

West and Central Planning Committee

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



Wednesday, 10 January, 2024 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTES

- | | | |
|------|--|--------|
| (i) | Minute of the Pre Determination Hearing at West and Central Planning Committee of 6 December 2023; and | 3 |
| (ii) | Minute of the meeting of West and Central Planning Committee of 6 December 2023. | 4 - 10 |

4. 23/02125/PPP - LAND EAST OF RIVER LEVEN ELM PARK LEVEN 11 - 37

Formation of active travel network.

5. 22/02117/EIA - LAND NORTH OF LOCHORE MEADOWS GREAT NORTH ROAD KELTY 38 - 75

Change of use from agricultural land and agricultural building to holiday accommodation site incorporating 80 holiday lodges, cafe (Class 3) and three retail units (Class 1) and formation of vehicular access and associated landscaping and parking.

6. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

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

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

Fife House
North Street
Glenrothes
Fife, KY7 5LT

20 December, 2023

If telephoning, please ask for:
Emma Whyte, Committee Officer, Fife House 06 (Main Building)
Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

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

BLENDED MEETING NOTICE

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

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

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

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

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

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

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

2023 WCPC 50

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

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

6 December 2023

1.30 pm – 2.00 pm

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

ATTENDING: Derek Simpson, Lead Officer, Natasha Cockburn, Lead Professional, Planning Services; Steven Paterson, Solicitor, Gemma Hardie, Solicitor and Emma Whyte, Committee Officer, Legal & Democratic Services.

130. 23/02125/PPP - LAND EAST OF RIVER LEVEN ELM PARK LEVEN

The committee considered a report by the Head of Planning Services relating to an application for formation of an active travel network, which required to be considered through a Pre Determination Hearing.

The committee were asked to consider if the report contained sufficient information to enable the West and Central Planning Committee to make a recommendation on determination of the application.

Decision

The committee agreed that the report contained sufficient information to enable the West and Central Planning Committee to take a view on the application.

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

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

6 December 2023

2.00 pm – 4.20 pm

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

ATTENDING Derek Simpson, Lead Officer, Brian Forsyth, Planner, Bryan Reid, Lead Professional, Planning Services; Gemma Hardie, Solicitor, Steven Paterson, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

131. DECLARATIONS OF INTEREST

Councillor Barratt declared an interest in Para, 135 - 23/01791/FULL - 8 Fordell Bank, Dalgety Bay, Dunfermline - as he was engaged in discussions with both the applicant and objectors.

132. MINUTE

The committee considered the minute of the meeting of West and Central Planning Committee of 8 November 2023.

Decision

The committee agreed to approve the minute.

133. 22/02475/FULL - THE FOUNDRY CHARLESTOWN DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to an application for mixed-use (sui generis) development (part retrospective) comprising, siting of yurt for delivery of yoga classes; erection of outbuilding/part-use of grounds for delivery of therapy services; and erection of shed for purposes incidental to delivery of the therapy service.

The committee were advised that section 1.1.3 of the report had been amended to 4 to 5 per week instead of in total.

Decision

The committee agreed: -

- (1) to approve the application subject to:-
 - (a) a section 75 agreement to secure the provision of required visibility splays; and

2023 WCPC 52

- (b) conditions in line with the operational management plan.
- (2) that authority be delegated to the Head of Planning Services in consultation with the Head of Legal and Democratic Services to negotiate and conclude the section 75 Agreement necessary to secure the planning obligations; and
- (3) that authority be delegated to the Head of Planning in consultation with the Head of Legal and Democratic Services to finalise the terms of the appropriate planning conditions to be imposed.

Councillor Craik joined during consideration of the above item.

134. 23/01717/FULL - LAND TO THE NORTH OF INCHGARVIE AVENUE ABERDOUR ROAD BURNTISLAND

The committee considered a report by the Head of Planning Services relating to an application for the erection of a dwellinghouse (Class 9) and garage with associated access and parking.

Decision

The committee agreed to: -

- (1) approve the application subject to the ten conditions and for the reasons detailed in the report; and
- (2) the addition of the following condition:-

Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 8.00am to 6.00pm, 8.00am to 1.00pm on a Saturday and at no time on a Sunday or a Bank Holiday. No commercial vehicles associated with construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday or a Bank Holiday. Outwith these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property outwith the site.

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents; to ensure construction activities are not undertaken at times that are likely to result in significant noise and vibration disturbance or dust generating nuisance to neighbouring occupiers.

Councillor Barratt left the meeting prior to consideration of the following item, having earlier declared an interest. In the Convener's absence, the Depute Convener, Councillor Glen, chaired the meeting.

135. 23/01791/FULL - 8 FORDELL BANK DALGETY BAY DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to an application for a change of use from public open space to form vehicular access and extended garden ground including the erection of boundary fence and gate (retrospective).

Motion

Councillor Glen, seconded by Councillor Pryde, moved to approve the application as per officer recommendation subject to a change to the condition to reduce the time to remove the gate within a period of 1 month due to safety reasons.

Amendment

Councillor Dempsey, seconded by Councillor Cameron, moved to refuse the application in the interest of protecting residential and visual amenity on the grounds that the application proposal by virtue of the consequential loss of an area of public open space would result in a detrimental impact on the visual amenity of the adjoining residential development as well as having a detrimental impact on the function and character of the public open space in the immediate neighbourhood. The application proposed would be considered to be contrary to Policies 14 and 21 of the adopted National Planning Framework 4 2023; Policies 1 and 10 of the adopted FIFEplan Local Development Plan 2017; and the adopted Making Fife's Places Supplementary Planning Guidance 2018.

Roll Call

For the Motion – 9 votes

Councillors Lesley Backhouse, John Beare, Altany Craik, Derek Glen, James Leslie, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

For the Amendment – 4 votes

Councillors Alistair Bain, James Calder, Ian Cameron and Dave Dempsey.

Having received a majority of votes, the motion to approve the application was carried.

Decision

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

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

136. 23/01304/FULL - BANCHORY HOUSE KIRKCALDY

The committee considered a report by the Head of Planning Services relating to an application for alterations to dwellinghouse including first floor extension, single storey extension, and erection of domestic garage.

Motion

Councillor Barratt, seconded by Councillor Noble moved to approve the application and delegate officers the authority to impose relevant conditions.

Amendment

Councillor Craik, seconded by Councillor Cameron, moved to refuse the application as per officer recommendation.

Roll Call

For the Motion - 9 votes

Councillors Lesley Backhouse, Alistair Bain, David Barratt, John Beare, Dave Dempsey, Derek Glen, James Leslie, Derek Noble and Sam Steele.

For the Amendment – 5 votes

Councillors James Calder, Ian Cameron, Altany Craik, Gordon Pryde and Andrew Verrecchia.

Having received a majority of votes, the motion to approve the application was carried.

Decision

The committee agreed to approve the application with appropriate conditions delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to finalise the grant of planning permission with appropriate conditions in order to ensure that a decision on the application is not unduly delayed.

137. 23/01305/LBC - BANCHORY HOUSE KIRKCALDY

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for alterations to dwellinghouse including first floor extension, single storey extensions and installation of bifold doors, and erection of domestic garage.

Motion

Councillor Barratt, seconded by Councillor Noble moved to approve the application and delegate officers the authority to impose relevant conditions.

Amendment

Councillor Craik, seconded by Councillor Cameron, moved to refuse the application as per officer recommendation.

Roll Call

For the Motion - 9 votes

Councillors Lesley Backhouse, Alistair Bain, David Barrat, John Beare, Dave Dempsey, Derek Glen, James Leslie, Derek Noble and Sam Steele.

For the Amendment – 5 votes

Councillors James Calder, Ian Cameron, Altany Craik, Gordon Pryde and Andrew Verrecchia.

Having received a majority of votes, the motion to approve the application was carried.

Decision

2023 WCPC 55

The committee agreed to approve the application with appropriate conditions delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to finalise the grant of planning permission with appropriate conditions in order to ensure that a decision on the application is not unduly delayed.

The meeting adjourned at 3.40pm and reconvened 3.45pm.

138. 23/01447/FULL - 73 - 75 HIGH STREET INVERKEITHING

The committee considered a report by the Head of Planning Services relating to an application for a change of use of part of shop (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and door and erection of single storey extension.

Decision

The committee agreed to refuse the application for the following reasons: -

- (1) In the interests of protecting residential and visual amenity and good design; the Application proposal by virtue of its form, design and layout would result in an overdevelopment of the Application Site, having due and proper regard to the scale of the overall Application Proposal together with adverse residential amenity impacts in respect of the amount of useable external space and garden ground provision. It is therefore considered that the Application Proposal would not accord with the six (6) qualities of successful placemaking. The Application Proposal is therefore considered to be contrary to Policy 14 of the adopted National Planning Framework 4, 2023; Policies 1, 10 and 14 of the adopted FIFEPlan Local Development Plan 2017; and the adopted Making Fife's Places Supplementary Planning Guidance 2018, and
- (2) In the interests of road safety; the Application Proposal, having due and proper regard to the provisions of Appendix G contained within the adopted Making Fife's Places Supplementary Planning Guidance 2018 in respect of off-street parking provision and having due and proper regard to the locus of the Application Site within Inverkeithing Town Centre, in relation to the provision of development parking provision standards, the Application Proposal by virtue of the number of off-street parking spaces proposed/required would give rise to significantly adverse road and pedestrian safety concerns including vehicle turning and manoeuvrability resulting in an adverse impact on access visibility onto the surrounding road network. The Application Proposal is therefore considered to be contrary to Policy 13 of the adopted National Planning Framework 4 2023; Policies 1, 3 and 10 of the adopted FIFEPlan Local Development Plan 2017; and the adopted Making Fife's Places Supplementary Planning Guidance and Appendix G 2018.

139. 23/02089/FULL - BABCOCK MARINE MACMILLAN BUILDING CASTLE ROAD ROSYTH

The committee considered a report by the Head of Planning Services relating to an application for installation of 2no. Solar Photovoltaic Arrays (5.64MW)

2023 WCPC 56

combined) (Area A Frame Mounted 5.43MW, Area B Ground Mounted 0.21MW), with associated plant and infrastructure.

The committee were advised of several amendments to the conditions, specifically:-

2. 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.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

17. The developer shall secure the implementation of a watching brief for badgers, 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 badgers and/or their setts 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.

2023 WCPC 57

FOR THE AVOIDANCE OF DOUBT, badger setts shall not be removed between 1st July and 30th November, inclusive, each year.

Reason: In the interests of protecting badgers and their setts.

18. No tree works or scrub clearance shall occur on site from 1st April through to 31st October, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. The developer shall secure the implementation of a watching brief for bats, to be carried out by a suitably qualified professional, during site clearance and development work between 1st November and 31st March, inclusive.

In the event that clearance work is proposed between 1st April through to 31st October, inclusive, appropriate bat activity surveys and static detector surveys shall be carried out by a suitably qualified professional prior to works commencing in the proposed clearance area. A report of the investigations (prepared by a suitably qualified professional), which shall specify suitable mitigation measures if required, shall be submitted for the written approval of Fife Council as Planning Authority before any site clearance works take place. 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 foraging and commuting bats.

21. NO DEVELOPMENT SHALL COMMENCE ON SITE until a Radiological Walkover Survey report has been submitted to and approved in writing by the Planning Authority. The survey methodology shall be submitted to and approved by the Planning Authority in consultation with SEPA prior to the survey taking place. The survey shall be completed in accordance with The Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended). Any radioactive material or radioactive waste arising shall be regulated in accordance with the Environmental Authorisations (Scotland) Regulations 2018. That, where recommended by the Radiological Walkover Survey report, a detailed remediation strategy shall be submitted for the written approval of the Planning Authority. Prior to the energisation of the development, a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the Planning Authority.

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

Decision

The committee agreed to approve the application subject to the 22 revised conditions.

140. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

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

Committee Date: 10/01/2024

Agenda Item No. 4

Application for Planning Permission in Principle Ref: 23/02125/PPP

Site Address: Land East Of River Leven Elm Park Leven

Proposal: Formation of active travel network

Applicant: Green Action Trust

Date Registered: 24 August 2023

Case Officer: Natasha Cockburn

Wards Affected: W5R22: Buckhaven, Methil And Wemyss Villages

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 The site encompasses an area along the River Leven, from Kennoway to the north west, down to Windygates and Cameron Bridge and Methil to the south west, along the east to Mountfleurie and Leven. The majority of the site is located in the settlement boundary of Leven, Buckhaven, Methil & Methilhill, however part of the site to the north west corner is outwith the settlement boundary. To the north east of the site is Safeguarded Employment Area Burnmill IE and Waste Management Facility, Methil. Wildlife Site Natural Heritage Site Windygates-Kennoway runs up to the north towards Kennoway (NHFG Code WS81). Various Core Path Networks run through the site (R368 Water balk path); Coastal path R Leven to Buckhaven to the east (R365) and Creosote / river road to Bawbee bridge (R811). There are Right of Ways to the west side of the site: Crow ID: FK72, FK73 and FK70. The site is located in Green Network Policy Areas: Methil Coastal Link LEVGN07 and Leven to Lundin Links Coast LEVGN02. The railway line is safeguarded within FIFEplan (2017) for the Thornton to Leven Rail Line (LEV005). Existing Green Network Assets are located throughout the site (26, 141, 479). LEVGN05: River Leven Valley Green Network and Green Network Asset runs through the north of the site, west to east. The River Leven Valley Green Network follows the course of the Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. Although most of the site area sits outwith the floodplain there are some key sections to the north west and south east, which lie within the 1 in 200 year flood extent with 53% allowance for climate change.

1.1.2 The surrounding area is mostly landscaping and industry, and housing. The former Mayfield works (the Creosote site) is located at the centre of the site area and is designated as vacant and derelict land. However, the vacant site is colonised by regenerating native shrubs and trees.

1.1.3 The red line boundary encompasses the entire area around the River Leven, but the proposal is a linear development which only covers a small portion of the red line boundary. The applicant has advised that the reason they have included a wider site boundary is because, given this is an application for planning permission in principle, they do not yet know the full details of exactly where the proposed engineering works would be required so a larger red line boundary has been included to encompass a wider area in case the works need to encroach further than expected from the linear route.

1.1.4 The River Leven Valley Green Network follows the course of the River Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. The key features and opportunities for enhancement for the River Leven Valley Green Network and Green Network Asset set out in the LDP include:

- Key green network spine, with existing active network. Links to green networks 4 and 8, but some key gaps in network, as well as accessibility, quality and perceived safety issues.
- Railway and River are barriers to north-south: existing crossing points are therefore significant and need to be protected.
- Significant landscape resource, with a strong landscape character – makes an important contribution to landscape setting.
- Significant greenspace asset, but quality is poor and area has significant potential to be used much more heavily for recreation.
- Provides a significant flooding and drainage function.
- Significant habitat corridor through area, but better management of existing vegetation/woodland is required.
- Railway sidings provide good habitat for invertebrates and scrubland/trees developing on railway heritage site.
- Includes some sites with contaminated land issues.

Opportunities for Enhancement:

- Potential to become a key riverside park and significant recreational asset – investment required to improve greenspace quality and accessibility.
- Upgrades are required at the footbridge at the western end to deliver a multi-use north - south active travel link
- Small-scale interventions such as better signage and path works could begin to improve use for active travel.
- Significant potential to develop function as key green network spine, establishing key multi-use active travel connections to green networks LEVGN02, LEVGN04, LEVGN06 and LEVGN07, and to Methil waterfront, the transport interchange, and to Leven promenade.
- Possible future potential to establish an active travel route which links all the way to Loch Leven – would require more detailed scoping.
- Significant potential to enhance habitat value through appropriate new planting and management of existing woodland assets. Potential also to improve contribution to landscape setting.
- Possible mine water treatment plant by Scottish Water Waste Water Treatment Plant may be able to deliver wider green network benefits.

Development Site Priorities:

Protect existing green network assets

More detail on the Green Network Opportunities is below:

144: Significant potential to develop function as key green network spine, establishing key multi-use active travel connections to green network LEVGN04. Small-scale interventions such as better signage and path works could begin to improve use for active travel.

496: Significant potential to develop function as key green network spine, establishing key multi use active travel connections to green networks LEVGN02, LEVGN04, LEVGN06 and LEVGN07, and to Methil waterfront, the transport interchange, and to Leven promenade. Significant potential to enhance habitat value through appropriate new planting and management of existing woodland assets. Potential also to improve contribution to landscape setting. Potential to become a key riverside park and significant recreational asset - investment required to improve greenspace quality and accessibility. Small-scale interventions such as better signage and path works could begin to improve use for active travel. Possible future potential to establish an active travel route which links all the way to Loch Leven - would require more detailed scoping. Possible mine water treatment plant by Scottish Water Wastewater Treatment Plant may be able to deliver wider green network benefits. Enhance Proposal MET 004 through landscape restoration and decontamination and establish a high-quality landscape edge with the existing River Leven Valley Green Network assets incorporating a formal landscaped walkway along the River Leven frontage that links the areas of protected open space to the west and east of proposal MET 004.

