote from the house entrance, potentially encouraging on-street parking within the site, no significant concerns or objections regarding parking provision were raised. A condition is recommended to ensure the proposed off-street parking spaces are provided. Furthermore, through the spacing of the proposed junctions with Millburn Avenue, it is considered that sufficient space would remain available on Millburn Avenue for existing residents to park their cars; although this is not encouraged.

2.5.10 Within Figure 4 of the Planning Obligations Framework Guidance, the application site lies within both the Kirkcaldy and Glenrothes Intermediate 5km Zones and is therefore required to contribute towards the Strategic Transportation Intervention Measures (STIMs) identified for the areas. A legal agreement is therefore recommended to secure a contribution towards the STIMs identified in the adopted FIFEplan; further information regarding the required contributions is set out later in this report.

2.5.11 In conclusion, subject to the recommendation conditions and legal agreement, the proposed development is considered to be acceptable with regard to transportation and road safety considerations, complying with the policy requirements of NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## **2.6 Flooding And Drainage**

2.6.1 NPF4 (2023) Policies 16 and 22, FIFEplan (2017) Policies 1, 3 and 12, the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements

(2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.6.2 The application site is currently in agricultural use. The existing ground falls from 73.10m AOD at the southwest to 67.80m AOD at the northeast. There is an existing 225mm diameter combined sewer running just outside the north boundary of the site. A Drainage Strategy, prepared by David R Murray and Associates, has been submitted as part of the application. A Water Impact Assessment (WIA), prepared by RPS, also been submitted. The WIA assess the impact of the development upon existing customers and the water distribution within the Coaltown of Balgonie and surrounding areas. Concerns have been raised in the objections regarding the potential impacts on water pressure and sewage issues in Coaltown of Balgonie.

2.6.3 The application has been assessed for all major sources of flood risk including fluvial, surface water, groundwater, infrastructural and coastal flooding. The site is concluded to be at little to no risk of flooding from all sources.

2.6.4 The proposed drainage system has been designed in accordance with current guidance, with the applicant proposing for the system to be adopted by Scottish Water. The surface water drainage system has been designed to accept surface water runoff from the proposed road, car parking areas footways and roofs. An underground cellular drainage storage system is proposed to attenuate surface water runoff from the development up to the 1 in 200 year storm event (including 39% allowance for climate change). Surface water runoff will ultimately discharge by way of a gravity connection to an existing ditch at the southeast of the site adjacent to the existing track. The discharge to the ditch is proposed to be attenuated to 5.6l/s through the use of a hydro-brake located within the last surface water manhole on the site. Fowl water from the site would enter the existing Scottish Water fowl network via gravity.

2.6.5 Fife Council's Structural Services (Flooding, Shoreline and Harbours) team have confirmed that they have no objections to the proposed surface water drainage proposals. A condition is however recommended to ensure the proposed SuDS is delivered.

2.6.6 Recognising the concerns raised by objectors relating to existing water pressure in the village, the submitted WIA concludes that, at present, the proposed development would not be able to be supplied by the Scottish Water distribution mains network as the additional flow required would further reduce low pressures and cause major supply issues to existing residents in Coaltown of Balgonie. The Coaltown of Balgonie DMA network is identified as currently experiencing pressure variations well above the 30% limit which is caused by high headloss through the DMA. The headloss within the DMA is most likely caused by poor mains condition. It is recommended in the WIA that the network be suitably upgraded to address the existing issues being experienced, and ensure there is sufficient flow to service the units of the proposed development. Whilst the findings and recommendations of the WIA are noted, it is considered that the upgrading of the distribution mains network is a matter reserved outwith the planning process and it would not be appropriate to delay the granting of planning permission. Furthermore, Scottish Water have not raised any objection to this application.

2.6.7 Overall, it is considered that the proposed development would include suitable drainage infrastructure to service the proposed residential units, with information submitted to confirm the proposed development would not be at risk of, nor contribute to, fluvial flooding. The proposed development is therefore considered to be acceptable with regard to flood risk and drainage considerations within the development plan and complies with the relevant policies noted above set out within the Adopted NPF4 and FIFEplan Local Development Plan 2017.



## 2.7 Contaminated Land and Air Quality

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

2.7.2 The majority of the site is identified by the Coal Authority as a Development High Risk Area due to past mining activity, with the site also identified as being potentially contaminated. A tank, of unknown use, has also been noted in the south of the site since the early 1900s. The site is located adjacent to a railway line, a former quarry (which may have been infilled) and air shafts. The application is supported by a Mineral Risk Assessment Report and an Air Quality Impact Assessment (AQIA).

2.7.3 The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Records also indicate that thick coal seams outcropped across the site, which may have been worked from the surface and that within, or within close proximity of the site boundary, there are two recorded mine entries (shaft and adit). 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. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. The Mineral Risk Assessment Report recommends that the mine entries within the site area will require to be secured by grout injection, with a no-build stand off zone secured around the capped entries. The Coal Authority were consulted on this application, advising that they concur with the recommendations of the submitted Mineral Risk Assessment Report which confirms that there is a potential for stability risks occurring and that both potential shallow coal mine workings and the two recorded mine entries will therefore require to be investigated and remediated.

2.7.4 In accordance with the recommendations of the Mineral Risk Assessment Report, the site layout has been designed to avoid the area around the mine entries. The Coal Authority confirmed that they had no objection to the proposed development, providing their recommended conditions be included in any approval to secure site investigations and remedial work. These conditions have been included in the recommendation.

2.7.5 The application was also reviewed by the Council's Land and Air Quality Officers who advised that they did not have any objections to the proposal provided that conditions be included to ensure the appropriate mediation of the site. In the first instance, a condition was recommended to ensure no development takes place until a suitable Intrusive Investigation (Phase II Investigation Report) has been undertaken and submitted, with a Remedial Action Statement submitted following in the event remedial action is recommended. A second condition was recommended to ensure that no part of the development is occupied until the recommended remedial actions have been carried out. An additional condition was also recommended to cover the possibility of unexpected contamination being encountered. Network Rail were also consulted on this application given the proximity of the site to the railway. Upon review, Network Rail did not raise any concerns regarding potential structural impacts on the railway embankment as a consequence of development works.

2.7.6 A construction dust risk assessment is included within the AQIA, to assess the potential risk of dust impacts on nearby sensitive receptors due to construction of the proposed development. The proposed development would bring with it an increase in traffic on the local road network which has the potential to impact air quality within the area. No centralised energy centre with combustion sources or any other combustion processes are proposed. The application site is not located within, or close to, an Air Quality Management Area (AQMA). The AQIA calculated that the predicted impact descriptors would all be negligible and the overall effect of the proposed development on local air quality at human receptors was therefore

assessed as 'not significant'. Similarly, the effects from dust on human health during the construction phase of the development would not be significant. Good practice and site-specific mitigation measures included in a Construction Environmental Management Plan (CEMP) would further reduce the likelihood of any potential impact during the construction phase. Upon their review of the AQIA, Fife Council's Land & Air Quality Officers advised that the information submitted appeared to be generally satisfactory. To ensure the recommended dust suppression mitigation measures are adhered to during the construction phase, a condition could be used to ensure the submission of a CEMP.

2.7.7 In conclusion, whilst the site is subject to past contamination and coal mining, conditions could be used to make sure the site conditions are investigated, and remediation measures put in place, to ensure the site is developed safely for residential use. Additionally, the proposed development would not give rise to adverse air quality concerns. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land and air quality considerations.

## **2.8 Natural Heritage and Trees**

2.8.1 NPF4 (2023) Policies 1, 3, 4, 6 and 20, FIFEplan (2017) Policies 1, 10 and 13, Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection and biodiversity enhancement.

2.8.2 The site is mainly agricultural land, bounded by hedgerows to the north and east, with a scrub planting along the western boundary with the railway. The remainder of the agricultural field which forms the application site continues southwards. A copse of woodland in the south west corner of the application site. The nearest watercourse is the River Leven, which is approximately 500 m to the north. The site is not covered by any statutory natural heritage protection designations (i.e. SSSI, SPA etc), however a number of locations were identified within the 5km study buffer zone. A number of long-established woodlands (of plantation origin) were identified within 2km of the site. No green network priorities are identified for the site in FIFEplan (2017).

2.8.3 Objection comments received in response to the application raise concern regarding the potential habitat loss and ecological impacts as a consequence of the development. The application is supported by Preliminary Ecological Appraisal (PEA), Design and Access Statement, Planning Statement and Biodiversity Enhancement Statement.

2.8.4 The PEA identifies the ecological baseline of the site through a background data search and a habitat survey with an on-site assessment (including a preliminary roost assessment). The site (and an appropriate buffer) was assessed for its ability to support protected species including birds, bats, badgers and other species of principal importance. The site and surroundings were also surveyed for Invasive Non-Native Species (INNS). Consideration is also given to national statutory designated sites and ancient woodlands within proximity of the site.

2.8.5 Firstly considering national and international nature conservation sites, the PEA concludes that the proposed development would not give rise to any adverse impacts on the designated sites themselves, nor any wildlife which the sites support. The need for a wintering bird survey and Habitat Regulations Appraisal were therefore considered unnecessary. Turning to the habitat provided by the application site, the PEA recognises that the proposed development would result in the loss of the arable habitat, neutral grassland and potentially some hedgerow to facilitate access (it is noted that the proposed site layout retains the majority of the hedgerow

along the northern boundary). Given the limited offering of the site to provide a habitat to support the investigated protected species, the PEA concludes that the proposed development would not give rise to significantly adverse impacts, however good practice mitigation measures are recommended to be adhered to during site clearance and construction works. Japanese Knotweed (INNS) was identified within the site, with the PEA recommending its removal (with an INNS management plan put in place). Upon review of the PEA, in consultation with the Council's Natural Heritage Officer, the methodology and conclusions are considered to be acceptable, with the proposed development not likely to significantly impact protected species, nor their habitats. In line with the PEA and Natural Heritage Officer advice, conditions have been included in the recommendation to secure necessary mitigation measures, including the removal of Japanese Knotweed.

2.8.6 With regard to biodiversity enhancement proposals/requirements, the PEA sets out a number of opportunities which could be incorporated into the proposed development, including hedgerow planting, creation of SuDS ponds, installation of bat and bird boxes, and providing species rich grasslands and wildflowers. The Biodiversity Enhancement Statement sets out that the applicant proposes to incorporate the enhancement measures outlined in the PEA, with additional enhancement measures proposed including tree planting and a landscape buffer. Notwithstanding the information presented in the Biodiversity Enhancement Statement, it is noted that a detailed landscaping plan and maintenance plans have not been submitted with the application; a fact which is also highlighted by the Natural Heritage Officer. This is regrettable as it is not possible to ascertain the success of the proposals in this matter. The applicant has requested for the submission of such information to be conditioned. Whilst it would be preferable for the information to be provided prior to determination of the application as a whole, giving regard to the information presented in the PEA and site layout plan, it is considered that there is sufficient scope for the proposed development to incorporate the identified biodiversity enhancement measures and appropriate landscaping. Conditions have therefore been included in the recommendation for detailed landscaping and maintenance information to be submitted.

2.8.7 Further to the natural heritage impacts and biodiversity enhancement measures, the applicant has agreed to provide a connection through the development site to the core path route (which runs along the eastern site boundary) to facilitate access to the countryside. This is welcomed and a condition has been included to secure the proposed connection.

2.8.8 As above, the application site does not contain any ancient woodland or protected trees. A copse of woodland is located in the south west corner of the application site which is considered to have some visual amenity value. Given the value of the trees, a condition is included in the recommendation to ensure the trees are not removed and adequately protected during site clearance and construction operations. Due to the presence of a former mineshaft, no development is proposed within the area adjacent to the trees, ensuring that no dwellings would be located within the falling distance of the trees.

2.8.9 In conclusion, the proposed development would not adversely impact on any protected species, with suitable landscaping and biodiversity enhancement measures identified. Conditions are included to secure the proposed landscaping, enhancement measures and tree protection measures. Overall, it is considered that the proposed development would be acceptable with regard to natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## **2.9 Sustainability**

2.9.1 NPF4 (2023) Policies 1, 2, 12, 13 and 19, FIFEplan (2017) Policies 1 and 11, Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (2019) apply in relation to low carbon and sustainability.

2.9.2 An Energy Statement of Intention and Low Carbon Checklist have been submitted as part of this planning application, in accordance with Policy 11 and the Low Carbon Supplementary Guidance. The submitted Design and Access Statement, Planning Statement, Transport Assessment and Air Quality Impact Assessment also contain relevant information regarding sustainability.

2.9.3 It would not be feasible for this development to connect to an existing or proposed heat network given its remoteness to such facilities, nor is the development of an adequate size to provide its own heat/energy source.

2.9.4 Each dwelling would adopt a 'fabric first' approach, making use of high levels of insulation to minimise heat loss. This approach would reduce the energy consumption of the dwellings to a minimum, with the small amount of energy required to heat the buildings partly produced using low carbon technologies, namely solar PV panels. Timber frame construction is proposed within this development to improve overall carbon saving in comparison to masonry build; whilst also offering thermal efficiency and air tightness improvements to reduce heating and operational costs of the home. Locally sourced building materials are proposed to be used, including recycled materials where possible. In order to comply with the current guidelines for surface water discharge quality, SuDS facilities are proposed as an integral part of the surface water drainage system. There would be sufficient internal and external spaces for the storage of mixed recycling facilities, including for the proposed flatted dwellings, consistent with current Building Standards.

2.9.4 With regard to travel and transport, it is acknowledged that the application site is located on the eastern edge of the village of Coaltown of Balgonie, a generally sustainable location which would offer walking and cycling routes to Glenrothes and Thorton. The village served by local buses, with connections to Glenrothes Bus Station and Markinch Railway Station providing opportunities for longer journeys across Fife and the central belt of Scotland. It is proposed to install a footpath (along the frontage of the site) and pedestrian crossings on Millburn Avenue to provide pedestrian access to Coaltown of Balgonie, with a pedestrian link to the core path network from the site also proposed; all of which would also offer benefits to existing residents of the village.

2.9.5 The AQIA submitted with the application confirmed that the proposed development would not give rise to significantly adverse air quality issues.

2.9.6 Overall, it is considered that the development complies with the Development Plan in this regard and meets the requirements of the Low Carbon Fife Supplementary Guidance, subject to the proposed conditions.

## **2.10 Archaeology**

2.10.1 NPF4 (2023) Policy 7, FIFEplan (2017) Policy 14 and Making Fife's Places Supplementary Guidance (2018) apply in regard to archaeology.

2.10.2 The archaeological implications of this proposal have been assessed against all statutory and non-statutory heritage constraint data sets held by Fife Council. Coaltown of Balgonie was founded as a hamlet of mine workers in the later 15<sup>th</sup> century. The proposed development site is not covered by any historic environment designations and no known archaeological sites/monuments/deposits are recorded on site. However, this absence of information simply reflects the fact that the area has never been archaeologically surveyed.

2.10.3 A large area is proposed for development. In consultation with the Council's Archaeologist, it is considered that there is the potential for archaeological deposits of prehistoric and/or medieval date to exist on site. The potential to impact on unrecorded, buried

archaeological deposits is therefore considered to justify a limited programme of archaeological evaluation.

2.10.4 A condition has been included in the recommendation for implementation of a programme of archaeological work in accordance with an approved written scheme of investigation.

2.10.5 The proposals comply with the terms of NPF4 (2023) Policy 7, FIFEplan (2017) Policy 14 and Making Fife's Places Supplementary Guidance (2018) in regard to archaeology, subject to the aforementioned condition.

## **2.11 Affordable Housing**

2.11.1 NPF4 (2023) Policy 16, FIFEplan (2017) Policy 2 and Fife Council's Affordable Housing Supplementary Guidance (2018) apply in regard to affordable housing.

2.11.2 As per Policy 2 of FIFEplan (2017) and Supplementary Guidance on Affordable Housing (2018), with Coaltown of Balgonie identified as an 'rural' area within the Glenrothes settlement area, the proposed residential development is therefore required to provide an affordable housing contribution of 10%.

2.11.3 The application proposes a total of 102 units, with 10 of these to be provided as affordable housing units. The affordable housing units would be contained to the west of the site, comprising a mix of:

- 4 x 2-bedroom terraced houses (general needs)
- 2 x 3-bedroom terraced houses (general needs)
- 1 x 4-bedroom end-terraced house (general needs)
- 1 x 5-bedroom house (specific needs as bedroom and accessible bathroom on ground floor)
- 1 x 2-bedroom amenity bungalow (specific needs)
- 1 x 2-bedroom wheelchair bungalow (wheelchair)

The proportion of affordable housing units proposed is considered to be acceptable, complying with the requirements of the development plan. Fife Council's Housing Service have advised that the proposed development meets Fife Council's targets for size and type of affordable housing including housing for specific needs, as well as meeting the needs identified within the Glenrothes Local Housing Strategy Area (LHSA).

2.11.4 The proposed affordable housing units would appear undistinguishable from the proposed market units. Whilst the proposed affordable units would not be spread out throughout the site, as recommended within the Supplementary Guidance, however it is recognised that grouping the affordable units together allows for easier management (including landscape maintenance) for the housing association. Overall, the affordable housing proposals are considered to be acceptable.

2.11.5 The Housing Service has advised that the preference would be for the land proposed for the affordable housing element to be transferred to Fife Council or partner RSL for them to develop the affordable units themselves. The alternative approach would be for the developer to build the units themselves for Fife Council or partner RSL; the affordable units would then be transferred at an agreed price to Fife Council or partner RSL for onward management and maintenance.

2.11.6 If this application is approved, it is recommended that a legal agreement be entered into between the developer and Fife Council to secure the affordable housing contribution prior to the decision notice being issued. Additionally, in the event this application is approved, it is

recommended that a planning condition be used to secure a phasing plan to ensure the affordable units are delivered timeously alongside the market units.

2.11.7 Subject to the provisions of the legal agreement, the proposal is considered to comply with the relevant policies of the Adopted NPF4 and the FIFEplan Local Development Plan, as well as the relevant supplementary guidance with regard to affordable housing provision.

## **2.12 Education**

2.12.1 NPF4 (2023) Policy 18, FIFEplan (2017) Policy 4, Fife Council Planning Obligations Framework Policy Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply when considering education contributions.

2.12.2 The Planning Obligations Framework Policy Guidance (2017) advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers. Developments on derelict land within settlement boundaries are exempt from contributions towards education.

2.12.3 This is site Laurence Park South (CLB001), a non-effective site in the Housing Land Audit (HLA) for 88 homes. This planning application is for 102 homes with the first completions expected in 2025 and the last house completions expected in 2028. These values have been used to assess the impact on catchment schools.

2.12.4 The application site is located in the catchment area for: Coaltown of Balgonie Primary School; St Paul's Roman Catholic Primary School; Auchmuty High School; and St Andrew's Roman Catholic High School. This site is also within the Glenrothes North and East local nursery area. Projected school pupil numbers and subsequent school capacity risks are based on the impact of known effective housing sites and their expected annual completion rates. Where a planning application proposes development that is different to that detailed in the HLA, it is likely that the impact on school places will also be different, particularly where new or previously noneffective sites are progressed, work does not start when expected or more houses are completed each year, even if the same number of houses are built overall. The cumulative impact on school rolls is based on development sites in these catchment areas. In this instance, the 80 units approved at Queens Meadows (22/04156/FULL) and the 23 units of the effective housing site (per 2017 HLA) at Pytree Road (CLB002) have been considered alongside this application. The impact of this development on local school infrastructure has been assessed by Fife Council's Education Service.

### **2.12.5 Coaltown of Balgonie Primary School**

At the Pupil Census there were 102 pupils on the school roll organised in 5 classes in accordance with class size regulations. The school has 4 class areas available which provide capacity for a maximum of 100 pupils, only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently a risk that Coaltown of Balgonie Primary School will have insufficient teaching areas available within the existing accommodation for the number of catchment pupils looking to attend the school in future years. As this issue is current or expected within the next two years it is considered to be a capacity risk. Current projections show that an additional 2 classes are required for a period of 2 years. The proposed solution for

increasing capacity is to provide one additional classroom at Coaltown of Balgonie Primary School, and it is expected that the Education Service would endeavour to manage the pupil numbers by monitoring the school roll and applying the School Admissions Policy. In accordance with Fife Council Planning Obligations Framework Policy Guidance (2017), planning obligations are required for additional school infrastructure, with developers required to fully fund this solution. The estimated cost of the proposed works is £819,985, to be index linked from Q1 2023, which should be funded on a pro-rata basis by all eligible and impacting housing developments in the catchment area; the final cost of the solution may be subject to change, following an open book tendering process. The contribution cost per 3 bed dwelling is currently £4,293, with this figure prorated for houses with more or less than 3 bedrooms; 75% of the contribution will apply to 2-bed homes, 125% to 4-bed homes, 150% to 5-bed homes and 175% to 6+ bed homes. Excluding affordable units, the development has 12 2-bed properties (£3,219 x 12 = £38,628), 40 3-bed properties (£4,293 x 40 = £196,920) and 40 4-bed properties (£5,366 x 40 = £214,640). This equates to a total contribution towards Coaltown of Balgonie Primary School of £450,188 (index linked) being required.

#### 2.12.6 St Paul's Roman Catholic Primary School

At the Pupil Census there were 196 pupils on the school roll, organised in 8 classes in accordance with class size regulations. The school has 13 class areas available which would provide capacity for a maximum of 367 pupils, only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Paul's Roman Catholic Primary School.

#### 2.12.7 Auchmuty High School

At the Pupil Census there were 1316 pupils on the school roll and the school has capacity for a total of 1300 pupils. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently a risk that Auchmuty High School will have insufficient teaching areas available within the existing accommodation for the number of catchment pupils looking to attend the school in future years. As this issue is current or expected within the next two years it is considered to be a capacity risk, meaning planning obligations will be required to contribute towards additional secondary school capacity. The cumulative impact of proposed housing development in the catchment area will require additional teaching areas at the school. The cost of this work is estimated at £3.0m index linked to 2015, and is to be funded on a pro-rata basis by all eligible housing development across the catchment area. The contribution cost per 3 bed dwelling is currently £1,684, with this figure prorated for houses with more or less than 3 bedrooms; 75% of the contribution will apply to 2-bed homes, 125% to 4-bed homes, 150% to 5-bed homes and 175% to 6+ bed homes. The development has 12 2-bed properties (£1,263 x 12 = £15,156), 40 3-bed properties (£1,684 x 40 = £67,360) and 40 4-bed properties (£2,105 x 40 = £84,200). This equates to a total contribution towards Auchmuty High School of £166,716 (index linked) being required.

#### 2.12.8 St Andrew's Roman Catholic High School

At the Pupil Census there were 806 pupils on the school roll and the school has capacity for a total of 1137 pupils. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Andrew's Roman Catholic High School.

#### 2.12.9 Glenrothes North and East local nursery area

In August 2022 there were 383 children aged 3 and 4 years old in this local nursery area. There are currently 297 places for 3 and 4 year old children at Fife Council nurseries in this local nursery area. Based on the available information at this time, this development would contribute

to a capacity risk for the local nursery area. However, in their consultation response to this application, the Education Service have concluded that there may be additional capacity in other nurseries or partner providers to accommodate any new nursery pupils from this development. Therefore, no financial contribution is required to be paid by the developer. The Education Service have requested however that they be notified of any reviews of the build out rate of the development to allow the Service to monitor development progress. This could be secured through a planning condition for a phasing plan.

## **2.13 Open Space and Play Areas**

2.13.1 NPF4 (2023) Policy 20 and 21, FIFEplan (2017) Policy 3, Making Fife's Places Supplementary Guidance (2018) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply.

2.13.2 Making Fife's Places Supplementary Guidance (2018) sets out the open space requirements for developments of more than 50 units located outwith a 250m walking distance of an existing open space, stating that developments are required to provide 60sqm of open space per dwelling on site, with equipped play areas potentially required to be provided. The open space provided should be able to accommodate informal activities such as play, walking, sitting, picnics, communal gardening, informal sports and recreation.

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

2.13.4 The application site is not within 250m (walking route) of an existing open space or park area. Applying the Making Fife's Places requirements, a development of 102 properties would be required to include 6,120sqm (0.612ha) of useable open space.

2.13.5 The application proposes street trees and landscaping strips throughout the development and whilst such features would contribute to the overall character of the development, per the Supplementary Guidance, these features are not considered to provide useable open space and therefore shall not be considered towards the developer's required contribution. The majority of the open space and play area proposals would be consigned to the south western corner and northern boundary of the site. Additional areas of open space proposed include an open greenspace in the south east corner (location of underground cellular storage system), a landscaped area in the north eastern corner, and a small 'village green area'. Specified details of the equipment within the proposed play park areas have not been provided, however a planning condition is proposed to secure this information. Conditions are also recommended for a phasing plan to be submitted to ensure the play park areas are delivered at an appropriate stage. It is recognised that part of the proposed open space area would be utilised for a SuDS. However, as a cellular storage system is designed to store water below ground and release it back to the surface gradually, it is considered that this space would be useable (except perhaps during periods of prolonged heavy rain when the space would be unlikely to be



used in any case). Combined, the open space and play areas would measure approximately in accordance with the Making Fife's Place's recommendation.

2.13.6 It has not been confirmed whether the applicant shall be required to install an electricity substation within the site. If a substation is required, it is considered that there is potential for this to impact on the proposed open space areas, to the detriment of the development. As electricity substations can come forward through permitted development, where the Planning Authority would be unable to raise concerns regarding the impact on open space, a condition has therefore been recommended to restrict the permitted development rights relating to this.

2.13.7 Overall, proposals are acceptable in regard to open space and play areas and comply with the relevant development plan policies and guidance.

## **2.14 Public Art**

2.14.1 NPF4 (2023) Policy 31, FIFEplan (2017) Policy 4 and Making Fife's Places Supplementary Guidance (2018) (Appendix F) apply.

2.14.2 As this is an application for a major housing development and a proposal that involves a significant change to existing, public art is required to be provided. Public art that is commissioned for a particular site must be relevant to the context of that location and to its audience - the public or community who occupy, use or see into that space. The main objective of public art is to enhance the quality of a place, so it must be an integral part of the design process for the overall development and considered from the outset. It is closely related to urban design in the consideration of issues and design principles.

2.14.3 No details have been included within the application submission regarding public art proposals, however, there does appear to be scope for public art features throughout the site.

2.14.4 Whilst the lack of information is regrettable, it is considered that it would be appropriate to make use of a planning condition to secure a full public art strategy for the site in accordance with Making Fife's Places Supplementary Guidance (2018).

## **2.15 Strategic Transport Interventions**

2.15.1 NPF4 (2023) Policies 13 and 18, FIFEplan (2017) Policies 3 and, Planning Obligations Framework Policy Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply in regard to Strategic Transport Interventions.

2.15.2 Figure 3 of the Planning Obligations Framework Guidance indicates obligation costs per house for contributing development within the defined zones of Dunfermline, Kirkcaldy, and Glenrothes. Figure 4 illustrates the defined zones and highlights the location of proposed housing allocations against the location of necessary strategic transport interventions stated in Figure 5. The identification of core, intermediate and outer zones is predicated on the 'gravity model' approach which identified the impact of proposed housing allocations on the strategic road network against the impact of how close a site or site/s are to identified strategic transport interventions.

2.15.3 Within Figure 4 of the Planning Obligations Framework Guidance, the application site lies within both the Kirkcaldy and Glenrothes Intermediate 5km Zones and is therefore required to pay both zone costs to reflect the interrelationship of likely traffic impacts across each zone. Per Figure 3 of the Planning Obligations Framework Guidance, the Intermediate 5km Zone cost for Kirkcaldy is £1,441 per dwelling, with Glenrothes being £288 per dwelling. A total of £1,729 (index linked) per dwelling, excluding affordable housing units, is therefore required to be paid by the developer towards the transport fund. A total contribution of £159,068 (index linked)

would therefore be required. In the event that this application is approved, to secure the contributions towards strategic transport interventions that would be required for this development, it is recommended that a legal agreement be entered into before the decision is issued.

2.15.4 The proposals are considered to meet the requirements of NPF4 (2023) Policies 13 and 18, FIFEplan (2017) Policies 3 and 4 and the Fife Council Planning Obligations Framework Guidance (2018).

## **2.16 Other Infrastructure Considerations**

2.16.1 Objections to the application have raised concern that the development could impact on local health services. The provision of health services are a matter for the health board so is outwith the remit of planning. Planning is primarily concerned with land use and the site is allocated for housing in the current land use plan for Fife (the Local Development Plan, FIFEplan). The NHS were consulted during the preparation of the LDP and did not seek any land be set aside for the provision of health services. There is no requirement within the Adopted FIFEplan or Planning Obligations Framework Guidance for a financial contribution to be made towards healthcare provision. Securing this contribution through a Planning Obligation would not be in accordance with the tests of Circular 3/2012 Planning Obligations and Good Neighbour Agreements. The concerns raised in relation to capacity are for the NHS and/or individual practices to resolve. On this basis, no contributions are sought towards healthcare.

2.16.2 Concerns have also been raised within the submitted representations regarding the lack of existing shops and services within Coaltown of Balgonie. In response to these concerns, this is an existing issue and not one created by the proposed development. It should also be noted that this is not a matter which could be directly addressed by this development as there is no requirement within the FIFEplan (2017) site allocation for the development to include retail or other commercial facilities, nor would it be appropriate to request a contribution towards provided new or expanded commercial or retail facilities within the village (per Circular 3/2012 Planning Obligations and Good Neighbour Agreements).

## **3.0 Consultation Summary**

Transport Scotland	Do not propose to advise against the granting of permission. If appropriate, Fife Council should secure contributions towards STIM associated with A92.
The Coal Authority	No objections. Conditions recommended to ensure remediation works take place.
Network Rail	No objections. Condition recommended to ensure landscaping is appropriate and would not impact on railway line.
Archaeology Team, Planning Services	No objections. Condition recommended to secure archaeological investigations.

Land And Air Quality, Protective Services	No objections. Conditions recommended to site investigations take place and any remediation works carried out.
Education (Directorate)	Development would contribute to capacity risk at local schools. Financial contributions required to mitigate impacts.
Housing And Neighbourhood Services	No objections. Proposed affordable housing mix is acceptable. Units should be secured.
Structural Services - Flooding, Shoreline And Harbours	No objections. Proposed drainage strategy is acceptable.
Environmental Health (Public Protection)	Concur with methodology and findings of Noise Impact Assessment. For the Planning Authority to determine if application meets exceptional circumstances for closed window solution.
TDM, Planning Services	No objections. Conditions recommended.
Urban Design	Design advice provided. No significant concerns raised.
NHS Fife	No comment.
Transportation And Environmental Services - Operations Team	No comment.
Parks Development And Countryside	No comment.
Natural Heritage, Planning Services	Recommendations and mitigation measures within PEA should be secured. Detailed landscaping plan required.
Scottish Water	No objection to this planning application. There is currently sufficient capacity in the Glenfarg Water Treatment Works. There is currently sufficient capacity for a foul only connection in the Levenmouth PFI Waste Water Treatment Works.

## 4.0 Representation Summary

4.1 A total of 19 objections, including one submitted by the Coaltown and Milton Community Council, have been received in response to this application. One general comment has also been received, however, this does not make any references to the application and has therefore been discounted.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. No capacity available at local schools with no ability to extend local primary school	2.12.5
b. No capacity available at local GP surgeries	2.16.1
c. Road network cannot accommodate additional traffic generated by development	2.5.5
d. Parked cars on Millburn Avenue reduce road width	2.5.9
e. Proposed development could lead to more cars being parked on Millburn Avenue	2.5.9
f. Proposed access points would reduce amount of space available for existing Millburn Avenue residents to park on-street	2.5.9
g. Loss of privacy	2.4.2
h. Overshadowing	2.4.2
i. Noise impacts	2.4.5
j. Lack of local amenities and shops	2.16.2
k. Proposed development would lead to further water pressure and sewage issues in village	2.6.6
l. Additional traffic would give rise to air quality and health issues	2.7.6
m. No need for additional housing in the area and loss of countryside	2.2.7
n. Online consultation process was not satisfactory	1.4.2
o. Insufficient evidence of how excessive dust would be mitigated	2.7.6
p. Insufficient bus services (in evening)	2.5.5
q. Impacts on wildlife and natural environment	2.8.5
r. Site capacity is 88 units	2.2.4
s. Site layout could facilitate a 'ratrun'	2.5.8
t. Ground works could impact railway embankment	2.7.5
u. Positioning of flatted blocks	2.3.7
v. Loss of agricultural land	2.2.6

## 4.2.2 Other Concerns Expressed

### Issue

- a. Loss of view
- b. Reduction in property value
- c. Proposed development and recently approved application at Queens Meadows (22/04156/FULL) will overwhelm existing infrastructure
- d. Fire Service believed to be concerned that there is insufficient pressure in village to tackle fires
- e. Sub-station not detailed on submitted plans
- f. Increase in crime
- g. Proposed connection to heat network is unrealistic

### Comment

- This is not a material planning consideration
- This is not a material planning consideration
- The impacts of each of these developments have been fully considered within the remit of the Planning Act
- This is considered to be a separate matter outwith the scope of this planning application
- There is no requirement for this information to be included on the submitted plans. A condition is however included to restrict Permitted Development Rights – see paragraph 2.13.6
- This is an unsubstantiated claim
- This development does not propose a connection to a heat network

## 5.0 Conclusions

The proposal is considered to be acceptable and to comply with Policies 1, 3, 4, 9, 12, 14, 15, 16, 18, 20, 21, 22, 23 of NPF4, Policies 1, 2, 3, 4, 5, 7, 10, 11, 12, 13 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), Affordable Housing Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017) and relevant National Guidance and Fife Council Guidelines. The principal of development of the allocated residential site is considered to be acceptable, with the proposal demonstrating that the FIFEplan request for a roundabout can be set aside. Despite the fact that the application site includes prime agricultural land, it is considered that Policy 16 of NPF4 provides support for the development and the provisions of Policy 5 of NPF4 can therefore be set aside. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the amenity of the surrounding area, and is therefore considered to be acceptable.

## 6.0 Recommendation

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

The conclusion of a legal agreement to secure;

- A contribution towards Strategic Transport Interventions Measures in line with the Adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017)
- A contribution towards the planned extensions to Coaltown of Balgonie Primary School and Auchmuty High School in line with the Adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017)

- The provision of 10 affordable housing units on the site.

That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement

That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

**PRE-COMMENCEMENT CONDITIONS:**

2. PRIOR TO ANY WORKS COMMENCING ON SITE, a public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the written approval of Fife Council as Planning Authority. The strategy shall demonstrate that the value of the works contributing to the public art strategy shall meet the terms of the Council's Guidance on Public Art in terms of the financial value of the items of work. The strategy shall propose a scheme of public consultation which shall involve a local community group or groups (if available) and shall include a phasing timescale for the implementation of the public art works. Thereafter the public art works shall be carried out entirely in accordance with the details and phasing approved under this condition and will be maintained for the lifetime of the development by the applicant or other agreed party.

Reason: In the interests of good placemaking; to ensure a strategy for deploying the financial contribution towards public art is agreed.

4. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

Reason: In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

5. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

6. PRIOR TO THE COMMENCEMENT OF WORKS, an updated Noise Impact Assessment shall be submitted to confirm which properties require noise mitigation measures to be installed to attenuate external road noise, and specification of the noise mitigation measures, shall be submitted for the prior written approval of the Planning Authority. A verification report confirming

the measures have been installed shall be submitted for the written approval of the Planning Authority prior to the first occupation of each dwelling.

Reason: In the interest of residential amenity; to ensure the dwellinghouses are not adversely impacted by road traffic noise.

7. PRIOR TO THE COMMENCEMENT OF WORKS, full details, including elevations and surface mass density, of the acoustic barriers specified within the noise impact assessment shall be submitted for the prior written approval of the Planning Authority. The approved acoustic barriers shall be fully constructed prior to the first occupation of the associated residential units. A verification report confirming the barrier has been erected and sufficiently mitigates road noise shall be submitted for the written approval of the Planning Authority prior to the first occupation of the associated residential units.

Reason: In the interest of residential amenity; to ensure the dwellinghouses are not adversely impacted by road traffic noise.

14. PRIOR TO ANY WORKS COMMENCING ON SITE, details of wheel cleaning facilities shall be submitted for the written approval of this planning authority and shall thereafter be available throughout the construction period of the development to minimise the amount of mud, debris or other deleterious material carried by vehicles onto the public roads.

Reason: In the interest of road safety; to ensure the provision of adequate wheel cleaning facilities.

15. PRIOR TO ANY WORKS COMMENCING ON SITE, samples of the external construction materials finishes of the dwellings (in particular relating to the roof, windows and walls) and roads, driveways and footways shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the dwellinghouses shall be constructed and finished in full accordance with the agreed samples prior to occupation.

Reason: To define the terms of this permission and ensure that the dwellinghouses are in-keeping with the character of the surrounding area.

16. PRIOR TO ANY WORKS COMMENCING ON SITE, details of the proposed phasing of the development, including landscaping, earth bunding, tree and hedgerow planting and provision of open space and play equipment shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason: In the interests of the proper planning of the development and to ensure landscaping works are completed at an appropriate stage in the development of the site.

19. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation

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

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

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

22. No development shall commence on site until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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.

Reason: To ensure all land instabilities arising from mine entries and unrecorded shallow coal mining legacy within the site are dealt with.

24. PRIOR TO ANY WORKS COMMENCING ON SITE, the developer shall submit details and specifications of the protective measures necessary to safeguard the retained trees adjacent to the site during site (demolition and development) operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.

26. PRIOR TO ANY WORKS COMMENCING ON SITE, a Construction Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority for approval in writing. The CEMP shall include a pollution protection measures to avoid an impact on the environment, as well as a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 -



February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted.

It shall provide the following details:

- Site working hours;
- Adherence to good practise in protecting the environment and ecology;
- Dust, noise and vibration suppression; and
- Protection of water environment.

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

27. PRIOR TO ANY WORKS COMMENCING ON SITE, details, including scaled elevations, of all external boundary treatments shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the external boundary treatments shall be constructed and finished in full accordance with the agreed details prior to occupation of the relevant residential units.

Reason: To define the terms of this permission and ensure that the boundary treatments are in-keeping with the character of the surrounding area.

28. PRIOR TO ANY WORKS COMMENCING ON SITE, details of the ancillary structures and play equipment associated with the equipped play area shall be submitted for the written approval of the Planning Authority. Thereafter, the ancillary structures and play equipment as approved shall be provided on site and available for use in accordance with the agreed phasing plan.

Reason: To ensure sufficient play equipment to service the development is provided on site.

29. PRIOR TO ANY WORKS COMMENCING ON SITE, a maintenance and aftercare strategy for the equipped play area shall be submitted for the written approval of the Planning Authority. Thereafter, the equipped play area shall be maintained in accordance with the approved strategy for the lifetime of the development.

Reason: To ensure the equipped play area is suitably maintained.

33. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site in advance of development.

34. BEFORE ANY WORKS START ON SITE, an Invasive Non-Native Species (INNS) management plan for the treatment and removal of Japanese Knotweed shall be submitted for approval in writing by this Planning Authority. The INNS management plan shall include a timescale for the removal of the Japanese Knotweed from the site. The approved INNS management plan shall thereafter be adhered to in full unless otherwise agreed in writing.

Reason: In the interests of removing an Invasive Non-Native Species from the site.

### **CONDITIONS:**

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

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

3. No more than 100 of the residential units hereby permitted to be constructed at the site shall be occupied until a continuous footpath/cyclepath connecting the footpath/cyclepath network within the site to the 'Milton to Coaltown of Balgonie via Byresloan' Core Path to the east of the site is in place.

Reason: In the interests of pedestrian connectivity and access to areas of open space.

8. Prior to occupation of the first dwelling, visibility splays 4.5 metres x 40 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of both access roads with the B9130 in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

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

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

10. Prior to the occupation of each dwelling with allocated car parking, the off-street parking provision within the plot or within the private car parks shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

11. Prior to the occupation of any of the residential properties, street lighting and footways (where appropriate) serving the property shall be formed and operational to the satisfaction of this Planning Authority.

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

12. All prospectively adoptable roads and associated works serving the development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

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

13. All roadside boundary markers shall be maintained at a height not exceeding 600mm above the adjacent road channel level throughout the lifetime of the development.

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

17. All landscaping works, earth bunding, tree and hedgerow planting and provision of open space shall be implemented in a phased manner agreed by the Planning Authority under the terms of Condition 16 above, and shall be implemented in full prior to the occupation of the 99th residential unit on the site.

Reason: To ensure landscaping works are completed at an appropriate stage in the development of the site.

18. As soon as possible after each of the phases of the development is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.

Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

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

completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

23. 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 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.

Reason: To ensure all land instabilities arising from mine entries and unrecorded shallow coal mining legacy within the site are dealt with.

30. All tree and vegetation removal associated with this development shall be undertaken outwith the bird breeding season of 1 March to 31 August of any calendar year unless the site is first surveyed by a suitably qualified person and the findings, and any associated mitigation, have been submitted to, and approved in writing by, Fife Council as Planning Authority.

Reason: In the interests of safeguarding nesting birds.

31. Unless otherwise agreed in writing with the Council as Planning Authority, the approved surface water drainage scheme as detailed in approved documents shall be implemented in full PRIOR TO THE OCCUPATION OF ANY DWELLING and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of ensuring appropriate handling of surface water.

32. WITHIN 3 MONTHS OF THE COMPLETION OF THE SUSTAINABLE DRAINAGE SYSTEM; appendix 6 (Confirmation of SUDS Constructed to current best Practice) of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022), or any subsequent revision, shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of surface water management; to ensure that an acceptable and working sustainable drainage system has been provided.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Class 40 shall be undertaken without the express prior consent of this Planning Authority.

Reason: In the opinion of this Planning Authority the additional degree of planning control is necessary due to the special character of the layout and the need to prevent uncontrolled site coverage.

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Bryan Reid, Lead Professional

Report reviewed and agreed by Kevin Treadwell, Service Manager

3 April 2024

Agenda Item No. 6

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**Application for Full Planning Permission****Ref: 23/02598/FULL****Site Address:** Glenniston Farm Gleniston Auchtertool**Proposal:** Installation of 39MW solar PV array with 10MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development**Applicant:** Glenniston Solar Project Ltd., 11 Heath Drive Flat 2 (First Floor) London**Date Registered:** 20 September 2023**Case Officer:** Bryan Reid**Wards Affected:** W5R09: Burntisland, Kinghorn and West Kirkcaldy

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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## 1.0 Background

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### 1.1 The Site

1.1.1 The application site is approximately 71ha. in area, comprising a collection of agricultural fields, situated between the A92 (to the north) and the village of Auchtertool (approximately 450m to the south). The settlement of Lochgelly is approximately 900 north west of the site. The site is considered to be in the countryside, as per the Adopted FIFEplan Local Development Plan (2017), and is not allocated for any development in the FIFEplan. The site is made up of a mixture of medium-sized arable fields bounded by post and wire fencing and intensively managed hedgerows; the latter being commonly found along roadsides. There is a young Sitka Spruce plantation adjacent to the east of the site boundary. Several overhead transmission lines, connected by steel lattice towers and wooden trident poles, cross the site connecting into Glenniston substation to the south west. The former Glenniston Quarry is located within a field in the east central part of the site. The farm properties of Powguld Farm and Glenniston Farm

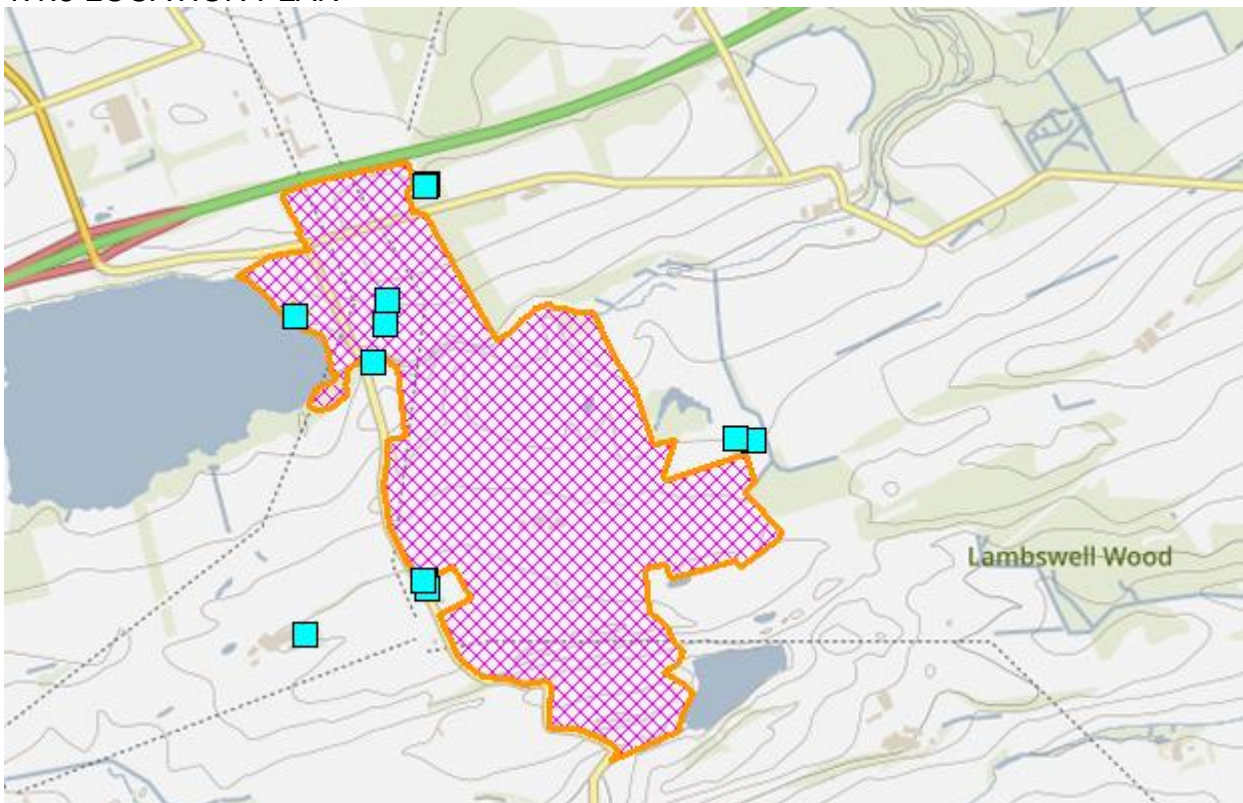
(including associated farm buildings) (both owned by the landowner) are located within the site boundary, with approximately 15-20 residential properties located around the periphery of the site. Whilst the site is largely contained by a public road (K11) to the west, the site does cross over the road and extends to agricultural fields adjacent to Loch Gelly. The Lochgelly Loch Circuit Core Path is partially located within the site, with the Auchtertool to Dundonald Core Path running north/south to the east of the site boundary.

1.1.2 Loch Gelly is adjacent to the western site boundary, with the Gelly Burn running east-west through the site. Camilla Loch (SSSI) is located to the south of the site with the Cullaloe Hills and Coast Local Landscape Area beyond this. No protected landscape designations cover the application site. The majority of the site is located within the defined 'Lowland Hills and Valleys' landscape character area, with the southern part of the site within the 'Pronounced Volcanic Hills and Craigs' landscape character area, and a small area of the north western part of the site (adjacent Loch Gelly) within the 'Lowland Loch Basins' landscape character area.

1.1.3 Landform across the application site is undulating with the highest points being in the north (135 m AOD) and south (145 m AOD). The intervening area comprises low rounded hills typically rising to 125 m AOD. The site is made up of a mixture of grade 3.2, 4.2, 5.1 and 6.3 agricultural land (per the James Hutton Institute); the majority of the land is grade 3.2.

1.1.4 The Glenniston substation is located adjacent to the western site boundary (on the western side of the K11 public road). A number of wind turbines are located within the land surrounding the application site; most notably Little Raith Wind Farm to the west; with the Mossmorran NGL and Ethylene Plants located to approximately 1.8km to the west. The application site is adjacent to the eastern boundary of the area of land allocated in FIFEplan (2017) for the potential expansion of Mossmorran (LWD020). Two battery energy storage developments (which shall connect to the Glenniston substation) are currently under construction to the west and south west of the application site (both developments shall be accessed from the K11).

#### 1.1.5 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application seeks planning permission for the installation of a 39MW solar PV array with 10MW embedded battery storage facility and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development. The proposed development would generate and export approximately 52.3GWh of renewable electricity to national grid annually, the equivalent to a typical annual demand of circa 18,000 UK households.

1.2.2 The proposed solar PV arrays shall comprise of circa 100,000 freestanding panels secured to the ground on fixed metal frames. Panels would be orientated to face south and angled (at approximately 25 degrees) to collect the most energy from the sun. The maximum height of the top of the individual panels would be 3.0m. Panels would be placed in rows with between 3m and 6m between each row of panels. The proposed panels would be grouped across 22 array groups separated by planting and internal roads. The array groups would also contain solar inverter stations in order to convert the electricity generated to grid quality AC power, with the inverters subsequently connected to transformer and switchgear units to transfer the power back to the grid connection point on site via underground cabling. The proposed inverters would be contained with enclosures measuring 7500mm(l) x 2900mm(w) x 3400mm(h).

1.2.3 The proposed battery energy storage containers would be situated within a defined compound area in the south west of the site. The compound area would comprise 16 battery storage containers, each measuring approximately 9400mm(l) x 1750mm(w) x 2600mm(h), and 2 combined inverter and transformer stations measuring approximately 12200mm(l) x 2500mm(w) x 3000mm(h) each. Each battery storage container would be set on concrete pads within the battery compound area, of approximately 0.4m depth bringing the overall height to 3000mm. It is also proposed to install the following equipment adjacent to the battery compound area:

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

1.2.4 Associated infrastructure for the proposed development includes a customer substation unit (containing switchgear, metering, protection equipment and other electrical auxiliary equipment) and a DNO (District Network Operator) substation unit, both formed of a prefabricated glass reinforced plastic material. The substation units would be located near the primary site entrance at the south west corner of the site, opposite the Glenniston substation. The connection to the Glenniston substation would be via a buried cable across the K11. To secure the site, a 2m high fence, constructed of wooden posts and wire mesh, would be located around the periphery of the site, with CCTV cameras proposed to be erected at regular intervals along the fencing and mounted on poles measuring no more than 3m in height. The CCTV cameras would be infrared, with motion sensors, and located to face the lands under the control of the applicant. No permanent lighting is proposed as part of the development as all cameras will utilise infrared technology.

1.2.5 Three access points from the K11 are proposed which would be used during both the construction and operational phases of the project. Access points 1 and 2 would be located approximately 105m south from the junction of the K11 onto the C48. Access point 1 would be located to the west of the K11, with Access point 2 sited opposite. Access point 3 would be located at the southwest corner of the site opposite to the existing entrance to the Scottish Power substation located on the west side of the road. Access point 3 would also serve as the main construction compound area (measuring 60m x 60m), used for office, storage, welfare and parking facilities during the construction phase. The site compound area would be scaled back upon completion of construction works to approximately 12m x 16m to allow for parking and



maintenance works during operation. Temporary hardstanding areas would also be created adjacent to the other entrance points off the public road to take delivery of components and for use as assembly areas. Approximately 3.5km of new and upgraded access tracks are required within the site to provide access throughout the site for maintenance vehicles during the lifespan of the project. The proposed internal road network would be constructed with permeable materials.

1.2.6 Landscaping and planting are proposed as part of the development, primarily consisting of the planting of permanent species rich grassland, wildflower meadows and approximately 700m of native species hedgerows. The existing 3.1km of hedgerows within and around the site are also proposed to be managed and allowed to grow to 3m in height in the interests of providing additional screening of the development. Throughout the lifetime of the development, the land around and underneath the panels is proposed to support grazing by sheep.

1.2.7 The development would generate and then subsequently export electricity to the grid network via the existing Glenniston substation and facilitate a shift to low carbon energy. The operational period of the array would be up to 40 years with provision for it to be decommissioned on the expiration of the planning permission. The site would be restored following this unless planning permission is sought for the extension of the operational period. Any application for extension would be assessed in accordance with the legislation and regulations at the time of applying. If an extension for operation is not sought, then all equipment which is above ground would require to be removed from the site completely and the land reinstated to its existing agricultural use, in accordance with the attached condition.

### **1.3 Relevant Planning History**

99/00666/CNOP - Refurbishment and rationalisation of the 132kv overhead power line - PER - 28/09/99

13/00423/SCR - Screening request for erection of single wind turbine 500kW (67m to blade tip) - EIAR - 08/03/13

13/00673/SCO - EIA Scoping Opinion for single wind turbine - SCOPEA - 05/06/13

14/01229/SCR - Screening opinion for erection of a large solar PV development with an output of 15MW - EIANR - 19/05/14

01/02688/HIST - Formation of roof on electricity sub-station (in retrospect) - PER - 15/02/02

21/03961/SCR - EIA screening request for solar farm and battery storage development (combined capacity of 49.9MW) - EIANR - 04/02/22

22/02099/PAN - Proposal of Application Notice for 49MW solar array, battery storage, associated works and infrastructure - PANA - 14/07/22

### **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.4.2 As the capacity of the generating station exceeds 20 megawatts, per 'Class 4: Electricity Generation' of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the proposal is categorised as a Major development. The applicant has

carried out the necessary Pre-Application Consultation (PAC) requirements through holding public information events (Ref: 23/00072/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application.

1.4.3 As the application site for the proposed development exceeds 0.5ha, per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which required to be screened for EIA. The proposed development was screened by the Planning Authority (Ref: 23/00443/SCR), where it was concluded that an EIA was not required.

1.4.4 As the proposed development was considered to have the potential to impact on the setting of a listed building, a notice was placed in the Courier newspaper (Fife edition) and a site notice was erected at the site.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

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

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

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

Policy 11: Energy

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

Policy 12: Zero Waste

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

#### Policy 13: Sustainable transport

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

#### Policy 14: Design, quality and place

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

#### Policy 18: Infrastructure first

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

#### Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

#### Policy 22: Flood risk and water management

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

#### Policy 23: Health and safety

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

#### Policy 25: Community wealth building

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

#### Policy 26: Business and industry

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

#### Policy 29: Rural development

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

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

#### Policy 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 4: Planning Obligations

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

#### Policy 7: Development in the Countryside

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

#### Policy 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

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

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

#### Policy 13: Natural Environment and Access

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

#### Policy 14: Built and Historic Environment

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

### **National Guidance and Legislation**

PAN 1/2011: Planning and Noise

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

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

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

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

### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

## **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

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

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Loss of Agricultural Land
- Design and Layout/Visual and Cultural Heritage Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage, Trees and Biodiversity Net Gain
- Decommissioning of the Proposal
- Economic and Community Benefit
- Core Paths and Rights of Ways
- Archaeology

### **2.2 Principle of Development**

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

2.2.2 The proposed solar array would generate clean, renewable electricity to feed directly into the National Grid, with the battery storage element of the proposal enhancing the development by providing the facility to store energy at times of low demand and feed that into the Grid at peak demand times, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. It is accepted that renewable technologies including battery storage and solar PV panels are consistent with broader low carbon objectives, including the recently approved 'Climate Fife Strategy'. Given the drive towards a low carbon economy, the proposed development is generally supported, however

further consideration of the principle of the specific land uses for each part of the proposal must be considered.

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

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

2.2.5 In terms of site selection, the applicant has been through a feasibility exercise to assess the suitability of the site for solar power to generate electricity. It has been advised by the applicant, that through their communications with Scottish Power Energy Network (SPEN), the primary consideration for locating the proposed development in this region of Fife is the capacity of the Glenniston substation to accommodate additional energy generation. The applicant also highlights that the cost of a grid connection is dictated by distance from the point of connection (POC) onto the grid (i.e. at a substation or onto an overhead line in close proximity to a substation); the distance not only dictates the amount of cable required and extent of losses, but also the level of associated impact on the environment. Having established a 5km search area around the substation, giving regard to prime agricultural land, cultural heritage impacts, environmental and ecological designations, technical constraints, cumulative (visual) impacts, impacts on core paths/rights of way, suitable access to site, and proximity to settlements, the applicant considers the chosen site to represent the most suitable and efficient location for siting the proposed development. The applicant also argues that the solar array and battery energy storage proposal is better suited to the landscape than alternative technologies such as wind turbines.

2.2.6 Noting the location of the substation and having regard to the availability of alternative sites to accommodate a renewable energy development of the size proposed; with no suitable brownfield land, sites within settlements or allocated energy development sites considered to be available within proximity; and giving significant weight to the global climate crises and contribution of the proposal to renewable energy generation targets, it is considered that the principle of locating the proposed development in the chosen countryside location has been established. The proposed development is therefore considered to accord in the principle with Policies 1, 11 and 29 of NPF4, Policies 1, 7 and 11 of FIFEplan and Low Carbon Fife Supplementary Guidance.

2.2.7 It is considered that the applicant has justified the need for the development to be located in the countryside and the proposal has met the requirements of the Development Plan. The principle of the solar PV facility therefore accords with the provisions of National Guidance and

the Development Plan. The proposal would also operate for a temporary period and a condition is proposed to be attached requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

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

## **2.3 Loss of Agricultural Land**

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

2.3.2 A number of the objections submitted argue that the proposed development would result in the loss of highly productive agricultural land, with the fields recently producing high yields of wheat, barley and oilseed rape. Objectors further state that the loss of the agricultural fields to the proposed development would have impacts on food production.

2.3.3 It is understood that the solar panels would be raised, allowing for the opportunity for sheep grazing to take place within the application site. Whilst the potential for sheep grazing has its benefits, crop harvesting would not be possible for the lifetime of the development (maximum of 40 years), however it is recognised that the development could be reversed in a fairly short timescale with minimal impact on the productivity of the land and allow for crop harvesting to take place in the future. The land could also be reinstated for agricultural use before the 40 year period should the developer and landowner choose to do so. The application site is made up of a mixture of grade 3.2, 4.2, 5.1 and 6.3 agricultural land (per the James Hutton Institute). The majority of the site is classified as Grade 3.2, with around 81% of the land in that category, with 14% being 5.1, 3% of the land being 4.2, and 2% being 6.3. Whilst it is not disputed that the fields of the application site may have recently produced high crop yields, none of the application site is classified as being prime agricultural land (Class 1, 2 and 3.1) per the definition of the James Hutton Institute (which informs the relevant Development Plan policies). It is also noted that large areas of the application site feature steep slopes which makes parts of the site unsuitable for crop production. Emerging research is also indicating that solar farms such as this, are beneficial for pollinators (e.g. bees, butterflies) by providing them with critical food and nesting resources, increasing habitat connectivity on a landscape scale and providing refuge from climate warming. Given the crucial role of pollinators, the proposal is likely to have an indirect benefit on crop yields.

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

2.3.5 Ultimately, as the proposed development would not result in the loss of any defined prime agricultural land, and as the principal of a renewable energy development in the countryside is

supported (with significant weight to be given to the contribution of the proposal to renewable energy generation targets), it is considered that the loss of the agricultural land for crop production is acceptable and accords with the Development Plan. Additionally, it is considered that layout of the proposed development makes efficient use of land by making use of the steep slopes of the site to avoid the need to utilise greater amounts of flatter land which is more suitable for crop production. The proximity of the application site to the Glenniston substation also reduces the need for additional works to be undertaken on agricultural land to connect the development to the electricity network.

2.3.6 In conclusion, whilst the application site may be capable of producing high crop yields, the site is not identified as being prime agricultural land and the relevant provisions within the Development Plan to protecting prime agricultural land therefore do not apply. In any case, giving significant regard to the contribution of the proposed 49MW development can make towards renewable energy generation targets, it is considered that the benefits of this outweigh the temporary loss of the application site for crop production.

## **2.4 Design and Layout / Visual and Cultural Heritage Impact**

2.4.1 NPF4 (2023) Policies 4, 7, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013), NatureScot's Landscape Character Assessment of Scotland (2019) and Historic Environment Scotland's (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment: Setting apply with consideration of the design and visual impact of the proposed development.

2.4.2 The application site comprises a collection of agricultural fields, situated between the A92 (to the north) and the village of Auchtertool (approximately 450m to the south). The settlement of Lochgelly is approximately 900 north west of the site. Loch Gelly is adjacent to the western site boundary. The site is made up of a mixture of medium-sized arable fields bounded by post and wire fencing and intensively managed hedgerows; the latter being commonly found along roadsides. There is a young Sitka Spruce plantation adjacent to the east of the site boundary. The farm properties of Powguild Farm and Glenniston Farm (including associated farm buildings) are located within the site boundary, with approximately 15-20 residential properties located around the periphery of the site. There are no designated heritage assets within the application site, however there are a number of listed buildings and a garden and designed landscape within the vicinity. The site is largely visually contained due to topography and existing screening. The Lochgelly Loch Circuit Core Path is partially located within the site, with the Auchtertool to Dundonald Core Path running north/south to the east of the site boundary. The proposed development would comprise of approximately 100,000 solar PV panels, as well as embedded battery energy storage and associated infrastructure including vehicular access, internal access tracks, security fencing, CCTV cameras, underground cabling, inverters, substations, auxiliary transformer and other ancillary development. Landscaping and planting are proposed as part of the development, including the planting of native species hedgerows and improving existing hedgerows within and around the site.

2.4.3 Concerns have been raised by objectors to this application regarding the perceived significant landscape and visual impacts of the proposed development, including the cumulative impact of the proposed development within the vicinity of Mossmorran NGL and Ethylene Plants, and a number of wind turbines. Contrary to this position, submitted support comments set out that the proposed development has been well designed and would have a limited visual impact on the rural setting. The application is supported by a Design and Access Statement, Landscape and Visual Impact Assessment (LVIA) and Cultural Heritage Assessment which consider the visual impact of the development.



2.4.4 The LVIA is supported by photomontages and visualisations of how the development would look once developed and is informed by a 3km zone of theoretical visibility (ZTV) and photos taken from eight viewpoints; the viewpoints were discussed with and agreed prior to submission of the application. The visualisations demonstrate how the proposal would sit within the site and the surrounding landscape and establish that views of the site would be very localised. The LVIA sets out a Landscape Character Sensitivity assessment, which assesses the sensitivity of the Lowland Hills and Valleys Landscape Character Type (LCT), Pronounced Volcanic Hills and Craigs LCT, and Lowland Loch Basins LCT, as well as the Cullaloe Hills and Coast Local Landscape Area (LLA). The LVIA also assesses the visual impact of the development, including the cumulative visual impact, on surrounding residential properties; ten properties/property groups were considered; and route receptors; namely C48 and K11 public roads, Core Path R497/R500: Loch Gelly Circuit, and Core Path R491: Auchtertool to Dundonald. The eight viewpoints which were identified to illustrate the potential visual and landscape impacts of the development are as follows;

1. Loch Gelly – looking south east
2. Muirhead – looking south
3. Braehead – looking south west
4. K11 (near substation) – looking north east
5. West of Auchtertool – looking north
6. K11 (aligned with centre of site) – looking south east
7. Core Path P497 / R500 Loch Gelly Circuit – looking east
8. Core Path R491: Auchtertool to Dundonald – looking west

2.4.5 The Pronounced Volcanic Hills and Craigs LCT and Lowland Loch Basins LCT are both assessed as having a medium sensitivity to change and have some susceptibility to accommodate the proposed development, due to its low profile, without being detrimental to the key characteristics of the LCT. The Lowland Hills and Valleys LCT is assessed as having high-medium sensitivity to change on account of the majority of the LCT being covered by the high landscape value Cullaloe Hills and Coast Local LLA, however it is still considered to have some (medium) susceptibility to accommodate the proposed development. The K11 and C48 public roads are both assessed as having a medium sensitivity to change as they are predominately used by locals, with neither located within a designated area or formally recognised for its view. The two core path routes assessed are considered to have a high sensitivity change as it is likely that receptors' attention will be on the surrounding landscape when using the routes.

2.4.6 The solar PV panels would cover approximately 56ha of the 71ha site. The LVIA sets out the embedded mitigation of the proposed development, identified and adopted as part of the evolution of the project design to reduce any potential impacts. The embedded mitigation includes setting solar PV panels below the ridgeline at the southern edge of the site to create natural visual separation from Auchtertool, locating battery storage compound and inverters away from site boundaries, and commitment to plant new hedgerows and improve the height and density of existing hedgerows.

2.4.7 Following a site visit and desktop review, it is noted that existing perimeter hedgerows already provide natural screening and prevent views over/beyond the majority of the site, however, owing to the topography of the land and gaps in the hedgerows, views of the agricultural fields are available at certain points, particularly from the north. The ridge at the southern site boundary prevents views beyond the site from the north, whilst also screening the site from view from the south. It is not possible to view the application site from the A92 or the settlement of Lochgelly given the landform and existing screening along the south of the A92. As above, it is proposed to enhance the existing hedgerows and plant additional hedgerows along the site boundaries, and within the site itself (between array groups) to mitigate the landscape and visual impacts of the development. The applicant also draws attention to the recently planted Sitka Spruce plantation which would mature over the lifetime of the development, further reducing the visual impact of the development.

2.4.8 The LVIA concludes that the proposed development would not give rise to significantly adverse impacts on the three LCTs and the LLA which would degrade the characteristics which make these areas distinctive, with the extent of change to the landscape considered to be localised on account of the expected visibility of the development. Of the visual receptors assessed, the LVIA concludes that the majority of properties would experience 'moderate-minor' impacts due to a combination of oblique views and screening offered by existing buildings and boundary hedgerow. The exception would be Muirhead (Muirhead House, Muirhead Steading and Muirhead Cottages) and Glenniston Farmhouse which are predicted to experience a 'moderate' and 'major' impact respectively. With regard to Muirhead, it is noted that the solar arrays would occupy the mid-ground of view, with the undulating nature of the landscape still discernible. Considering the adverse impact on views from Glenniston Farmhouse, it is noted that this property is owned by the landowner and therefore directly linked to the operation of the land as a solar farm and it is thus considered that this would raise concerns as the amenity impacts shall be fully understood by the landowner. Turning to the C48 and K11, the LVIA concludes that the magnitude of change would be low with an overall moderate-minor effect on route receptors given the screening of the development and focus of view for drivers – it is noted that there are no public footpaths on these roads. Lastly, concerning the core path routes, the overall effects on the routes are assessed as being moderate-minor, however it is recognised that some moderate and major-moderate localised impacts could occur where the paths are in close proximity and offer direct views of the site.

2.4.9 The application was reviewed alongside the Council's Urban Design Officer where concerns were initially raised regarding the consistency of proposed visualisations submitted by the applicant to demonstrate how the development would appear as the screen planting matured. The applicant was requested to review how the visual impact of the development could be further reduced through improved planting proposals. In response to these comments, the applicant subsequently submitted additional visualisations and revised the mitigation planting proposals to include additional hedgerow and native species woodland planting to further reduce the visual impact of the development.

2.4.10 The findings and conclusions of the LVIA are accepted, and as evidenced by the submitted visualisations, and it is considered that the scale of the proposal is such that no significant impact to the wider landscape would occur. In this instance, it is considered that the applicant has demonstrated through the siting of the development and the submitted LVIA that the expected landscape impacts of the proposed development are modest and entirely localised, with visual and landscape impacts appropriately and successfully mitigated by carrying out improvements to existing landscape screening. Whilst the proximity of the site to Mossmorran, a number of wind turbine developments and the recently approved battery energy storage developments is noted, it is considered that due to the localised impacts of the proposed development, with its low profile and being largely contained by mitigation planting, the development would not lead to a visual oversaturation of energy related infrastructure in the rural landscape. The Development Plan framework indicates that, where impacts are localised and/or appropriate design mitigation has been applied for this type of development, they will generally be considered to be acceptable. In combination with the site selection process, it is therefore considered that any localised impact on the landscape, as described above, are acceptable. The proposal would, therefore, be visually acceptable, would have no significant detrimental impact on the site or surrounding landscape and would comply with the Development Plan in this respect. A condition is however recommended to secure the proposed mitigation planting.

2.4.11 A Cultural Heritage Assessment has been prepared which considers the impact of the proposed development on designated and non-designated heritage assets. The proposed development has been sited in order to avoid as far as possible cultural heritage and archaeological designations. The nearest receptor is the grade B listed farmhouse building at Little Raith Farm 400m west of the site. The garden and designed landscape (GDL) at Raith Park and Beveridge Park is located 1km the east of the site. The Kirkcaldy Conservation Area is

located approximately 5km east and the closest Scheduled Monument is 3km west at Lumphinnans. The submitted assessment analyses the potential impact on the setting of the 6 Listed Buildings within a 1km radius and the views from the 28 Listed Buildings within a 3km radius, as well as Raith Park and Beveridge Park GDL. The Cultural Heritage Assessment concludes that there would be no direct impact on any heritage assets from the proposed development. Additionally, with the exception of Category B 'Little Raith', there would be no change to the setting of the any protected assets as a result of the proposal given the lack of direct views to/from the site. With regard to the impact on Little Raith, given the visibility between the site and listed building and mitigation planting proposed, the overall magnitude of effect on the setting of the building is assessed as being negligible once the planting matures. Fife Council's Built Heritage Officer provided comments on the submitted Cultural Heritage Assessment where they did not raise any concerns regarding the potential impact of the development on the setting of designated heritage assets once the proposed mitigation planting and Sitka Spruce plantation mature. However, the Built Heritage Officer did highlight the potential impact on the immediate setting of Glenniston Farm (including farmhouse and ancillary buildings) which they considered to be a non-designated heritage asset of visual and historic interest, noting the provision within Policy 7(o) of NPF4.

2.4.12 In response to the comments provided by the Built Heritage Officer, the applicant submitted a Built Heritage Statement which provides an overview and assessment of the historic and visual interest (including setting) of Glenniston Farm. The submitted statement concludes that the farmstead is of "negligible to low significance" and that it has "poor conservation potential", with their considered to be little historical connection between the buildings and surrounding agricultural landscape. Upon review of the Built Heritage Statement, the Council's Built Heritage Officer advised that they disagreed with the conclusions presented and they consider that a larger buffer zone should be employed to help preserve its immediate setting. Taking the contrasting positions presented by the applicant and the Built Heritage Officer, it is ultimately accepted that proposed development would have some impact on the setting of Glenniston Farm, however it is considered that this impact would not be adversely significant as the development is temporary and readily reversible without impacting the overall character of the historic rural setting of the farmstead.

2.4.13 The proposed landscape impact of the proposal would be acceptable and there would be no significant detrimental impact on the landscape character of the area. Conditions are recommended which require that details of all finishing materials are submitted to this Planning Authority for approval before any works commences on site, and to secure the mitigation planting. The proposal subject to conditions, would therefore, be visually acceptable, would have no significant detrimental impact on the landscape or the Cullaloe Hills and Coast Landscape area and would comply with the Development Plan in this respect.

## **2.5 Residential Amenity**

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

2.5.2 The application site is located within the countryside, largely surrounded by agricultural fields, Loch Gelly and scattered residential properties; the settlements of Lochgelly and Auchtertool are located approximately 900m north and 450m to the south of the site boundaries respectively. The proposed solar arrays would be stationary and therefore would not include moving parts that generate noise, however it is recognised that a number of localised inverter and transformer stations would be located throughout the solar arrays. Additionally, noise shall be produced from equipment associated with the battery energy storage element of the proposed, including HVAC (Heating Ventilation and Air Conditioning) units for the battery containers, associated inverters, and transformers; all of this equipment is condensed near the

south of the site. There is also potential for noise impact concerns to be raised during the construction period. Noise impacts both during construction and operation were raised in the submitted objections. The application is supported by a Noise Impact Assessment (NIA) carried out in accordance with BS 4142:2014 which examines and predicted noise impacts of the development on the nearest Noise Sensitive Receptors (NSRs). The NIA was reviewed by the Council's Environmental Health (Public Protection) Officers.

2.5.3 The NIA used informed data to predict the noise which would be produced during the operational phase of the development. The NIA makes use of acoustic modelling to predict noise levels, with these predictions compared with existing baseline noise levels to determine the noise impact. The NIA also includes totality assessments. The data sets and assumptions used, and predictions made, are considered to be reasonable. Daytime and night-time assessments are included in the NIA, with it is recognised that the batteries, AC units and invertors etc. could operate at any time. To mitigate noise produced by the proposed development, the NIA recommends that a 3m high noise barrier be installed to the north, east and west of the battery energy storage area; this recommended barrier would work in conjunction with some additional noise screening provided by the solar panels surrounding the battery energy storage compound. With the recommended barrier in place, the NIA predicts that the proposed development would not give rise to any adverse noise impacts for NSRs during operation (including at night-time). Additionally, noting the proximity of the proposed development to recently approved battery energy storage developments, the NIA includes an accumulative assessment which predicts that there would be no accumulative impact on NSRs from noise produced by the proposed development and surrounding developments. The conclusions within the NIA are concurred with and it is therefore considered that the proposed development would be consistent with relevant guidance documents and the Policies of the Development Plan with regard to noise impacts. At the suggestion of Environmental Health, a condition is included in the recommendation to ensure that noise emitted from the proposed development does not exceed NR25/35 when measured from neighbouring residential properties. A condition is also recommended to ensure the suggested acoustic barrier is installed prior to the operation of the development.

2.5.4 It is recognised that construction activities could impact on amenity given the location adjacent to residential properties. However, a requirement for a Construction Environmental Management Plan (CEMP) as a condition of planning permission would be sufficient to control any potentially adverse amenity impacts occasioned during the construction period. Dust has the potential to be an issue in very dry conditions, but adherence to best working practices detailed in the CEMP to safeguard amenity will be sufficient to mitigate this potential negative impact of the proposed development.

2.5.5 Objections raised concerns that the proposed solar arrays would give rise to glint and glare impacts. The proposed solar array panels would be stationary, designed and situated to face in a southward direction. It has been advised that the proposed solar PV panels would be dark in colour and incorporate an anti-reflective coating to maximise the light capture of solar cells, and as such "they have a low level of reflection when compared to surfaces such as glass or water". With regard to the potential for glint and glare to affect sensitive receptors (residential properties) and road users, a Glint and Glare Assessment has been submitted as part of the LVIA (and is also addressed within the LVIA Supplementary Information submitted). The modelling undertaken within the submitted Glint and Glare Assessment indicate that solar reflections would be 'geometrically possible' towards a number of residential properties. Given the intervening landform and direction of the panels, glare from the solar arrays is not expected to impact residents of Auchtertool or Lochgelly.

The Glint and Glare Assessment considers impacts on individual properties from both 'yellow' and 'green' glare:

- Yellow – potential to cause temporary after-image (equivalent to direct viewing of the sun)
- Green – low potential to cause after-image (flash blindness)

No red glare impacts – potential to cause retinal burn (permanent eye damage) – were identified.

2.5.6 The submitted assessment concludes that of the ten properties/property groups assessed, Muirhead, South Donald Cottages, Braehead, and Shawmill Farm and Cottages, would not experience any glare impacts from the proposed development. Four properties; Lochend House, Glenniston Cottage, Little Glenniston and Glenniston Farm Cottages; were assessed as having the potential to experience a mix of yellow (ranging between 12.7 and 22.1hrs annually) and green (ranging between 11.7 and 41.3hrs annually) glare between the hours of 05:00-07:00 and 18:00-19:00 (Little Glenniston only) between March-September with the magnitude of change for these properties assessed as being low. It was therefore concluded in the assessment that given the total hours of potential glare and with the proposed landscape planting and Sitka Spruce plantation in place, which would partially or fully screen views of the proposed solar arrays (and effects from glare), the impacts on these properties would not be significantly adverse. Turning to the two remaining properties, Powguild Farm and Glenniston Farmhouse (both of which are owned by the landowner), more prolonged glint and glare effects are predicted given the location of these properties within the application site boundary. Powguild Farm is predicted to experience up to 38.5hrs of annual yellow glare between 06:00-07:00 and a further 31.5hrs of annual yellow between 18:00-19:00 in the months of March-September, with predicted annual hours of green glare of between 5.4 and 38.4hrs (March-September). Glenniston Farmhouse could experience a maximum of 47.3hrs of annual yellow glare and a maximum 50hrs of annual green glare spread across 4 array groups between March-October between the hours of 04:00–07:00 and 17:00-21:00. Whilst the hours of impact on these two properties would be more substantial, as they are owned by the landowner of the application site, and directly linked to the proposed development, it is considered therefore that the potential impacts are well known and there is little to no risk that residents of these properties would raise concerns regarding significant amenity impacts. Overall, it is considered that the proposed development would not give rise significantly adverse glare impacts for third party properties.

2.5.7 A number of objections to the proposed development raise concerns regarding light pollution within the rural environment stemming from securing flood lighting. In response to these concerns, no permanent security lighting is proposed as part of this application, with security cameras making use of infrared technology.

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

## **2.6 Transportation/Road Safety**

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

2.6.2 Objection comments received raised concerns regarding the increase in vehicular traffic, particularly LGVs/HGVs and construction machinery, on the C48 and K11 public roads, with objectors commenting on the 60mph speed limit and narrowness of the K11 carriageway (which is single width along much of its length and relies on passing places), general surface condition of the road and structural condition of a bridge. Concerns were also raised regarding

construction works restricting local access to/from Auchtertool. Objectors also draw attention to the two recently consented battery storage developments to the west and south of the application site which also make use of the K11, with concerns that the road is unable to accommodate the vehicular traffic from all of the developments.

2.6.3 The application is supported by a Transport Assessment (TA) which considers the suitability of the road network to accommodate the traffic from the proposed development. The submitted TA provides an assessment of the proposed access points (including visibility splays), traffic routing, collision data and trip demands during construction and operational phases. The assessment and findings of the TA were considered to be appropriate by the Council's Transportation Development Management (TDM) officers.

2.6.4 The K11 is a 60mph public road, running from the village of Auchtertool (to the south) to its junction with the C48 to the north. The K11 runs along the boundary of the application site. Three access points from the K11 are proposed which would be used during both the construction and operational phases of the project. Access points 1 and 2 would be located approximately 105m south from the junction of the K11 onto the C48. Access point 1 would be located to the west of the K11 and is anticipated to only be used for a limited period of time during construction as it only serves a small area of the development. Access point 2 would be sited opposite access point 1 to the east and would serve the development area north of the Gelly Burn. The visibility splays achievable are 3m x 92m (north) and 3m x 105m (south) for access point 1, and 3m x 106m (north) and 3m x 90m (south) for access point 2. Access point 3, would be located at the southwest corner of the site opposite to the existing entrance to the Scottish Power substation located on the west side of the road. A visibility of 3m x 50m can be achieved to the north, with a visibility of 3m x 215m achievable to the south for access point 3. In order to achieve and to maintain these splays, it will be necessary to clear/reduce/cut back existing hedgerow located within the visibility splay envelope. Vehicle tracker plans have been provided which detail that the proposed access points can be safely used for access and egress by the largest size of vehicles expected to visit the site. The TA notes that there is the potential for the proposed access bellmouths to be utilised as additional passing places on the K11. Approximately 3.5km of new and upgraded access tracks are required within the site to provide access throughout the site for maintenance vehicles during the lifespan of the project. The proposed internal road network would be constructed with permeable materials.

2.6.4 As per Making Fife's Places Supplementary Guidance Appendix G, the recommended minimum visibility splays for 60mph roads are 3m x 210m in both directions. As detailed within the submitted TA, an automatic traffic counter (ATC) was installed on the K11 from 15<sup>th</sup>-22<sup>nd</sup> August 2023 to record the speed and volume of traffic using the road in the vicinity of the proposed site access. Speeds were recorded to be significantly lower than the 60mph speed limit, with the data showing that an 85th percentile speed of 32-35mph recorded for northbound and southbound traffic over the duration of the survey. The TA argues that given the recorded traffic speeds, it would be appropriate to reduce the visibility splay requirements accordingly. In their review of this application, Fife Council's TDM officers advised that the findings of the TA were generally acceptable and that it would be appropriate to reduce the visibility of splay recommendations of the Supplementary Guidance on this occasion given the findings of the speed surveys. A condition was recommended to ensure the visibility splays presented in the submitted plans are installed and thereafter maintained. Additional conditions recommended by TDM include ensuring that the access bellmouths are properly constructed and appropriate parking and turning areas for vehicles are provided.

2.6.5 With regard to traffic routing, the TA details that proposed traffic route has been identified by considering the ability of the route to physically accommodate the required vehicles in addition to the sensitivity of the route to potential disruption by the movements of traffic to and from the site. Two potential routes were identified, one from the north and off the A92, and from the south through the village of Auchtertool. Due to the southern route having to navigate through the village of Auchtertool it was decided the preferred option would be from the north,

with on-site signage and monitoring recommended to ensure traffic leaves the site to the north. The proposed traffic routing would assist with ensuring the village of Auchtertool is not significantly adversely impacted by construction traffic. The analysis within the TA, which includes examining crash data, concluded that throughout the route to/from the site there are no significant clusters which would indicate that the existing road network would present high risk areas for the proposed construction traffic. It is predicted that there would be on average 5 HGV deliveries per day (10 total HGV movements), with up to 30 staff vehicle movements associated with workers attending during the construction period and a negligible amount during the operational period; however it is noted that there is an anticipated peak of 50 total HGV and 50 staff vehicle movements during the commencement of the construction phase there will be a necessity for plant, equipment and facilities to be transported to site and temporary construction compounds created. Informed by the ATC and historic traffic surveys, the TA concludes that the vehicular movements associated with the construction phase of the proposed development would have a negligible impact on the operation of the surrounding road network providing the timing and routing of deliveries is appropriately managed. The TA also points out that the recent Little Raith Battery Facility (Planning Permission Ref 22/02323/FULL) installed additional passing places on the K11 for the successful deliveries of HGV; these passing places were not installed during the most recent Department for Transport traffic surveys undertaken in 2021. It is recommended that a condition be included to secure the submission of a construction traffic management plan in the interests of ensuring safe operation of construction traffic on the public road network. It is advised that the proposed development would not require any abnormal loads and therefore any bridges on the main transport network should be capable of carrying all the transport loads. Additionally, it is argued by the TA that given the K11 has recently hosted the construction of two battery energy storage development in recent months, this provides reassurance there are no issues with this route in relation to load bearing structures and road conditions. Notwithstanding the arguments presented within the TA, at the advice of the TDM officer, a condition has been recommended for the applicant to undertake a dilapidation survey of the K11 road prior to the start of works and thereafter repair any subsequent damage caused to the road as a result of the construction works.

2.6.6 As referenced above, the submitted Glint and Glare Assessment considers the impact on used of the C48 and K11 public roads. The assessment sets out that the C48 would receive 2.2 hours of yellow glare and between 10.7-16.9 hours of green glare annually, with this occurring between 06.00 – 07.00 and 18.00 – 19.00 hours March to April and August to September along a short section of the road in the west of Muirhead. The impact of glare on this road is assessed as being negligible. With regard to the K11, this route is predicted to experience between 12.3-49.0 hours of yellow glare and between 2.4-44.1 hours of green glare in total per year. This would affect short sections of the road in the north and south when passing adjacent to the solar arrays between the hours of 05:00-06:00 from March to September however this potential impact would be reduced given the proposed landscape planting. Giving regard to the total hours of predicted glare, expected hours of occurrence of glare impacts, volume of traffic on the K11 (confirmed by the submitted TA) and proposed landscaping, it is considered that the proposed development would not give rise to adverse road safety impacts. TDM officers did not raise any concerns regarding the Glint and Glare Assessment.

2.6.7 Whilst it is recognised that that application site will not be readily accessible by walking, cycling or public transport during the construction and operational phases, it is considered that the proposed development does not represent a significant travel generating use and therefore it would not be appropriate to refuse the application on the grounds of sustainable transport as the location of the development in the rural location has been found to be acceptable in principle.

2.6.8 In conclusion, the proposed development would have no significant adverse impact on the surrounding road network and would comply with the Development Plan in this respect.

## **2.7 Flooding and Drainage**

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

2.7.2 Policy 22 of NPF4 outlines the flood risk considerations for new developments. This includes strengthening the resilience of development by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. This Policy sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for... essential infrastructure where the location is required for operational reasons. The glossary of NPF4 (which reflects SEPA guidance) sets out that 'all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution' are considered to be 'essential infrastructure' and therefore it is considered there is policy support in principle for locating the proposed development within a flood risk area.

2.7.3 The application site lies within the catchments of the Gelly Burn (part of the wider River Leven catchment) and Dronachy Burn (part of the wider South Path Coastal catchment). Loch Gelly drains to the Gelly Burn, with Camilla Loch located within the Dronachy Burn catchment. Per the SEPA Flood Map the majority of the application site is not at risk of fluvial flooding, however there is an area at high risk of fluvial flooding along the route of the Gelly Burn. The SEPA Flood Map also identifies small areas throughout the site which are considered to be at risk of surface water flooding. The objections received in response to this application raise concern that the proposed development would increase the risk of flooding within the site and downstream.

2.7.4 A Flood Risk and Drainage Assessment (FRDA), prepared by Natural Power Consultants, has been submitted as part of this planning application. The assessment considers the potential flood risk to the proposed development from all sources and provides a strategy for the management of surface water runoff. The application site is not considered to be at risk of infrastructure, groundwater or sewer flooding. The FRDA concludes that as the flood risk from the Gelly Burn is confined to the riparian corridor, where no development is proposed, and as surface water runoff within the site is to be managed as part of the development, the proposal is therefore not considered to be at risk of flooding. The applicant has also submitted relevant certificates required by Fife Council (Appendices 3 and 4) which confirm that the flood risk assessment is competent, however it is noted that Appendices 1, 2 and 5 relating to drainage proposals have not been submitted (this shall be discussed below). In their review of this application, Fife Council's Structural Services (Flooding, Shoreline and Harbours) confirmed that they had no objections to the conclusions of the flood risk assessment.

2.7.5 The existing drainage network for the application site comprises of ditches which are situated on field boundaries. The FRDA acknowledges that it is likely that enhanced drainage in the form of buried field drains are present. The solar arrays would be mounted on a sloped frame above ground level and as such it is anticipated the rain falling on the panels would runoff and flow/infiltrate into the ground underneath. The solar arrays would also be designed to incorporate regular rainwater gaps to prevent water concentration along a single drip line. With regard to access tracks, a total of 2,057m<sup>2</sup> of access tracks are proposed to be constructed, with these to be formed of permeable mediums which would allow surface water to be disposed through infiltration to the ground; in order to mimic, as much as possible, the existing hydrological conditions of the agricultural fields. The proposed transformers, inverters and battery storage compound would cover an area of approximately 1,538m<sup>2</sup>, with the equipment installed on areas of hardstanding which would be formed. The application does not include details of a proposed drainage strategy/SuDS for these features; the FRDA does note the very small percentage of the 71ha site which will be occupied by hardstanding; requesting that infiltration testing and a detailed drainage strategy be secured through conditions attached to the planning permission. As a detailed drainage strategy has not been submitted, the applicant has been unable to confirm the drainage maintenance and adoption responsibilities for the site,



and therefore unable to submit the Council's requested drainage design and adoption certificates (Appendices 1, 2 and 5). The applicant has stressed that the only elements of the proposal requiring formal drainage infrastructure would be the batteries and substation units. As the batteries and substation units would be 'off the shelf' units, which would arrive with their own in built drainage designs, and therefore at this point in the development process the detailed drainage arrangements have yet to be finalised. In response to this application, Fife Council's Structural Services have confirmed that, whilst they do not ordinarily support the use of planning conditions to secure infiltration testing data and finalised drainage strategies, they are willing to recommend the use of the conditions on this occasion given the impermeable surface areas concerned are so small in relation to the site as a whole and as no third party property would be at risk. Conditions have therefore been included in the recommendation to secure the submission of the necessary drainage information. Subject to the applicant satisfying these conditions, the proposed development is considered to be acceptable with regard to drainage.

2.7.6 Objectors to this application have raised concerns that the proposed development would result in water supply issues given the need to clean the panels to ensure their effectiveness. In response to these concerns, it should be noted that the supply of drinking/potable water is the responsibility of Scottish Water who have advised that they had no objection to this application. This response from Scottish Water does not however confirm that the proposed development shall be guaranteed a connection to the network; this shall be secured under separate cover from the planning permission.

2.7.7 In conclusion, the proposed development would be acceptable with regard to flooding and drainage considerations, complying with the relevant policies of the Development Plan and related guidance documents.

## **2.8 Contaminated Land and Air Quality**

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

2.8.2 While the site appears to have been predominately agricultural in use, it is noted that several former quarries (which may have been the subject of infilling with unknown materials), sheepwash and a landfill site were present within the proposed development boundary. A GeoEnvironmental Phase One study (desk study) was undertaken by the applicant to provide preliminary information on the ground conditions for the design of the proposed work. The desk study details that the site appears to feature a former opencast coal mining in the far north of the site, a mill lade which has been infilled just north of the Gelly Burn, and a small infilled quarry. Each of these is understood to have been subsequently infilled prior to 1894.

2.8.3 As the proposed use is as a solar PV farm and battery energy storage site, with the site visited for maintenance only after construction, it is argued that the proposed development represents a very low-risk use in terms of human health. The site is considered to be low-risk in terms of contamination, however the completed desk study sets out that a Phase 2 GeoEnvironmental investigation should be undertaken to address the preliminary findings and establish if contamination sources are present (and whether they are connected by a pathway to any potential receptor) and if any remediation is necessary).

2.8.4 The application was reviewed by the Council's Land and Air Quality team who highlighted the past uses of the site and potential for land contamination. It was recommended that appropriate further investigations be carried out to ensure any potential contamination is identified, and appropriately remediated if necessary. An appropriate condition is proposed to be attached to any planning permission to ensure that the recommended site investigations are carried out prior to the commencement of development, and any encountered contamination

remediated. An additional condition was also recommended to ensure any unexpected contamination is dealt with.

2.8.5 The Coal Authority were consulted on this application as part of the site is located with the development high risk area for coal mining. The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. The site also lies within a Surface Coal Resource Zone. Nevertheless, as solar arrays fall within the Coal Authority's exemptions list, owing to the minimal disturbance of the ground required to facilitate their installation with the only buildings to be located in the high risk area being the inverters which require limited foundations or earthworks, the Coal Authority have advised that there is no requirement for a coal mining risk assessment to be undertaken, and that they subsequently have no objections to the proposed development.

2.8.6 It is highlighted in the submitted objections that the proposed development would result in an increase in the number of vehicles travelling along the local road network. Whilst there would be some emissions associated with vehicles and equipment during the site clearance, construction and decommissioning phases, it is considered that such impacts would be negligible. Additionally, given the nature of the renewable energy proposal, it is ultimately considered that an air quality impact assessment is not necessary to support this application, indeed, over the lifetime of the development, the proposed development would assist in facilitating the reduced dependence on fossil fuels, ultimately improving air quality. The Council's Land and Air Quality team did not raise any concerns regarding air quality impacts.

2.8.7 In conclusion, whilst the site potentially subject to contamination, planning conditions are proposed to make sure the site conditions are investigated, and remediation measures put in place, to ensure the site is developed safely. Additionally, the proposed development would not give rise to adverse air quality concerns. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land and air quality considerations.

## **2.9 Natural Heritage, Trees and Biodiversity Net Gain**

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

2.9.2 Loch Gelly is adjacent to the western site boundary, with the Gelly Burn running east-west through the site. Camilla Loch (SSSI) is located to the south of the site with the Cullaloe Hills and Coast Local Landscape Area beyond this. A tract of Ancient Woodland Inventory-listed woodland (AWI) is located adjacent to the east of the application area, with this identified as Haughbrae/Target Wood 2b Long-established (of plantation origin) – this designation appears to comprise of areas locally identified as Haughbrae Wood, Target Wood, Lambswell Wood and Knockbathy Wood (the section adjacent to the application area). The AWI-listed woodland is identified on the Fife Ancient Broadleaved, Broadleaved and Woodland Integrated Habitat Networks (IHNs). Trees lining the Gelly Burn, which crosses the application area, are also part of the Woodland IHN. Components of the grassland adjacent to the north and west of Camilla Loch are part of the Grassland and Unimproved Grassland IHNs. The Gelly Burn, Camilla Loch and its associated wet grasslands are noted as part of the Wetland IHN, with the associated wet grasslands also included on the Non Open Water Wetland IHN.

2.9.3 The application is supported by a Planning, Design and Access Statement; Draft Biodiversity and Land Management Plan; Proposed Mitigation Planting Plan; Phase 1 Habitat Survey; Preliminary Ecological Appraisal (PEA); Ornithological Survey Report; and Protected Species Survey, all of which are considered to be relevant to the assessment on natural heritage, trees and biodiversity net gain. Concerns have been raised in the submitted objections regarding the potential impact of the proposed development on existing habitats and protected species, including birds. Whilst some concerns have also been raised in the submitted objections regarding the accuracy and conclusions of some of the supporting documents, having consulted NatureScot and the Council's Natural Heritage Officer, it is considered that the supporting documents (including surveys) have been carried out by appropriately qualified professionals in accordance with relevant legislation and best practice and are therefore acceptable.

2.9.4. The submitted Preliminary Environmental Assessment (PEA) outlines the ecological baseline for the site and is informed by a desk study and site walkover. The PEA includes a habitat assessment of the application site, finding that the habitats of the site are representative of the wider area; locally, regionally and to an extent nationally; and as such the proposed development will not represent any major or minor loss of habitat categories of high conservation value on any geographical scale. The PEA confirms that the Camilla Loch SSSI designation feature is hydrological, and as the site is not hydrologically connected to the SSSI, there are no perceived adverse effects from the development which would affect the citation interest. The PEA identified that the site has the potential to support bats, badgers, water voles and otters, however signs of protected species were low with only a single otter spraint being located on the banks of Loch Gelly. Recommendations are made for pre-construction survey and enhancement for species use, as well as advocating good practice measures to ensure wildlife protection during construction. It is concluded that the proposed development is unlikely to have any significant adverse impact on protected species and habitats.

2.9.5 The Ornithology Assessment included surveys to standard guidance for renewable energy developments over a full year, including breeding and wintering periods. The breeding bird surveys recorded a modest breeding assemblage, which was considered representative of the wider area and of local value only. The majority of the interest was restricted to the west of the site near Loch Gelly. Barn owls were recorded, however there was no evidence to confirm the species was breeding. The Wintering Bird's Surveys revealed a modest usage of the site by the the following SPA qualifying species; wigeon, black-headed gull, herring gull, curlew, mallard, teal, common gull, lesser black-backed gull, pink-footed goose and lapwing. Given the sporadic and irregularity of site usage by SPA qualifying species, the Ornithology Assessment surveys provide no evidence of functional linkage between the site and any of the SPAs/Ramsar sites within 10km. The report sets out that the proposed development has potential to displace very low numbers of wintering and breeding birds, however it is considered that the proposed habitat enhancement measures to be adopted (discussed below) would benefit a number of bird species. It is concluded that habitats in the wider area at the locality are considered to provide an abundance of alternative habitats for any low numbers of birds which may be displaced by the proposed development.

2.9.6 The site, due to its heavily adapted nature and longstanding agricultural use, has a low ecological value with the main areas of habitat interest being restricted to hedgerows and field margins. Currently the land is advised to be subject to the consistent use of nitrogen based and natural fertilisers. To improve the biodiversity of the site, the submitted Draft Biodiversity and Land Management Plan proposes the following measures; sowing of a species-rich grassland beneath the solar panels, maintained via an appropriate livestock grazing regime (no pesticides or fertilisers will be used unless necessary); planting of approximately new native species hedgerows and enhancement of existing hedging, with these to include flowering and fruiting shrubs and tree species; creation of 0.4ha of native species woodland; installation of bat and bird boxes (including for barn owl), bee banks, reptile and amphibian refuges; and the securing of wildlife access via a gap at the foot of the security fencing (permitting small mammal

movements) and badger gates. A condition is included in the recommendation to secure the proposed biodiversity enhancement measures.

2.9.7 In their consultee responses to this application, NatureScot and the Council's Natural Heritage Officer welcomed the proposed approaches to biodiversity enhancement and habitat management, recommending the use of planning conditions to secure these. No concerns were raised regarding the submitted information and potential impacts on protected species and habitats. It is concluded that the proposed development would not give rise to any significantly adverse ecological or orchidological impacts whilst resulting in a biodiversity net gain and improve habitats for a variety of species in accordance with the policy requirements of the Development Plan.

2.9.8 Regarding impact on trees, the applicant has advised that no trees within or adjacent to the site would be felled to facilitate the proposed development. Given the extent of individual trees and small woodlands within and surrounding the site, it is considered by the Council's Tree Officer that there is potential for damage to occur during construction works and it has therefore been recommended that a tree protection plan be provided. A condition has been included in the recommendation. In their consultation response, the Tree Officer supported the proposed establishment of the native species woodland within the site, noting the ecological benefits and biodiversity net gain offered. The Forestry Commission were also consulted on this application, where they confirmed that they had no objections to the proposed development, whilst also noting the proposed biodiversity enhancement measures. The proposed development is therefore considered to be acceptable with regard to tree impacts.

2.9.9. Taking all of the above into account, the proposed development would therefore accord with the Development Plan and other guidance in the context of ecology and the natural environment.

## **2.10 Decommissioning of the Proposal**

2.10.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

2.10.2 The Planning Statement submitted by the applicant indicates that the proposed development would operate for a temporary period of 40 years, after which it would be decommissioned. The land would then be reinstated to agricultural land. It is advised that on decommissioning, the majority of materials would be removed from the site could be re-used or recycled. The 40 year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of the solar PV and battery energy storage equipment.

2.10.3 A condition has been proposed requiring that on expiry of the temporary period (40 years), the solar PV and battery storage facilities (and ancillary equipment) shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority. The proposed development, subject to this condition would therefore be acceptable and would comply with the Development Plan in this respect.

## **2.11 Economic and Community Benefit**

2.11.1 Policies 11 and 25 of NPF4, Policy 11 of FIFEplan (2017) and Low Carbon Supplementary Guidance (2019) applies in regard to community and economic benefits.

2.11.2 NPF4 (2023) Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic

benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) states that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.11.3 The application has been supported by a Socio-Economic Impact Assessment, undertaken by MKA Economics, which aims to set out how the development would maximise socio-economic benefit, in accordance with the Development Plan. The impact assessment includes an analysis of the local economy, estimates economic impacts for the development, provides an indicative outline of the likely extent of the externalities associated with the proposal (i.e. impact of construction expenditure), and provides an overview of the key wider socio-economic impacts of the development.

2.11.4 The capacity of the solar PV farm would be up to 39 MW. The estimated output of the proposed development would be of the order of 52.3 GWh per annum which would equate to the electricity needs of around 18,000 UK households all year round; this correlates to an estimated carbon offset of around 22,590 tonnes annually. Construction is estimated to take 12 months to complete, with the aim for the site to be operational in Spring 2027.

2.11.5 The submitted impact assessment notes the aims of the Fife Economic Strategy which seeks to provide a framework for employability and economic development activity in Fife by addressing the climate emergency, tackling poverty and preventing crisis, and promotion of a cross-cutting approach to community wealth building. From analysing local economy data, the MKA Economics report highlights that the local committee area and wards in mid-Fife (surrounding the application site) have the highest unemployment rates and economic inactivity rates in Fife, with it also noted that Fife has seen more business closures and unemployment than the national level, with this even more pronounced at the local (Cowdenbeath committee area) level.

2.11.6 In terms of pre-development investment, the impact assessment report estimates that the applicant has already invested approximately £325,000 on (amongst other items) planning, surveying, technical, legal and grid fees, with around 90% of the investment going to Scottish based companies; including local firms in Fife. The total capital investment is estimated to be in the region of £50million, with a wide range of construction opportunities available to local and national companies, with the applicant advising that they will include a local procurement clause in their contract with the main contractor to ensure opportunities are given to suitably qualified local sub-contractors, i.e. use of local civil contractors to undertake piling, electricians for wiring, local fencing firms, etc. The applicant is also committed to ensuring local employability initiatives in the form of apprenticeship and training opportunities for local people are made available. The impact assessment report estimates that the once operational, the annual operations and maintenance budget for the project expected to be in the region of £550,000 per annum, with approximately 40% (£220,000) of this expenditure (totalling £8.8million over the 40 year lifetime of the development) expected to benefit companies in Fife through management and maintenance contracts. The impact assessment predicts that a development of the size proposed could generate up to 273 jobs directly and indirectly. As well as employment opportunities, it is noted that an index linked percentage of the turnover of the development will be paid to the landowner who is leasing the land to the developer; this will help generate a new level of income to support the farming business which could in turn generate further investment in the local economy. It is also argued that the proposed development would not give rise to any adverse effects on the tourism industry within the surrounding areas. Overall, it considered that

the proposed development would provide substantial investment into the local economy and provide a number of construction and longer-term job opportunities in an area of Fife which features high unemployment and economic inactivity.

2.11.7 In addition to safeguarding local employment opportunities and apprenticeships, the applicant has also advised they are committed to establishing a community benefit obligation. The applicant is currently in discussions with local community councils; Auchtertool, Lochgelly and Cardenden; Local Energy Scotland and BizGive to set up the fund and to ultimately ensure that the payments from the funds are community driven and best meet local needs. These are positive benefits resulting from the scheme and are welcomed but it is to be noted that the community benefit contributions are proposed voluntarily, separate from the requirements of Policy 11(c) of NPF4, and do not form part of the assessment.

2.11.8 Despite the commitment from the developer to establish a community benefit fund, a number of objections raise concerns regarding how this will be secured. Concerns were also raised that the offer per MW contribution is not sufficient and would provide little benefit once split between three community councils. In response to these concerns, it is noted that community benefit funds linked to renewable energy developments are ultimately voluntary and there is currently no Development Plan policy, legislation or Scottish Government guidance providing a basis for these funds to be secured through the planning system. The Planning Authority can therefore not take any direct action to ensure the fund is established and the onus will ultimately be on local communities/community councils to engage with the applicant. Nonetheless, Fife Council is aware of scheme in other local authority areas where similar community funds have been successfully delivered without Council controls in place. Furthermore, as the contribution is both voluntary and not a material consideration, it would be inappropriate for the Planning Authority to question the contribution amount offered. The local community councils may however choose to do so during negotiations with the applicant.

2.11.9 Based on the submitted information, it is considered that the proposal would provide economic and community benefits as required by the Policy 11 of NPF4 and Policy 11 of FIFEplan. The proposals would also be supported by Policy 25 of NPF4 in that they would ensure the use of local supply chains and services, and aid in local job creation. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.12 Core Paths and Rights of Way**

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

2.12.2 The proposed development is surrounded by a number of core paths and claimed rights of way routes. The Lochgelly Loch Circuit Core Path is partially located within the site, the Auchtertool to Dundonald Core Path runs east/west and north/south along the southern and eastern site boundaries, and the Auchtertool to A92 Core Path bounds the south west of the application site. A claimed right of way route largely follows the Auchtertool to Dundonald Core Path.

2.12.3 From reviewing the submitted site layout plans, the Planning Authority is satisfied that the proposed development would be suitably set back from the core path and rights of way routes to ensure the paths would not require to be permanently re-routed. There is the potential however that access to the routes, particularly the section of the Lochgelly Loch Circuit Core Path located within the site, could be restricted temporarily during construction works. A condition is therefore recommended to ensure that all core paths and rights of way routes are protected during construction works, with suitable temporary re-routing put in place if necessary in the interests of public safety.

2.12.4 In conclusion, the proposed development would not have any adverse impacts on existing core path and rights of ways routes, with a condition recommended to ensure access to routes is maintained during construction. The proposed development is therefore considered to comply with the policies of the Development Plan in this regard.

## 2.13 Archaeology

2.13.1 NPF4 (2023) Policies 7 and 11, FIFEplan (2017) Policies 1, 11 and 14, HES Historic Environment Policy for Scotland (2019) and Planning Advice Note (PAN) 2/2011: Planning and Archaeology apply with regard to archaeological considerations.

2.13.2 The site is not covered by any area-wide historic environment designations and no statutorily protected sites/deposits/monuments are recorded within the proposal boundary. However, as noted in the applicant's submitted Heritage Statement, a number of archaeological sites are known within the development footprint and there is potential for further, unrecorded, sites to exist.

2.13.3 In consultation with the Council's Archaeologist, despite the fact that the site is not covered by any area-wide historic environment or archaeological impact area designations, given the identified potential for further, unrecorded, sites to exist across the application site, it is recommended that a pre-development archaeological survey and evaluation be carried out. A condition is recommended to secure the implementation of an archaeological survey.

2.13.4 In conclusion, the proposed development has the potential to impact on unrecorded archaeological sites and a condition is therefore recommendation to ensure appropriate archaeological investigations are carried out. Subject to compliance with this condition, the application is considered to comply with the relevant policies of the Development Plan.

## 3.0 Consultation Summary

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Built Heritage, Planning Services	Comments provided. No impact on designated heritage assets. Recommended that large buffer area be used to protect setting of non-listed Glenniston Farm.
RSPB	No comment.
Scottish Water	No objections.
Archaeology Team, Planning Services	No objections. Condition recommended.
Urban Design, Planning Services	No objections. Advice provided to further reduce visual impact of development.
Scottish Environment Protection Agency	No comments. Refer to standing advice.
Health And Safety Executive	No comments.

TDM, Planning Services	No objections. TA is acceptable. Conditions recommended.
Historic Environment Scotland	No comments.
Transport Scotland	No objections.
NatureScot	
The Coal Authority	No objections.
NATS Air Traffic Services	No objections.
Directorate Of Airspace Policy	No comments.
Highlands And Islands Airports Ltd	No objections.
Edinburgh Airport	No objections.
Tayside Aviation Ltd	No comments.
Parks Development And Countryside - Rights Of Way/Access	No comments.
Forestry Commission	No objections.
Natural Heritage, Planning Services	No objections. Advice provided to further biodiversity enhancement.
Trees, Planning Services	No objections. Tree protection plan requested.
Land And Air Quality, Protective Services	No objections. Conditions recommended.
Structural Services - Flooding, Shoreline And Harbours	No objections on flood risk. Conditions recommended to secure additional drainage information.
The Woodland Trust Scotland	No comments.
Environmental Health, Public Protection	No objections. Condition recommended.

## 4.0 Representation Summary

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4.1 A total of 59 supporting comments (including Cardenden Community Council), 2 general comments, and 84 objections (including Auchtertool Community Council) have been received in response to this application.



## 4.2 Material Planning Considerations

### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Loss of agricultural land (impacts on food production/security)	2.3.5
b. Loss of ancient woodland	2.9.8
c. EIA required	1.4.3
d. Impact on wildlife habitats and protected species (including birds)	2.9.7
e. Insufficient community benefit	2.11.8
f. Visual and landscape impacts	2.4.10
g. K11 not suitable to accommodate construction traffic	2.6.5
h. Proposed access points have poor visibility	2.6.4
i. Construction impacts on residential properties	2.5.4
j. Development would increase risk of flooding	2.7.4
k. No commitment to restore land	2.10.3
l. Loss of right to roam and public access restrictions	2.12.3
m. Glare impacts	2.5.6
n. Limited (short-term) benefits to local businesses	2.11.6
o. Overdevelopment of area with Mossmorran, wind turbines and battery energy storage developments	2.4.10
p. Accuracy of Transport Assessment information	2.6.3
q. Light pollution	2.5.7
r. Noise impacts	2.5.3
s. Impacts on water supply	2.7.6
t. Accuracy of natural heritage surveys and information	2.9.3
u. Increased flood risk	2.7.4
v. Better locations available for development – brownfield sites and ex open cast sites	2.2.6

### 4.2.2 Support Comments

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Development aids in transition to renewable energy	2.2.2
b. Benefits to local community (including community fund)	2.11.8
c. Core paths and rights of way would be protected	2.12.3
d. Visual impact of panels would be minimal	2.4.10

### 4.2.3 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
a. Off-shore wind turbines can produce more energy and are less impactful than solar farms	The Planning Authority is required to assess the application as submitted and can therefore not consider alternative development proposals. It is

	recognised that a variety of technologies will be required to transition to net zero.
b. Lack of communication about project	The manner of public consultation met the statutory requirements.
c. Development would remove capacity at substation, preventing local community energy projects	Connections to a substation are managed the Scottish Power and is outwith the planning process.
d. Battery energy storage containers are a fire risk	This is not considered to be material to the assessment of the application, however the applicant has addressed this issue in their design and access statement, confirming that constant monitoring will take place, with a fire suppression system installed.
e. Project presented as if being delivered in conjunction with Fife Council; misleading members of the public	The purpose of the advert was to broaden awareness of the proposal. Any application needs to be reviewed in full as such notifications do not and cannot describe the full nature of the proposal. The application form clearly confirms the applicant.
f. Submitted plans are not legible	The submitted plans are considered to be accurate and sufficiently legible to assess the proposal.
g. Property value will be reduced	This is not a material planning consideration.
h. Development will create precedent	All applications are assessed on their own merits.
i. Support commenters do not live within vicinity of site	This is not a material planning consideration.

## 5.0 Conclusions

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The principle of this renewable energy development in this location is considered to be acceptable in meeting the terms of the Development Plan and national guidance. Approval of the development would result in a step forward in addressing the global climate emergency by assisting the National Electricity Grid to transition to more renewable sources of electricity generation and storage. The development can be carried out without unacceptable impacts on the local environment or residential amenity, with it also considered that no adverse road safety, contaminated land, flooding or cultural heritage issues would be raised by the development. Additionally, by securing appropriate biodiversity enhancement and landscaping, it is considered that there would be no significantly adverse visual or natural heritage impacts arising from an approval of this application.

## 6.0 Recommendation

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

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

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

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

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

5. BEFORE ANY WORKS START ON SITE; a Construction Environmental Management Plan ('CEMP') (comprising a Construction Method Statement, a Management Plan, Construction Traffic Management Plan (CTMP), an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site) shall be submitted to, and approved in writing by, Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" shall be consulted. All construction works shall then be carried out in full accordance with the approved details.

Reason: In the interests of safeguarding amenity

10. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted,

and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or from the energisation of the development, whichever is the sooner.

FOR THE AVOIDANCE OF DOUBT, the scheme of landscaping shall reflect the landscaping and planting proposals as shown in the approved 'Proposed Mitigation Planting' plan (Revision 5.0) (Planning Authority drawing ref. 43A) unless otherwise agreed in writing by the Planning Authority.

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

11. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

Reason: In the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

15. BEFORE ANY WORKS START ON SITE, a tree protection plan shall be submitted for approval in writing by this Planning Authority. Thereafter, the Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the construction process and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery

Reason: In order to ensure that no damage is caused to neighbouring trees during development operations.

18. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site in advance of development.

19. BEFORE ANY WORKS START ON SITE, full details of the external finishing colour of all structures, including substations, control rooms, switch rooms, inverters, transformers, battery storage elements and all approved fencing shall be submitted to and approved in writing by Fife Council as planning authority.

23. BEFORE ANY WORKS START ON SITE, details of wheel cleaning facilities shall be submitted for the written approval of this Planning Authority and shall thereafter be available throughout the construction period of the development to minimise any mud, debris or other deleterious material carried by vehicles onto the public roads.

Reason: In the interest of road safety; to ensure the provision of adequate wheel cleaning facilities.

25. BEFORE ANY WORKS START ON SITE, the applicant shall carry out a dilapidation survey in the presence of Assets, Transportation & Environment officers on the K11 road between its junction with the C48 and the southern most site access. Any subsequent damage to the carriageway and roadside verges as identified by Fife Council as Planning Authority shall be repaired by the applicant to a standard acceptable to Fife Council within 12 months of the energisation of the development unless otherwise agreed in writing by the Planning Authority.

Reason: To avoid any damage to the public road by construction traffic.

26. BEFORE ANY WORKS START ON SITE, a Traffic Management (TM) plan covering the construction of the development has been submitted for and approved in writing by the Planning Authority. The TM plan shall contain details on routing and timing of deliveries to site, site operatives parking area, traffic management required to allow off site operations such as public utility installation, etc. The approved TM plan shall thereafter be implemented for the duration of the construction works.

FOR THE AVOIDANCE OF DOUBT, construction traffic travelling to/from the site shall not be directed through Auchtertool.

Reason: In the interest of road safety; to ensure the safe operation of construction traffic on the surrounding public road network.

28. BEFORE ANY WORKS START ON SITE, onsite porosity testing shall be carried out, with a report of findings submitted for approval in writing by this Planning Authority.

Reason: In the interests of surface water management, to ensure that the site can accommodate the development.

29. BEFORE ANY WORKS START ON SITE, calculations of the required capacity of the soakaways shall be submitted for approval in writing by this Planning Authority. FOR THE AVOIDANCE OF DOUBT, the maximum ground water level shall remain at least 1 metre below the invert of the soakaways unless otherwise agreed in writing by the Planning Authority

Reason: In the interests of surface water management, to ensure that the site can accommodate the development.

30. BEFORE ANY WORKS START ON SITE, a scaled plan indicating the locations of the soakaways, including a cross-sectional detail shall be submitted for approval in writing by this Planning Authority.

Reason: In the interests of surface water management.

31. BEFORE ANY WORKS COMMENCE ON SITE; appendices 1, 2 and 5 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022), or any subsequent revision, shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out fully in accordance with these approved details.

Reason: In the interests of surface water management; to ensure the provision of an acceptable drainage scheme.

### **CONDITIONS:**

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

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

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

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

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

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

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

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

6. The permission hereby granted shall be for a period of 40 (FORTY) years from the date of energisation of the project (such date to be notified in writing in advance to Fife Council as Planning Authority) and, on expiry of that period, the solar array, battery energy storage systems and all ancillary equipment shall be dismantled and removed from the site within the following twelve months and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority, taking into account the provisions of conditions 7 and 8 of the planning permission hereby granted, all unless retained with the express prior planning application approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the period of planning permission expires.

7. 12 months prior to the decommissioning of the development, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats that may have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

8. 6 months prior to the decommissioning of the development, a decommissioning and site restoration scheme shall be submitted for the prior written approval of Fife Council as Planning Authority, detailing how plant and equipment located within the site of the development hereby approved would be decommissioned and removed, informed by the ecological survey required by condition 7 of the planning permission hereby approved.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the development period expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

9. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the solar farm and battery storage facility fails to export electricity to the grid for a continuous period of 12 months, the developer shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the solar farm and battery storage facility and its ancillary equipment and associated infrastructure shall be removed from the site and the ground fully restored; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within 12 months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the solar array facility should it become redundant, and to ensure that the site is restored.

12. No tree works or scrub clearance shall occur on site from 1st March through to 31st August, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, inclusive, an appropriate bird survey shall be carried out by a Suitably Qualified Ecologist (SQE) within 48 hours prior to works commencing in the proposed clearance area. Confirmation of the survey and ecological permission to proceed with the clearance works shall be submitted to this Planning Authority as proof of Condition Compliance. This proof should usually be in the form of a Site Note/Site Visit Report issued by the Suitably Qualified Ecologist.

Reason: In order to avoid disturbance during bird breeding seasons.

13. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT, the biodiversity enhancements proposed within the DRAFT Biodiversity and Land Management Plan (Revision 1.0) (Planning Authority drawing ref. 38) shall be established in full unless otherwise agreed in writing by the Planning Authority. A verification report, confirming that the approved biodiversity enhancement measures have been established, shall be submitted for the written approval of this Planning Authority prior to the energisation of the development.

Reason: In the interests of biodiversity enhancement.

14. The developer shall secure the implementation of a watching brief for otters, badgers and water voles, to be carried out by a suitably qualified professional, during site clearance and development work. The retained qualified professional shall be afforded access at all reasonable times to observe work in progress. In the event evidence of protected species or their habitats are discovered on site, no further site clearance or development works shall be undertaken until a report of findings and recommended mitigation measures has been submitted to and approved in writing by Fife Council as Planning Authority. The approved mitigation measures shall thereafter be carried out in full at the period in the development specified within the report.



Reason: In the interests of protecting badgers and their setts.

16. The route of all identified core paths within vicinity of the site shall be protected throughout the duration of the construction phase. In the event access to any core paths has to be restricted in the interests of public safety during the construction phase, no restrictions shall be established by the developer until details of a temporary alternative core path route has been submitted for approval in writing by this Planning Authority. The agreed temporary route, including installation of appropriate signage for the public, shall thereafter be established by the developer and maintained until such time as the restrictions to the identified route are no longer required, after which the restrictions and signage shall be removed.

Reason: In the interests of protecting access to core paths.

20. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT, visibility splays as shown on drawings 2300680-D001 (Rev A) and 2300680-D002 (Rev A) (Planning Authority drawing ref 45 and 46) shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level. 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.

21. Prior to any construction works commencing on the internal access tracks, access bellmouths from the public road shall be constructed at each access point in accordance with the current Fife Council Transportation Development Guidelines.

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

22. Prior to any construction or foundation works commencing on site, there shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest size of vehicles expected to visit or be used by occupants of the premises. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

24. Prior to any construction works commencing on the internal access tracks, adequate parking areas for all contractors vehicles shall be provided within the curtilage of the site.

Reason: In the interest of road safety; to prevent vehicles parking on the public road to the detriment of road safety.

27. WITHIN 3 MONTHS OF THE COMPLETION OF THE SUSTAINABLE DRAINAGE SYSTEM; appendix 6 (Confirmation of SUDS Constructed to current best Practice) of Fife

Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022), or any subsequent revision, shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of surface water management; to ensure that an acceptable and working sustainable drainage system has been provided.

32. The total noise from all fixed plant, machinery or equipment associated with the development shall be such that any associated noise complies with NR 25 in bedrooms; during the night; and NR 30; in all habitable rooms; during the day; when measured within any relevant noise sensitive property, with windows open for ventilation.

For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interests of residential amenity; to ensure adjacent residential dwellings are not subjected to adverse noise from the development.

33. PRIOR TO THE ENERGISATION OF THE DEVELOPMENT, a 3 metre high acoustic barrier shall be erected to the north, east and west of the battery energy storage compound area. The barrier shall be erected at least 2.7 metres from the battery energy storage containers.

Reason: In the interests of residential amenity; to ensure adjacent residential dwellings are not subjected to adverse noise from the development.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

National Guidance and Legislation:

PAN 1/2011: Planning and Noise

PAN 51: Planning, Environmental Protection and Regulation (2006)  
Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)  
Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)  
Wildlife and Countryside Act 1981 (as amended)  
Wildlife and Natural Environment (Scotland) Act (2011)  
Nature Conservation Scotland Act 2004 (as amended)  
British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Other Guidance:

Fife Council Planning Policy Guidance: Development and Noise (2021)  
Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note

Report prepared by Bryan Reid, Lead Professional

Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead