Fife Planning Review Body header with Fife Council logo and FPRB Reference 22/384
Fife Planning Review Body

FPRB Reference: 22/384

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| **Review Decision Notice** |

Decision by Fife Planning Review Body (the FPRB)

* Site Address: Couston Farm, Burntisland, Fife, KY3 0RX
* Application for review by Mr Craig Mitchell against the decision by an appointed officer of Fife Council
* Application 22/00633/PPP for Planning Permission in Principle for erection of 7 dwellinghouses and associated garages, access and parking and landscaping works
* Application Drawings:

01 - Location Plan, 02 - Aerial Photos, 03 -Existing Block Plan, 05 - Existing Sections Plan, 06 - Existing Sections 10 - Site Analysis Plan, 11 - Site Analysis Plan 2, 12 - Site Analysis Plan 4, 13 Site Analysis Plan 4, 14 - Site Analysis Sections, 16 - Statement, 22 - Drainage Assessment, 23A - Bat Report, 24 - Noise Report, 25 - Landscape and visual assessment, 26 - SUDs and Flood Risk Assessment Certs, 27A - SUDs and Flood Risk Assessment Certs, 28 - Supporting Statement, 29 - Supporting Statement, 32 - Road Speed Survey Report, 33B - Visualisations1, 34B - Visualisations, 35B – Visualisations, 36A - Supporting Statement

* No Site Inspection took place.

Date of Decision Notice: 29th August, 2023

**Decision**

The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the conditions outlined below in section 4.0.

**1.0** **Preliminary**

1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 14th August, 2023.   The Review Body was attended by Councillors Lynn Mowatt (Convener), Alycia Hayes and Andrew Verrecchia.

**2.0** **Proposal**

2.1 The application relates to an irregular parcel of land within Meikle Couston Farm, located 0.2 km north-east of Dalgety Bay. The site is approximately 0.7 ha is currently overgrown scrubland. Couston Farm steading is situated within the centre of the site. It is also situated within Cullaloe Hills and Coast Local Landscape Area. The site is bounded by Meikle Couston Farmhouse situated approximately 20 metres to the east of the site, the A912 to the south, East Coast Mainline railway to the north and agricultural land to the west. There are an additional 3 dwellings situated 20 metres south-west of the site.

2.2 The application seeks planning permission in principle for erection of 7 dwellinghouses and associated garages, access and parking and landscaping works.

**3.0** **Reasoning**

 3.1 Firstly, the FPRB considered whether the proposal was acceptable in principle, assessing the proposal for housing development outwith the settlement boundary to consider whether it was compliant with strategic objectives for rural and countryside land under NPF4 Policy 16 (Quality Homes), NPF4 Policy 17( Rural Homes) and FIFEPlan Policies 1 (Development Principles), 7 (Development in the Countryside) and Policy 8 (Houses in the Countryside).

3.2 The FPRB considered that the proposal could meet the relevant tests within NPF4 Policy 16(f) by virtue of compliance with NPF4 Policy 17 (Rural homes). In this regard, the FPRB considered that the proposal would meet criteria 17(a)(ii) which supports the reuse of brownfield land, avoiding its return to a natural state. In a similar vein, they also considered that the proposal would comply with FIFEplan Policy 1, allowing for approval, subject to compliance with other FIFEplan policies. Per the below discussion, they considered that the proposal would comply with Policy 7 (Development in the Countryside) tests as it could result in appropriate scale of development and be designed to protect the overall landscape and environmental quality the area. They contended that the proposal could also comply with Policy 8 (Houses in the Countryside) in that the replacement of the existing derelict/deteriorated building could result in the imaginative and sensitive re-use of previously used land/buildings. The FPRB provided this support contingent upon condition(s) requiring approval of a design brief to set out the design rationale for the site’s future development and that any detailed layout would require to meet criteria within this document – establishing future assessment gauging whether the detailed design resulted in significant visual and environmental benefits. As such, subject to the above condition(s), the FPRB contended that the proposal accorded with NPF4 Policies 16 and 17 and FIFEPlan Policies 1,7 and 8 in terms of the principle of development.

3.3 The FPRB assessed the design and visual impact of the proposal on the rural setting of the countryside against NPF4 Policy 4 (Natural Places), NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policies 1 (Development Principles), 7 (Development in the Countryside), 8 (Houses in the Countryside) and 10 (Amenity) and Policy 13 (Natural Environment and Access). They contended that whilst the application did not include specific design details, conditions could require approval of a design brief that sets out the design rationale for the site that any detailed layout could be tested against to consider whether the proposal would result in an appropriate scale, massing and form within the site, cognisant on the immediate policy requirement, Local Landscape Area and rural context. The FPRB ultimately concluded that, subject to conditions requiring approval of the design brief and future design details, the proposal would comply with Policies 4 and 14 of NPF4 and Policies 1, 7, 8, 10 and 13 of FIFEplan relating solely to design and visual impact subject.

3.4 The FPRB then assessed the residential amenity impacts of the proposal on the surrounding area, cognisant of NPF Policy 14 (Design, Quality and Place), Policy 16 (Quality Homes), Policy 23 (Health and Safety) which seek to protect the amenity of the local area from unacceptable amenity impacts and Policies 1 (Development Principles) and 10 (Amenity) of FIFEPlan which includes criteria requiring development proposals to demonstrate that there would be no significant detrimental impact on residential amenity. Giving consideration to the extensive distance between the site and third-party residential properties, the FPRB determined that any future design, including the orientation and positioning of windows and the distance to the nearest residential dwelling, would avoid any unreasonable adverse impacts on the daylight, sunlight or privacy provisions of neighbouring properties. The FPRB also resolved that given the size of the site, any future house would result in a reasonable level of residential amenity for future occupants. They also considered that there would be sufficient garden ground to accommodate the future needs of residents. With respect to noise, the FPRB contended that Exceptional Circumstances should apply in line with the Council’s Noise Guidance and that, in this instance, closed window solutions should be applied to measure noise levels to internal habitable rooms and a higher level of 55dB for external garden areas. To this extent, they noted the potential for adverse noise impacts to external garden areas, particularly from the adjacent railway line to the north. They suggested that future occupants would likely be aware of such impacts when purchasing any property but required that suitable mitigation should be introduced to ensure that garden areas fully complied with the higher 55dB threshold and the closed window requirement.

3.5 The FPRB therefore concluded that subject to condition(s) relating to the above noise thresholds, the proposal would be acceptable in terms of residential amenity, complying with NPF4 Policies 14, 16 and 23 and Policies 1 and 10 of the Adopted FIFEplan with respect to this matter.

3.6 The FPRB assessed the transportation and road safety impacts of the proposal. The FPRB took into consideration the comments provided by the Council’s Transportation Development Management Officers (TDM) who objected to the application on road safety grounds associated with the use of sub-standard visibility spays and the site being in an unsuitable location given that there is not a suitable opportunity to provide a safe pedestrian crossing over the A921.

3.7 The FPRB considered the proposal against NPF4 Policy 13 (Sustainable Transport) and Policies 1 (Development Principles), 3 (Infrastructure Services) of 10 (amenity) the Adopted FIFEplan. This includes a review of Policy 1 which requires individual and cumulative impacts to be addressed, including mitigating against the loss in infrastructure (including road) capacity caused by the development. Moreover, the FPRB noted that Policy 3 required that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner and that proposals must be served by adequate local transport and safe access routes. They also noted the requirements to ensure suitable traffic movements under Policy 10. The FPRB were then directed to Fife Council's Making Fife's Places Supplementary Guidance (2018) Appendix G Transportation Development Guidelines which identified minimum transportation requirements, including visibility splays.

3.8 Firstly, the FPRB considered the appropriateness of the new visibility splays and suggested that a modest relaxation to the splay within the site access itself (to accord with the splay requirements for 5 dwellings) would be acceptable, particularly given the reduced speeds demonstrated by the applicant’s recent speed survey. They also noted the relevant servitude rights identified by the applicant which would be required to control the splays for the lifetime of the development. They asserted that this arrangement would not result in any unreasonable road safety risks.

3.9 Secondly, the FPRB considered the second reason for refusal which suggested that the site was located within an unsustainable location and would result in a car-dominant development. The FPRB noted the proximity of nearby bus stops (approximately 300m/400m to the west) but no scope to introduce a new pedestrian crossing into the existing Core Path network running along the southern boundary of the A921. Despite this, they considered that this arrangement would be acceptable and that future residents could potentially cross the road by foot, if required. They therefore disagreed with the Appointed Officer and set aside this reason for refusal.

3.10 Accordingly, cumulatively, the FPRB concluded that the proposal would be acceptable and would accord with Policy 13 of NPF4 and Policies 1, 3 and 10 of FIFEplan and that any deviation from Making Fife’s Places Supplementary Guidance with respect to minimum visibility splays would be acceptable and would not lead to unacceptable transportation concerns.

3.10 The FPRB considered whether the proposal supported the transition to a low carbon economy assessing the proposal against NPF4 Polices 1 (Climate and Nature Crisis) and 2 (Climate Mitigation and Adaption), Policies 1 (Development Principles) 11 (Low Carbon Fife) of FIFEPlan and the Low Carbon Fife Supplementary Guidance. For proposals of this nature, the key determining factor in this assessment relates to whether the proposal could include low/zero carbon technologies to create suitable transition towards a reduction in carbon emissions. In this instance, the FPRB considered the Low Carbon Checklist and the applicant’s commitment to such low carbon sustainably principles and found this acceptable subject to a condition requiring further detail at the detailed design stage. The FPRB concluded that the proposal would be acceptable in terms of carbon reduction and sustainability, complying with relevant objectives within NPF4 Policies 1 and 2 and Policies 1 and 11 of the Adopted FIFEplan and the above Supplementary Guidance with respect to this matter.

3.11 Turning to drainage and flooding, the FPRB the proposal was assessed against NPF4 Policy 22 (Flood Risk and Water Management), Policies 1 (Development Principles) and 12 (Flooding and the Water Environment) of FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management (2022). To this extent, the FPRB considered the proposed drainage impact assessment report outlining the indicative surface water and foul drainage arrangements for the proposal. These were considered to be acceptable and would comply with NPF4 policy 22, Policies 1 and 12 of the Adopted FIFEPlan (2017) and Fife Council’s guidance on flooding subject to conditions requiring approval of detailed drainage design infrastructure and to confirm control of land to install/connect to existing infrastructure or outfalls/watercourses and to provide suitable water supply to the site.

3.12 The FPRB also considered the Impact on the Railway under Policies 1 and 3 of the Adopted FIFEPlan that development should be designed and implemented in a manner that ensures it delivers the required levels of infrastructure and functions in a sustainable manner. The FPRB concluded that conditions identified by Network Rail would be required relating to suitable fencing, a noise impact assessment and a construction method statement. They agreed that subject to imposition of these conditions, there should be no unreasonable impacts on the operation of the existing railway line and that the proposal would therefore comply with Policies 1 and 3 of the Adopted FIFEPlan.

3.13 The FPRB then considered land stability of the site and the potential for past contamination to impact the proposal. The FPRB also took into consideration the accompanying comments of the Council’s Land and Air Quality Officers who requested inclusion of a standard condition on any issued permission on procedures to follow should unexpected contamination be encountered. The FPRB concluded subject to inclusion of this planning condition, the proposal would be acceptable, complying with Policies 1 and 10 of FIFEplan with regard to land contamination and previous mining considerations.

3.14 Overall, The FPRB concluded that the principle of development would be acceptable, results in the redevelopment of a derelict, deteriorated building and previously developed land with future scope to create significant landscape and environmental benefits in accordance with NPF4 Policies 16 and 17 and Polices 1, 7 and 8 of FIFEPlan. They resolved that there would be no significant detrimental impacts relating to road safety, visual amenity biodiversity, residential amenity, drainage, low carbon or contamination subject to relevant conditions including seeking approval for the design rationale for the sites future development. They therefore reversed the Appointed Officer’s decision and considered that the proposal complied with the Development Plan. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that the planning permission should be granted, subject to conditions, overturing the Appointed Officer’s decision.

**4.0 Decision**

4.1 The FPRB reverses the determination reviewed by them and approves Planning

Permission subject to the conditions and reasons as follows:

**APPROVE SUBJECT TO THE FOLLOWING CONDITIONS & REASON(S):**

1. Application for any of the matters referred to in Condition 3 below shall be made before:-

(i) the expiration of 5 years from the date of the grant of this planning permission in principle;

(ii) the expiration of 6 months from the date on which an earlier application for such approval was refused; or

(iii) the expiration of 6 months from the date on which an appeal or review against such refusal was dismissed, whichever is the latest.

**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.

1. The development to which this permission relates must be begun no later than two years from the date of final approval of the further application(s) required under Condition 3 below. For the avoidance of doubt this planning permission in principle shall lapse on the expiration of 2 years from the date of the requisite approval being obtained unless development has begun.

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

1. Approval of Matters Required by Condition application(s) submitted for the development hereby approved shall include the following, subject to agreement from the Planning Authority (acting reasonably):-

a) a location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers;

b) a detailed existing site plan to a scale of not less than 1:500 showing the existing site contours, the position and width of all proposed roads and footpaths including public access provision and the position of all buildings;

c) a detailed Site Plan to a scale of not less than 1:500 showing the site contours, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;

d) detailed plans, sections and elevations of all buildings proposed to be erected on the site;

e) details of any proposed external alterations and finishes to boundary walls and openings;

f) details of the proposed method of surface water drainage and foul drainage;

g) design details for the proposed site access, where it meets the existing access road network including the internal access road(s) and road surfacing specification and verge design;

h) design details for the visibility splay including location/alignment with respect to the corresponding servitude rights;

i) details of all proposed earthworks including cutting/filling and any works associated with the formation of any new site access;

j) the colour and type of materials for all external materials;

k) a detailed plan to a scale of not less than 1:500 demonstrating off-street parking spaces in accordance with the current Fife Council Transportation Development Guidelines.

l) details of all boundary treatments (including fencing in line with Condition 19 of this Planning Permission) , landscaping, including road verge planting, cycle racks, drying areas and amenity space.

m) details of waste and recycling provision of the proposed collection strategy

n) details of any tree protection areas, showing any tree falling distances, canopy spread, root protection areas, construction exclusion zones and details of any trees to be retained or removed;

o) updated ecological surveys

p) a sustainability statement illustrating the developments' compliance with Fife Council's Low Carbon Fife Supplementary Guidance Document (2019); and

q) details of ground investigation and any potential contamination and any relevant remediation requirements, as applicable;

r) a Design Brief in line with the terms of Condition 6 of this Planning Permission;

s) a Noise and Vibration Impact Assessment showing mitigation measures and construction noise method statement to accord with the requirements set out within Condition 7 of this Planning Permission;

t) Biodiversity Enhancement and Management Plan in line with Condition 9 of this Planning Permission;

u) Construction Method Statement in line with Condition 20 of this Planning Permission;

v) Preliminary Risk Assessment (Phase I Desk Study);

w) Phasing Plan, as applicable.

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

**Reason:** To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) and to ensure that sufficient information is submitted to assess any detailed proposal.

1. No more than seven dwellinghouses shall be developed within the site.

**Reason:** To define the maximum number of dwellings approved by this Planning Permission.

1. For the avoidance of doubt, the Proposed Site Layout Plan (Drawing No 04A - Ref: L PL001 Rev C) is not approved.

**Reason:** To allow for the detailed design of the site to be informed by a Design Brief setting out the design rationale for the site’s future development.

1. the first application SUBMITTED FoR ANY HOUSING UNITS shall be accompanied by a Design Brief in accordance with condition 3 above. This shall set out the character and design rationale for the site’s future development including design concepts/criteria for future building heights, massing, developable areas, open spaces, landscaping, biodiversity and approaches to overcome constraints relating to topography/gradients, noise, landscaping, utility provision and access.

Thereafter, future applications for development specified by condition 3 of this planning permission shall comply with the approved design details within this Statement.

**Reason:** To define the design concepts for the site’s future development.

1. The first application submitted for ANY HOUSING UNITS, shall be accompanied by a Noise and Vibration Impact Assessment assessing noise from the railway line, road traffic and construction activity setting out required mitigation measures to demonstrate that the following internal and external sound levels would be achieved:
2. The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.
3. The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.
4. The LAMax shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.
5. The 16hr LAeq shall not exceed 55 dB between 0700 and 2300 hours when readings are taken in outdoor amenity areas.

**Reason:** In the interest of protecting the amenity of future residents from noise sources.

1. PRIOR TO OCCUPATION OF ANY DWELLING, the developer shall provide written evidence to the planning authority to demonstrate that the internal and external sound levels identified within Condition 5 of this Planning Permission have been met. Thereafter, the approved noise scheme and agreed mitigation measures shall be retained for the lifetime of the development.

**Reason:** To ensure that future occupants of the development do not experience unreasonable disturbance arising from nearby noise sources.

1. the first application SUBMITTED FoR ANY HOUSING UNITS, shall be accompanied by a Biodiversity Enhancement and Management Plan including details of mitigation and enhancement measures identified through existing or updated ecological survey work and future management arrangements for their long term retention and monitoring. Thereafter, the enhancement measures shall be retained in accordance to the management regime the approved scheme.

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

Drainage

1. BEFORE ANY WORKS COMMENCE ON EACH PHASE OF DEVELOPMENT, a surface water management and drainage scheme (including all relevant calculations) for that phase shall be submitted for and agreed in writing with Fife Council as Planning Authority. Following approval, this surface water management and drainage scheme shall be fully implemented before any development within that phase commences and shall be retained and maintained for the lifetime of the development.

**Reason:** To ensure that adequate measures are put in place to deal with surface water drainage.

1. The SUDS and drainage infrastructure to be approved shall be constructed/installed contemporaneously with the build out of the development and shall be fully operational prior to occupation of any housing units unless otherwise agreed in writing with the Planning Authority. Thereafter shall be retained and maintained for the lifetime of the development.

**Reason:** To ensure that adequate measures are put in place to deal with surface water drainage.

1. PRIOR TO OCCUPATION OF ANY DWELLING, confirmation that the approved SUDS drainage scheme has been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

**Reason:** To ensure that adequate measures are put in place to deal with surface water drainage.

Landscaping

1. The scheme of landscaping required under Condition 2 shall provide details of the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

Transportation

1. BEFORE ANY WORKS COMMENCE ON THE SITE, the rural style vehicular crossing of the grass verge shall be constructed in accordance with current Fife Council Making Fife’s Places Appendix G and the SCOTS National Roads Development Guide A minimum throat width of 6 metres with 6 metre radius kerbs shall be provided and constructed in accordance with current Fife Council Making Fife’s Places Appendix G and the SCOTS National Roads Development Guide for a length of 6 metres from the adjoining road channel line.  Flush heel kerbs shall be provided to delineate any prospectively adoptable extents (2 metre depth) of the vehicular crossing of the verge.

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

1. PRIOR TO THE OCCUPATION OF ANY DWELLING, the private access driveway shall have a minimum width of 3.5 metres, shall be constructed in a bound material and have a maximum gradient not exceeding 1 in 12.5 (8%) unless otherwise agreed in writing with the planning authority.

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

1. PRIOR TO THE OCCUPATION OF ANY DWELLING, there shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest Fife Council refuse lorry (dimensions of body, 11 metres in length by 3 metres in width) unless otherwise agreed in writing with the planning authority. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

**Reason:** In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

1. BEFORE THE ACCESS COMES INTO USE, a 3.2m x 180m oncoming visibility splay (west direction) and a 4.5m x 180m splay in the other direction (east) shall be provided as required by Condition 2 and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of the vehicular access and the public road. The visibility splays shall be retained for the lifetime of the development.

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

1. PRIOR TO THE OCCUPATION OF EACH DWELLING, off-street parking shall be provided in accordance with the current Fife Council Making Fife’s Places Appendix G. The parking 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.

Network Rail

1. BEFORE ANY WORKS COMMENCE ON EACH PHASE OF DEVELOPMENT, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail’s boundary, or demonstrate existing fencing already in place, and provision for the fence’s future maintenance and renewal should be made. Following approval, this fencing shall thereafter be carried out only in full accordance with the approved details for the lifetime of the development.

**Reasons:** In the interests of public safety and the protection of Network Rail infrastructure

1. BEFORE ANY WORKS COMMENCE ON EACH PHASE OF DEVELOPMENT, a Construction Method Statement, which includes plant details, locations and lifting plans, shall be submitted to the Planning Authority for approval and agreed in conjunction with Network Rail’s Asset Protection Engineers.

**Reason:** To ensure construction can be carried out without adversely affecting the safety of, or encroaching upon, the operational railway. Following approval, this statement shall be fully implemented and shall be retained and maintained for the lifetime of the development.

1. No part of any plant shall encroach or be able to fall within 4m of any Network Rail infrastructure. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

**Reason:** To avoid adversely affecting the safety of, or encroaching upon, the operational railway.

Contamination & Remediation

1. NO DEVELOPMENT SHALL COMMENCE ON ANY PHASE OF DEVELOPMENT until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) for that phase has been submitted by the developer to and approved in writing by the local planning authority unless without the prior written consent of 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 local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures and a Verification Plan specifying how, when and by whom the installation will be inspected. All land contamination reports shall be prepared in accordance with CLR 11, PAN 33 and the Council’s Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fife.gov.uk/contaminatedland](http://www.fife.gov.uk/contaminatedland).

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

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

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

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

**Reason:** To put measures in place to address and remediate any unknown potential contamination to the planning authority’s satisfaction.

**Advisory notes**

1. The length of the permission: This planning permission will lapse on the expiration of a period of five years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3.   Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended))

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Proper Officer

**NOTICE TO ACCOMPANY REFUSAL ETC.**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on refusal of planning permission or*

*on the grant of permission subject to conditions*

**NOTICE TO ACCOMPANY REFUSAL ETC.**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

*Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -

(a) to refuse permission for the proposed development;

(b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or

(c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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