1.1.5 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

1.2 The Proposed Development

1.2.1 This proposal is for the installation of a new active travel network within the River Leven valley for shared use between cycle users, pedestrians and wheelchair users as part of the 'Levenmouth Connectivity Project'. The project forms part of wider, national project the 'Central

Scotland Green Network' project which is set out within NPF4 as a National Development. The works include upgrading works to an existing footbridge at the western end to deliver a multi-use north to south active travel link and routes also to connect to new river and rail crossings and routes to the approved new railway stations at Leven and Cameron Bridge. The River Park Routes are the off-road component of the Levenmouth Connectivity Project Active Travel Network which is being delivered jointly by Fife Council and Green Action Trust. Once completed, the River Park Routes will be managed by Fife Council Communities and Neighbourhoods Services. The Levenmouth Connectivity Project is a key element of the multi-partner Leven Programme led by SEPA.

1.2.2 The proposals include approximately 11km of active travel routes consisting of Primary routes and Secondary routes, to be delivered in 4 phases. The proposed works include the upgrade of existing routes (core paths, other paths, informal desire lines) and the creation of new paths, which would all connect together and into the surrounding communities. The proposals include biodiversity improvements, planting, lighting and street furniture (seating, signage, litter bins and bollards), and linear play spaces. The proposals include a new river bridge/crossing at the Burn Mill dam, including a new wetland shelter/hide and associated public realm works; and the resurfacing of the existing rail footbridge and new approach routes involving regrading and embankment stabilisation to allow path widening at Bridge 19. The routes are all shared use between pedestrians and cyclists and are divided into Primary Routes (3.5-4m wide) and Secondary Routes (3m wide). The surfacing materials are proposed to be a fully permeable natural stone aggregate paving material in a soft buff tone. Litter and dog waste bins will be provided at the entrances to the River Park alongside existing servicing routes where it is practical for refuse trucks to stop and collect. Bicycle stands are proposed to be installed at key entrances.

1.2.3 The project would form part of the 'Central Scotland Green Network which is a national development as set out within NPF4 (2023) Annex B. It is described within NPF4 as 'one of Europe's largest and most ambitious green infrastructure projects'. It states that it 'will play a key role in tackling the challenges of climate change and biodiversity loss including by building and strengthening nature networks. A greener approach to development will improve placemaking, can contribute to the roll-out of 20 minute neighbourhoods and will benefit biodiversity connectivity. This has particular relevance in the more urban parts of Scotland where there is pressure for development as well as significant areas requiring regeneration to address past decline and disadvantage.' Priorities include 'enhancement to provide multi-functional green and blue infrastructure that provides greatest environmental, lifelong physical and mental health, social wellbeing and economic benefits. It focuses on those areas where greening and development can be mutually supportive, helping to improve equity of access to quality green and blue space, and supporting communities where improving wellbeing and resilience is most needed, including to help people adapt to future climate risks.' The development is needed to improve quality of place and create new opportunities for investment.

1.3 Relevant Planning History

02/02658/CFULL - Engineering operations involving formation of footpath and change of use from derelict industrial land to form 30 space car park and picnic area with associated works - PERC - 15/10/02

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 6: Transport and infrastructure projects' of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As the length of the road exceeds 8km, the proposal is categorised as a Major development.

1.4.3 In accordance with NPF4 'Annex B – National Developments Statements of Need' this proposal is part of the 'Central Scotland Green Network' Project which is set out within NPF4 as a National Development. NPF4 sets out that a development contributing to 'Central Scotland Green Network' for an active travel network that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development. The application is therefore considered a National Development.

1.4.4 The applicant has carried out the required Pre- Application Consultation (PAC) through holding public information events (Ref: 23/00357/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. Overall, the manner of public consultation was considered to be acceptable.

1.4.5 As the application site for the proposed development exceeds 1ha, 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: 23/00517/SCR), where it was concluded that an EIA was not required.

1.4.6 In accordance with Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended), a pre-determination hearing is required for a National Development. A pre-determination hearing should give the applicant and persons who submit representations to the planning authority in respect of that application in accordance with these Regulations an opportunity of appearing before and being heard by a committee of the authority. A pre-determination hearing was held for this application in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended) and The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 on 6th December 2023. No third parties attended the pre-determination hearing.

1.4.7 There were three issues raised at the pre-determination hearing related to: parking, flooding and seagull protection measures to proposed bins. Responses to the comments made at the hearing are noted in the relevant sections below under the "Update Post-Hearing" paragraphs.

1.4.8 This report concludes with a recommendation to members that they, in turn, recommend to a final council committee meeting that the application be approved and planning permission in principle granted, subject to the conditions set out below. Members should note that the final decision will be taken by an ad hoc committee meeting set up to consider this application, as per the full council decision taken at the committee meeting on 7th December 2023.

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 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 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 21: Play, recreation and sport

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

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.

Adopted FIFEplan (2017)

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.

Policy 15: Minerals

Outcome: The environmental and cumulative impacts of minerals extraction, including commercial peat extraction, will be closely managed so that a balance is achieved between the safeguarding and responsible extraction of workable minerals and environmental protection.

The economic or conservation value of minerals is recognised and their working and use is within acceptable environmental limits.

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.

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

National Transport Strategy 2

Cycling by Design 2021

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with 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

Trees and Development

Planning Policy Guidance: Development and Noise (2021)

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 Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Health and Safety

2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 1, 13, 21, 26 and 29 of NPF4 apply and Policies 1, 3, 5 and 7 FIFEplan (2017) would also apply. The River Leven Project is referred to in NPF4 as a Spatial Planning Priority stating: 'The River Leven Project in Fife is a holistic place-based approach to development. Blue and green infrastructure will support investment and provide environmental, health and wellbeing benefits for communities.'

2.2.2 The proposals would comply with NPF4 Policy 1 and 13 in that they would promote more sustainable modes of transport infrastructure by enhancing active travel networks and sustainable connections to public transport, including new railway stations. The proposals are for upgrades to path networks associated with an active travel network, which aligns with the low carbon objectives of NPF4. The majority of the path network is located in the settlement, with some of the network being outwith the settlement boundary (to the north west). The majority of the proposals therefore conform to FIFEplan Policy 1 as they would be located within the defined settlement boundary. In regards to the parts of the site outwith the settlement boundary, NPF4 Policy 29 (Rural Development) states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including: i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected; ii. diversification of existing businesses; iii. production and processing facilities for local produce and materials, for example sawmills, or local food production; iv. essential community services; v. essential infrastructure; vi. reuse of a redundant or unused building; vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention; ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or x. improvement or restoration of the natural environment.

2.2.3 NPF4 considers that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area and they should consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. The applicant has submitted a Planning Statement which sets out that the development would be considered as 'essential infrastructure' under v. of Policy 29. NPF4 defines 'essential infrastructure' as 'travel networks identified in the local development plan'. The proposals are for a travel network which is identified in the local development plan as a Green Network and the project is also set out within NPF4 as part of a nationally important project. The proposals can therefore be regarded as essential infrastructure and would therefore meet the requirements of Policy 29 where they are located outwith the settlement boundary. Furthermore, the proposals would provide upgrades to existing routes which would provide sustainable connectivity throughout some rural areas in the River Leven area and the proposals would also provide sustainable access to the natural environment and improvements to existing infrastructure in a sustainable manner all of which is welcomed and would, on balance, be supported given the overriding benefits of the provision of active travel routes which would improve the connectivity of a community in a sustainable manner.

2.2.4 The proposal would contribute to the viability, sustainability and diversity of rural communities and local rural economy by providing improved connectivity they would have a proven need for a countryside location given they are adjoining existing routes and enhancing the path networks in the area so would comply with FIFEplan Policy 7.

2.2.5 The proposals include connections to a Safeguarded Employment Land site, as identified within FIFEplan (2017). Employment use is defined as 'all land identified for business (Class 4)

and industrial (Classes 5 and 6) uses' within FIFEplan (2017). Safeguarded sites should be safeguarded for continued employment use in accordance with NPF4 Policy 26 and FIFEplan Policy 5. Proposals to connect the safeguarded employment site into the surrounding area would not prejudice the employment sites, would increase connectivity and desirability of the sites and would therefore be supported. Similarly, there are some areas within the site identified as Protected Open Space FIFEplan (2017). However, the proposals involve connectivity through areas of open space to connect them into the surrounding area would not prejudice the areas of open space and instead would increase their use, which is welcomed. The proposals would therefore meet the requirements of NPF4 Policy 21 and FIFEplan Policy 3.

2.2.6 In conclusion, it is considered that the proposed active travel network would be acceptable in principle. The principle of the active travel route accords with the provisions of the Development Plan subject to further detailed assessment carried out below.

2.3 Design And Visual Impact

2.3.1 NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) apply with consideration of the design and visual impact of the proposed development.

2.3.2 A Design and Access Statement, Landscape Statement and Biodiversity Enhancement/Net Gain Statement has been submitted in support of the application. In regards to design, there are opportunities to create distinctiveness to the individual routes and/or phases, using the design of landscaping, natural play/informal seating/benches and signage to form a variety of character areas. The proposals use the design of landscaping, natural play/informal seating/benches and signage to form a variety of character areas along the route. Users would therefore have a clear sense of location and change from one area (or route) to another – the detail of these aspects should be considered when the final details are being finalised and referred to within a Design and Access Statement. This aspect is therefore recommended as a condition of this PPP.

2.3.3 The proposed inclusion of natural play features and benches are welcomed and can make a positive contribution to the development, making the routes multi-functional and allowing rest, play and social interaction to take place along the network. A network of these features should be located across the whole network in line with the principle of creating character areas.

2.3.4 The proposals would be consistent with the NPF4 Policy 15 approach requiring developments to contribute to local living, including where relevant, 20 minute neighbourhoods. The proposals would improve and enhance connectivity between communities and would improve access to sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks; employment; shopping; health and social care facilities; childcare, schools and lifelong learning opportunities; playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities.

2.3.5 With future detailed applications, confirmation that the active travel network will fully connect into existing movement routes without gaps should be provided and is recommended in a proposed condition of this PPP. Landscaping proposals should be considered in relation to their location and sense of security for users. For example, within or adjacent to built-up urban areas, avoid the design of landscaping which may make it easy for people to hide within or to make people feel uncomfortable. The lighting proposals should contribute to the sense of place while taking cognisance of the Natural Heritage Officer's recommendations, discussed further in Section 2.8. A signage strategy should form part of the detailed submission(s) to ensure an appropriate design and location of these features. This is also recommended as a condition of this PPP.

2.3.6 The proposals comply with the relevant policies of NPF4 and FIFEplan in relation to design and visual impact, subject to recommended conditions.

2.4 Built Heritage

2.4.1 NPF4 (2023) Policy 7, FIFEplan (2017) Policy 14 and Making Fife's Places Supplementary Guidance (2018) apply with consideration of the impact of the development on built heritage.

2.4.2 The red line boundary of the application site includes Methilmill Cemetery which is Category C Listed. However, the proposals do not include any works to be carried out here or immediately adjacent to that site. The proposals would not encroach into the listed building, therefore these policies are not relevant but are raised as a precaution, given the red line boundary encompasses the area. Fife Council's Built Heritage Officer has been consulted and has advised that there is potential for impacts to the Category C Footbridge Over River Leven at the centre of the site and they advise that this should form a keystone of the active travel network, and the opportunity for its refurbishment, and use as part of the scheme capitalised on. The project does not include scope for the refurbishment of this bridge, so this is not relevant to the application. The Category C Sawmill Bridge Over River Leven is located at the eastern extent of the project and is also acknowledged as outwith the scope of the direct project. Overall, Built Heritage Officers advise that opportunities should be taken to safeguard the future of these structures, and opportunities should be taken to enhance the setting of these structures, showcasing them as landmark features within the active travel network, and achieving positive placemaking and historic environmental outcomes. They advise that the detail of how these historic structures, and any others identified through the above assessment will be sympathetically incorporated and safeguarded within the scheme should be demonstrated within future detailed applications. Although it is acknowledged that this would be desirable, these structures are not along the routes proposed for upgrading, and proposed works would not affect these features.

2.4.3 Fife Council's Built Heritage Officer advised that there are a large quantity of non-designated heritage structures and industrial archaeological features in the area of proposed works, including the footbridge downstream of the Kirkland Dam, various railway associated features and track, the Fife Heritage Railway site, and various structures associated with redundant and demolished mill works. They advise that these features should be adequately assessed, and any impact understood on these identified features as part of any future detailed applications. The condition requiring details demonstrating how the proposals are consistent with the urban environment within which they sit and how they address the six qualities of successful places will cover this issue.

2.4.4 Fife Council's Archaeologist has been consulted and they have advised that the site is not covered by any historic environment designations and no known archaeological sites/monuments/deposits are recorded on site. No conditions are therefore recommended in relation to archaeology.

2.4.5 The proposals comply with the relevant policies of NPF4 and FIFEplan in relation to built heritage.

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 There are residential areas located adjacent to the proposed routes however any noise or dust disturbance would only have a potential impact during the construction phase. A condition is therefore recommended requiring that a Construction Environmental Management Plan (CEMP) be submitted for approval. The remote location of the site and adherence to best working practices detailed in the CEMP will be sufficient to mitigate any potential negative impact during the construction phase, including protecting air quality through the control of dust.

2.5.3 In conclusion, the proposed development would not give rise to adverse residential amenity concerns. The proposed development is therefore acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017).

2.6 Transportation/Road Safety

2.6.1 NPF4 (2023) Policies 1, 2, 13, 14, and 20, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.6.2 A Transport Statement has been submitted in support of the proposed development. The Transport Statement notes that the proposals are all entirely 'off-road' and there are no areas where the proposals cross roads or live traffic points. The route will adjoin the Fife Coastal Path and the Pilgrim's Way to connect two significant non-traffic routes together, which is welcomed. The proposed active travel network will connect into the local neighbourhoods within Levenmouth to provide a more connected walking and cycling network. The proposals would provide alternative ways to travel that is more sustainable than motor vehicles and they would also provide greater opportunities to use public transport including the new rail stations at Leven and Cameron Bridge and the bus station in Leven town centre, thus reducing carbon emissions, all in line with NPF4 Policy 1 and 13.

2.6.3 The proposals are supported by NPF4 Policy 20 and FIFEplan Policy 13 in that their purpose is to enhance existing network connections. The proposals take account of the Green Network Assets and Opportunities set out within Making Fife's Places Appendix H. Various Core Path Networks run through the site (R368 Water balk path); Coastal path R Leven to Buckhaven to the east (R365) and Creosote / river road to Bawbee bridge (R811). There are Right of Ways to the west side of the site: Crow ID: FK72, FK73 and FK70. The Council's Access Officer has been consulted and has advised that an 'Access Plan' should be submitted which demonstrates how access to the area can be protected as much as possible throughout the development process, including during construction works. It should be noted that if any core paths or public rights of way require to be diverted then this will require a separate application to the Area committee.

2.6.4 The applicant has advised that once completed, the routes will be managed by Fife Council Communities and Neighbourhoods Services and the on-road routes are being delivered by Fife Council Roads and Transportation Services. This means that none of the proposed off-road active travel routes would require a Roads Construction Consent under Section 21 of The Roads (Scotland) Act 1984 and would not be considered for addition to the Fife Council List of Public Roads.

2.6.5 Transportation Development Management Officers have been consulted and have advised that they have no objections, and they do not require any conditions to be added to the consent particularly as the routes would not be adopted by Fife Council Roads.

2.6.6 The proposals are therefore considered acceptable in road safety terms. In transportation terms, the proposed development satisfies all policy requirements subject to a condition relating to access.

Update Post-Hearing

2.6.7 The Pre-determination Hearing on 6th December 2023 asked for clarification of the parking provision along the route and whether the development would create the need for further parking at the approved Leven and Cameron Bridge Railway Stations. Transportation Development Management Officers have commented on this query and have advised that the proposed active travel network does not in itself generate a demand for off-street car parking in terms of the parking standards within Making Fife's Places Supplementary Guidance Appendix G – Transportation Development Guidelines. The proposals are for the delivery of infrastructure rather than a trip generating development. The proposed active travel network is intended to promote behavioural change and encourage active travel along and across the River Leven Valley and railway line between Leven, Methil, Methilhill, Windygates and Kennoway in preference to the use of private cars. The active travel routes would provide sustainable links with both Leven and Cameron Bridge Railway Stations and Leven Bus Station, to encourage short trips by walking, cycling, and wheeling.

2.6.8 The potential improvements to the River Park in conjunction with the proposed active travel routes may result in the works becoming a recreational/tourism destination, but these considerations are out with the scope of this planning application. These issues would be addressed separately via a planning application for the potential future improvements to the River Park. The proposed active travel routes do not require off-street car parking provision. The provision of car parking where the active travel routes meet public roads would be counter intuitive. A motorist intending to drive to an active travel route and park then continue by walking, cycling, or wheeling, would pass the active travel route and complete the trip by private car.

2.6.9 There is no justification for increasing the size of the car parks at both Leven and Cameron Bridge Railway Stations as a result of this proposed development. The Leven Railway Station car parking provision cannot be increased due to land constraints. The promotion of the active travel routes as a potential recreational destination should encourage active travel for short trips to the destination and use of public transport (bus and rail) for longer trips.

2.6.10 The proposals are therefore considered acceptable in road safety terms and in regards to parking specifically. NPF4 Policy 13 supports developments with low parking to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably so the introduction of more parking would be seen as encouraging a less sustainable method of transportation which is not encouraged by NPF4.

2.7 Flooding And Drainage

2.7.1 NPF 4 Policy 22 (Flood Risk and Water Management) and FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment) and Making Fife's Places Supplementary Planning Guidance apply.

2.7.2 A Flood Risk Assessment (FRA) has been submitted with this application which details the qualitative assessment of flood risk to the River Park Routes and sets out the mitigation and compensatory flood storage strategy and a detailed Flood Risk Assessment will be produced for each subsequent phase of the River Park Routes in support of further detailed applications.

2.7.3 A Drainage Strategy Report has been submitted with this application. The report summarises the existing arrangement of surface water drainage on the proposed development site and describes how the site will be drained once complete. The report sets out recommended maintenance requirements for the surface water drainage network, including any SUDS, and identifies who is responsible for this maintenance.

2.7.4 In regards to flooding, SEPA have been consulted and they advise that they have no objection in principle to the proposals. They have reviewed the FRA submitted and they highlight that the proposed compensatory storage arrangements at Cameron Bridge Station and the associated FRA are yet to be finalised and signed off and these works have impacts on other sites and works downstream of the new Cameron Bridge Station. The FRA therefore would need to be updated with any future detailed applications to take account of this. Further, SEPA advise that the proposed signage should include information boards, advising members of the public about flood risk in the area. SEPA recommend that the signage is located at the Gateways and Rest Stops as set out in the 'Masterplan – Public Spaces' document submitted with this application. In terms of drainage, SEPA advised that the information in the surface water drainage strategy is very high level and there are no details of how construction site run off will be dealt with during the construction phase. This will need to be prepared and submitted as part of a Construction Environmental Management Plan (CEMP) prior to any works commencing on site. A CEMP is recommended to be required through a planning condition.

2.7.5 Fife Council Flooding, Shoreline and Harbours Officers have been consulted and in terms of flooding, they initially submitted a 'holding objection' and did not consider that the proposals accorded with the avoidance principle of NPF4 Policy 22 because routes in phase 1 – 4 fall within the flood risk area. The applicant has since submitted further information which sets out that the avoidance principle has been tested and cannot be implemented in this instance, due to existing infrastructure and topographic constraints. The applicant has outlined that each of the Flood Risk Assessments submitted with future detailed applications will clearly set out whether there are alternative options for avoidance in-line with the principals of NPF4, and where this is not possible, what mitigation measures will be in place. It will also include clear details on the access and egress arrangements to be provided for each route. Therefore, mitigation approaches would be incorporated into the detailed designs which can be considered through future detailed applications. A condition is therefore recommended by Flooding, Shoreline and Harbours Team which sets out that appropriate mitigation measures are to be incorporated into the detailed design layout, including (but not limited to) information/signage as to potential hazards, information/signage as to emergency egress/alternative routes and information regarding procedures to be actioned in the event of flooding and consequential path closures.

2.7.6 In terms of surface water management, Flooding, Shoreline and Harbours Officers have no objections. They acknowledge the proposal to form the pathways/cycleways in permeable material meets the SEPA SIA requirements while it should be noted that the attenuation capacity of the sub-base course should be designed to accommodate up to a 0.5% AEP + CC (39%) event without increasing the runoff rate beyond the maximum 4l/s/Ha stipulated in Fife Council's guidance. Appendices 1, 2 and 7 should be completed and submitted. These requirements are recommended to be required through planning conditions of the PPP.

2.7.7 The proposals comply with NPF4 Policy 22 (Flood Risk and Water Management) and FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment) and Making Fife's Places Supplementary Planning Guidance in regard to flooding and drainage, subject to conditions.

Update Post-Hearing

2.7.8 The Pre-determination Hearing on 6th December asked for clarification that the flood mitigation measures could be met as referenced in paragraph 2.7.5 above. In response to this, the mitigation measures that both SEPA and Fife Council Flooding, Shoreline and Harbours have suggested have been reviewed by the Applicant for this planning application. The mitigation measures would include information/signage as to potential hazards, information/signage as to emergency egress/alternative routes and information regarding procedures to be actioned in the event of flooding and consequential path closures. These measures are not exhaustive and can be reasonably implemented, the signage will supplement existing signage proposed through the PPP at gateway locations and any areas where flooding is expected. It is therefore considered that the mitigation measures can be reasonably implemented by the Applicant.

2.8 Contaminated Land And Air Quality

2.8.1 Policy 9 and Policy 23 (Health and Safety) of NPF4 and Policies 1 and 10 of the Adopted FIFEplan are applicable. The site is located within a High Risk Coal Mining Area and historical maps indicate several former industrial land uses (refuse tips/landfills, works, mills, railway land) within the boundary of the proposed development.

2.8.2 A Coal Mining Risk Assessment has been submitted with the application (Phase I Geo-Environmental Desk Study (dated June 2023) from Geovia). The Coal Authority has been consulted and advise that records indicate that the application site lies in an area of both recorded and probable shallow coal mining and that within, or within 20m of the planning boundary there are 6 recorded mine entries. Coal Authority records also confirm that thick coal seams outcropped across the site, which may have been worked from the surface. Based on this review of available information, the report concurs with the Coal Authority records and considers that currently, the site is at a low to medium risk from coal mining legacy (stability and safety) and that this could significantly impact on the development proposed. Therefore, in order to mitigate the risk and to design the required remedial and / or mitigation measures to ensure that the development will be safe and stable, recommendations have been made that intrusive ground investigation works are required in order to determine the geological and mine setting beneath / within the site. As part of the investigations, the Coal Authority would also expect the depth to rockhead adjacent to the planning boundary to be established in order that the applicant's technical consultants can calculate the zone of influence (no build exclusion zone) of the other mine entries within influencing distance of the site to inform the layout of the development. We would expect the applicant to make every effort to design the detailed development proposal in a manner that avoids construction over or within influencing distance of these specific mining features. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out as part of this planning application submitted. In order to ensure that sufficient information is provided by the applicant to demonstrate that the site is safe and stable for the development proposed, the Coal Authority have advised of conditions requiring the undertaking of a scheme of intrusive site investigations, the submission of a report of those findings and the implementation of any remedial works advised as a result. The Coal Authority have no objections to the application, subject to the recommended conditions.

2.8.3 Fife Council Land and Air Quality Officers have reviewed the Phase I Geo-Environmental Desk Study. They note the recommendations specifically that targeted Phase II Geo-Environmental investigations would be undertaken within the Creosote Garden (former rail sidings and refuse heap), Burgh Hill Garden (former mill site and steel foundry) and Dock Garden areas (reclaimed land and former power station). The results of such investigations (with associated monitoring works and risk assessment) should be submitted for review. If remedial measures are required to ensure safe development of the site, these must be described in a Remedial Action Statement detailing the measures that will be used to mitigate against any identified risks. The statement must include a verification plan specifying when, how and by whom remedial measures will be inspected. The remedial action statement must be submitted to and accepted in writing by the council before any development work begins on site. A Verification Report would be required on completion. These requirements are recommended as planning conditions of this PPP. Fife Council Land and Air Quality Officers have no objections to the application, subject to the recommended conditions.

2.8.4 In terms of ground water and land contamination, SEPA consider that the preliminary conceptual site model is a reasonable starting point to inform a future Phase II Investigation and Detailed Design. At the detailed stage, an appropriate risk assessment would be required to be undertaken and mitigation measures may be required for a groundwater abstraction supplying Cameron Bridge Distillery to the west of the site boundary. This requirement is recommended to be addressed through a planning condition. SEPA advise that below-ground excavations relating to the creation of new and upgraded bridges may create new preferential pathways for contamination and may disrupt the interaction between groundwater and surface waters. River margin and embankment reinforcement may present the same risks if they involve groundworks. Once detailed proposals are finalised the Construction Environmental Management Plan (CEMP) and associated submissions will need to assess the potential for these risks and consider the requirements for any mitigation measures. A CEMP is recommended to be required through a planning condition. The proposed intrusive investigation includes the installation of boreholes with a groundwater monitoring standpipe, but no mention of groundwater level monitoring is made. Groundwater level monitoring would be a useful means of informing the assessment of risks to groundwater posed by this proposal. SEPA Groundwater note, based on the Coal Authority Interactive Map, that there are areas of known previous shallow mining in the vicinity of Kirkland Dam, around the A915 to the east of Duniface Farm, and in the vicinity of Burn Mill Dam. Most of the project area upstream of Dam Wood is in an area of probable previous shallow mining. In these areas, there is a higher risk that the works could create preferential pathways for contaminants to groundwater, and this risk should be assessed and, if required, mitigated against appropriately. There is the potential for creosote related contamination in the area of the former Mayfield Sawmill site; this will need to be confirmed. When undertaking the Phase II Site Investigation works for the Connectivity Project caution will need to be exercised in order to avoid creating pathways for contamination to migrate to the River Leven and groundwater beneath the site and to impact any other receptors. SEPA recommend that if any works are proposed north to Kennoway along a path to the east of the Kennoway Burn then there is a petrol/fuel site 80m north of the northern end of this area and they recommend that, if any works are proposed near the service station, that an appropriate risk assessment is carried out. The applicant has advised that they do not intend on carrying out any works in this location.

2.8.5 The proposed active travel network is to be used for activities such as walking, cycling etc. Such activities are unlikely to have a detrimental impact on local air quality so an air quality impact assessment is not required.

2.8.6 Subject to the aforementioned conditions, the proposals comply with the relevant policies and guidance in relation to land and air quality. There are no objections from consultees in this regard.

2.9 Natural Heritage And Trees

2.9.1 NPF4 (2023) Policies 1, 3, 4 and 6 and FIFEplan (2017) Policies 1, 10 13 and Fife Council's Making Fife's Places Supplementary Guidance (2017) apply.

2.9.2 There is a designated site within the site boundary – the Windygates-Kennoway Wildlife Site - which follows the route of the Kennoway Burn to the north west of the site boundary. This site was designated due to the mix of semi-natural habitats predominantly broad-leaved semi-natural woodland, dense scrub, semi-improved neutral grassland, tall ruderal and running water. The River Leven discharges into the Firth of Forth Special Protection Area (SPA), (Site Code 8499), specifically into the Outer Firth of Forth and St Andrews Bay Complex SPA (Site Code 10478), the Firth of Forth SSSI and the Firth of Forth Ramsar Site. As per the Habitats Regulations Appraisal (HRA) process, given the proposals would not significantly impact on the on a Natura site, due to the distance of the footpath network to the SPA and SSSI and the nature of the proposed works an Appropriate Assessment is not deemed necessary in this instance. It is acknowledged however that works, either during construction or operation must not negatively impact on these protected areas. The submitted Preliminary Ecological Appraisal sets out recommendations to ensure that the protected areas are not adversely impacted by the proposals in regards to waste management, which would be covered through a Construction Environment Management Plan (CEMP) set out within the recommended conditions.

2.9.3 The site is located in Green Network Policy Areas: Methil Coastal Link LEVGN07 and Leven to Lundin Links Coast LEVGN02. Existing Green Network Assets are located throughout the site (26, 141, 479). LEVGN05: River Leven Valley Green Network and Green Network Asset runs through the north of the site, west to east. The River Leven Valley Green Network follows the course of the River Leven and forms a substantial and strategically important 'green spine' through the heart of Levenmouth. In accordance with NPF4 Policy 20, the proposals would incorporate new and enhanced blue and/or green infrastructure and so would be supported. This is an integral element of the design and it responds to local circumstances considering the proposals would be for the upgrading of existing routes. NPF4 Policy 20 also sets out that proposals 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. The applicant has identified that it will be Fife Council who are responsible for the long term maintenance of the active travel network and further confirmation and details for this will be required through condition of the PPP.

2.9.4 A Tree Report, Biodiversity Enhancement Statement, Landscape Statement, Phase 1 Habitat Survey Report, Green Network Phase 1 Report, Green Network Biodiversity and Habitats Phase 2 Report and a Preliminary Ecological Appraisal (PEA) have been submitted with the application.

2.9.5 Development proposals that affect a site designated as a local nature conservation site will only be supported where the development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. The proposals would not be considered

to have a significant adverse effect on the Windygates-Kennoway Wildlife Site. There is an existing route within this area, which is proposed to be upgraded, so impacts would not be significant. The applicant has advised that the trees will be retained as far as possible and where impacts occur, trees will be replaced at a suitable replacement value. The overall approach is to expand and plant up woodland areas where viable along the route, which is welcomed.

2.9.6 The PEA and Habitat Surveys involve an assessment of the ecological features present within the site boundary and the zone of influence in relation to the proposals. The assessments identify the likely ecological constraints associated with the proposals, the Habitats and Species Management Plan and any mitigation measures likely to be required. The site was assessed for its ability to support a variety of protected species including otter, water vole, reptiles, birds, bats, badgers and other species of principal importance. Additionally, the site and surrounding area was surveyed for invasive non-native species (INNS). Otters were found to use the area, 50 species of breeding birds, a badger sett was identified, three species of bats (but no roosts), amphibians, diverse terrestrial insects and pollinator, a diverse range of fish within the river including salmon and sea trout, aquatic insects, deer and giant hogweed, Japanese knotweed and Himalayan balsam (INNS) were found by the river. The PEA sets out mitigation measures to remove INNS and to protect the recorded and potential species during site clearance and construction works (including recommending further surveys where relevant). The report identifies potential opportunities for biodiversity enhancement on the site including landscaping, installation of nest/roost boxes for bats and birds, further check for the three invasive species found, creation of log piles, further targeted breeding bird surveys, signage, fish rescues, and a Construction Environment Management Plan (CEMP).

2.9.7 The Biodiversity Enhancement Statement sets out that the proposals would supplement existing habitats on the site and increase connectivity, use native trees and planting, create new connected areas of pollinator habitat along the footpath network, any trees which require to be felled would be replaced with at least two new trees to any one felled, any young aspen trees would be replaced by aspen trees of local origin, felled timber would be retained on site, foraging plants would be proposed for use by local residents, wetland habitat would be provided adjacent to the footpath network where appropriate, and future management would be specified to ensure biodiversity enhancement retained in the longer term. The proposals would confirm to NPF4 and FIFEplan and they take note of the Fife Local Biodiversity Action Plan in regards to biodiversity enhancement, which is welcomed.

2.9.8 The Landscape Statement sets out the existing landscape characteristics of each area, potential impacts of the proposal and an overall strategy in relation to the existing and proposed landscaping. There is an emphasis on the maintenance of existing landscape assets, such as foraging areas along the route, minimising the impact on trees and maintaining a natural flow to the route. On completion of construction, responsibility for the management and maintenance of the routes will be passed to Fife Council. It is advised that the maintenance strategy would be for Fife Council Communities and Neighbourhoods team to undertake maintenance through training teams supported by Fife Council Employability Services although discussions are ongoing regarding maintenance of bins and lighting. Maintenance details are recommended to be covered through an appropriate condition.

2.9.9 Fife Council's Natural Heritage Officer advises that the habitat reports submitted provide an appropriate level of ecological baseline data however the habitat species reports submitted with this application are now out of date. Whilst noting that the general overall habitats will not have significantly changed, the accepted lifespan of ecological reporting is 18 months so it is recommended that the reports are updated to ensure that the design accounts for any changes

in the ecological baseline and that micro siting can be facilitated ahead of construction commencing. It is noted that the aquatic surveys are valid beyond 18 months due to the type of habitat. The Natural Heritage Officer comments that with public access to the natural resources of the area desirable (and a key driver of this application), the new routes will require to avoid more sensitive habitats or be designed such that footfall/wheels can be suitably directed/controlled to avoid damage, such as via boardwalks through wetland areas, which is proposed in some areas. The proposals set out that lighting is proposed for all Primary and Secondary Routes where suitable to help increase the safety and comfort of those using paths at night, which will help reduce harassment and improve safety. Also acknowledged within the submission is that detailed design should include ensuring that path lighting is appropriate and compatible with wildlife use (with particular reference to bat and otter foraging habitat and fish passage). To ensure edge habitats are retained at suitable light levels, path lighting columns will require to be directional and shaded as needed. To ensure that fish passage is uninterrupted (as light can form a barrier to nocturnal fish migrations) lighting on the watercourse crossings will require to be tightly focused to prevent spillage onto the river surface below the bridges. Lighting unit wavelength is required to be bat-appropriate without compromising path-user safety. A condition is recommended requiring the submission of lighting details. Conditions are recommended to account for the Natural Heritage comments, and they do not have any objections to the proposals, subject to these conditions.

2.9.10 As discussed in section 2.8 of this report, the applicant will require to safeguard (keep open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route it should be suitably re-routed before the development commences, or before the existing route is removed from use. The Council's Access Officer has requested an Access Plan to be submitted to assess this requirement.

2.9.11 The proposals will encourage the use of the existing Green Networks and enhance them through the upgrading of the existing connections, creating of new connections, increasing their attractiveness and enhancing the biodiversity of the areas through the proposed provision of supplementary planting across the networks.

2.9.12 NatureScot have been consulted on this application and they advised that they have no comments to make.

2.9.13 A tree plan has been submitted with the application, which provides a topographic survey showing the existing trees along the proposed route. Components of the riverside area habitats are included as part of the Fife Woodland, Broadleaved. None of the trees within the site boundary are covered by Tree Preservation Orders or Conservation Areas, and none of these woodlands are listed as ancient or plantation on ancient woodland. The proposed site area is very large and includes many separate wooded areas. It is important to recognise that there will be habitat connectivity and green corridors, so although each separate phased area of works should be considered at a smaller scale in terms of specific tree removals and planting requirements, therefore a holistic perspective must be maintained in order to ensure no habitat and woodland fragmentation takes place. For each separate phased area of works, there will be separate and contextual requirements in terms of extant trees and the potential for development to affect these. Arboricultural impact assessments will be required in order to gauge potential impact of development on extant trees, along with tree protection plans to ensure that retained trees near areas of proposed development remain protected throughout any development works. Further, wherever tree removal will be required to facilitate development works, it will be expected that compensatory planting will take place. It should be noted that compensatory planting often takes

many years (30 plus) to reach a point when environmental losses can be compensated adequately, so woodland removal should be avoided wherever possible. There is a strong presumption in favour of protecting Scotland's woodland resources, and Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. Therefore, for any areas within this development where woodland removal is proposed, it will be expected that clear justification will be given, and it will be explained why this is in the public interest. For all compensatory planting and landscape plans, there will be a requirement to consider both small scale tree removal mitigation, and holistic large scale environmental improvements and connectivity. This development has potential to bring several wooded areas that have fallen into various states of disrepair into active management including invasive non-native species mitigation, enrichment planting, and improving woodland species diversity and structure, which is vitally important for mitigating potential climate change impacts and is welcomed. At the detailed application stage, arboricultural impact assessments, tree protection plans, and landscape and compensatory planting plans should be provided. Fife Council's Tree Officer has no objection to the proposals, subject to the imposition of appropriate conditions requiring the submission of further, more detailed information regarding tree planting, protection and removal where required. These requirements are recommended within conditions of this PPP.

2.9.14 Overall, it is considered that the proposed development would be acceptable regarding natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). The proposed development would not adversely impact on any protected species, with suitable mitigation, landscaping and biodiversity enhancement measures identified. Conditions are included to secure the proposed landscaping, enhancement measures, tree protection and tree planting. There have been no objections from consultees, subject to conditions.

2.10 Sustainability

2.10.1 NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply in regards to sustainability.

2.10.2 A Low Carbon Checklist has been submitted with this application. Although the application is a Major (National), which would normally require the submission of an Energy Statement of Intention, this application is exempt because it is not a development which would require heating or cooling. Details of waste management have been submitted with the application, including details of proposed litter and recycling bins along the route. The applicant is working with Fife Council Maintenance regarding the location of the bins and litter collection. The proposals by their nature will encourage and facilitate the use of sustainable transport, by focusing on the priorities of walking, cycling and access to public transport.

2.10.3 The proposals would, in principle, meet the requirements of the above policies, in that they would be encouraging sustainable modes of transport.

Update Post-Hearing

2.10.4 The Pre-determination Hearing on 6th December requested that seagull protection was included to any bins proposed along the network to ensure that litter is contained. It was suggested that this requirement was included in a planning condition of the PPP. It is considered reasonable to request such measures through a planning condition, to ensure that the natural environment is protected in accordance with NPF4 Policy 4 and the overall aims of the national

development to which this application relates. The Applicant has agreed that such measures are possible, therefore Condition 2 (y) includes the requirement for the bins to include seagull protection measures.

2.11 Health and Safety

2.11.1 NPF4 Policy 23 applies in regards to health and safety.

2.11.2 NPF4 Policy 23 requires proposals to be designed to take into account suicide risk. This requirement would be relevant to the proposed river crossings. A condition is recommended which would require supporting details to be submitted to address this as part of any future, relevant detailed applications.

2.11.3 The proposals would, in principle, meet the requirements of the above policy in relation to health and safety, subject to conditions.

3.0 Consultation Summary

Scottish Water	No objections.
Scottish Environment Protection Agency	No objections, subject to conditions.
Community Council	No response.
Transport Scotland	No objections.
The Coal Authority	No objections, subject to conditions.
Parks Development And Countryside - Rights Of Way/Access	No objections, subject to conditions.
Archaeology Team, Planning Services	No objections.
Built Heritage, Planning Services	No objections, subject to conditions.
Business And Employability	No comments.
Natural Heritage, Planning Services	No objections, subject to conditions.
Trees, Planning Services	No objections, subject to conditions.
Urban Design, Planning Services	No objections, subject to conditions.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions.
TDM, Planning Services	No objections.
Parks Development And Countryside	No objections.

4.0 Representation Summary

No representations received.

5.0 Conclusions

The principle of this development is acceptable in meeting the terms of the Development Plan and national guidance. The River Leven Project is referred to in NPF4 as a Spatial Planning Priority stating: 'The River Leven Project in Fife is a holistic place-based approach to development. Blue and green infrastructure will support investment and provide environmental, health and wellbeing benefits for communities.' The development is also a National Development set out in NPF4: 'Central Scotland Green Network' and it supports the aims of this development to improve quality of place and create new opportunities for investment. The approval of the development would provide sustainable connectivity between communities in the Leven area and would enhance connectivity to the green network. The development would promote alternative ways to travel that are more sustainable than motor vehicles and they would provide greater opportunities to use public transport including the new rail stations at Leven and Cameron Bridge and the bus station in Leven town centre, thus reducing carbon emissions. The development can be carried out without unacceptable impacts on residential amenity, and no road safety concerns are raised by the development. There are no significant visual impact concerns to address. Through appropriate conditions, compensatory tree planting and other landscaping would be secured, along with biodiversity enhancement and appropriate mitigation measures where required for the habitat on and near to the site.

6.0 Recommendation

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

CONDITIONS:

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

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

2. A further application(s) for certain matters (Approval of Matters Specified By Condition) for each phase or phases, shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

- (a) A location plan of all the site to be developed to a scale of not more than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the paths and all street furniture. This plan should be sufficient to identify the land to which it relates and should show the situation of the land in relation to the locality and in relation to neighbouring land;
- (b) Detailed plans to a scale of not more than 1:500 showing the site contours, the position and width of all proposed roads and footpaths, any bridge structures proposed, including public access provision, ground levels, sections, boundary treatments and all street furniture locations;
- (c) A supporting statement illustrating the development's compliance with NPF4 (2023) and Making Fife's Places Supplementary Guidance (2018) or any updated equivalent, including how the proposals are consistent with the urban or greenspace/natural environment within which they sit and how they address the six qualities of successful places;
- (d) A supporting statement setting out how each phase ties in with any previously approved phases. The proposals shall show a holistic approach to tree planting across the site to ensure no habitat and woodland fragmentation takes place and how the proposed materials, landscaping, signage, street furniture and gateway features tie in with one another across the site;
- (e) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. These details shall also include replacement tree planting, where required;
- (f) Details of the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (g) Details of all proposed materials and a demonstration of how new hard surfacing ties in with any existing surfaces;
- (h) Details and locations of the gateway features and 'rest stops';
- (i) Full elevations and sections and detailed design features of any proposed bridge structures, boardwalks or river crossings where relevant to that phase;
- (j) A surface water management plan with relevant certification included, and as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision;
- (k) An updated Flood Risk Assessment (FRA) with relevant certification included, and mitigation where required and where relevant to that phase. The updated FRA shall take into account the detailed design of the proposal and shall demonstrate that the proposals comply with Policy 22

of NPF4 (2023) in regards to flood risk. Where relevant to that phase, mitigation measures shall include but not be limited to:

- Information / signage as to potential flooding hazards, including maps
- Information / signage as to emergency egress / alternative routes
- Information regarding procedures to be actioned in the event of flooding and consequential path closure

The FRA shall take account of the comments by SEPA within their consultation response, dated 21st September 2023.

(l) An updated Arboricultural Impact Assessment including a tree protection plan and arboricultural method statement which takes into account any subsequent detailed layout;

(m) An updated Ecological Appraisal report which takes into account any subsequent detailed layout and sets out any required mitigation and biodiversity enhancement measures;

(n) Biodiversity Action and Enhancement Plan which takes account of the detailed layout;

(o) Updated Habitat and Ecological surveys, including but not limited to otter; bats/bat roost trees and breeding birds where identified;

(p) A Construction Method Statement and Management Plan (CEMP), including an Environmental Protection Plan and Scheme of Works relating to construction activities on site and details of the proposed construction traffic routes. The CEMP shall include a pollution protection plan to avoid discharge into the watercourses within and adjacent to the site. The CEMP shall also set out construction measures, mitigation and controls to protect the environment. The mitigation set out within the Environmental Statement shall be incorporated including the early delivery of SUDS and dust suppression. The CEMP shall also contain a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. It shall also provide details of the working hours for the site. Any alterations to the principles described in the CEMP during construction shall be agreed in writing by the Planning Authority;

(q) Full details of the proposed lighting scheme. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or surrounding habitat with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a manner which prevents spillage of light or glare into any neighbouring public roads, sensitive properties or habitat in accordance with the manufacturer's specification and approved details.

(r) A scheme of intrusive site investigations designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;

(s) A report of findings arising from the intrusive site investigations and any remedial and / or measures necessary including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries and the definition of suitable 'no build' zones of influence for all mine entries and the definition of 'no-build' zones;

(t) A Preliminary Contaminated Land Risk Assessment (Phase I Desk Study Report) and where further investigation is recommended in the Preliminary Risk Assessment, a suitable Intrusive Investigation shall be carried out and a phase II Investigation Report shall be submitted. Where remedial action is recommended in the Phase II Intrusive Investigation Report, a suitable Remedial Action Statement shall also be submitted. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures;

(u) A sustainable development checklist, in line with the terms of NPF4 Policy 2, FIFEplan (2017) Policy 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife (2019), or equivalent;

(v) An access plan which shall consider how access through alleged or vindicated rights of way on or adjacent to the application site will be protected as much as possible throughout the construction process;

(w) A statement setting out how the proposals, where relevant, would be designed to take into account suicide risk in line with NPF4 Policy 23.

(x) A maintenance strategy setting out future maintenance details for the route, including street furniture, landscaping, bins and lighting.

(y) Full details of elevations, sections, location and materials of all street furniture, including (but not limited to) benches, bins and signage. For the avoidance of doubt, the bins shall include seagull protection measures.

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

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

3. The indicative drawings and layout plans and the masterplan drawings showing the wider development not associated with the active travel route is hereby not approved. This application relates to the active travel route only.

Reason: The details shown on the submitted drawings are not regarded as the best or only solution for the development of this site and the wider masterplan is for illustrative purposes only in this instance.

4. No building or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

5. BEFORE DEVELOPMENT COMMENCES ON SITE, the Planning Authority shall be formally notified in writing of the completion of the tree protection measures agreed through Condition 2(l) and no development 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 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 the interest of the protection of trees to be retained

6. 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.

7. THE DEVELOPMENT SHALL NOT BE BROUGHT INTO USE UNTIL the remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 2 (t); 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 remedial action has been completed to the planning authority's satisfaction.

8. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT the remedial works shall be implemented in accordance with the report of findings required by Condition 2 (s).

Reason: To ensure the site is safely developed in regards to past coal mining activity

9. The landscaping scheme pursuant to Condition 2 (e) as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

Reason: To ensure the landscaping scheme is implemented at an appropriate time.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn, Lead Professional Planner - Infrastructure

Report Reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Committee Date: 10/01/2024

Agenda Item No. 5

Application for Planning Permission (EIA Development)

Ref: 22/02117/EIA

Site Address: Land North of Lochore Meadows Great North Road Kelty

Proposal: Change of use from agricultural land and agricultural building to holiday accommodation site incorporating 80 holiday lodges, cafe (Class 3) and three retail units (Class 1) and formation of vehicular access and associated landscaping and parking

Applicant: W J Thomson and Sons, Hilton of Beath Farm Hilton Farm

Date Registered: 4 October 2022

Case Officer: Scott Simpson

Wards Affected: W5R07: Cowdenbeath

Reasons for Referral to Committee

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

Summary Recommendation

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

1.0 Background

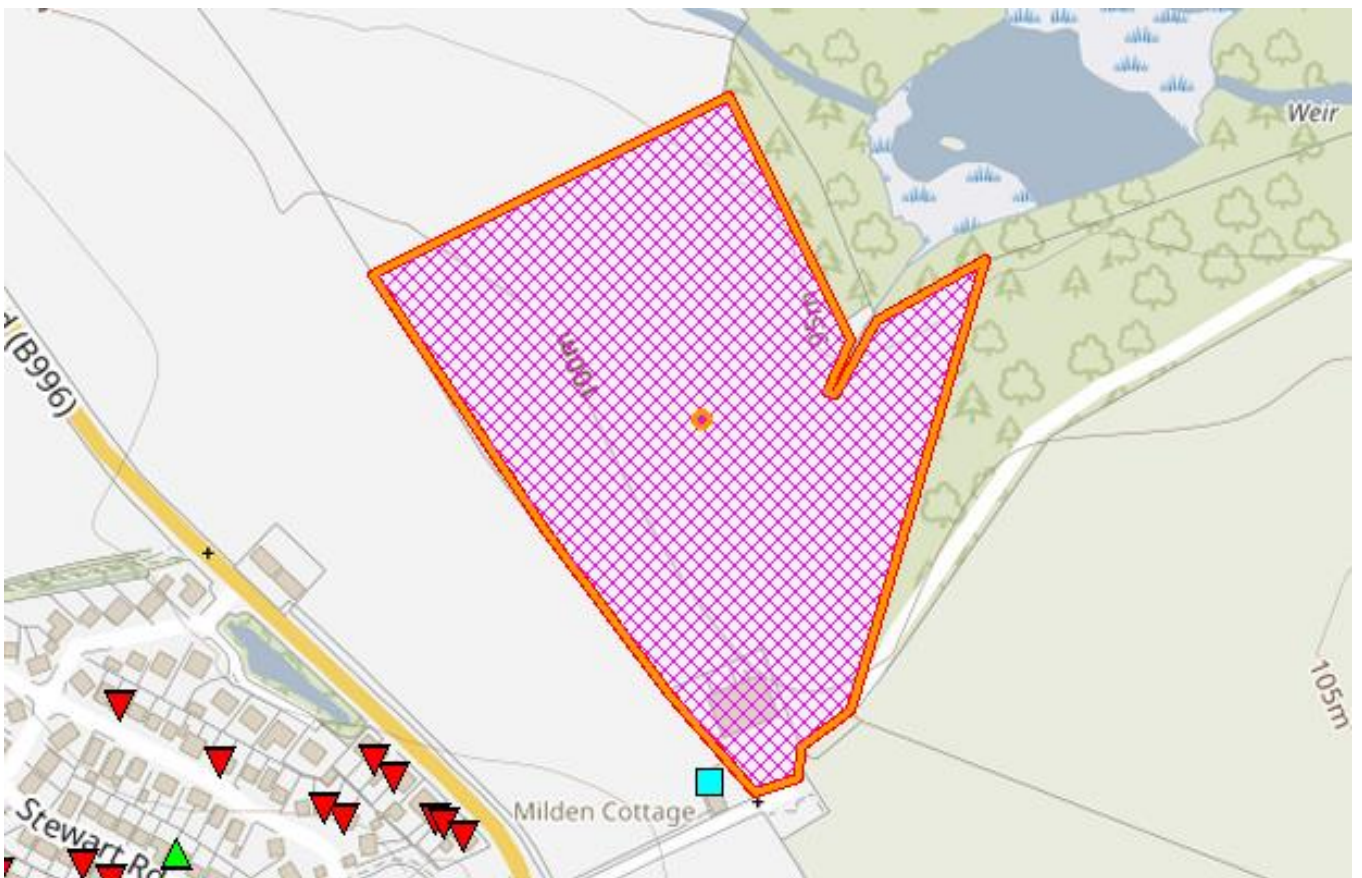
1.1 The Site

1.1.1 The application site measures approximately 7.4 hectares, is located directly adjacent to the western boundary of Lochore Meadows Country Park, outwith any settlement boundary, and approximately 143 metres to the east of the Kelty Settlement Boundary as designated within the Adopted FIFEplan (2017) (LDP). The site comprises a grassed field area and an agricultural building which is located on the south-western part of the site. The site is surrounded by a woodland area to the east and fields to the south, north and west. A residential area is located across Great North Road to the west (Seafar Drive and Limepark Crescent). The nearest third-party residential use (Milden Cottage) is located approximately 14 metres to the south-west of the application site, whilst two single storey dwellinghouses are located on Great North Road approximately 140 metres to the west of the site directly across from the access into Seafar Drive. An existing car park is situated to the south of the existing agricultural building, and this is

used by people visiting Lochore Meadows. Access into the site is taken from Great North Road to the west. The site is also located within the Loch Ore and Benarty Local Landscape area as designated within the LDP.

1.1.2 The majority of the site is located within a coal mining low risk area; however, the southern part of the site is located within the coal mining high risk area. The site is classed as non-prime agricultural land (Category 3.2 and 5.2) as per the Land Capability Classification for Agriculture carried out by the James Hutton Institute. The north-eastern part of the site is shown as being located within a medium (1 in 200 year) and high-risk (1 in 10 year) river flood risk area, whilst small parts of the site are also located within a medium risk surface water flood risk area as per SEPA's flood risk maps. Parts of the site are also located within an area of potentially contaminated land due to the former use of the site as railway land. Core paths (B996 Kelty Link Road - R527 and Nature Reserve to Kelty – R819) run along Great North Road and the access road into the site. The site is part of Lomond Hills Regional Park

1.1.2 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

1.2 The Proposed Development

1.2.1 This application seeks full planning permission for a change of use from agricultural land and agricultural building to holiday accommodation site incorporating 80 holiday lodges, cafe (Class 3) and three retail units (Class 1) and formation of vehicular access and associated landscaping and parking. The site plan shows up to 80 holiday lodges located around the site with several landscaped areas including tree belts and groups of trees located around the edges and within the site. These holiday lodges are to be of 6 different designs and would be located to the northern and eastern sections of the site. To the north of the site, 58 lodges are

located in 5 main clusters laid out around individual cul-de-sacs, accessed off the main internal road. To the south-east of the development 22 lodges are located directly off the main internal roads. The holiday lodges would incorporate timber clad finishes. The existing access from Great North Road would be used to access the site.

1.2.2 The existing agricultural building would be converted to a café and three retail units, whilst the holiday lodge reception, office area and maintenance store would also be located within this building. The café would have an associated outdoor terraced seating area, whilst several off-street parking spaces would be located to the north and south of this building. The net floor areas, excluding WC's, storage and office areas, of the proposed Class 1 uses would be 55.5, 53.7 and 52.09 square metres, whilst the gross floor areas would measure approximately 73.5, 73 and 72.5 square metres. The gross floor area of the proposed café would be approximately 307 square metres. The proposed external alterations to this building would include the installation of new grey coloured metal cladding to the walls and roof, metal frame windows and doors and the installation of rooflights. A children's play area is also proposed to the north-east of this building. The play area would include wooden climbing structures, and netting above a safety rubber base. Off-street parking is also proposed throughout the site.

1.3 Relevant Planning History

Site: Land north of Lochore Meadows Country Park western access and car park

20/01489/PAN - A Proposal of Application Notice for conversion of agricultural shed to form cafe, office, retail and amenity facilities, erection of up to 80 lodges, car park, access and landscaping was agreed on 14th August 2020.

20/01850/SCR - A screening opinion for a proposed cafe, office, retail amenity facilities, erection of up to 80 lodges, car parking, access and landscaping was provided on 20th October 2020. This determined that an environmental impact assessment would be required for the proposal.

21/01316/SCO - A scoping request for proposed cafe, office, retail amenity facilities, erection of up to 80 lodges, car parking, access and landscaping was submitted on 27th April 2021 and the scoping decision was made on 21st July 2021.

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 the National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 This application would constitute a major development as per Class 9 (Other Development) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the area of the site exceeds 2 hectares. This application is, therefore, classified as a Major development. The applicant has carried out the required pre-application consultation (ref: 20/01489/PAN) and a Pre-Application Consultation Report (Online Plan Reference: 19) outlining comments made by the public has been submitted as part of this

application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.4 The proposal would also fall under Class 12 (Tourism and Leisure) (c) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and would have a site area which is more than 0.5 hectares. The proposed development could, therefore, have an impact that would necessitate the need for an EIA Screening. A formal screening application (20/01850/SCR) was made on 7th October 2022 and this Planning Authority determined that an environmental impact assessment would be required for this proposal.

1.4.5 A physical site visit was undertaken for this application on 18th December 2023. All other necessary information has been collated digitally and drone footage was produced in November 2022 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier newspaper on 9th November 2023 for neighbour notification purposes and as it was considered to be a potential Schedule 3 development. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 6th October 2022.

1.4.7 Objections have been received which state that the application contains errors, omissions and lack of information, therefore, a comprehensive assessment of the application cannot be undertaken, and the application should be either refused or withdrawn. They also state that the application should not have been validated as it falls below the standards set out in the Heads of Planning Scotland Validation Guidance Note. This application has been reviewed and it is considered that sufficient information has been submitted to allow a full assessment of the proposal to be carried out. The application was also considered to be valid as per regulation 9 (Form and Content of an Application for Planning Permission) of the Town and Country Planning (Development Management Procedure) (Scotland) 2013 (as amended) as the drawings are all to scale and an accurate scale bar is shown on each drawing. The drawings can, therefore, be measured accurately and sufficient details have been submitted to allow a full assessment to be carried out. The submission was also considered to comply with the requirements of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA REGs).

1.4.8 The submitted drainage drawings also show a water supply pipe and foul water pipe outwith the application site boundary and the agent has advised that a statutory undertaker will be installing these. These do not form part of this EIA as they are located outwith the application site boundary and the route (approximately 170 metres) over the adjacent land and Great North Road, which is an adopted road, does not contain any sensitive constraints such as trees, conservation areas, prime agricultural land or listed buildings. It is considered that these associated pipes would not necessitate an EIA due to the scale and nature of these associated underground pipes and the low sensitivity of the adjacent site. The proposed pipes would, therefore, be able to be installed as per Class 38 (Water Undertakings) and Class 43A (Sewerage Undertakings) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as a statutory undertaker will be installing them. If it transpires that a statutory undertaker is not installing the pipes, then a separate application for full planning permission would be required and the applicant has been made aware of this. The applicant has also confirmed that the adjacent land to the west is within his ownership, whilst Great North Road is adopted. These associated pipes do not, therefore, form part of the assessment of this EIA or this planning application.

1.5 Environmental Impact Assessment Process

1.5.1 This application requires to be assessed in accordance with the EIA Regs. A formal Environmental Impact Assessment (EIA) screening (20/01850/SCR) was undertaken for this proposal, and this Planning Authority concluded that the application should be subject to an EIA due to its potential landscape and visual impacts within this rural location. An Environmental Impact Assessment Report (ER) has, therefore, been submitted with this application. The ER includes chapters on EIA considerations including scoping, alternatives and methodology.

1.5.2 An EIA Scoping Opinion (21/01316/SCO) was undertaken by this Planning Authority, and this set out the scope for the ER. The matters that are scoped into the ER are:

- Landscape and Visual Impacts;
- Water Supply, Flooding and Drainage; and
- Ground Conditions and Contamination.

The following matters were scoped out of the ER, however, supporting information with regards to these matters, where relevant, has been submitted to allow each of these matters to be assessed as part of the planning application:

- Archaeology and Cultural Heritage;
- Air Quality;
- Noise;
- Ecology;
- Traffic and Transport
- Socio-economic and Tourism

1.5.3 As per Schedule 4 of the EIA Regs, the ER includes chapters on the required EIA considerations. This information includes a description of the development, reasonable alternatives studied by the developer, the relevant aspects of the current state of the environment, the environmental factors which are likely to be affected by the proposal. It also sets out the likely significant effects on the environment and any mitigation measures which are envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment.

1.5.4 The EIA Regs require consideration to be given in the ER to alternative development options for a site and the ER to present the reasoning for the choice of the site and its location. In this regard, the ER sets out a do-nothing scenario and states that this was not desirable for the applicant because there is an identified demand for developments of this nature and the proposal would result in socio-economic benefits to west Fife and its economy through increased direct and indirect spending in the area, both during construction and once the proposals are operational. The ER also states that no alternative site locations were considered by the applicant as the proposed site is considered the ideal location in terms of size, topography, surrounding land use and access arrangements. The ER further advises that no significantly different scheme designs were created throughout the design process as all environmental effects were understood and were incorporated at the design stage, however, some minor alterations were made to optimise the orientation of the lodges with the proposed surface and foul drainage system, but these alterations were insignificant in EIA terms. The acceptability of the location of the site is fully assessed within this report of handling.

1.5.5 As required by regulation 20 (Notification of EIA report), 21 (Publication of EIA report) and 22 (Consultation where EIA report received by planning authority) of the EIA Regs, neighbours

within 20 metres of the application site have been notified, the required consultation bodies have been consulted and this EIA application has been advertised in the Edinburgh Gazette and the Courier on 11th and 13th October 2022 respectively.

1.5.6 Further information was also submitted following updates to the flood risk assessment and flood risk information. This was considered Supplementary Information as per Regulation 26 (Supplementary information and evidence relating to EIA reports) of the EIA Regs, therefore, the requirements contained within regulations 20, 21 and 22 were carried out again as per Regulation 77 (Publication of additional information) of the EIA Regs. Neighbours within 20 metres of the application site were re-notified, the required consultation bodies were consulted again, and the EIA application was re-advertised in the Edinburgh Gazette and the Courier on 7th and 9th November 2023 respectively.

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. This policy also covers matters relating to contaminated and unstable land.

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 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

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

Policy 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 27: City, town, local and commercial centres

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

Policy 28: Retail

To encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes.

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.

Policy 30: Tourism

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

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 6: Town Centres First

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

Policy 7: Development in the Countryside

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN 1/2011: Planning and Noise

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

This circular requires that planning obligations meet all the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019) Low Carbon Fife Supplementary Planning Guidance provides guidance on assessing low carbon energy applications; demonstrating compliance with CO₂ emissions reduction targets and district heating requirements and requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better

understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

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

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

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

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

Other Relevant Guidance

The Landscape Institute's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013)

This guidance provides advice on how to carry out a landscape and visual impact assessment.

2.0 Assessment

2.1 Relevant Matters

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

- **Principle of Development**
- **Loss of Prime Agricultural Land**
- **Design and Layout/Landscape and Visual Impact**
- **Amenity Impacts including noise, privacy/loss of daylight/sunlight, light pollution and construction disturbance**
- **Transportation/Road Safety**
- **Sustainable Transport and the Location of the Development**
- **Low Carbon, Sustainability and Tackling the Climate and Nature Crises**
- **Flooding and Drainage**
- **Contaminated Land, Land Stability and Air Quality**
- **Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement**
- **Community and Economic Benefits**
- **Waste Management**
- **Core Paths/Rights of Way**
- **Reason(s) for Approving an EIA application/Mitigating Measures and Condition(s)**

2.2 Principle of Development

2.2.1 Policies 1, 27, 28, 29 and 30 of NPF4 and Policies 1, 6 and 7 of the LDP apply.

2.2.2 The agent has submitted a Design and Access Statement and a Planning Statement which advise that the proposal complies with the overall Local Development Plan strategy in that it will increase the leisure and tourism resource in the Fife Council and local area. The statement considers that the proposal is well located in terms of access to facilities in Kelty and the Lochore Meadows Country Park outdoor recreational area, whilst it will create full time and part-time jobs and protects the wider environmental resource. The submission further advises that the proposal represents a major local investment in a tourist facility that will help promote the Fife Council tourism economy and meet demand for holiday accommodation. The agent states that the site is well located to access other local tourism resources such as Lochore Country Park and is at distance from Kelty so as not to have any significant adverse impact upon the setting of the settlement. The agent further advises that the proposal will promote inclusive sustainable tourism that will be managed locally with local employment opportunities created as a result of the proposals and it will support local businesses in Kelty and the surrounding areas such as shops, pubs and restaurants.

2.2.3 Objections have been received which state that the proposal would set a precedent for future development in a rural environment, whilst there is no evidence of a housing shortfall to justify the development within the countryside. They also state that there are plenty of holiday lodges within the area already and that the café and retail uses should be in the Town Centre. The principle of the development is fully assessed below, and it is not considered that this proposal would set a precedent for future development of this type as each case is assessed on its own individual merits. This proposal is also for a tourism development, therefore, the matter relating to whether another type of use or proposal should be provided is not being assessed under this application. The proposal will also not be assessed against Policy 8 of the LDP as that policy relates to housing within the countryside or against the housing land supply as the current proposal is for a tourism development. The matter relating to overprovision of holiday site accommodation is also not a material planning consideration. Letters of support state that the development is much needed, whilst it will provide a destination and place to walk to. They also state that the proposal would help with tourism business and will help create employment opportunities. They further advise that the proposal would make use of an obsolete building and would be respectful of the landscape, whilst the communities of Kelty and Lochore Meadows facilities would benefit from this development.

2.2.4 Fife Council's Tourism Team has no objections and advise that from a tourism perspective a development of this type in the Kelty Area would be welcomed. The team considers that it would enhance the visitor economy in the area, whilst increasing its tourism credentials and creating new jobs. The team also advises that it would increase visitor numbers to Lochore Meadows and would support existing plans to enhance the offering at Lochore making it a marketable visitor destination.

2.2.5 Policy 30 (Tourism) of NPF4 states that proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. The current LDP advises under Policy 7 that a tourism use could be supported within the countryside whilst proposals that provide facilities for access to the countryside will also be supported, therefore, the current LDP identifies countryside locations as being potentially suitable for tourism uses and this type of development. In this regard, it is noted that the proposal would provide a tourism use requiring a countryside location which would utilise the high quality of the immediately accessible Lochore Meadows Country Park as a draw and providing a starting point for guests to visit the countryside and Lochore Meadows. The holiday site would, therefore, also provide a facility which allows for access to the countryside.

2.2.6 The existing agricultural building would also be converted to a café and three small retail uses (net floor areas of 55.5, 53.7 and 52.09 square metres) which would be available for wider

public use, however, it would most immediately serve the proposed holiday lodges and visitors to the Country Park, so accordingly, is considered acceptable as part of this overall tourism use. These proposed retail units would also have no significant impact on the Kelty Local Shopping Area due to the small net floor areas of the retail units and as they would be considered as part of the overall holiday use provision. The principle of this tourism development within the countryside would, therefore, be acceptable and would comply with the Development Plan in this respect. A condition is also recommended requiring that the holiday accommodation cannot be permanently occupied, to ensure that the units are not used as permanent dwellings. The impact criteria associated with these policies including impacts on prime agricultural land, sustainability, visual and landscape impact, transportation/road safety, natural heritage and amenity impacts will be fully assessed throughout this report.

2.2.7 It is, therefore, considered that this proposal would accord with the above policies relating to development in the countryside and tourism as it would involve the provision of a tourism use in a countryside location.

2.3 Loss of Prime Agricultural Land

2.3.1 Policies 1 and 5 of NPF4 and Policies 1 and 7 of the LDP apply.

2.3.2 Objections state that there would be a loss of greenspace as a result of the proposal.

2.3.3 The site is classed as non-prime agricultural land (Category 3.2 and 5.2) as per the Land Capability Classification for Agriculture carried out by the James Hutton Institute. There would, therefore, be no loss of prime agricultural land and the proposal would comply with the Development Plan in this respect.

2.4 Design and Layout/Landscape and Visual Impact

2.4.1 Policies 4, 14, 29 and 30 of NPF4 and Policies 1, 7, 10, 13 and 14 of the LDP and Making Fife's Places apply.

2.4.2 The application site is located within the countryside; therefore, consideration must be given to the proposal's wider and local impact on the landscape. A site layout, elevation drawings and a Design and Access Statement (DAS) have been submitted in support of this application. A Landscape and Visual Appraisal report (LVA) is also contained within chapter 5 of the ER.

2.4.3 The site plan shows up to 80 holiday lodges located around the site with a number of landscaped areas including tree belts and groups of trees located around the edges and within the site. These holiday lodges are to be of 6 different designs and would be located to the northern and eastern sections of the site. To the north of the site, 58 lodges are located in 5 main clusters accessed from individual cul-de-sac roads accessed off the main internal road. To the south-east of the development, 22 lodges are located directly off the main internal roads. The holiday lodges would incorporate timber clad finishes. The proposed external alterations to the existing building would include the installation of new grey coloured metal cladding to the walls and roof, metal frame windows and doors and the installation of rooflights.

2.4.4 The submission and DAS include contextual drawings and visualisations which demonstrate how the proposal would sit on the site in relation to the surrounding rural area and

adjacent buildings. The DAS includes drawings of the proposed holiday lodges, café building, bike sheds and play park area and Computer-Generated Images (CGI) and a conceptual CGI drawing of the whole site. The DAS also includes photographs of the site and surrounding area. The DAS advises that responding to the site's placement in relation to the access road, the café building is placed with strong street presence, whilst the lodge development is placed to the northern section of the site to provide privacy from the Cafe building, access road and Lochore Country Park car park to the south. It is considered that the DAS demonstrates an understanding of the site and its historical context including the existing site conditions, whilst it provides a summary of the relevant investigations which were undertaken including landscape and visual impact, ecology, flood risk, transportation and drainage and it sets out how these have informed the layout of the site. The design philosophy has been clearly articulated and this provides an understanding of the architectural form and history of the site and surrounding rural area in terms of the built and natural environment.

2.4.5 Objections state that the proposal would have a detrimental visual impact, would change the character of the western entrance into Lochore and would have a detrimental impact on the landscape, including the surrounding Lochore and Benarty Local Landscape Area. They also consider that the proposal does not adhere to the six qualities of a successful place and that the scale and nature of the development is not compatible with surrounding uses. The letters of support advise that the proposal would be respectful of the landscape.

2.4.6 The submitted information demonstrates the potential visual impact that the proposal would have on the site and surrounding rural area and how the proposal would be accommodated within the application site. It is considered that the proposed buildings which would be single storey and would utilise finishing materials such as timber and metal cladding, metal clad roofing and metal windows/doors would be in keeping with other types of rural buildings within the surrounding area and would be visually acceptable. The proposed holiday development and associated infrastructure would, therefore, be visually acceptable in terms of its layout and proposed finishing materials. The proposed conversion of the existing agricultural building, which is in a state of disrepair, would also provide a visual improvement to this part of the site. The proposed holiday lodges and conversion of the existing agricultural building would, therefore, visually respect the character and appearance of the surrounding rural area and adjacent buildings. Conditions are also recommended requiring that details of the proposed finishing materials are submitted for final approval by this Planning Authority. The matters relating to the landscape impact of the proposal are assessed below.

2.4.7 This proposal requires an Environmental Impact Assessment due to its location within this rural open space area and the potential significant impact it could have on the surrounding landscape. With regards to landscape impact, a Fife Landscape character assessment was carried out in 1999 and this is included within the NatureScot Landscape Character Assessment (2021). The proposal would be located in the Lowland Loch Basin (FFE10) as shown on the NatureScot Landscape Areas Character table. The assessments state that the Lowland Loch Basin Landscape Character Types are simple, shallow basins with large water bodies. The assessment also defines this area as "low lying land with freshwater lochs surrounded by gently rising agricultural land", whilst, the key characteristics include Lochs and their islands and shorelines, flat, relatively low-lying landform with strong horizontal lines; open, large scale, regular, tended pattern of fields and the regular distribution of steadings and plantations/tree groups/shelter-belts and small settlements. The Fife Landscape Character Assessment also describes the pressures for change upon this landscape and sets out recommendations for improvement of the landscape character. These include that most of the basins are highly visible from surrounding land so most large-scale developments would be conspicuous if located away from existing developed areas, however, small-scale developments tend to be less noticeable in the open expanse of the basins from higher land and, because of the flat topography, would be noticeable only locally within the basins. It also advises that the provision

of new countryside recreation and access facilities especially to the loch shores where this would be compatible with nature conservation objectives should be encouraged.

2.4.8 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 principal 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.

2.4.9 Chapter 5 of the ER includes an LVA in relation to the proposal's landscape and visual effects. The LVA includes a zone of theoretical visibility (ZTV) which includes a 15km ZTV illustration and a more detailed 5km ZTV drawing, wireframes, photos taken from 8 viewpoints and photomontages from each of these viewpoints showing a modelled visual impact of the proposal. These demonstrate how the proposal would sit within the site and the surrounding landscape. The LVA also makes reference to the Fife Landscape Character Assessment and sets out the characteristics of these landscape areas, whilst the assessment includes the likely landscape and visual effects of the proposal and provides a conclusion with regards to these effects. The eight viewpoints which were identified to illustrate the potential visual and landscape impacts of the development are as follows;

- Viewpoint 1 was taken from Benarty Hill (West) to the north-west of the site.
- Viewpoint 2 was taken Benarty Hil to the north of the site.
- Viewpoint 3 was taken from Binn Cottage to the north-west of the site.
- Viewpoint 4 was taken from Blairfordel Steading to the north-west of the site.
- Viewpoint 5 was taken from Benarty Road to the north of the site.
- Viewpoint 6 was taken from the B996 Great North Road to the south-west of the site.
- Viewpoint 7 was taken from the A909 distributor road to the south of the site.
- Viewpoint 8 was taken from Lochore Meadows to the north-east of the site.

2.4.10 The LVA grades each visual effect of the development from each visual receptor and advises that effects graded below moderate (including minor/moderate, moderate/minor, minor, minor/negligible, negligible and none) are not considered to be significant. Effects that are moderate and above are, however, considered significant in EIA terms. The LVA sets out the potential effects of the development on several receptors and then the residual effect once any mitigation measures have been put in place. The LVA states that the residual effects on landscape character within the site and upon the surrounding area would mostly be minor (14 visual receptors out of 20) or minor/moderate (2 visual receptors out of 20). These receptors include core paths in the surrounding area, Kelty, Keltybridge, The Binn Cottage and Hilton Farm Cottage. The effect on Mildren Cottage, Bonnie View and Meadowsview would be Major to Moderate as these properties are located directly adjacent to the proposal. The LVA does, however, state that the effect on Mildren Cottage would be beneficial as a result of the conversion of the existing agricultural building.

2.4.11 The LVA concludes that there would be no significant impacts relating to the defined landscape character of the area, beyond a change of use from agriculture to commercial holiday accommodation and the low-density nature of the proposals and recreational nature would

potentially compliment the setting of the landscape, provided that detailed design is implemented appropriately. It further states that any potential impacts would therefore be of a visual nature and that there is potential for reinforcement of landscape character through the introduction of new broadleaf woodland and hedgerows. It further advises that given the limited extents of visual impact in the wider landscape, impacts upon the landscape close to the site can be mitigated in most cases through the introduction of woodland planting to the west and northern boundaries. It considers that the size of individual lodges is comparatively small and woodland planting would give adequate screening to the proposal from a similar elevation within a reasonable timeframe of approximately five years. Views of this woodland would be possible and represent a change, but this would be of a much lower magnitude within the context of the rural landscape, whilst this, would help to reinforce the landscape character as set out in the Landscape Character Assessment and is therefore a suitable mitigative treatment.

2.4.12 NatureScot was consulted on the ER and has no objections to the proposal.

2.4.13 The ER demonstrates that the proposal would have no significant detrimental effect on the landscape character of the area once the proposed planting has fully established after a period of approximately 5 years. It further considers that given the limited extents of visual impact in the wider landscape, the most significant impacts upon the landscape would be from those closest to the site, however, these can be mostly mitigated against through the introduction of woodland planting to the north and west boundaries. The submission shows that the proposal would incorporate the planting of trees around the proposed structures and along the northern and western boundary which would effectively screen and help soften the impact of the development on the surrounding rural area and landscape. The woodland planting would also help blend the development into the backdrop of the surrounding Lochore Meadows woodland area to the east. The effect of this development would, therefore, lessen further over time once the proposed screening has fully established and it is considered that there would be no significant effect in year five once the proposed planting has fully established. A condition relating to the submission of a landscaping plan is also recommended.

2.4.14 The ER also demonstrates that the proposal would not be visible from the east, north-east or south-east of the site due to the existing woodland cover, however, views from the north from sections of Benarty Road would be possible where breaks in tree cover permit. From the south, views would be possible from this direction and Hilton farm over a distance of approximately 600 metres before the land falls towards the Lochfitty Burn, however, views from this direction would be of the retail and amenity building which occupies a similar footprint to the existing agricultural barn on the southern corner of the site so changes in view would be minimal and potentially beneficial in nature. As per the LVA, the clearest views of the proposal would be from Great North Road (B996) and from properties which lie upon it between the access road to the site and Blairadam Bridge over the Kelty Burn, however, the proposed mitigative woodland planting to the western and northern boundaries of the site would reduce these impacts. The LVA concludes that the proposal could be accommodated within the site with no unacceptable effect on landscape character and visual amenity and these findings are accepted.

2.4.15 The proposed landscape impact of the proposal would, therefore, be acceptable and there would be no significant detrimental impact on the landscape character of the area. Conditions are also recommended which require that details of all finishing materials are submitted to this Planning Authority for approval before any works commences on site. The proposal subject to conditions, would therefore, be visually acceptable, would have no significant detrimental impact on the landscape or the Loch Ore and Benarty Local Landscape area and would comply with the Development Plan in this respect.

2.5 Amenity Impacts

2.5.1 PAN (Planning Advice Note) 1/2011, Policies 23 and 30 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply.

2.5.2 Noise

2.5.2.1 The proposed holiday accommodation would have no further significant impact on the surrounding area in terms of noise when compared to the existing surrounding residential uses, however, the proposed café and retail uses could potentially have a significant noise impact. A noise impact assessment report (NR) has, therefore, been submitted with regards to this.

2.5.2.2 The NR assesses the level of noise from the proposal which could affect the nearest Noise Sensitive Receptors (NSRs) and this establishes the existing noise climate in the area and determines the likely noise impact on the nearest NSRs. The methodology of the NR was agreed between the acoustic consultant and Fife Council's Environmental Health Public Protection team (PP) in December 2022. The NR identifies the nearest NSRs as Milden Cottage (14 metres to the south-west of the application site) and Great North Road Cottage (approximately 140 metres to the west of the site). Noise measurements were taken from the south and the west adjacent to the existing cottages over a period of three days and the survey found that the most dominant noise source was from existing road traffic on Great North Road. The NR sets out that the proposed new noise sources would be the café's external seating area, the playground area, the café and commercial units, traffic noise and deliveries associated with the use. The NR assesses the 'magnitude of impact on the NSRs which is set out and defined in PAN 1/2011 and its accompanying Technical Advice Note (TAN). The quantitative assessment focuses on the change in noise level in the area due to the proposal. The quantitative assessment procedure is set out in Table 3.4 "Assigning Magnitudes of Noise Impact" of TAN where the "Magnitude of impact" is assessed over a 5-step scale ranging from "No change" to "Major", covering a range of "change in noise level" from 0 dB to 5 dB and over.

2.5.2.3 The NR concludes that the magnitude of impact on the nearest NSRs from the external seating/dining and children's play area with a worst-case scenario would be "No Change" and this was mainly due to the relatively large distances between source and receiver positions, along with screening from the no-line of sight transmission path. The NR also determines that the significance of effect would be neutral, therefore, noise from this part of the proposal is not a determining factor in the decision-making process.

2.5.2.4 The noise breakout from the proposed retail and café building was also assessed as being below the required noise criterion of NR15, therefore, the NR advises that no further noise mitigation measures will be required with regards to the existing building to contain the anticipated noise levels. The NR advises that this part of the proposal would, therefore, have no significant noise impact on the nearest NSRs.

2.5.2.5 The potential increase in traffic was also assessed and it was found that the traffic noise change would be negligible (0.1 to 0.3 LAeq,T dB) in terms of noise impact. The findings of the NR demonstrate that the resultant levels from noise would be within the required internal noise limits at the nearest NSR and there would, therefore, be no significant noise impact as a result of road traffic noise associated with the proposal. The NR also demonstrates that the proposed fixed plant associated with the proposal would be able to comply with the required noise levels at all NSRs.

2.5.2.6 The NR advises that the BS 4142 assessment of the delivery and service area levels at the nearest residential property to the application site, Milden Cottage, are likely to be in line with the background levels during daytime hours and -5 dB below at the Great North Road Cottages. BS 4142: 2014 states that the lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context. The NR further advises that the frequency of deliveries to the development would be low and also during the daytime period. The NR states that the delivery service noise impact on the nearest NSRs would be low. The NR concludes that overall, that there would be no significant noise impact on the surrounding area as a result of the proposal, however, it does recommend that a noise management plan is put in place to ensure that the visitors and traders of the proposal are aware that the site is near residential properties, therefore activities should be carried out in a considerate manner.

2.5.2.7 Objections have been received regarding the noise impact from the proposal.

2.5.2.8 Fife Council's Environmental Health Public Protection team (PP) was consulted and agrees with the findings and recommendations contained within the NR and has no objections to the proposal.

2.5.2.9 It is considered that the proposed holiday accommodation would be a fully compatible use with the surrounding area and would, therefore, have no significant detrimental noise impact on the site or surrounding area. The submitted information has also demonstrated that there would be no significant noise impact on any NSR within the surrounding area as a result of the proposal. The PP team have agreed with these findings and conclusions, and the findings and recommendations contained within the NR are accepted. Conditions are also recommended restricting the operating hours of the proposal, the submission of a noise management plan and with regards to noise from any associated plant and machinery. The proposal subject to conditions would, therefore, have no significant detrimental noise impact on the surrounding area and would comply with the Development Plan in this respect.

2.5.3 Privacy/Loss of Daylight and Sunlight

2.5.3.1 Objections consider that the proposal would result in a loss of privacy for the surrounding area.

2.5.3.2 The proposal would have no significant impact on the privacy or sunlight/daylight levels of the surrounding area due to the distances involved between neighbouring residential properties and the proposals. The proposed buildings would also be surrounded by significant tree planting which would screen the proposal from the surrounding area. The proposed submission shows a wall/cattle fence located around the western boundary of the proposed car parking area which would serve the café/retail uses and a condition is recommended requiring that details of this wall/fence are submitted for approval in writing by this Planning Authority. Trees would also be planted along this western boundary. This parking area would also replace an existing parking area associated with the existing agricultural building and it is considered that the provision of the planting and boundary wall/hedging along the western boundary would result in no further loss of privacy levels for the adjacent Milden Cottage. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5.4 Light Pollution

2.5.4.1 Objections state that the proposal would have a detrimental impact in terms of associated light pollution.

2.5.4.2 It is considered that due to the location of the site and the distances involved that there would be no significant impact on any surrounding residential areas as a result of light pollution from the proposal. The proposed and existing planting and trees and the intervening land and buildings would also provide mitigation against this. Any proposed external lighting could, however, impact on nearby habitats and residential uses, therefore, a condition is recommended requiring the submission of lighting details and a lighting plan in this respect.

2.5.4.3 The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5.5 Construction Disturbance

2.5.5.1 Objections consider that there would be a detrimental impact due to disturbance during the construction of the proposed development.

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

2.5.5.3 Subject to Conditions, the proposed development would, therefore, be acceptable and would comply with the Development Plan in respect of impacts on the amenity of adjacent land uses.

2.6 Transportation/Road Safety

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

2.6.2 A Transport Statement (TS) dated 23rd September 2022 and a Transport Assessment (TA) dated March 2023 have been submitted in support of this application. The TA advises that each lodge would be provided with 2 off-street parking spaces and that off-street parking for the retail units and cafe would be provided in accordance with the current Fife Council Making Fife's Places guidance. The TA, using the industry standard Trip Rate Information Computer System (TRICS) estimates that the proposed 80 holiday chalets would generate a total of 84 arrivals and 79 departures over a typical day equalling 163 two-way movements, whilst there would be

3 arrivals and 3 departures during the weekday AM peak and 9 arrivals and 5 departures during the PM weekday peak. It is also estimated that in the worst-case scenario, the proposed café/restaurant would generate a total of 142 arrivals and 142 departures over a typical day equalling 284 two-way movements, whilst there would be 13 arrivals and 8 departures during the PM weekday peak as a result of the proposal. The TA also estimates that the 3 small retail units, in the worst-case scenario, would generate a total of 220 arrivals and 218 departures over a typical day equalling 438 two-way movements with 17 arrivals and 17 departures during the weekday AM peak and 20 arrivals and 20 departures during the PM weekday peak. The TA further estimates that the combined proposed uses would generate 20 arrivals and 20 departures during the morning peak and 36 arrivals and 32 departures during the evening peak with the assumption that the majority of traffic during the AM and PM peaks would travel southwards towards Kelty and the M90 interchange. The TA also provides analysis of the existing private road/Great North Road junction taking account of the anticipated traffic generation of the proposal and the priority junction is predicted to operate satisfactorily during the weekday morning and evening peak periods under all future scenarios. The TA concludes that the proposal would have no significant impact on the safe operation of this junction, however, the bellmouth of the junction should be resurfaced and the road markings refreshed.

2.6.3 Objections state that there would be a detrimental increase in traffic and a detrimental impact on the existing road surface. The objections also state that there would be a detrimental impact on parking in both Kelty and Lochore Meadows Country Park. Objections also state that the proposal would not improve local transport or safe access routes.

2.6.4 Fife Council's TDM has no objections to the proposal subject to conditions requiring the provision of a private lighting system adjacent to the private road between the site entrance and Great North Road and the funding/provision of a signalised pedestrian crossing on the Great North Road (B966). The team has also requested conditions relating to off-street parking, the provision of adequate wheel cleaning facilities during construction and a construction traffic management plan being submitted before any works commence on site. TDM also advises that they agree with the methodology used and the findings contained within the submitted TA.

2.6.5 The information submitted has demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings demonstrate an acceptable layout in terms of access and the provision of off-street parking on site. There is also capacity to accommodate the traffic generated by the proposal on the local road network. TDM has raised no significant concerns with the methodology and findings of the TA and has no objections to the proposal subject to the submission of further information as set out in section 2.6.4 above. Conditions are recommended regarding these matters. It is considered that a proposal could comply with these road safety conditions, therefore, there would be no detrimental impact on the site or surrounding area in terms of road safety.

2.6.6 The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal and would comply with the Development Plan in this respect.

2.7 Sustainable Transport and the Location of the Development

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

2.7.2 The TA sets out an accessibility review which assesses opportunities for travel to and from the development site by all relevant transport modes including a review of the surrounding

walking, cycling and public transport provision. The TA considers that the site is well placed in relation to public transport facilities with bus service provision being available on the B996 Great North Road, whilst these bus stops can easily be reached within a short walk from the proposed main reception building and additional bus stops in the centre of the village can also be reached within a short 16-minute walk from the reception building using a segregated footpath via Bath Street Park. The TA also advises that the majority of Kelty and all the local facilities including shops, bakers, pubs and restaurants can be reached within a short walk from the site, whilst the site also benefits from its location relative to the Fife Council Core Path Network with one Core Path (819) running directly in front of the development site. These core paths provide both recreational walking and cycling routes as well as providing routes to local facilities.

2.7.3 The TA also considers that the layout of the site is such that it will provide easy connections to the existing Core Path network thereby providing guests holidaying at the development enhanced and improved access to safe walking and cycling routes in the area, whilst access to various core paths (527,525,529 and 535) can easily be gained from the development site. There is also easy and safe access to the Lochore Meadows Country Park and all the recreational facilities provided at the Loch, whilst, to the west it is possible to cycle to Blairadam Forest for some off-road mountain bike trails or simply to cycle into the centre of Kelty village which can be done almost completely off road on existing paths. The TA also refers to the Fife Council Kelty to Cowdenbeath Active Travel Corridor and states that this will provide an excellent additional pedestrian and cycle route for residents staying at the development and will provide an attractive option to use active travel modes to safely access local facilities in Cowdenbeath. The TA concludes that the site has strong links to both existing and future walking, cycling and public transport facilities in the area, whilst the site overall has good accessibility and future guests of the development can undertake informed and sustainable travel choices.

2.7.4 Objections state that the proposal would not improve local transport or safe access routes.

2.7.5 Fife Council's TDM has no objections to the proposal as stated in section 2.6.4 above. However, the team does not agree that safe, attractive walking routes currently exist between the application site and the amenities within the centre of Kelty, due to the lack of signalised pedestrian crossing facilities on Great North Road and the lack of street lighting on the private road serving the site. The team advises that this concern could be addressed with the provision of a signalised pedestrian crossing facility and street lighting being provided adjacent to the private road serving the site. Conditions are therefore, recommended regarding these matters. TDM agrees with the remainder of the accessibility conclusions in relation to core paths, cycling, the Kelty to Cowdenbeath Active Travel Corridor and public transport access.

2.7.6 It is relevant to note that a recent appeal decision (PPA-250-2392) dated 21st August 2023 for an extension to tourist, commercial and leisure development including 131 lodge style static caravan pitches and associated infrastructure on land at Northbank Farm, Lathlockar, St Andrews was allowed, and planning permission was granted subject to several conditions. This planning application (21/02819/EIA) was originally refused in the interests of road safety and sustainable travel and due to its visual impact on the surrounding rural area. The sustainable transport refusal reason stated that "the application site is located where more sustainable modes of transport (including public transport) are not readily and safely available necessitating the need for the use of private motor vehicles to access local amenities". The Reporter when assessing the location of the development commented in his report of handling that, "as Policy 30 of NPF4 supports extended tourist facilities in locations identified in a LDP and Policy 7 of the LDP supports development in the countryside which represents the extension of established businesses, the proposed development is consistent with the provisions of these overarching spatial objectives of the development plan. He considered that the accessibility of the proposal must therefore be seen in this context, along with the recognition in Policy 30 of NPF4 that

account must be taken of the specific characteristics of the area: in this instance, a rural area. The Reporter, in this instance, therefore, placed weight on the LDP support for tourism development and the extension of established businesses within the countryside when assessing the proposed location of the development in relation to sustainable transport. Each case should be judged on its own individual merits; however, this appeal decision is considered relevant with regards to the implementation of Policy 13 and 30 of NPF4 and tourism development within countryside locations. The reporter, in this case, advised that more weight should be provided to Policy 30 (Tourism) of NPF4 than Policy 13 (Sustainable Travel) when assessing the expansion of a rural business and tourism development in the countryside which has support in principle.

2.7.7 The application site is located directly adjacent to the western boundary of Lochore Meadows Country Park, outwith any settlement boundary, and approximately 143 metres to the east of the Kelty Settlement Boundary. There are currently no safe attractive walking routes which provide access between the site and the adjacent Kelty settlement, however, the site is well located with regards to other walking, cycling and public transport facilities. A condition is recommended which would result in the creation of a signalised pedestrian crossing on Great North Road and the provision of streetlights adjacent to the existing private access which would then provide a safe attractive walking route between the site and Kelty. This would in turn provide an improvement in terms of safe walking facilities for those wishing to visit Lochore Meadows from Kelty.

2.7.8 Policy 13 of NPF4 requires that 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. However, Policy 30 of NPF4 states that proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. This policy further states that tourism related development will only be supported in these locations where they take into account opportunities for sustainable travel and scope for sustaining public transport services particularly in rural areas. The policy support for the principle of this tourism development within the countryside (see section 2.2 above), is, therefore, a material planning consideration and the accessibility of the proposal within this rural area must be assessed within this context. Policy 30 of NPF4 does require that opportunities for sustainable travel are investigated and the proposal would result in the provision of a safe pedestrian crossing on Great North Road and streetlights adjacent to the access road which would allow guests of the facility to safely walk to Kelty, whilst the existing residents of Kelty will also be able to safely walk to Lochore Meadows, thus reducing the reliance on private car.

2.7.9 It is considered that the submitted evidence demonstrates that the proposal will provide opportunities for sustainable travel and that it could also help sustain existing public transport services within the area by increasing the demand for these services. It is also accepted that guests may not leave the site on certain days due to the numerous leisure activities available at this location including the adjacent Lochore Meadows Country Park and the proposed cafes and retail uses. On the basis of the above, it is apparent that the proposed holiday site would provide a visitor facility which would be located within a sustainable location, and which has strong links to both existing and future walking, cycling and public transport facilities in the area, whilst the site overall has good accessibility.

2.7.10 It is therefore, considered that the proposal at this countryside location would be acceptable as it is for tourism development which has taken into account opportunities for sustainable travel as required by Policy 30 of NPF4 and, subject to conditions relating to the provision of a pedestrian crossing and streetlights, would be located within a sustainable location. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

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

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

2.8.2 The submission includes a low carbon statement which advises that caravans are not considered to be buildings under planning law and are exempt from the building regulations through Regulation 3 (Schedule 1, Type 12) of the Building (Scotland) Regulations 2004 (as amended), meaning the proposed lodge style caravans are exempt from the requirement to incorporate low carbon generating technologies. The statement does, however, set out some low carbon techniques in relation to the placement of the lodges. These include minimised building waste due to off-site fabrication and construction, effective use of space and minimised use of water, electricity and other services due to being 'plugged in' on site, naturally ventilated spaces and building fabric which complies with the BRE Green Guide A and A+. The low carbon statement also sets out low carbon measures with regards to the existing building which is to be converted to a café, office/reception and retail use. These measures include the inclusion of solar panels, electric car charging points, passive solar design including large windows and efficient circulation of daylighting, use of recyclable materials, a super insulated envelope to maximise thermal efficiency, LED Lighting and a building fabric which meets the BRE Green guide A & A+. The application site is located more than one kilometre from a district heating network; therefore, it does not have to investigate the feasibility of connecting to an existing or proposed district heat network. The matters relating to sustainable transport and the location of the development have also been fully outlined and assessed under section 2.7 of this report and the location of the development is considered to be acceptable for a proposal of this type.

2.8.3 Sufficient information has been submitted to demonstrate that the proposal could incorporate energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The proposal would also bring an existing redundant building back into use which would contribute towards the need to conserve embodied energy. Conditions are also recommended requiring that full details of any energy generating technologies and measures are submitted for approval before any works commence on site.

2.8.4 The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.9 Flooding and Drainage

2.9.1 Policies 1, 2, 18, 20 and 22 of NPF4 and Policies 1 and 3 of the LDP apply.

2.9.2 A surface water management plan including a drainage impact assessment report and a flood risk assessment have been submitted and are included within chapter 6 of the ER. The ER provides information regarding the proposed surface water drainage/SuDS scheme and also information relating to the proposed foul water and water supply. The ER advises that the foul water would be connected to the Scottish Water system within Kelty, whilst the water supply would come from the Scottish Water public water system. The ER states that a Pre-Development Enquiry (PDE) response dated 21st May 2022 was received from Scottish Water and it concluded that water supply and foul drainage are available for the proposal.

2.9.3 The ER includes a flood risk assessment within chapter 6 and additional supplementary information was also submitted with regards to this matter in response to objections from SEPA. These objections considered that insufficient information had been submitted to demonstrate that the proposal would not be at risk of flooding and that it would comply with relevant flood risk policies. The FRA states that the eastern part of the site is affected by surface water flooding, whilst there is also a potential flood risk to the site from Loch Ore and Kelty Burn. The initial FRA proposed that the site would be re-profiled, and the existing surface water flow channel would be moved in a westerly direction. SEPA, however, objected to these proposals and the proposed re-profiling of the site and re-location of the flow channel was removed from the proposal, with the existing ground levels and profile now to be used. The submitted FRA and supplementary information conclude that the proposed lodges would be located outwith the flood risk area of Loch Ore and Kelty Burn and outwith the existing surface water flooding flow path.

2.9.4 The ER and submitted drawings show that the surface water runoff from the proposed roadways within the site would be collected in infiltration trenches located on the low side of the roads. Whilst the trenches will allow at source percolation, a 150mm diameter perforated pipe will be provided and interconnected with all the trenches allowing runoff to move freely around the trenches, assisting flow in storm events. Silt traps would be provided at the end of each trench, whilst the trenches and perforated pipes would be laid to fall to the low point of the site where runoff would pass through an additional treatment trench prior to discharge through a headwall to the existing watercourse located to the west of the site which then discharges into Lochore Meadows. The discharge to the watercourse would be restricted to the greenfield runoff rate of 29.24l/sec.

2.9.5 Objections state that the proposal would have a detrimental impact on existing infrastructure including sewers and water works. They also state that the proposal does not incorporate SuDs measures.

2.9.6 Fife Council's Flooding, Shorelines and Harbours Team advises that it has no objections to the surface water management proposals. Scottish Water also advises that it has no objections and has confirmed that there is sufficient capacity at the Glendevon Water Treatment works and Levenmouth Waste-water Treatment works to service the development.

2.9.7 SEPA has advised that it has no objections to the proposal and agrees with the findings of the ER. SEPA, therefore, considers that the site is not at risk of flooding and would comply with the relevant flood risk policies contained within NPF4.

2.9.8 A surface water management plan, flood risk assessment and drainage proposal have been submitted which demonstrate that an acceptable surface water management solution would be accommodated on the site and that the site would not be located within a flood risk area. The proposal would also be connected to the public drainage and public water supply network, and it should be noted that the applicant would need to submit a formal application to Scottish Water before proceeding with the development. There would, therefore, be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water supply and wastewater system. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.10 Contaminated Land, Land Stability and Air Quality

2.10.1 Policy 9 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.10.2 A ground conditions report is included within chapter 7 of the ER. This advises that the site has been previously used for railway sidings, industrial and domestic buildings with associated roads, yards, and laydown areas. In addition, it was the site of Kelty railway station from the late 1800s to the mid-20th century. Whilst coal mining has occurred historically beneath the site, it is currently in agricultural use. The ER then advises that a preliminary desk based contaminated land report is included within appendix one of the ER and this determines the extent of the geo-environmental sampling and testing required on site and includes trial pit records from across the site, to check subsoil and topsoil depth and conditions. The ER assesses the likely significant effects of the proposal on ground conditions, and of prevailing ground conditions on sensitive receptors including site workers, visitors, soils, and the water environment during construction and operation of the proposal. It also sets out mitigation measures where appropriate to avoid, reduce or offset any adverse impacts identified, together with the nature and significance of likely residual effects. The report concludes that mitigation measures are available that would ensure that, in general, there would be negligible residual impacts at the site as a result of potentially contaminated land.

2.10.3 Fife Council's Land and Air Quality Team has no objections subject to conditions relating to the mitigation of soil gases, whilst also recommending a condition requiring that works cease on site should any unexpected, contaminated land be discovered during construction. The team also confirms it agrees with the methodology used and the findings contained within the submitted ER including the Phase 1 and Phase 2 Site investigation reports. The proposal, subject to these conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in respect.

2.10.4 The submission of an air quality impact assessment was scoped out of the ER and has not been provided. Fife Council's Land and Air Quality team has advised that it would be content for a condition to be attached to any potential consent requiring that this be submitted to this Planning Authority for approval before any works commence on site. A condition relating to this matter is recommended. The proposal, subject to this condition, would therefore be acceptable and would comply with the Development Plan in this respect.

2.10.5 The site is located within a coal mining high risk area; therefore, a coal mining risk assessment (CMRA) has been submitted as part of the ER within appendix 7.2 which advises that the presence of possible shallow mineworking's below the site were identified as the principal risk to surface stability. The ER recommends that further intrusive site investigation works should be carried out to assess the potential risks.

2.10.6 The Coal Authority considers that the content and conclusions of the CMRA are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposal. The Coal Authority, therefore, has no objections subject to conditions that further investigative works are carried out prior to the commencement of development and that verification is submitted that the site has been made safe and stable. Conditions are recommended regarding these matters. The proposal subject to these conditions would, therefore, be acceptable with regards to unstable land and would comply with the Development Plan in this respect.

2.11 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement

2.11.1 Policies 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP apply.

2.11.2 Trees

2.11.2.1 A statement from an arboricultural consultant has been submitted which advises that the adjacent woodland site comprises a belt of semi-mature tree growth within the Lochore Country Park, which at approximately 20 to 30 years in age, consists of a mixture of mainly pine, ash, birch, oak, goat willow and hawthorn running adjacent to the boundary. The statement advises that there would be no detrimental impact on the adjacent trees given the development type of lightweight lodges with pad foundations along with no sculpting of the soil profile and the generous stand-off allowed for from the adjacent tree belt.

2.11.2.2 The submitted layout shows that the development could be located on the site which would have no significant impact on existing trees. The existing trees on site are to be retained and a landscape concept has been submitted which shows significant tree planting within the site. It is also considered that there is sufficient space within the site for the proposal to be located to result in no significant impact on existing trees. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11.3 Protected Species and Wildlife Habitats

2.11.3.1 A preliminary ecological appraisal (PEA) has been submitted which includes a desk-based search and habitat and protected species surveys of the application site. This was scoped out of the ER; however, it is included in appendix 2.4 of the ER. The PEA states that the site walkover revealed the presence of a very poor variety of habitats within the survey area, whilst the site contains lush grazing fields with very little groundcover present, no hedgerows, no trees or standing water. Bat surveys following the relevant Guidance were carried out on the barn and no bats were recorded, whilst it was determined that the barn had low bat roost potential. The PEA concludes that the survey area has no potential to support any protected species and species of conservation concern including birds, bats, badgers, water voles or otters, whilst it was considered that no further surveys are likely to be required for any protected species. The PEA does, however, recommend mitigation measures in relation to badgers and otters as they are known to be present in the general area and can wander widely. This includes all personnel being made aware of the fact that protected species could exist close to the site, all trenches and exposed open pipes being covered at the end of each working day and ramps being located within the trenches or pits that can't be covered to allow mammals an exit from the trench or pit.

2.11.3.2 Objections state that the proposal would result in loss of animals and nature, whilst it would also impact on a bird sanctuary and would detract from the park's natural habitats.

2.11.3.3 Fife Councils' Natural Heritage Officer has no comments relating to the submission. NatureScot has no objections but recommends that conditions be included with regards to habitat creation such as native hedgerows, planting within the site and along boundaries, the installation of bat and bird boxes and the planting of native trees.

2.11.3.4 It is considered that the submitted information demonstrates that the site can be developed with no significant impact on protected species, wildlife habitats or birds. The site is also considered to be of low ecological value. Conditions are recommended requiring that the recommendations contained within the PEA relating to badgers and otters are carried out in full. A condition is also recommended requiring that an updated Ecological report including a survey of the site is submitted for approval before any works commence. This is considered necessary

as a precautionary approach as the current PEA was undertaken in 2020, however, it is unlikely that any of the findings from the original report will have significantly changed due to the low ecological quality of the site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11.4 Biodiversity Enhancement

2.11.4.1 The ER advises that native plant species will be integrated into the development to enhance the overall biodiversity of the site. In addition to soft landscaping for ecological benefit, tree and shrub planting is proposed along the western and northern boundary for visual screening. It also states that the planting of trees and shrubs along with native low-level shrub and wildflowers will encourage biological diversity for birds, insects and mammals and will provide wildlife corridors between the green spaces and woodlands to the east and south of the site. The submitted site plan also advises that a landscape planting scheme will be instigated which increases the sites ecological value and delivers a measurable biodiversity net gain. It sets out that flowering meadows with native species would be provided in multiple areas within the site, whilst, individual trees would be planted around the site along with shrubs and woodland mixes.

2.11.4.2 Objections state that the proposal offers no associated landscape or biodiversity improvements.

2.11.4.3 The site is an area of open grassland which is of poor ecological quality. The submission proposes an area of structural woodland planting along the western boundary of the site which would be at least 8 metres in width, whilst screen planting is also proposed. A number of trees are also proposed within the site around the proposed lodges. Conditions are recommended which require that a detailed landscaping plan is submitted for approval before any works commence on site, whilst a condition is also recommended requiring the submission of other biodiversity enhancement measures as set out by NatureScot. The proposal subject to conditions would, therefore, bring about a significant biodiversity enhancement to the site and surrounding area when compared to the existing grassed site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Community and Economic Benefits

2.12.1 Policies 29 and 30 of NPF4 apply.

2.12.2 The submitted Planning Statement advises that the proposal will stimulate and expand local rural economic growth and sustainability through the proposals.

2.12.3 As per section 2.2.4 above, Fife Council's Tourism Team considers that the proposal would enhance the visitor economy in the area, whilst increasing its tourism credentials and supporting the creation of new jobs. The team also advises that it would increase visitor numbers to Lochore Meadows and would support existing plans to enhance the offering at Lochore making it a marketable visitor destination.

2.12.4 Letters of support state that the proposal would help with tourism and create employment opportunities. They also state that the Kelty and Lochore Meadows would benefit from this development.

2.12.5 It is accepted that a development of this type would provide an economic benefit to the adjacent settlement of Kelty and Lochore Meadows Country Park through the guests of the holiday accommodation making use of local services. The proposal would also create jobs through the provision of the holiday site including the café and retail units. The provision of a signalised pedestrian crossing on Great North Road and the provision of streetlights adjacent to the existing private access would also benefit the local community as it would provide a safer pedestrian route between Lochore Meadows and Kelty. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.13 Waste Management

2.13.1 Policy 12 of NPF and Policies 1 and 10 of the LDP apply.

2.13.2 The submitted Planning Statement advises that the proposal would provide facilities that help implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland. It also states that it incorporates waste management facilities on site.

2.13.3 Objections state that the proposal would result in excess litter.

2.13.4 The submitted information demonstrates that there is sufficient space within the curtilage of the proposed site to accommodate the required bin storage facilities and the residents of the holiday lodges and users of the café would be expected to use these waste management facilities. It is considered, therefore, that the proposal would have no significant impact on the surrounding area in terms of littering. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.14 Strategic Transport Interventions

2.14.1 Circular 3/2012: Planning Obligations and Good Neighbour Agreements, Policy 18 of NPF4 and Policies 1 and 4 of the LDP and Fife Council's Planning Obligations Framework Guidance apply.

2.14.2 TDM has advised that the site is located within the Dunfermline Outer Zone, therefore, a total contribution of £5189 towards the relevant strategic transportation intervention measures is required in relation to the impact of the proposed holiday lodge traffic. The applicant has agreed to provide this contribution and this matter would be dealt with through a planning obligation. The application subject to this obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.15 Core Path/Rights of Way

2.15.1 Policy 20 of NPF4 and Policies 1 and 13 of the LDP apply.

2.15.2 Core paths (B996 Kelty Link Road - R527 and Nature Reserve to Kelty – R819) run along Great North Road and the access road into the site. Fife Council's Access Officer has no objections to the proposal and has advised that the adjacent core paths must be kept open and free from obstruction during construction works and the operation of the development. A condition is recommended requiring that the adjacent Core Path remains free from obstruction during the construction period of the development. It is not considered necessary to condition this requirement for the lifetime of the development. The proposal, subject to this condition, would therefore be acceptable and would comply with Development Plan Policy in this respect.

2.16 Reason(s) for Approving an EIA application/Mitigating Measures and Condition(s)

2.16.1 In accordance with Regulation 29 (Decision Notice) of the EIA Regs, Planning Authorities must outline the reasons and considerations on which their decision was based and if the decision is to grant consent, then they must list the conditions of mitigation and any required monitoring measures in the decision notice along with a reasoned conclusion. The EIA Regs also require that an assessment is made of the alternative options considered including a comparison of the environmental effects.

2.16.2 In terms of the environmental impacts, the development is considered acceptable in all regards. Whilst it is acknowledged that the development could have significant impacts on the rural landscape, the submitted ER has demonstrated that these impacts would be acceptable, and the mitigation proposed is considered to be appropriate to minimise any prolonged visual and landscape impacts. Similarly, there would be no contaminated land and stability issues as these would be mitigated through remediation works and conditions are recommended to this effect. The ER has also demonstrated that the proposal would not be at significant risk of flooding from Loch Ore or the Kelty burn, and it would be outwith the flow path of the surface water flood risk area. SEPA have also offered no objections with regards to this matter. In terms of Water Supply and Drainage impacts, there would be no significant environmental impact on the site or the surrounding area as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water supply and wastewater system. It is considered that the ER fully assesses the potential environmental effects of this proposal and overall provides sufficient mitigation measures to protect the environment from adverse effects.

2.16.3 Full details of the applicant's measures and commitments can be found within chapter 8 of the submitted ER. It is considered that the mitigation commitments set out within this chapter would be sufficient to avoid any significant impact from this development on the environment along with the planning conditions recommended as part of this report. The ER advises that the future Construction Environmental Management Plan would set out the requirements for monitoring and record keeping and a condition is also recommended regarding this matter.

2.16.4 Overall, each of the proposed elements associated with the scheme have been assessed in detail and the wider potential environmental and cumulative impacts assessed in accordance with agreed standards and regulatory requirements and this proposal is deemed to be acceptable with it resulting in no significant environmental impacts. No alternatives were considered as set out in section 1.5.4 of this report, however, the acceptability of the location of this site is fully assessed within this report of handling, whilst the reasoning behind the choice of site as set out in the ER is accepted, therefore, in this instance it is not considered that a detailed consideration of other alternative sites is required.

3.0 Consultation Summary

Environmental Health (Public Protection)

No objections

Urban Design, Planning Services

Meeting held between case officer and Urban Design officer. Urban Design Officer has no significant

	concerns regarding landscape impact assessment.
TDM, Planning Services	No objections subject to conditions relating to transportation and road safety matters.
NatureScot	No objections subject to conditions relating to habitat creation and biodiversity enhancement.
The Coal Authority	No objections subject to conditions relating to further coal mining investigative works.
Parks Development and Countryside - Rights of Way/Access	No objections subject to core path adjacent to site being kept open and free from obstruction during construction process.
Archaeology Team, Planning Services	No objections
Natural Heritage, Planning Services	No comment
Transportation And Environmental Services - Operations Team	No response
Strategic Policy and Tourism	No objections
Scottish Water	No objections
Structural Services - Flooding, Shoreline and Harbours	No objections
Land And Air Quality, Protective Services	No objections subject to conditions relating to contaminated land matters.
Scottish Environment Protection Agency	No objections

4.0 Representation Summary

4.1 Fifty-four representations have been received including 31 letters of support and 23 letters of objection.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Section
- Would set a precedent for future development in rural environment and outwith settlement boundary.	2.2
- Increase in traffic will cause parking problems and danger to existing road users including detrimental impact on parking in Keltly and Lochore Meadows.	2.6
- Detrimental impact on landscape.	2.4
- Would change the character of the western entrance into Lochore.	2.4
- Increase in traffic.	2.6
- Noise impact.	2.5.2
- Construction disturbance due to noise, pollution and mess.	2.5.5
- Loss of animals and nature and will impact on bird sanctuary.	2.11.3
- Loss of green space.	2.3
- Impact on existing infrastructure including sewers and water works.	2.9
- Application contains errors, omissions, and lack of information; therefore, a comprehensive assessment of the application cannot be undertaken, and the application should be either refused or withdrawn. The application should not have been validated as it falls below the standards set out in the Heads of Planning Scotland Validation Guidance Note.	1.4.7
- No evidence of a shortfall in housing supply has been provided to justify housing the countryside.	2.2
- Detrimental impact on Loch Ore and Benarty Local Landscape Area.	2.4
- Café and retail uses should be in Town Centre.	2.2
- No landscape or biodiversity improvements.	2.4 and 2.11.4
- Does not adhere to six qualities of a successful place.	2.4
- Proposal does not improve local transport or safe access routes.	2.6 and 2.7
- Proposal does not incorporate green infrastructures SUDs measures.	2.9
- Scale and nature of development not compatible with surrounding uses.	2.4
- Light pollution	2.5.4
- Detrimental Visual Impact.	2.4
- Loss of privacy	2.5.3
- Littering	2.13
- There are plenty of holiday lodges within the area already.	2.2

4.2.2 Support Comments

Issue	Addressed in Section
- Development is much needed.	2.2
- Would provide a destination for place to walk.	2.2
- Would help with tourism, business and will create employment opportunities.	2.2 and 2.12
- It would be positive for the community and Kelty and Lochore Meadows would benefit from this development.	2.2 and 2.12
- This would be an economic, social and cultural opportunity for Kelty.	2.2 and 2.12
- Would make use of an obsolete building.	2.2
- Would be respectful of landscape	2.4

4.2.3 Other Concerns Expressed

Issue	Comment
- Land Ownership certificate requires to be reviewed.	The submitted land ownership advises that the applicant is the owner of the land within the application site and no evidence has been submitted to contradict this. The agent has also confirmed that the land ownership is accurate, therefore, this Planning Authority has no reason to doubt the validity of this.
- Application should be advertised as per Schedule 3 of the Regulations.	See section 1.4.6
- Loss of View	Loss of view is not a material planning consideration as no one is entitled to a view.
- Lodges could be sold privately.	This is not a material planning consideration with regards to whether the lodges are privately used as holiday lodges. A condition is also recommended as per section 2.2 which ensure that the use of the buildings is for holiday lodge purposes.
- Three bluebell Grove was not neighbour notified.	All physical premises within 20 metres of the application were neighbour notified as required by the relevant regulations. 3 Bluebell Grove is located more than 20 metres to the west of the application site within the Kelty settlement boundary.
- Loss of trade for existing cafe and shops.	The matter relating to economic competition with other similar developments is not a material planning consideration.

- Some responders do not live in the area.	This is not a material planning consideration.
- Impact on medical practice.	This is not a material planning consideration as the proposal is for a tourism development.

5.0 Conclusions

5.1 This proposal was considered to necessitate an EIA and an ER has been submitted. The environmental matters which were scoped into the ER include Landscape and Visual Impacts, Water Supply, Flooding and Drainage and Ground Conditions and Contamination. In terms of these environmental impacts, the development is considered acceptable in all regards. Whilst it is acknowledged that the development could have significant impacts on the rural landscape, the submitted ER has demonstrated that these impacts would be acceptable, and the mitigation proposed is considered to be appropriate to minimise any prolonged visual and landscape impacts. Similarly, there would be no contaminated land and stability issues as these would be mitigated through remediation works and conditions are recommended to this effect. The ER has also demonstrated that the proposal would not be at significant risk of flooding from Loch Ore or the Kelty burn, and it would be outwith the flow path of the surface water flood risk area. SEPA have also offered no objections with regards to this matter. In terms of Water Supply and Drainage impacts, there would be no significant environmental impact on the site or the surrounding area as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water supply and waste-water system. It is considered that the ER fully assesses the potential environmental effects of this proposal and overall provides sufficient mitigation measures to protect the environment from adverse effects. Conditions are also recommended with regards to these mitigation measures.

5.2 The proposal would be for a tourism development, therefore, the principle of this proposal within the countryside would be acceptable and would comply with the Development Plan. The proposal subject to conditions would also be compatible with its surrounds in terms of land use and would result in no significant detrimental impacts on the surrounding area in terms of natural heritage, transportation/road safety, amenity, contaminated land, land stability, air quality, sustainability or in terms of its visual and landscape impact. The proposal would, therefore, be acceptable in principle subject to conditions and would comply with the Development Plan.

6.0 Recommendation

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

- A. The conclusion of a legal agreement to secure; A contribution of £5189 towards Strategic Transportation Intervention Measures as set out in paragraph 4.13 of Fife Council's Planning Obligations Supplementary Guidance.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement

- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

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.

2. BEFORE ANY WORK COMMENCE ON SITE; details of the specification and colour of all proposed external finishes (including boundary walls, fences and hardstanding) shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out in accordance with these approved details.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the surrounding rural area.

3. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of landscaping including a landscaping plan 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 earth mounding, shall be submitted to and approved in writing by this Planning Authority. These submitted details shall also include details of all proposed boundary treatments and retaining walls. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

4. BEFORE ANY WORKS COMMENCE ON SITE; A Noise Management Plan as recommended within the approved Noise Impact Assessment (Plan Reference 42) shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out in accordance with these approved details.

Reason: In the interests of safeguarding residential amenity.

5. BEFORE ANY WORKS COMMENCE ON SITE; a Construction Method Statement and Management Plan, including 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. All construction works shall then be carried out in full accordance with any approved details.

Reason: In the interests of safeguarding amenity.

6. BEFORE ANY WORKS COMMENCE ON SITE; full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by Fife Council as Planning Authority. Any subsequent approved details shall, thereafter, be provided and maintained in an operational manner throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

Reason: In the interest of road safety; to eliminate the deposit of deleterious material on public roads.

7. BEFORE ANY WORKS COMMENCE ON SITE; full details of the Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by Fife Council as Planning Authority. The CTMP shall specify the measures that will be implemented to ensure the safe operation of construction vehicles using the private road serving Lochore Meadows West car park for the full duration of the construction phase.

Reason: In the interest of road safety; to ensure the safe operation of vehicles associated with the construction phase.

8. BEFORE ANY WORKS COMMENCE ON SITE; full details of the design of the private lighting system adjacent to the private access road between the site and Great North Road along with the construction detail of the resurfacing of the existing junction bellmouth (private road/Great North Road) and the refreshing of the white lining at the junction and ghost island right turn lane shall be submitted to and approved in writing by Fife Council as Planning Authority. Once approved, all these works shall be constructed on site as per the approved details, BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE.

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

9. BEFORE ANY WORKS COMMENCE ON SITE; full details of the design of the signalised pedestrian crossing on Great North Road shall be submitted to and approved in writing by Fife Council as Planning Authority. Once approved, the signalised pedestrian crossing shall be constructed on site as per the approved details and shall be commissioned and fully operational, BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE.

Reason: In the interest of road safety; to ensure the provision of safe crossing facilities for pedestrians and cyclists.

10. BEFORE ANY WORKS COMMENCE ON SITE; full details of the proposed energy generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of sustainability; to ensure the development complies with Policy 11 of the Adopted FIFEplan (2017).

11. BEFORE ANY WORKS COMMENCE ON SITE; a gas mitigation (membrane) specification/foundation design, and a verification methodology (detailing proposed installation, testing and verification methods) report shall be submitted to and approved in writing by Fife Council as Planning Authority. Mitigation shall then be carried out and completed in accordance

with the agreed gas mitigation design and verification methodology (including installation of gas membrane, testing and collation of verification information).

Reason: To avoid unacceptable risks to human health and the environment.

12. BEFORE ANY WORKS COMMENCE ON SITE; evidence shall be provided to demonstrate that the National Air Quality Strategy objectives would not be exceeded during demolition, construction or normal site use following completion. The methodology shall be agreed in writing with Fife Council as Planning Authority, and it shall include an appropriate air quality impact assessment for the proposal. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating the impacts for submission to and approval by this Planning Authority. The development shall, thereafter, be carried out fully in accordance with these approved details.

Reason: To protect air quality.

13. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of intrusive site investigation works to identify any coal mining legacy issues shall be undertaken. The results of these investigations along with details of any required remedial works and/or mitigation measures to address land instability shall be submitted in a report for the prior written approval by Fife Council as Planning Authority in consultation with The Coal Authority. Thereafter any identified and agreed remedial works and/or mitigation measures shall be undertaken in full BEFORE ANY DEVELOPMENT WORKS COMMENCE ON SITE. The intrusive site investigations and remedial works shall be carried out in accordance with the relevant authoritative UK guidance.

Reason: To avoid unacceptable risks to human health and the environment.

14. BEFORE ANY WORKS COMMENCE ON SITE; an updated Ecological Appraisal report which shall include a phase 1 habitat survey and a protected species survey shall be submitted to and approved in writing by Fife Council as Planning Authority. This report shall include detailed proposals for incorporating biodiversity enhancement measures within the development, as per the guidance contained within NatureScot's Developing with Nature Guidance. All works shall then be carried out in full accordance with any subsequent approved details and all approved biodiversity enhancement measures shall be provided BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE; unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of ecological enhancements and as a precautionary measure to ensure the protection of protected species.

15. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; a gas mitigation verification report (containing all verification elements) shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: To avoid unacceptable risks to human health and the environment.

16. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of any associated proposed lighting scheme shall be submitted to and approved in writing by Fife Council as Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads,

sensitive properties or adjacent sensitive habitats with regards to light spillage and glare. The lighting scheme shall include lighting mitigation and shall utilise the methods recommended in the Institute of Lighting Professional's Bats and Artificial Lighting Guidance Note (ILP, 201833) or any subsequent revision. These methods shall include using directional and or baffled lighting, variable lighting regimes, avoidance of blue-white short wavelength lights and high UV content or creation of light barriers utilising hedgerows and tree planting. Thereafter, the lighting shall be installed and maintained in accordance with the manufacturer's specification and approved details.

Reason: In the interests of safeguarding the amenity of the surrounding area and species protection.

17. BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE; there shall be provided within the curtilage of the site 2 parking spaces per holiday lodge (160 parking spaces in total) and 82 parking spaces for the café and 3 retail units, in accordance with the current Fife Council Making Fife's Places Appendix G and as per the layout shown on the approved proposed site plan (Plan Reference 02B). Thereafter, a total of 242 off-street parking spaces (including accessible spaces and EV charging point spaces) shall be retained for the lifetime of the development.

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

18. 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 and approved in writing by Fife Council as Planning Authority BEFORE THE DEVELOPMENT IS BROUGHT INTO USE. 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 avoid unacceptable risks to human health and the environment.

19. The total noise from the approved plant and machinery, shall be such that any associated noise does not exceed NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, daytime shall be 0700-2300hrs and night-time shall be 2300-0700hrs. WITHIN THREE MONTHS OF THE DEVELOPMENT BEING BROUGHT INTO USE; written evidence demonstrating that the aforementioned noise rating levels have been achieved shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity.

20. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

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.

22. The holiday accommodation, hereby approved, shall be used as holiday accommodation only, shall not be sold or let as a permanent dwellinghouse and shall not be occupied for a continual period of more than 12 continuous weeks in any calendar year.

Reason: In order to ensure that proper control is retained over the development and that the site does not become permanent residential accommodation.

23. The hours of operation of the approved cafe and retail uses, including deliveries to these units, shall be restricted to between 7 am to 11 pm inclusive, Monday to Sunday unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In order to retain proper control over the use of the development and to safeguard the residential amenity of the surrounding area.

24. The Core Path (Nature Reserve to Kelty – R819) located on the southern side of the site shall be kept clear of all obstructions associated with the development for the duration of any construction period.

Reason: In order to protect the Core Path.

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 \(2017\)](#)

Report prepared by Scott Simpson, Chartered Planner

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead