

## West and Central Planning Committee

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



Wednesday, 25 September 2024 - 2.00 p.m.

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### AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

**3. MINUTE - Minute of the meeting of West and Central Planning Committee of 28 August 2024.** 4 - 6

**4. 24/00713/FULL - DEVELOPMENT AT LAND ADJACENT TO DUNIFACE FARM WINDYGATES ROAD LEVEN** 7 - 27

Erection of a battery energy storage system (up to 49.9MW) and associated infrastructure including substations, welfare units, storage containers, fencing, security columns, water tanks, drainage and formation of access track and parking

**5. 24/01022/FULL - R W E BIOMASS PLANT GLENROTHES FIFE** 28 - 50

Installation of 2 gas engine generating units (2 x 3.1MW) and erection of associated power-housing and infrastructure

**6. 24/00284/FULL - LAND EAST OF CANMORE PRIMARY SCHOOL ABERDOUR ROAD DUNFERMLINE** 51 - 68

Erection of 40 no affordable flatted dwellings for sheltered housing needs (Class 8) including formation of new access/car parking and footpaths, retaining walls and boundary enclosures with associated landscaping, drainage, renewable energy infrastructure and ancillary works.

**7. 23/01774/FULL - LAND NORTH EAST OF NORMAN PLACE LESLIE** 69 - 82

Erection of seven dwellinghouses (Class 9) and associated development, including formation of vehicular accesses and landscaping (demolition of existing buildings)

**8. 23/02254/CAC - LAND NORTH EAST OF NORMAN PLACE LESLIE** 83 - 88

Demolition of disused commercial garage buildings, brick wall, entrance gates and fencing

Formation of replacement hardstanding on public open space for domestic use (retrospective)

10. **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

18 September, 2024

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## **BLENDED MEETING NOTICE**

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

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

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

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

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

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

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

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

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

**28 August 2024**

**2.00 pm – 3.10pm**

**PRESENT:** Councillors David Barratt (Convener), David Alexander, Alistair Bain, John Beare, James Calder, Ian Cameron, Altany Craik, James Leslie, Carol Lindsay, Derek Noble, Gordon Pryde, Sam Steele and .Andrew Verrecchia

**ATTENDING:** Mary Stewart, Service Manager - Major Business & Customer Service, Scott Simpson, Planner, Brian Forsyth, Planner and Emma Baxter, Planner, Planning Services; Gemma Hardie, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

**APOLOGY FOR ABSENCE:** Councillor Dave Dempsey.

**187. DECLARATIONS OF INTEREST**

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

**188. MINUTE**

The committee considered the minute of the West and Central Planning Committee of 26 June 2024.

**Decision**

The committee agreed to approve the minute.

**189. 24/00111/FULL - CASTLEHILL MINE BRANKSTONE BLAIRHALL**

The committee considered a report by the Head of Planning relating to an application for a change of use of industrial land to holiday lodge/caravan park including siting of holiday lodges, associated retail unit (Class 1) and creation of path link to adjacent path.

**Decision**

The committee agreed:-

- (1) to approve the application subject to the 19 conditions and reasons detailed in the report;
- (2) that the following additional condition be added:-

“The holiday accommodation units, hereby approved, shall be so designed as to meet the legal definition of a caravan as set out in the Caravan Site

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and Control of Development Act 1960 (as amended) and the Caravan Sites Act 1968 or any order subsequently amending this legislation".

- (3) that Condition 19 be amended to clarify the intention of the condition;
- (4) the conclusion of a legal agreement to secure; 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;
- (5) 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 legal agreement; and
- (6) that should no agreement be reached within 6 months of the committees decision, authority be delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

### 190. **24/00203/FULL - LAND WEST OF MUIRHEAD FARM MUIRHEAD LOCHGELLY**

The committee considered a report by the Head of Planning Services relating to an application for the erection of six dwellinghouses (Class 9) and associated development including formation of vehicular access.

Members were advised of the following amendments to the report:-

Para. 1.1.1,

Line 5 should read: "... one-and-a-half storey domestic garage...".

Para. 2.2.1

to include "15," between "14," and "16".

Reason for Refusal 1

In the interests of sustainable places, local living and 20-minute neighbourhoods; the overscaled nature of the development in this countryside location approximately 60-minute return walking distance from nearby settlements and very poorly served in terms of sustainable transport; being contrary to the relevant provisions of National Planning Framework 4 (NPF4) (2023) policy 1 Tackling the climate and nature crises, NPF4 policy 13 Sustainable transport, NPF4 policy 14 Design, quality and place, NPF4 policy 15 Local Living and 20 minute neighbourhoods, NPF4 policy 16 Quality homes, NPF4 policy 17 Rural homes, FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 7: Development in the Countryside and FIFEplan Policy 8: Houses in the Countryside.

### **Decision**

The committee agreed to refuse the application for the seven reasons set out in the report.

**191. 24/01053/FULL – LAND AT THE QUARRY CARNOCK ROAD OAKLEY**

The committee considered a report by the Head of Planning Services relating to an application for the erection of holiday accommodation including erection of fence, landscaping and formation of access and hardstanding.

Motion

Councillor Barratt, seconded by Councillor Beare, moved that the application be refused for the reasons set out in the report.

Amendment

Councillor Steele, seconded by Councillor Leslie, moved that the application be approved as the economic benefit of the development outweighed the detrimental impact of the visual amenity of the countryside.

**Roll Call**

**For the Motion** – 10 votes

Councillors David Alexander, Alistair Bain, David Barratt, John Beare, James Calder, Ian Cameron, Altany Craik, Carol Lindsay and Gordon Pryde.

**For the Amendment** – 3 votes

Councillors James Leslie, Sam Steele and Andrew Verrecchia.

The motion was accordingly carried.

**Decision**

The committee agreed to refuse the application for the two reasons set out in the report.

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

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

Committee Date: 25/09/2024

Agenda Item No. 4

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**Application for Full Planning Permission**

**Ref: 24/00713/FULL**

**Site Address:** Development At Land Adjacent To Duniface Farm Windygates Road Leven

**Proposal:** Erection of a battery energy storage system (up to 49.9MW) and associated infrastructure including substations, welfare units, storage containers, fencing, security columns, water tanks, drainage and formation of access track and parking

**Applicant:** Mr Jim Cleland, Clyde View 22 Pottery Street

**Date Registered:** 3 May 2024

**Case Officer:** Sarah Hyndman

**Wards Affected:** W5R21: Leven, Kennoway and Largo

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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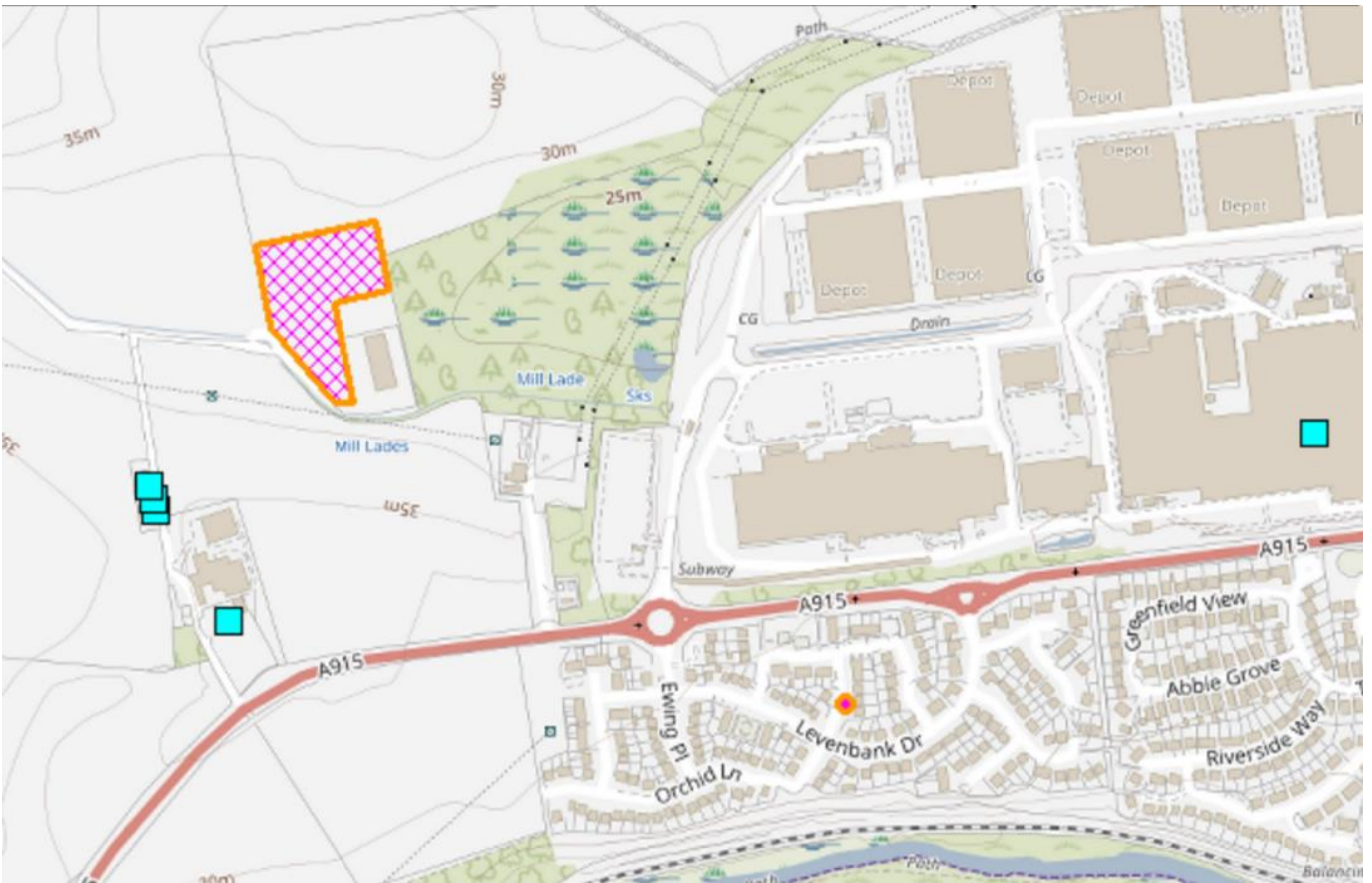
## **1.0 Background**

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### **1.1 The Site**

1.1.1 The application site is 0.87 hectares in size and is located on an area of greenfield agricultural land within an area of countryside bounded by: the main Kirkcaldy to Leven (A915) road to the south; Diageo's Leven Distillery which sits on the edge of the town of Leven to the east; the main Windygates to Cupar (A916) road to the west; and agricultural land to the north, with the settlement of Kennoway beyond.

1.1.2 The topography is influenced by the coastal location and the course of the river Leven to the south, and Kennoway burn to the west. The land falls towards the coastline approximately 3 kilometres to the south east with the watercourses flowing from shallow valleys to south and west of the site. The land rises to the north on the edge of the site. The site itself lies in a depressed area of the landscape relative to its surroundings, close to the mill lade which runs to its south and east.



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## 1.2 The Proposed Development

1.2.1 This application is for the erection of a battery energy storage system (up to 49.9MW) and associated infrastructure including substations, welfare units, storage containers, fencing, security columns, water tanks, drainage and formation of access track and parking. The battery composition comprises of 264 cube battery units arranged in 12 arrays of 22; with 24 inverters and 24 battery transformers; 1 auxiliary transformer; 1 Distribution Network Operators (DNO) sub-station and 2 customer sub-stations.

1.2.2 Access to the site would be taken from the existing access which is associated with the adjacent gas peaking plant. The entrance gate would be located to the south of the site and the road would extend into the site to the main compound. The main compound would comprise of the Power Conversion System (PCS) units and batteries, which would be located to the northern end of the site. The cube battery units would each measure approximately 6.5 metres in length, 3 metres in width and 2.5 metres in height. The twin skid components would measure approximately 19.5 metres in length, 2 metres in width and 2.3 metres in height. The main compound would be enclosed by a 4-metre-high acoustic fence which would include several fire escape openings. The DNO substation would be approximately 7.5 metres long, 4.5 metres wide and 4.5 metres in height with steps attached for access. This would be located to the east of the access in the southern half of the site. The auxiliary transformer would also be located to the east of the access in the southern half of the site and would measure approximately 2.1 metres in length, 2.3 metres in width and 2.1 metres in height. The water tanks would be located to the west of the access in the southern half of the site and would measure 6 metres in height with a 10-metre diameter. The welfare container would be 6 metres in length, 2.5 metres in width and 2.6 metres in height and the customer substation would be 14 metres long, 3.5 metres wide and 2.5 metres in height. These elements would also be located to the west of the



access in the southern half of the site, which would be enclosed by security fencing. There would be 6-metre-high security columns including lights and cctv cameras in various locations throughout the site.

1.2.3 The site is situated adjacent to the consented Leven gas peaking plant (Planning ref: 19/01992/FULL), however the two uses are mutually exclusive, whereby the proposed BESS would not be dependent upon or connected to the gas-peaking plant, other than by the conjoined access.

### **1.3 Relevant Planning History**

18/00588/SCR - EIA Screening for gas peaking plant, including associated plan and access track – EIA not required - 18/04/18

18/02091/FULL - Installation of 19.9MW Gas Peaking Plant and associated infrastructure including upgrading and extension of existing access track – Approved with Conditions - 04/01/19

19/01992/FULL - Application for a 19.9MW gas-fired peaking plant and associated infrastructure, including access road - Approved with Conditions - 07/10/19

20/00934/FULL - Application for a 19.9MW gas-fired peaking plant and associated infrastructure, including access road (Variation to Conditions 10 and 11 of 19/01992/FULL) - Approved with Conditions - 01/06/20

23/03625/PAN - Proposal of Application Notice for erection of Battery Energy Storage System (BESS) including DNO sub-station, auxiliary transformer, welfare building, car parking and acoustic fence - Agreed - 23/01/24

### **1.4 Application Procedures**

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

1.4.2 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, 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 4 (Electricity Generation) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the capacity of the BESS exceeds 20 Megawatts. This application is, therefore, classified as a Major development and pre-application consultation has been carried out under reference 23/03625/PAN, which was agreed in January 2024.

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

1.4.5 The application was publicised in The Courier newspaper on the 16th of May 2024 for Neighbour Notification purposes.

1.4.6 A site visit was carried out on the 5th of September 2024.

## **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 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

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

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

Policy 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 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 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 7: Development in the Countryside

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

#### Policy 10: Amenity

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

#### Policy 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.

## **National Guidance and Legislation**

PAN 1/2011: Planning and Noise

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

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

## **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

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

## **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

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

# **2.0 Assessment**

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## **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual and Cultural Heritage Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Decommissioning of the Proposal
- Economic and Community Benefit

- Archaeology

## 2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 1, 3, 11, 25 and 29 FIFEplan (2017) Policies 1, 3, 7, 11 and 13, Making Fife's Places Supplementary Guidance (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development.

2.2.2 The proposed battery energy storage system would store energy and release back when renewable energy production is low and demand high, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. Given the drive towards a low carbon economy, the proposed development is generally supported, however further consideration of the principle of the specific land uses for each part of the proposal must be considered.

2.2.3 As directed by Policy 11 of NPF4, as a proposal for battery energy storage, the contribution the proposed development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets shall be given significant weight when considering the principle of development. Policy 11 of NPF4 also sets out that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy further states that project design and mitigation will demonstrate how various material impacts are addressed. The net economic and socio-economic benefits, design and how the development responds to material impacts shall be assessed in full under the relevant headings of this report.

2.2.4 The application site is located outwith any settlement boundary as identified within FIFEplan (2017). The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. It is accepted that this type of infrastructure may have a proven need for a countryside location. Policy 29 (a) of NPF4 provides support for essential infrastructure applications within the countryside, whilst Policy 11 of NPF4 provides support in principle to new and replacement transmission and distribution infrastructure providing the proposal is designed to address its impacts, with significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 7 of FIFEplan likewise provides support for developments which have a proven need to be located in the countryside, however, indicates that development on Prime Agricultural Land will not be supported except where it is essential to meet an established need, for example for essential infrastructure, where no other suitable site is available.

2.2.5 In terms of site selection, the applicant has confirmed that the site was specifically chosen due to its proximity to the adjacent electricity network and to local sources of renewable energy from wind and solar. In addition, existing infrastructure also exists in terms of a conjoined access. Whilst the site is Class 3.1 Prime Agricultural Land, the strategic location of the site next to the Leven electricity substation (located on prime land) means that the location is justified, as is the essential nature of the development in servicing the national grid's electricity requirements. Noting the location of the proposal adjacent to existing energy sources, the use of shared infrastructure and giving significant weight to the global climate crises and contribution of the proposal to renewable energy generation targets, it is considered that the principle of

locating the proposed development in the chosen countryside location on prime land has been established. The proposed development is therefore considered to accord in the principle with Policies 1, 11 and 29 of NPF4, Policies 1, 7 and 11 of FIFEplan and Low Carbon Fife Supplementary Guidance.

2.2.6 The proposal would also operate for a temporary period and a condition is proposed to be attached requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.2.7 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in NPF4 (2023) and the adopted FIFEplan Local Development Plan (2017). This is subject to compliance with other elements of the planning policy framework covering the site, and these matters are considered in the following sections of this Committee Report.

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

2.3.1 NPF4 (2023) Policies 4, 7, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013) and NatureScot's Landscape Character Assessment of Scotland (2019).

2.3.2 A Landscape and Visual Impact Assessment (LVIA) (DWA Landscape Architects, 2023) has been submitted with this application which sets out the site context and landscape setting. The topography is influenced by the coastal location and the course of the river Leven to the south, and Kennoway burn to the west. The land falls towards the coastline approximately 3 kilometres to the south east with the watercourses flowing from shallow valleys to south and west of the site. The site itself lies in a depressed area of the landscape relative to its surroundings, close to the mill lade which runs to the south. The site itself is flat with a slight fall to the south.

2.3.3 The LVIA demonstrates the surrounding land from which the development would be seen and is informed by a 5km Zone of Theoretical Visibility (ZTV). The impact of the proposal has been assessed based on the visual envelope (which is influenced by the topography of the Lowland Dens landscape type) and through site study, which will establish the likely magnitude of change in the views from chosen receptors. The following matters will be considered; the distance to the development, the intervening features and screening elements (or lack of), the orientation of primary views and the overall composition of the view in light of the proposal. The scale ranges from none/negligible, low, medium to low, medium, high to medium and finally, high impact. The chosen receptors are split into 5 categories which includes farms, dwellings and recreational receptors, towns and villages, transport routes, cultural heritage and finally nature conservation.

2.3.4 The first category includes Duniface Farm Cottages which are located 0.18 kilometres from the site and are highly sensitive due to the residential nature. The change would be medium to low here, as these face the site however are located on higher ground behind a hawthorn hedge which provides screening. Duniface Farm is located 0.16 kilometres from the

site and has medium sensitivity as it is of agricultural use. The farmhouse lies to the south of the associated outbuildings, which would provide screening from the proposed development. As such, this impact would be low. The Biogas Plant and Diageo Global Supply are both located to the east of site (0.02 kilometres and 0.06 kilometres respectively). Both of these receptors have low sensitivity to visual impact given that they are of a similar industrial nature.

2.3.5 The nearby towns and villages have also been assessed, which are all highly sensitive due to the residential nature of settlements in general. Leven would be closest to the site (0.29 kilometres to the east); however the impact would be 'none' due to the location of the Diageo complex between the site and the settlement of Leven which would provide screening. Kennoway is located approximately 0.55 kilometres to the north of the site- whilst most of the settlement will have no views to the site, there is likely to be a clear view from the housing to the south of Kennoway. Despite this, screen planting associated with the adjacent Biogas Facility and screening associated with this application would reduce the visibility to ensure a medium to low impact. Windygates would be 0.56 kilometres to the west and Methil would be approximately 0.73 kilometres to the south- both settlements would be negligibly impacted due to the intervening topography. Buckhaven would be approximately 2.1 kilometres to the southeast, which would experience no impact due to the screening of the landscaping between the sites.

2.3.6 The impact on transport routes has also been assessed, with the A915 being the closest receptor at 0.26 kilometres to the south of the site. There would be a low impact on the A915 as there is only a small section of the road between Diageo and Duniface Farm where the site is visible and the change in level would provide screening. Core path R368 is 0.45 kilometres to the west of the site and runs north to south. This would be impacted negligibly, as it runs through a wooded landscape which would screen most of the views. Core path R360 is approximately 0.4 kilometres to the north of the site and runs east to west. This would be impacted to a medium/low extent due to the views over the fields towards the site, however these would be obscured somewhat by planting. Core path R367 is approximately 0.5 kilometres to the south of the site, however there would be no impact given that the ridgeline of the A915 would obscure the views from here. Lastly, the A916 is located 0.5 kilometres to the west of the site and runs north to south. There would be negligible impact on the A916 as the buildings and tree cover between the site and the road would ensure there was no change.

2.3.7 Cultural heritage has also been assessed, including the impact on listed buildings, scheduled monuments and conservation areas within 5 kilometres of the site. There are no Gardens and Designed Landscapes within this range. Firstly, Duniface Farmhouse and Steading are located 0.2 kilometres from the site, however as previously noted, the associated outbuildings would provide screening between the site and these listed structures therefore the impact would be low. Methilhill, Hollybank, Methilhill Cemetery (NW) with Gravestones is located 0.7 kilometres from the site, however given its location across the wooded Leven Valley, the impact would be 'none'. Maiden Castle is the only Scheduled Monument within the vicinity which is approximately 0.4 kilometres from the site. The impact on this feature would be low, as whilst it has cultural significance, is only exists as a mound of earth within a wooded area and therefore it is unlikely to draw significant attention. In addition, the context of this feature has changed considerably over time. The Kennoway Conservation Area (0.95 kilometres to the north) and Links Road Leven Conservation Area (3 kilometres to the southeast) would both be unaffected by the proposal, as the low-lying position of the site combined with the presence of the settlements between it and the receptor, would screen any views.

2.3.8 The final category to be assessed is natural heritage. The Firth of Forth Site of Special Scientific Interest (SSSI) was the only identified feature within 5 kilometres of the site. The ZTV indicated potential visibility from a small section of the SSSI, however, again, the low lying position of the site combined with the presence of the settlements between it and the receptor will screen any views, therefore the impact would be 'none'.

2.3.9 The proposed landscape impact of the proposal would be acceptable and there would be no significant detrimental impact on the landscape character of the area. Conditions are recommended which require that details of all finishing materials are submitted to this Planning Authority for approval before any works commences on site, and to secure the mitigation planting. The proposal subject to conditions, would therefore, be visually acceptable, would have no significant detrimental impact on nearby farms, dwellings and recreational receptors, towns and villages, transport routes, cultural heritage or nature conservation and would therefore comply with the Development Plan in this respect.

## **2.4 Residential Amenity**

2.4.1 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

2.4.2 The application site is located within the countryside, largely surrounded by agricultural fields with the exception of the gas peaking plant immediately to the east, Leven settlement boundary approximately 130 metres to the east and Kennoway and Windygates settlement boundary approximately 400 metres to the west. Four farm cottages are located approximately 180 metres to the southwest and Duniface Farm is located approximately 140 metres to the southwest.

2.4.3 A Noise Impact Assessment (ParkerJones Acoustics, 2023) has been submitted alongside this application. The NIA confirms that the predictions of the noise emissions are based on when the BESS facility is discharging energy to the grid at peak demand, which would occur for a short period during the daytime on most days when noise emissions are at their highest (before returning to a quieter state for the rest of the day and throughout the night – when discharging is highly unlikely to occur). The assessment does, however, consider the possibility of peak noise output overnight as a worst-case scenario. The NIA concludes that the development should be capable of operating within the typical noise limits stipulated by Fife Council, avoiding anything greater than a 'Slight' impact (based on the wording of TAN 1/2011) at the worst-affected receptor, providing that the recommendation for the provision of a 4 metre high noise barrier around the main area of plant is followed.

2.4.4 Fife Councils Environmental Health (Public Protection) team were consulted on this application and confirmed that there are no objections, subject to a condition which would ensure that the Noise Rating (NR) levels would be acceptable. This has been added accordingly, along with a condition to ensure that all other aspects of the NIA are adhered to, including the required installation of the aforementioned noise barrier.

2.4.5 It is recognised that construction activities could impact amenity, given the location of nearby residential properties. However, a Construction Environmental Management Plan



(CEMP) has been submitted, which sets out the measures which would be taken to control the impact of noise, vibration, dust, air quality, mud and artificial lighting, amongst other matters. If after completion of the development, complaints of nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then further works may be required to abate the nuisance.

2.4.6 In conclusion, the proposed development would not give rise to adverse residential amenity impacts. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and 23 of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017)

## **2.5 Transportation/Road Safety**

2.5.1 NPF4 (2023) Policies 1, 2, 13, 14 and 15, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 A Construction Traffic Management Plan (Clive Fagg Planning, 2024) has been submitted with this application, which notes that that construction traffic would travel to and from the site via the existing access track associated with the peaking plant. Section 5 of the Construction Traffic Management Plan advises there would be a total of 93 vehicular movements (186 in total) to and from the site during the construction phase. The statement advises this would equate to no more than 5 trips to and from the site per day.

2.5.3 The Planning Statement notes that the development can be constructed in a managed way and post construction, any vehicles travelling to and from the site are for maintenance purposes only.

2.5.4 Fife Councils Transportation Development Management (TDM) team has been consulted on this application and has confirmed that the existing vehicular route is suitable to serve the construction traffic that would be associated with the proposal. As such, TDM has no objections subject to two conditions which are in the interest of road safety.

2.5.5 In conclusion, the proposed development would have no significant adverse impact on the surrounding road network and would comply with the aforementioned policies, subject to the recommended conditions.

## **2.6 Flooding And Drainage**

2.6.1 NPF4 (2023) Policy 22, FIFEplan (2017) Policies 1, 3 and 12, the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to flood risk and drainage infrastructure.

2.6.2 Policy 22 of NPF4 outlines the flood risk considerations for new developments. This includes strengthening the resilience of development by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. This Policy sets out that development proposals at risk of flooding or in a flood risk area will only be supported if

they are for... essential infrastructure where the location is required for operational reasons. The glossary of NPF4 (which reflects SEPA guidance) sets out that 'all forms of renewable, low carbon and zero emission technologies for electricity generation and distribution' are considered to be 'essential infrastructure' and therefore it is considered there is policy support in principle for locating the proposed development within a flood risk area.

2.6.3 Scottish Environmental Protection Agency (SEPA) flood maps indicate that the site is at risk of surface water flooding. A Flood Risk Assessment (FRA) (Amber Planning, 2024) has been submitted in support of this application, which confirms that the input of a level development platform and formal surface water management will improve risks associated with surface water flooding. The surface water attenuation would be provided by a detention basin situated on the southern boundary, with controlled gravitational discharge to local watercourses. It is also demonstrated that the proposals will not detrimentally impact flood risk elsewhere.

2.6.4 The applicant has also submitted relevant certificates contained within Fife Councils Design Criteria Guidance on Flooding and Surface Water Management Plan Requirement (Appendices 1, 2, 3 and 4), which confirm that the Sustainable Urban Drainage System (SUDS) design and flood risk assessment are competent.

2.6.5 Fife Councils Structural Services (Flooding, Shoreline and Harbours) team has been consulted on this application and has confirmed that there are no objections to the flooding or surface water management proposals.

2.6.6 In conclusion, the proposed development would be acceptable with regard to flooding and drainage considerations, complying with the relevant policies of the Development Plan and related guidance documents.

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

2.7.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

2.7.2 An Envirocheck Report (Landmark information Group, 2024) and a Phase One Geoenvironmental Desk Study (Greencat Geotechnical, 2024) have been submitted with this application. The recommendations included a programme of intrusive ground investigation to provide information on the site from a geotechnical perspective. A combination of both boreholes and trial pits are recommended to obtain suitable information on the ground conditions at the site for foundation design of the proposed works. As part of that work, samples of soil should be collected and tested to provide information on the geoenvironmental conditions at the site.

2.7.3 Fife Councils Land and Air Quality team was consulted on this application. No comments were made with respect to air quality, however the team noted the findings of the Geoenvironmental Desk Study and recommended conditions to ensure that any potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

2.7.4 The Coal Authority was consulted on this application as the site is within a High Risk area, and subsequently reviewed the site location plans, the proposals and the supporting information submitted. Following this, the Coal Authority confirmed that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible

remedial measures, in order to ensure the safety and stability of the proposed development. As such, conditions were recommended to ensure that these works are undertaken where applicable.

2.7.5 In conclusion, whilst the site is potentially subject to contamination, planning conditions are proposed to make sure the site is investigated and remediation measures are put in place, to ensure the site is developed safely. Additionally, the proposed development would not give rise to adverse air quality concerns. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land and air quality considerations.

## **2.8 Natural Heritage And Trees**

2.8.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 11 and 20, Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.8.2 The tree line to the south of the application area is identified as part of the Fife Woodland Integrated Habitat Network (IHN); the wet grassland to the east is identified as part of the Fife Wetland and Non-Open Water Wetland IHNs. The Fife Green and Blue Network and Ecosystem Services Map identifies these areas as one asset: GNA00125 Duniface Farm, within the LEVGNA08 Diageo Edge report area. No other greenspace priorities or sites holding nature conservation designation have been identified in close proximity to the application boundary.

2.8.3 The application is supported by a Planning Statement (McGarvie, 2024), a Flood Risk Assessment (Amber Planning, 2024), a Preliminary Ecological Appraisal (EP Ecology, 2024) and a Landscape and Visual Impact Assessment (DWA, 2023).

2.8.4. The submitted Preliminary Environmental Assessment (PEA) confirms that the site area was surveyed for habitats and their likelihood to support protected and notable species, including (but not limited to) signs of badgers, water vole, invasive non-native species (INNS), and pine marten as well as nesting birds and other ecological features of interest. This included accessible habitats within 50m of the site boundaries and ponds within 500m of the site. The assessment confirmed that limited signs of protected species were found over the course of the survey; badger presence was not identified, but presence is possible; otter presence is unlikely; water vole habitat is present, but no evidence found; bat habitat is present around the perimeter of the application area; potential bird breeding habitat should be cleared ahead of works; and invasive non-native species and potential invasive non-native species were identified along the mill lade. Various recommendations were made, including a survey of the nearby pond for Great Crested Newt and biodiversity enhancement measures including installation of hedgehog boxes, bat and bird boxes, and invertebrate hotels/log piles.

2.8.5 Fife Council's Natural Heritage Officer confirmed that the standard natural heritage requirements for the submission have been covered by the submission documents and the recommendations presented. However, it is noted that the species selection within the landscaping recommendations should be amended to be entirely native, rather than having "...a strong preference for native flora", as this location is incompatible with non-native species. A condition requiring landscaping details to be submitted has therefore been attached to this consent, to control this matter.

2.8.6 Regarding impact on trees, the applicant has advised that there are no trees within the site boundary and that no trees outwith the site would be affected as a result of the works. Fife Councils Tree Officer visited the site and confirmed that there are a number of trees of various species and age-class around the site borders at field margins, but these are separated from the site by either existing ditches or roads which means that root ingress into the site is likely minimal and so potential for root damage from construction is likely negligible. Additionally, the existing trees are predominantly of younger life-stage with no exceptional form, species, or character, so amenity impact to the local area is minimal. Accordingly, there is no need for an Arboricultural Impact Assessment or tree protection plans in this instance. The proposed development is therefore considered to be acceptable with regard to tree impacts.

2.8.7 Taking all of the above into account, the proposed development would therefore accord with the Development Plan and other guidance in the context of ecology and the natural environment, subject to the aforementioned condition.

## **2.9 Decommissioning of the Proposal**

2.9.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

2.9.2 The Planning Statement submitted by the applicant indicates that the proposed development would operate for a temporary period of 40 years, after which it would be decommissioned. The land would then be returned to the original condition. The 40 year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of battery energy storage equipment.

2.9.3 A condition has been proposed requiring that on expiry of the temporary period (40 years), the battery storage facilities (and ancillary equipment) shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority. The proposed development, subject to this condition would therefore be acceptable and would comply with the Development Plan in this respect.

## **2.10 Economic and Community Benefit**

2.10.1 Policies 11 and 25 of NPF4, Policy 11 of FIFEplan (2017) and Low Carbon Supplementary Guidance (2019) applies in regard to community and economic benefits.

2.10.2 NPF4 (2023) Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) states that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socioeconomic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.10.3 The application has been supported by a Socio-Economic Benefit Statement (Clive Fagg Planning, 2024), which aims to set out how the development would maximise socio-economic benefit, in accordance with NPF4. The statement draws on both the wider and local socio-economic benefits which are expected as a result of the proposed development.

2.10.4 The statement notes that the intermittent nature of renewable energy sources, such as wind and solar power, necessitates effective energy storage solutions to ensure a reliable and stable energy supply. Battery Energy Storage System (BESS) facilities can store excess energy during periods of high generation and release it when demand is high, contributing to a more robust and sustainable energy grid. In addition, by storing excess energy produced from renewable sources and optimising its release when needed, reliance on fossil fuels for backup power generation decreases. This results in a reduction in greenhouse gas emissions and a move towards a more sustainable and carbon-neutral energy ecosystem.

2.10.5 In addition to the wider socio-economic benefits listed above, BESS development projects create employment opportunities particularly during the construction phase. The statement confirms that where possible, the applicant will seek to utilise local employment for the civil engineering aspect. In addition, local economies can be stimulated, and revenue can be generated for the community through indirect benefits to local businesses and services. Furthermore, the development could attract investment and foster innovation in Scotland's growing green energy sector.

2.10.6, the statement makes reference to utilising local labour (~£500/week), using locally owned accommodation to house external workforce (i.e. 4 nights a week at ~£100 per night) and costs for spending in local shops (~£20/day). It is anticipated there would be an average of 25 labourers, with project build time of 62 weeks, contributing approximately £1.5 million to the local economy.

2.10.7 In the longer term, high skill employment opportunities with transferrable skills would be created and the statement confirms that the applicant would explore opportunities to upskill local tradesmen to undertake this work. In addition, the project will be subject to a high band of business rates and the Proposed Development will contribute an estimated £100,650 each year to the local authority to fund public services.

2.10.8 Based on the submitted information, it is considered that the proposal would provide economic and community benefits as required by the Policy 11 of NPF4 and Policy 11 of FIFEplan. The proposals would also be supported by Policy 25 of NPF4 in that they would ensure the use of local supply chains and services, and aid in local job creation. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.11 Archaeology**

2.11.1 NPF4 (2023) Policies 7 and 11, FIFEplan (2017) Policies 1, 11 and 14, HES Historic Environment Policy for Scotland (2019) and Planning Advice Note (PAN) 2/2011: Planning and Archaeology apply with regard to archaeological considerations.

2.11.2 The site is not within a designated area of archaeological regional importance, however Fife Councils Archaeology Team was consulted and noted that the site was archaeologically assessed as part of a previous application adjacent to the site, for a gas peaking plant (19/01992/FULL). The footprint of the battery storage facility and access track now proposed is slightly larger than the footprint of the gas peaking plant consented in 2019, but the 2019

archaeological evaluation can still be regarded as an accurate assessment of the site's archaeological potential.

2.11.3 The site was deemed to be archaeologically sensitive and an archaeological condition was attached to the consent granted. An archaeological evaluation was subsequently implemented but no significant archaeology was discovered. The report of the works is held in the Fife Sites and Monuments Record (Leven Gas Peaking Plant, Leven, Fife: Archaeological Evaluation Data Structure Report - OASIS ID: aocarcha1-374177 - AOC Project 25110 - 18th November 2019).

2.11.4 A Heritage Statement (Clive Fagg Planning, 2024) has been submitted with this application, which also recommends that due to the low archaeological potential across the site and the location of the proposed works within the already disturbed ploughing horizon, no further archaeological work is recommended excavation depths are unlikely to affect intact soil deposits

2.11.5 In conclusion, Fife Councils Archaeology team has confirmed that there is no requirement for any archaeological conditions to be attached to this consent. As such, the application is considered to comply with the relevant policies of NPF4, FIFEplan, HES and PAN 2/2011.

## 3.0 Consultation Summary

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|                                                        |                                      |
|--------------------------------------------------------|--------------------------------------|
| Land And Air Quality, Protective Services              | No objection, subject to conditions. |
| Trees, Planning Services                               | No tree protection requirements.     |
| The Coal Authority                                     | No objection, subject to conditions. |
| Scottish Water                                         | No objection.                        |
| Community Council                                      | No response.                         |
| Archaeology Team, Planning Services                    | No objection.                        |
| Natural Heritage, Planning Services                    | No objection, subject to condition.  |
| Structural Services - Flooding, Shoreline and Harbours | No objection.                        |
| TDM, Planning Services                                 | No objection, subject to conditions. |

## 4.0 Representation Summary

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4.1 No representations have been received in relation to this application.

## 5.0 Conclusions

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5.1 The principle of this development in this location is acceptable in meeting the terms of the Development Plan and national guidance. Approval of the development would result in a step forward in addressing the global climate emergency by assisting the National Electricity Grid to transition to more renewable sources of electricity generation and storage. The development could be carried out without unacceptable impacts on the local environment or residential amenity, with it also considered that no adverse road safety, contaminated land, flooding or cultural heritage issues would be raised by the development. Additionally, by securing appropriate biodiversity enhancement and landscaping, it is considered that there would be no significantly adverse visual or natural heritage impacts arising from an approval of this application.

## 6.0 Recommendation

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

### **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. The permission hereby granted shall be for a period of 40 (FORTY) years from the date of energisation of the project (such date to be notified in writing in advance to Fife Council as Planning Authority) and, on expiry of that period, the battery energy storage systems and all ancillary equipment shall be dismantled and removed from the site within the following twelve months and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority, unless retained with the express prior planning application approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the period of planning permission expires.

3. 12 months prior to the decommissioning of the development, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats that may have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

4. 6 months prior to the decommissioning of the development, a decommissioning and site restoration scheme shall be submitted for the prior written approval of Fife Council as Planning Authority, detailing how plant and equipment located within the site of the development hereby approved would be decommissioned and removed, informed by the ecological survey required by condition 3 of the planning permission hereby approved.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the development period expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

5. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the battery storage facility fails to operate for a continuous period of 12 months, the developer shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the battery storage facility and its ancillary equipment and infrastructure shall be removed from the site and the ground fully restored; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within 12 months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the facility should it become redundant, and to ensure that the site is restored.

6. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. Non-native species should be avoided. The scheme as approved shall be implemented within the first planting season following the completion or from the energisation of the development, whichever is the sooner.

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

7. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

8. PRIOR TO THE OPERATION OF THE DEVELOPMENT, the recommendations within the Preliminary Ecological Appraisal Report shall be established in full unless otherwise agreed in writing by the Planning Authority. A verification report, confirming that the approved biodiversity enhancement measures have been established, shall be submitted for the written approval of this Planning Authority prior to the operation of the development.

Reason: In the interests of protecting natural heritage and biodiversity enhancement.



9. BEFORE ANY WORKS START ON SITE, full details of the external finishing colour of all structures, including the battery energy storage units and associated infrastructure including substations, welfare units, storage containers and all approved fencing shall be submitted to and approved in writing by Fife Council as planning authority.

Reason: In the interests of visual amenity; to ensure that the finishes are appropriate.

10. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with 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, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs

Reason: In the interests of residential amenity; to ensure adjacent residential dwellings are not subjected to adverse noise from the development.

11. PRIOR TO THE OPERATION OF THE DEVELOPMENT, the recommendations of the Noise Impact Assessment, including the installation of a 4 metre high acoustic barrier shall be adhered to.

Reason: In the interests of residential amenity; to ensure adjacent residential dwellings are not subjected to adverse noise from the development.

12. BEFORE ANY WORKS COMMENCE ON SITE; adequate wheel cleaning facilities shall be provided as per section 6.6 of the submitted Construction Traffic Management Plan and 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.

13. For the full duration of the construction phase, all construction traffic shall operate in accordance with the Construction Traffic Management Plan.

Reason: In the interest of road safety; to ensure a provision for adequate route for construction traffic.

14. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland).

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

15. 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.

16. IN THE EVENT THAT CONTAMINATION NOT IDENTIFIED BY THE DEVELOPER prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.

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

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

17. No development shall commence until (excluding demolition of existing structures and site clearance);

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

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

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

Reason: To ensure the safety and stability of the proposed development.

18. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the proposed development.

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Sarah Hyndman, Planner

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

Committee Date: 25/09/2024

Agenda Item No. 5

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**Application for Full Planning Permission**

**Ref: 24/01022/FULL**

**Site Address:**

**R W E Biomass Plant Glenrothes Fife**

**Proposal:**

**Installation of 2 gas engine generating units (2 x 3.1MW) and erection of associated power-housing and infrastructure**

**Applicant:**

**Mr Salvatore Giordano, RWE Markinch UK Ltd Markinch biomass CHP plant**

**Date Registered:**

**6 June 2024**

**Case Officer:**

**Natasha Cockburn**

**Wards Affected:**

**W5R15: Glenrothes Central and Thornton**

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional approval

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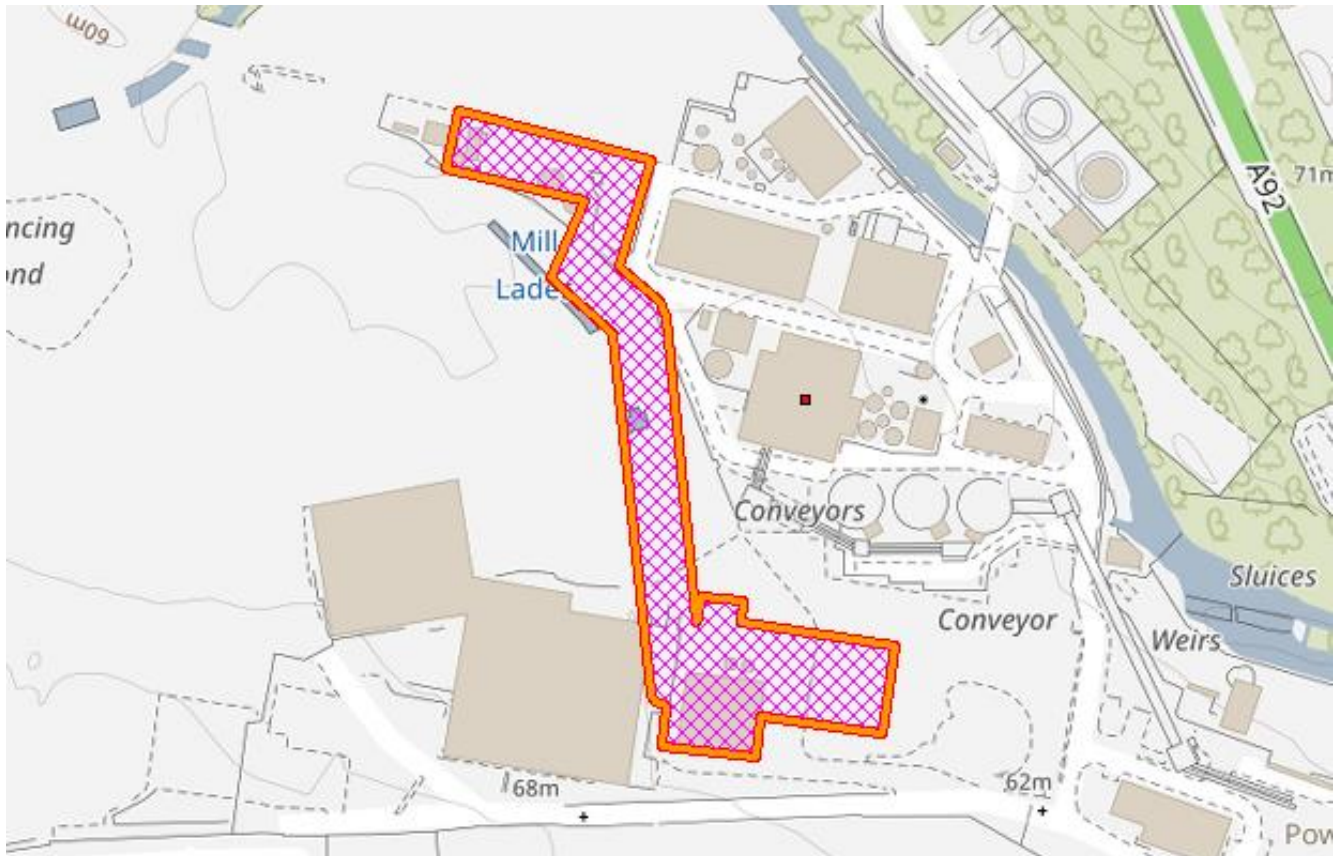
## **1.0 Background**

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### **1.1 The Site**

1.1.1 The application site is located in the central – north eastern part of Glenrothes. The site is to the south of Cadham Road, the west of the A92 and the north of Queensway. The site is a Safeguarded Employment Area as allocated in FIFEplan (2017). The site sits within the existing RWE Biomass Plant in Glenrothes, there is a residential area to the north and north west of the site, the River Leven runs along to the west of the site, through an area of Protected Open Space as designated in FIFEplan (2017) and there are retail uses to the south of the site designated within FIFEplan (2017) as a Designated Shopping Area. The area to the south west of the site is allocated as employment land (GLE25 - Queensway Expansion).

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This planning application is for the installation of two 3.1MW gas engine generating units and the erection of associated power-housing and infrastructure. The proposals comprise of the following:

- Switchgear within a storage container, measuring 2.8m high and 2.4m wide with overall length of 9.1m, combined with the transformer
- Transformer located within enclosure, measuring 2.7m high and 2.4m wide
- Engine enclosure building, measuring 4.3m high, 10m wide and 15.8m long
- On the roof of the engine enclosure buildings, the following would be positioned:
  - o two air outlet containers, measuring 3.1m high with 2x silencers and 2x exhaust stacks on top, with an overall height of 12.3m above ground level.
  - o heat dump radiator, 7.1m long and 3.1m high
  - o air inlet container, measuring 2.4m wide and 3.1m high.
- Two air inlet attenuators would be located on the ground to the rear of the engine enclosure building, measuring 1.4m from the rear of the building and 3.5m high.
- Gas pipe leading from the engine enclosure building to the south east up to the north west, measuring 200mm in diameter.

## 1.3 Relevant Planning History

1.3.1 Planning Applications approved on the application site are listed below. Objection comments have raised concerns that a similar application was submitted a few years ago and was refused. The planning history listed below shows that a planning application for the erection of a 19.9MW gas peaking plant and an application for a 20MW gas peaking plant were submitted in June and October 2018 but neither of these planning applications progressed to a determination, as both were subsequently withdrawn (18/01516/FULL and 18/01692/FULL). Application reference 18/01516/FULL was withdrawn because it was considered to be a Major development, and no PAC had been carried out. Application reference 18/01629/FULL was then submitted for the same proposal but was subsequently withdrawn due to issues with the provision of an electricity connection. Whilst these proposals are similar in nature to the current proposal, they would both have made provision for significantly greater generating capacity and neither of these applications were refused.

99/00253/CFULL - Erection of effluent treatment plant. Application Permitted with no conditions In August 1999

00/01101/CFULL - Erection of Combined Heat and Power Plant, associated works, formation of temporary lay down areas and demolition of 2 dwellinghouses. Application Permitted with Conditions in September 2000

02/00234/CFULL - Extension to industrial building. Application Permitted with Conditions in November 2002

05/02592/CEIA - Erection of 49MW Biomass combined heat and power plant (including fuel storage, ancillary plant and equipment) and formation of access roads. Application Permitted with Conditions in November 2006

08/02842/CFULL - Erection of storage warehouse (Class 6). Application Permitted with Conditions in November 2008

08/03537/CEIA - Erection of 49.9MW biomass fuelled combined heat and power (CHP) plant including fuel storage facilities, ancillary plant and equipment and formation of access roads. Application Permitted with Conditions in November 2009

15/01432/ADV - Display of freestanding non-illuminated metal signboard (3m x 2m). Application Permitted Subject to Conditions in October 2015

18/01756/EIA - Permission in Principle for residential led mixed-use development including employment, Class 4 business and light industry, Class 1 retail, Class 8 care home, parkland / open space and associated development including formation of access. Application Permitted subject to Legal Agreement in April 2020. A subsequent Modification of Planning Obligation was deemed refused in 2022 and an appeal was then withdrawn (22/01895/OBL)

20/01224/ARC - Approval of Matters Required by Condition for Proposed Phase 1 - Infrastructure works (including access to the site from the A92 Markinch Roundabout; a new link road from the A92 Markinch Roundabout to Cadham Road; drainage / SuDS facilities and noise bunds). Consent is also sought to discharge the following conditions of PPP approval 18/01756/EIA: Conditions 1, 2, 4, 22, 28, 31, 32, 34, 35, 39, 40, 41, 42, 63 and 64. Application Permitted with Conditions in July 2021

20/02029/FULL - Reconfiguration of conveyor feed system for CHP plant, including partial demolition and erection of replacement structure. Application Permitted Subject to Conditions in December 2020

16/02177/CLP – Certificate of lawfulness (proposed) for installation of package boiler skid and chimney. Certificate of Lawfulness refused in September 2016

16/03365/FULL - Installation of chimney. Application Permitted in June 2016

12/02903/NEA - Notification under Electricity Act. Application under Section 36 of the Electricity Act 1989 for erection of biomass renewable energy plant (65MW)

17/03956/SCO - EIA Scoping request for residential led mixed-use development. EIA Scoping Varied on 2/8/2018

17/03270/FULL - Erection of energy centre. Application Permitted with Conditions in May 2017

17/00629/PAN - Proposal of application notice for installation of district heating underground pipe network. PAN Agreed in March 2017

17/00818/SCR - Request for Screening Opinion for installation of district heating underground pipe network. EIA Not Required in June 2017

17/03607/PAN - Proposal of application notice for residential mixed-use development including employment, business, retail, care home, industrial, energy, parkland/open space with associated works agreed in November 2017

18/01516/FULL – 20MW Gas peaking plant and battery storage. Withdrawn in June 2018

18/01692/FULL - Erection of a 19.9MW gas peaking plant, comprising 10 containerised reciprocating gas engines, and associated infrastructure. Withdrawn on in October 2018

20/01177/SCR - Request for Screening Opinion for the reconfiguration of the conveyor system at the Combined Heat and Power Plant (CHP). EIA Not Required in June 2020

24/00594/SCR - Environmental Impact Assessment Screening Opinion for Biomass Plant Standby Support System comprising of two x Gas Engines (3.1 MW each) and associated infrastructure – EIA not required in April 2024 (associated with the current application)

## **1.4 Application Procedures**

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

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 NPF4 and a provision of the LDP, 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 local development as per Class 4 (Electricity Generation) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the capacity of the generating station does not exceed 20 Megawatts. This application is, therefore, classified as a Local development and there is no requirement for pre-application consultation to be carried out.

1.4.4 This proposal was screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 at the request of the applicant, and it was determined that an EIA was not required (24/00594/SCR).

1.4.5 Objection comments have raised concern that the community were not consulted on this application and that the application was submitted during the summer months, so neighbours did not have a chance to comment. Objection comments also note concern that there are new homes being constructed in the nearby vicinity which may not have been consulted. This application was not advertised for neighbour notification purposes, and it was not considered to

be a Schedule 3 development in this instance because the proposed development is within an existing industrial site therefore the character would not be changing as a result of this proposal. Neighbour notification letters were sent out to all physical premises within 20 metres of the application site boundary on 6<sup>th</sup> June 2024 and again on 18<sup>th</sup> July 2024 due to additional information being submitted by the applicant. The neighbour notification process, has, therefore, been carried out as required by the relevant legislation and Regulations.

1.4.6 A site visit was carried out on 20<sup>th</sup> August 2024 and further photographs were provided by the applicant on 12<sup>th</sup> September 2024.

## **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 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 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 22: Flood risk and water management**

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

#### **Policy 23: Health and safety**



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

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

#### Policy 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

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

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

#### Policy 13: Natural Environment and Access

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

## **National Guidance and Legislation**

### **Supplementary Guidance**

#### Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with CO2 emissions reduction targets and district heating requirements;
- requirements for air quality assessments.

#### Supplementary Guidance: Making Fife's Places (2018)

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

### **Planning Policy Guidance**

#### Planning Policy Guidance: Development and Noise (2021)

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

## **Planning Customer Guidelines**

Daylight and Sunlight

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage
- Decommissioning of the Proposal
- Economic and Community Benefit

### **2.2 Principle of Development**

2.2.1 In regards to the principle of the development, Policies 1, 9 and 11 of NPF4 and policies 1 and 5 of FIFEplan (2017) apply.

2.2.2 Objection comments state that the proposal should be located in a 'wasteland site', away from housing. The applicant has submitted a supporting statement which sets out that the proposed development aims to bolster the resilience of the existing Markinch Biomass Plant against external power supply disruptions. It states that the proposed development would utilise existing infrastructure, benefitting from the existing site assets which reduces the need for extensive new construction, it would provide enhanced grid stability by providing a reliable emergency start capacity, playing a key role in the national strategy for grid resilience. The proposed development could be activated during grid stress events, supporting grid stability and efficiency and it would be located adjacent to an existing energy centre, benefitting from its proximity to operational facilities. The proposed development aims to enhance the UKs electricity grid resilience, aligning with the National Grid's strategic objectives and contributing significantly to national energy security. The applicant sets out that the reason for the proposed development is driven by a necessity to fill the gap left by the closure of coal-fired power stations, which previously provided essential emergency start capabilities for the UK's electricity grid.

2.2.3 The proposal supports the provision of renewable energy in line with Policy 1 of NPF4, compensating for any 'failure' in the supply of electricity to the National Grid. The site is brownfield and therefore it prioritises the use of brownfield land as per Policy 9 of NPF4 and it is

designed to support the provision of renewable energy. When renewable technology is not generating sufficient electricity to meet demand, then the proposal would start up and provide security of supply of electricity until such time as supply meets demand. Therefore, this proposal is compatible with the growth of the renewable energy sector and is considered necessary to provide security of electricity supply, in line with Policy 11 of NPF4.

2.2.4 Objections state that the development and increased capacity of this plant is not in line with the Scottish Government's policy positions on onshore oil and gas which includes "no support for the continued use of unabated fossil fuels to generate electricity". They further state that the proposal is not in line with Fife Council's climate emergency declaration and NPF4 clearly states no support for the exploration, development, and production of fossil fuels and requires that development proposals be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and support climate adaptation.

2.2.5 Whilst a gas peaking plant is not in itself a renewable energy development, it is designed to support the National Grid in ensuring surety of electricity supply whilst it increases the supply of electricity generated from renewable sources and can be viewed as an enabling development for renewable energy in that context. The principle of this type of development on this employment site is, therefore, considered acceptable

2.2.6 Overall, it is considered that the principle of the proposed peaking plant at this location would be acceptable on the basis that it would be located within the settlement boundary, would be compatible in this location, within the site of an existing biomass plant and it would assist in providing energy security and back up supply, therefore, supporting development for renewable energy. Given the drive towards a low carbon economy, the proposed development is generally supported. The overall acceptability of such a development must however also meet other policy criteria and these issues are considered in detail below.

## **2.3 Low Carbon, Sustainability and Tackling the Climate and Nature Crises**

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

2.3.2 Objections state that the proposal will impact on Scotland's commitments to climate change, whilst the focus should be on transition away from dependence on oil and gas and toward further renewable energy generation and storage. The objections also express concern with the use of unsustainable energy. Objection comments also raise concern that fossil fuel generators do not meet the criterion in the low carbon sustainability checklist, and the proposal does not support the use of renewable energy rather than fossil fuel or demonstrate that the application meets the co2 reduction targets in place.

2.3.3 The applicant has provided a Low Carbon Sustainability Checklist with the application and a 'Statement in Support of the Low Carbon Checklist' has also been provided. In summary, the statement sets out that, given its backup nature, gas is a necessary fuel type due to its capacity to meet energy demand immediately. However, the proposed development would primarily be on standby, minimising fuel consumption and reducing its environmental footprint. Ultimately, the provision of an emergency start-up facility is a positive measure aimed at achieving the full decarbonisation benefits of electrification envisioned under the Government's Net Zero strategy. The proposal would assist in maintaining the stability of the National Grid, which is increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019.

2.3.4 The proposal would involve the use of relatively low levels of fossil fuel and would only be used as an auxiliary generator for limited periods as well as providing a backup supply to the wider National Grid. Whilst a gas peaking plant is not in itself a renewable energy development, it is designed to support the National Grid in ensuring surety of electricity supply whilst it increases the supply of electricity generated from renewable sources and can be viewed as an enabling development for renewable energy in that context. There are other types of technology which can also fulfil this function; however, this proposal is for a gas peaking plant and is being assessed on that basis. Policy 11 of NPF4 supports proposals which contribute towards the renewable energy generation targets and greenhouse gas emissions and gives significant weight to reduction targets when considering the principle of development. Policy 11 of NPF4 further states that project design and mitigation will demonstrate how various material impacts are addressed. The design and how the development responds to material impacts shall be assessed in full under the relevant headings of this report but in principle, the proposal is generally supported.

2.3.5 The statement sets out that all waste generated during construction will be appropriately stored onsite and then appropriately disposed of in accordance with legal requirements and best practice, supported by the site's existing waste management plan. During operation, the proposed development would generate negligible waste, limited to small maintenance items. There is, therefore, no potential for significant effects on waste generation and management after the construction phase.

2.3.6 The objections also state that NPF4 does not support the production of fossil fuels. This proposal would not result in the search for new gas and would involve the use of existing gas supplies, therefore, Policy 33 (Minerals) of NPF4 which does not support the exploration, development or production of fossil fuels except in exceptional circumstance is not relevant. Policy 33 (B) of NPF4 also clarifies that the development of unconventional oil and gases in Scotland relates to development connected to the onshore exploration, appraisal or production of coal bed methane or shale oil or shale gas using unconventional oil and gas extraction techniques, including hydraulic fracturing and dewatering for coal bed methane. This proposal does not relate to that type of development. The proposal would, therefore, be acceptable.

2.3.7 The proposal is within 1km of a proposed heat network. However, the proposed development will not create a heat demand and will have a total aggregate thermal input of less than 20MW, which when combined with the expected intermittent nature of operation means it will not be possible to provide heat into the existing network.

2.3.8 NPF4 Policy 11 only supports developments where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. A statement has been provided by the applicant, which sets out that, whilst the operational phase of the development requires limited staffing, throughout the construction phase, the applicant endeavours to utilise local businesses and contractors. Due to the scale and nature of this proposal, it is not considered that anything further would be required in this respect.

2.3.9 Taking all of the above into account, the principle of the proposed development accords with NPF4 (2023) and the adopted FIFEplan Local Development Plan (2017). This is subject to compliance with other more detailed elements, considered in the following sections of this Committee Report.

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

2.4.1 NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policies 10 (Amenity) and 14 (Built and Historic Environment) apply. These policies support development proposals which have a positive visual impact on their surroundings.

2.4.2 Objection comments have raised concern that the site layout is unclear and has not been confirmed. This was acknowledged as an issue when the planning application was submitted. The applicant has since submitted clearer drawings and confirmed that the layout is not indicative. As a consequence, neighbours were re-notified to offer a further opportunity to review the proposals and make further comments.

2.4.3 The proposal includes the installation of small-scale commercial container units, and ancillary equipment within an industrial setting within the RWE site. The highest structures would be the stacks which are located on top of a building, and they would measure a height of 12.3m high overall, including the building height. The building itself and surrounding equipment would be single storey in height and would have a functional design. The structures would be in keeping with the visual context of the wider site, which contains similar, functional equipment and buildings within it. The site itself is located within a discrete part of the site and would not be highly visible outwith the site itself. Considering its immediate and surrounding context, the proposed structures, including the stacks, would not be visually overbearing or dominant within the site, they would be lower or of a similar height to the existing structures within the site to the north of the application site and in terms of design and scale would be compatible with the structures located near to the application site. The proposed gas pipe which runs up to the northern part of the site would be above ground, so it would be visible but considering the industrial context of its surroundings and the scale of the pipe (200mm in diameter) it would not have a significant visual impact. No details of the proposed external finishing colours have been submitted; therefore, a condition is recommended requiring the submission of these details for approval in writing by this Planning authority.

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

## **2.5 Residential Amenity**

2.5.1 NPF4 Policies 16 (Quality Homes), 23 (Health and Safety) and FIFEplan Policy 10 (Amenity) support development proposals that have no significant detrimental impact on existing levels of residential amenity. Planning Policy Guidance: Development and Noise (2021) also applies.

2.5.2 Objections have raised concern with the noise levels associated with the proposed development, including during the construction phase and they state that no assessment of the air fans has been provided. Objection comments note that noise will increase to the detriment of the surrounding area and the noise survey does not cover the times that RWE is very noisy and the 45db within the report is unrealistic. Objections have raised concern that it cannot be assured that the development will not be used more frequently than is stated. The generators would need to be available for up to 1500 hours of day and/or night operation. The loss of / output from wind turbines is a frequent event and old nuclear power stations will increase the operational need for this proposal, so the proposed plant could end up running 24/7 with the demand for electricity rising. Objection comments raise queries as to whether the new housing development at Cadham has been considered in the context of the noise impact from the proposed development. Objection comments also raise concerns regarding overlooking.

2.5.3 The proposed development would not be manned and would not contain any habitable areas. The proposals would not allow overlooking to occur from the development to residential properties outwith the site, and privacy would therefore not be a concern from this development proposal to any neighbouring residential properties. Similarly, the proposals would not create overshadowing to any neighbouring residential properties, any overshadowing would be limited to areas within the power station site.

2.5.4 A Noise Impact Assessment report (NIA) has been submitted with the application. The report's findings show that the total noise from the proposed plant and machinery would also comply with the required noise limits of NR30 during the day (07:00-2300) and NR25 during the night (23-00 to 7-00) at the nearest noise sensitive receptors. The report concludes, overall, that there would be no significant noise impact on the surrounding area as a result of the proposal.

2.5.5 The report advises that the proposed equipment would only operate for short periods to maintain the condition of the plant, should this not be used for long periods. They advise that in this regard, a monthly engine conditioning operation would occur typically of 10 - 30 minutes duration. It is advised that when called upon to operate, the runs would most often be between October and March and would typically be less than 3 hours in duration, most likely occurring during the morning (07:00 - 10:00) and early evening (17:00 - 20:00) demand peaks. Night-time running would not normally occur, and it is anticipated that the site would only be called upon to run at night under emergency conditions such as a major grid failure.

2.5.6 The NIA has assessed any change to the overall sound emission from the power station operation, due to the new sound contribution from the operation of the proposed development, any change to the BS 4142 assessment of the overall operational sound, due to the addition of sound emission from the proposed development and the continued compliance with the existing power plant's operational noise limits.

2.5.7 The report has taken readings from four positions: Cadham Road, Prestonhall Avenue, Mount Frost Drive and the south west boundary of the site. To provide a review of the potential noise impact from the proposed development on the new developments to the south west of the site, the approved masterplan was overlaid onto the OS plan used as the base mapping for the noise model. Additional receptor positions (Z1 & Z2) were included as being representative of the closest residential positions within the adjacent site.

2.5.8 The operational sound from the proposed development is shown to produce no increase to the sound level from the operation of the existing plant, at all positions apart from Position B: Prestonhall, where a small +1dB increase is shown. In all cases, compliance with the 45dB(A) noise limit is demonstrated. The remaining assessment levels are well within the +5dB threshold for potential adverse impact, which indicates that the sound of the proposed development would produce a very low adverse impact when operating. When considering the relatively short operating durations, confined to daytime and evening periods, the adverse impact has been shown to be negligible.

2.5.9 A BS 4142 assessment was carried out based on the specific operational sound from the existing plant operating concurrently with the proposed development. The projected BS 4142 assessment levels applicable to the existing and proposed operation between 20:00 – 22:00 are negative at each of the residential receptor positions. The +2dB assessment level, applicable to positions at the south west boundary, is below the +5dB impact threshold. The specific sound levels at positions Z1 and Z2, result from contributions from the existing operation alone.

2.5.10 The dominant noise sources from the proposed development, have been identified as:

- Gas Engine Generator Sets, each with unattenuated (unenclosed) sound power level LwA 122dB
- Gas Engine Exhaust Stacks, each with unattenuated (unsilenced) sound power level LwA 131dB
- Engine Cell intake/discharge ventilation openings, each with estimated unattenuated LwA 115dB
- Waste Heat Dump Radiators, with estimated unattenuated sound power level of LwA 101dB

2.5.11 Whilst it is noted that the anticipated operational hours would be during the day and in the evening, it is accepted that the system may need to operate at any time. It would not be practical or reasonable to add a planning condition to restrict the operating hours because of the nature of the development, in that it will be required to run at unexpected times. However, it is noted that, even if the system needs to operate through the night, due to the low level of noise which would occur from the development, there would be no concern in regards to noise levels should it need to operate through the night. Fife Council Environmental Health Team has reviewed the submitted Noise Impact Assessment and advises that they concur with the methodology and conclusions and have no objections to the proposals in terms of noise impact. SEPA commented that it has no objections to the proposals. However, advised that this is a site regulated by SEPA, under the Pollution Prevention and Control (PPC) Regulations, so provided advice on this aspect. The existing PPC permit for the site is proposed to be amended therefore SEPA will ensure that the amended PPC permit is fit for purpose in terms of noise impact. SEPA recommends that Fife Council does not add a condition to this consent that a 45db noise limit shall be retained because it would lead to duplication in regulation and possible confusion as to who leads on noise regulation at this site. A condition will therefore not be recommended to control noise limits, and SEPA would be the ongoing regulator for ensuring that the noise limits are maintained as per the permit requirements.

2.5.12 SEPA commented on the noise impact in terms of their permit requirements and advised that relevant residential receptors appear to have been included in the NIA. However, SEPA noted that to the north-west of the proposed location of the new gas engines, there would be a direct line of sight (and hence sound) to housing located approximately 500m to the north-west. SEPA acknowledged that this may be low risk, as there are plans for industrial units which could help screen this residential area, but these units may not be constructed until 2029. Consequently, SEPA recommended adding this residential area as a potential receptor in the interim. The applicant has submitted a further assessment which includes the additional receptor. The additional assessment concludes that, even when considering the additional receptors as advised by SEPA, the development does not cause any significant impacts.

2.5.13 In terms of construction noise, the applicant has confirmed within their supporting statement that building enclosures for the gas engines would be built using precast concrete sections cast off-site, delivered to the site by lorry and then off-loaded and assembled on-site. The Gas Engine Generator Sets would also be delivered to the site by lorry and off-loaded into position by a mobile crane. Such operations would not be expected to produce significant noise. The noisiest potential construction operations would be site foundation works. 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", 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. Fife Council's Public Protection Team would deal with any complaints should they arise and 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 the 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.

2.5.14 Subject to Conditions, the proposed development would 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 11, 13, 14 and 15 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.6.2 Objection comments note concern with road safety, regarding the transportation of large abnormal loads, which would cause significant disruption to the A92. A Transport Statement has been submitted, which sets out the anticipated operation, construction phase and operational phase in regard to transportation. It sets out that the construction phase is expected to last 12 – 18 months. During this time, it is expected that there would be an increased influx of contractors to the site. However, the construction site workforce would be relatively small as most of the components of the proposed development would be assembled at a factory off-site and then delivered to the site. It is estimated that the total construction and commissioning workforce would reach 50 people at its peak, but this number will be significantly less for most of the construction phase. The components of the proposed development would be delivered to the site via the A92, entering the site through the existing entrance from the A92. Vehicles would be parked in the existing on-site parking area and would exit north of the plant, merging into the roundabout which links the A92 with the B9130. Overall, during the construction phase, the impact of the proposed development on local road traffic to and from the site is expected to be less than that of a major outage and overhaul of the existing plant. The proposed development would be unmanned therefore no increased workforce would be required post-construction. The proposed development would therefore have no impact on local transport and traffic during operation. Fife Council Transportation Development Management has reviewed the proposals, including the Transport Statement and has confirmed that it has no objections and no conditions are recommended regarding road safety or transportation.

2.6.3 The proposed development would be acceptable and would comply with the Development Plan in respect of impacts on transportation and road safety.

## **2.7 Flooding And Drainage**

2.7.1 Policies 1, 2, 18, 20 and 22 of NPF4 and Policies 1, 3 and 12 of the LDP apply.

2.7.2 Policy 30 (Flood Risk) of NPF4 states that proposals at risk of flooding or in a flood risk area will only be supported if they are for redevelopment of an existing building or site for an equal or less vulnerable use and redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

2.7.3 A Flood Risk Assessment (FRA) and Drainage Impact Statement (DIA) has been submitted in support of this application. The SEPA Flood Risk Management Maps indicate that the north of the site is situated within an area of 'medium' risk (0.5% annual exceedance probability (AEP)) and 'low' risk (0.1% AEP) of river flooding. The 'medium' flood risk event with



the inclusion of climate change is similar to the extent of the 'low' risk area. The FRA sets out that there is an existing 3m high retaining structure to the north of the site, which acts as a barrier. The buildings are proposed towards the south of the site, and the flood maps indicate no risk of river flooding up to the 0.1% AEP present day event / 0.5% AEP event with climate change consideration. The ground level is approximately 63.9m AOD at that location, which is around 2.4m higher than the top of the retaining structure acting as a barrier to fluvial flow, and 4.3m above the approximate flood level in the 0.5% AEP event with climate change consideration. It can therefore be concluded that the proposed buildings are not at risk from fluvial flooding.

2.7.4 The FRA sets out that the above ground pipework is proposed further north of the retaining structure, within the area at risk of river flooding. The pipework would be situated more than 4m above ground level on existing supports and along an existing pipework route at this location. This would be 2.9m above the 0.5% AEP event approximate flood level with climate change consideration. Although the flood extents are indicative and the estimated flood level should not be used as a basis for design, the proposed pipeline route within the area at risk of flooding is significantly above ground level and any reasonable flood level estimation, and therefore it is considered appropriate to assume the pipework would not come into contact with flood water. There is potential for blockage of flood debris within or between the existing pipeline supports in the northern area of the site at risk of river flooding. However, the risk is considered low and unchanged by the addition of the proposed pipework. The FRA concludes that the northern part of the site was found to be at risk of flooding, but the proposed works here include above ground pipework laid along an existing route therefore flood risk would not be impacted by the development.

2.7.5 SEPA has commented that it agrees with the conclusions set out within the FRA and given new pipes would be almost three metres above the 200-year (+ climate change allowance) flood level they would not be at risk of flooding. SEPA welcomes the commitment that there would be no amendments to ground levels (or impermeable area) along the route of the proposed above ground pipework. Based on this, SEPA has no objections to the proposals in terms of flood risk.

2.7.6 In regards to drainage, a surface water, drainage and spillage plan has been submitted by the applicant. A condition is recommended, requiring a fully detailed surface water management plan and relevant check certification as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) to be submitted, prior to the commencement of development.

2.7.7 Fife Council's Flooding, Shoreline and Harbours team has not responded, whilst SEPA and Scottish Water have no objections to the proposal in regard to flood risk.

## **2.8 Contaminated Land And Land Stability**

2.8.1 Policy 9 and 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.8.2 Fife Council's Land and Air Quality Team advises that it is noted that the containerised units will be installed on an area of pre-existing hardstanding and that any site works are likely to be minimal in nature. It is therefore recommended that Fife Council is notified if any unexpected materials or conditions such as made-ground, gassing, odours, asbestos, hydrocarbon staining, or other apparent contamination are encountered during the development work should groundworks be proposed. This may necessitate undertaking a suitable site-

specific risk assessment for contaminated land. A condition regarding this matter is therefore recommended.

2.8.3 Objection comments have noted concern that the site would be subject to high levels of vibration and is within a high-risk area of coal mining. Part of the site (to the north) is located within a high-risk coal mining area. A Coal Mining Risk Assessment has been submitted with this application, which establishes that the potential for shallow mineworkings exists in the northern site area, the northern site area is likely to be minerally unstable and a mining mitigation strategy is required. It is also advised that the risk of mining related surface instability within the southern site area is low. The Coal Authority has been consulted and advises that their records indicate that the northern part of the site is affected by both actual and probable shallow coalmine workings. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The Coal Authority advises that it concurs with the recommendations within the Coal Mining Risk Assessment that remediation should be undertaken prior to the commencement of development and recommends conditions requiring remediation works to be carried out prior to the commencement of development and a signed statement which confirms that the site has been made safe is submitted prior to the development being brought into use.

2.8.4 The proposal, subject to these conditions would have no significant impact on amenity in relation to contaminated land and land stability and would comply with the Development Plan in respect.

## 2.9 Air Quality

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

2.9.2 Objections state that there will be an increase in emissions near residential areas, the proposal will result in air pollution and the proposal contravenes the Scottish Air Quality Strategy for improving local air quality. Objection comments query whether an air quality monitoring station could be implemented near to the application site, as there are none in the vicinity of the site as there are none nearby.

2.9.3 An air quality impact assessment (AQIA) has been submitted with this application. The AQIA assesses the impact of the proposals both on its own and cumulatively, in terms of the impact on the air quality of the surrounding area, including residential receptors and ecological receptors. The assessment sets out that there would be no construction phase impacts as a result of the development because the generators would be manufactured off-site. In terms of the operational phase, impacts have been assessed for nitrogen dioxide, carbon monoxide and nitrogen oxides. The short-term and long-term impacts from the proposed development for carbon monoxide were demonstrated to be insignificant at locations where members of the public are most likely to be present over the relevant averaging periods, and this was also the case for long-term and short-term nitrogen dioxide. Overall, the air quality impact of the proposal is considered to be negligible, with no significant adverse effects on either human health or sensitive ecological receptors. The AQIA has therefore concluded that no significant impacts were identified, and therefore no mitigation measures or suggestions were included. Fife Council Land and Air Quality Team has reviewed the AQIA and has no objections to the proposals. In regards to future monitoring of the air quality of the surrounding area, any monitoring undertaken by the Council (including dedicated monitoring stations) is associated principally with road traffic emissions (not largescale industrial plant) in relation to the Council's Local Air Quality Management (LAQM) responsibilities. Accordingly, Fife Council would not be in a position to undertake any monitoring in relation to this site. As this facility is regulated by

SEPA, any monitoring required or requested would be undertaken by SEPA rather than the Council.

2.9.4 SEPA commented that it has no objections to the proposals. However, advised that this is a site regulated by SEPA, under the Pollution Prevention and Control (PPC) Regulations, so provided advice on this aspect. The existing PPC permit for the site is proposed to be amended therefore SEPA will ensure that the amended PPC permit is fit for purpose in terms of preventing, or minimising, emissions to the environment. SEPA advised that a detailed stack height assessment would be required as part of the permitting process for this site to confirm the proposed stack height is suitable. SEPA also advised that the Normal Operation scenario included within the submitted Air Quality Impact Assessment did not include emissions from the boilers operated at the adjacent Glenrothes Energy Centre (GEC). Due to the proximity to the proposed gas engines and the similar 12m stack height emissions from the GEC boilers, SEPA advised that the model should be re-run to consider these emissions to assess the impact to sensitive receptors. Whilst related to the permit process, it was highlighted to the applicant by the planning authority that these matters should be addressed at this stage to ensure that both processes were aligned and to ensure that no amendments would be required to the design of the proposals as a result of further assessments required by SEPA. The applicant has provided an amended AQIA which includes a stack height assessment. The updated AQIA concludes that the majority of effects of the proposal were overcome at 8m above ground level and the proposed stack height is 12.3m. Therefore, the stack height is above what would be considered appropriate to minimise the ground level concentrations. The emissions at the GEC were also included within the updated AQIA and it was concluded that the impact would be negligible.

2.9.5 The proposal would have no significant detrimental impact in terms of air quality impact and would comply with the Development Plan in this respect.

## **2.10 Natural Heritage**

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

2.10.2 There are no trees or vegetation within the site or adjacent to the site which would be impacted by the proposed development.

2.10.3 Fife Council's Natural Heritage Officer has been consulted and has no objections to the proposals in regards to natural heritage. The site is of low ecological value, given its brownfield nature within the site of an existing industrial location. Policy 3 of NPF4 requires that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible. A condition is, therefore, also recommended requiring details of biodiversity enhancement measures to be submitted for approval in writing.

2.10.4 The proposal subject to these conditions would, therefore, have no significant natural heritage impact and would comply with the Development Plan in this respect.

## **2.11 Decommissioning of the Proposal**

2.11.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

2.11.2 The applicant has not specified a timescale or proposals for the decommissioning of the development. A condition has therefore been proposed requiring that on expiry of the temporary period (40 years), the gas engines and all ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.11.3 The proposed development, subject to this condition would therefore be acceptable and would comply with the Development Plan in this respect.

## **2.12 Economic and Community Benefit**

2.12.1 Policies 11 and 25 of NPF4, Policy 11 of FIFEplan (2017) and Low Carbon Supplementary Guidance (2019) applies in regard to community and economic benefits.

2.12.2 NPF4 (2023) Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) states that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socioeconomic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.12.3 A supporting statement has been submitted by the applicant which aims to set out how the development would maximise socio-economic benefit, in accordance with NPF4. The statement sets out that the main equipment provider for the proposal has procedures for sales, design, and project management of installations for gas power generation, heat management, energy storage, gas handling, and waste treatment plants and the provision of spare parts, service, maintenance and monitoring. These procedures include for the procurement of local goods and services where available and practical to do so. Raw materials such as aggregate, concrete, and mechanical or electrical materials would, where possible, be sourced locally to support local businesses and reduce delivery distances. The implementation phase of the development would create contracting opportunities for plant and machinery used during construction, which, where available, would be sourced locally and efficiently to reduce delivery distances and the unnecessary use of wider resource. The statement sets out that the proposal would directly strengthen the power plant as a whole. The supply chain associated with the plant already provides valuable opportunities for local employment, skill development, and utilisation of goods and services. The technical strengthening of the power plant capabilities via the implementation of the proposed development would enhance the resilience of the local electrical grid, improving the quality, reliability, and presence of both local and national infrastructure. Through this, the Proposed Development will provide long-term benefit to local residents, businesses, and existing supply chains.

2.12.4 Based on the submitted information, it is considered that the proposal would provide economic and community benefits as required by the Policy 11 of NPF4 and Policy 11 of FIFEplan. The proposals would also be supported by Policy 25 of NPF4 in that they would ensure the use of local supply chains and services, and aid in local job creation.

## 3.0 Consultation Summary

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|                                                        |                                       |
|--------------------------------------------------------|---------------------------------------|
| Land And Air Quality, Protective Services              | No objections, subject to conditions. |
| The Coal Authority                                     | No objections, subject to conditions. |
| Structural Services - Flooding, Shoreline And Harbours | No response. Conditions recommended.  |
| Natural Heritage, Planning Services                    | No objections.                        |
| TDM, Planning Services                                 | No objections.                        |
| Scottish Water                                         | No objections.                        |
| Scottish Environment Protection Agency                 | No objections.                        |
| Climate Change And Zero Waste, Planning Services       | No response.                          |

## 4.0 Representation Summary

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4.1 Sixteen objection comments were received in relation to the original application submission. Neighbours were re-notified on 19<sup>th</sup> July 2024 due to a gas pipe being added to the drawings and 4 further objection comments were received, therefore 20 objections in total have been received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| Issue                                                                                                                                                                                                                                                                                                                                                                                                     | Addressed in Paragraph |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Noise levels associated with the proposed development, including during the construction phase. No assessment of the air fans has been provided.                                                                                                                                                                                                                                                          | 2.5                    |
| Concerns regarding environmental impact and that no environmental impact report was submitted.                                                                                                                                                                                                                                                                                                            | 2.8 and 2.9            |
| How can it be assured that this will not be used more frequently than is stated. The generators will need to be available for up to 1500 hours of day and/or night operation. The loss of reduction in wind turbines is a frequent event and old nuclear power stations will increase the operational need for this proposal. The plant could end up running 24/7 with the demand for electricity rising. | 2.5                    |
| Impact on air quality, the proposal contravenes the Scottish Air Quality Strategy for improving local air quality.                                                                                                                                                                                                                                                                                        | 2.9                    |
| Site location and construction unclear.                                                                                                                                                                                                                                                                                                                                                                   | 2.4                    |
| Turbines in an urban area are unwise so it needs to be clear how and where they will be housed                                                                                                                                                                                                                                                                                                            | 2.4                    |

|                                                                                                                                                                                                                                         |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| No benefit to the community                                                                                                                                                                                                             | 2.3   |
| Only a couple of jobs would be created                                                                                                                                                                                                  | 2.3   |
| Noise survey does not cover the times that RWE is very noisy and 45db within the report is unrealistic                                                                                                                                  | 2.5   |
| Overlooking                                                                                                                                                                                                                             | 2.5   |
| Visual impact                                                                                                                                                                                                                           | 2.4   |
| Use of unsustainable energy                                                                                                                                                                                                             | 2.3   |
| Safety concerns                                                                                                                                                                                                                         | 2.9   |
| Health risks - pollutants are harmful                                                                                                                                                                                                   | 2.9   |
| No air quality monitoring stations near the site so it will not be possible to identify issues should they arise                                                                                                                        | 2.9   |
| New housing very close to the site, have new residents been informed of the application? No mention of the 800 new homes being built adjacent to the site at Cadham.                                                                    | 1.4.5 |
| Fossil fuel generators do not meet criterion in low carbon sustainability checklist, does not support the use of renewable energy rather than fossil fuel or demonstrate that the application meets the co2 reduction targets in place. | 2.3   |
| Will be subject to high levels of vibration and the site is within a high risk area of coal mining                                                                                                                                      | 2.8   |
| The community were not consulted on the proposals and the timescales for commenting have been insufficient due to it currently being peak holiday time.                                                                                 | 1.4.5 |
| A similar application was submitted a few years ago and was refused.                                                                                                                                                                    | 1.3   |
| Should be located in a wasteland site, away from housing                                                                                                                                                                                | 2.2   |
| The proposal is against Scottish Government and Local Council's green agenda and carbon footprint.                                                                                                                                      | 2.3   |
| Road safety concerns regarding the transportation of large abnormal loads, which would cause significant disruption to the A92.                                                                                                         | 2.6   |

#### 4.2.2 Other Concerns Expressed

| Issue                                                                                                                                                                                                                                                                                    | Comment                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| The construction, equipment and operation costs will not be viable for RWE                                                                                                                                                                                                               | The viability of the business is not a material planning concern in this instance. |
| Adjacent house builders will lose money from decline in house sales as a result of the proposal                                                                                                                                                                                          | House prices is not a material planning consideration.                             |
| The original plans for the RWE Biomass Plant was established through a permit overseen and monitored by SEPA, which led to changes to ensure the plant operated within the permit limits. This led to significant change to the plant to constrain noise. There has been no consultation | Permit requirements will be established by SEPA.                                   |

|                                                                              |                                                                                                      |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| with the community regarding this new facility in terms of the plan.         |                                                                                                      |
| The same permit should apply to this permit as it does the overall facility. | Permit requirements will be established by SEPA.                                                     |
| Will open the door to build even more gas turbines on the site               | Any further applications for gas turbines would need to be assessed separately, on their own merits. |
| Safety concerns with new gas pipeline, with the vibration from traffic       | The safety of the gas pipe is not a material planning consideration.                                 |

## 5.0 Conclusions

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The proposal would be acceptable in principle and would be compatible with its surrounds in terms of land use. The proposed development would enhance the UK's electricity grid resilience, aligning with the National Grid's strategic objectives and contributing significantly to national energy security. It would not cause any detrimental impacts on the surrounding area in terms of road safety, amenity, flooding and drainage, contaminated land, air quality or natural heritage impacts, whilst, the proposal, is considered acceptable in terms of its visual impact. The proposal is, therefore, considered acceptable in meeting the terms of the Development Plan and National Guidance.

## 6.0 Recommendation

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### PRE-COMMENCEMENT CONDITIONS:

1. BEFORE ANY WORKS COMMENCE ON SITE; details of the specification and colour of all proposed external finishes of all approved structures and related infrastructure, including fencing shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out fully in accordance with these approved details.

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

2. BEFORE ANY WORKS COMMENCE ON SITE; detailed proposals for incorporating biodiversity enhancement measures within the development, as per the guidance contained within NatureScot's Developing with Nature. 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.

3. BEFORE ANY WORKS COMMENCE ON SITE; a fully detailed surface water management plan and relevant check certification as set out within Fife Council's Design Criteria Guidance on

Flooding and Surface Water Management Plan Requirements (2020), or any subsequent revision shall be submitted to and be approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out fully in accordance with these approved details.

Reason: In the interests of surface water management.

4. 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.

5. NO DEVELOPMENT SHALL COMMENCE UNTIL any remediation works and/or mitigation measures to address the shallow mine workings, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

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

Reason: In the interests of safety, to ensure coal mining legacy is dealt with.

#### **CONDITIONS:**

6. 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.

7. The permission hereby granted shall be for a period of 40 (FORTY) years from the date of energisation of the project (such date to be notified in writing in advance to Fife Council as Planning Authority) and, on expiry of that period, the gas engines and all ancillary equipment shall be dismantled and removed from the site within the following twelve months and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority, unless retained with the express prior planning application approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the period of planning permission expires.



8. 12 months prior to the decommissioning of the development, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats that may have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

9. 6 months prior to the decommissioning of the development, a decommissioning and site restoration scheme shall be submitted for the prior written approval of Fife Council as Planning Authority, detailing how plant and equipment located within the site of the development hereby approved would be decommissioned and removed, informed by the ecological survey required by condition 8 of the planning permission hereby approved.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the development period expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

10. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the approved development fails to operate for a continuous period of 12 months, the developer shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the gas engines and all ancillary equipments shall be removed from the site and the ground fully restored; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within 12 months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the facility should it become redundant, and to ensure that the site is restored.

11. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by the recorded mine entry.

Reason: To ensure that coal mining legacy is dealt with and remedial works or mitigation works are carried out.

12. 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.

13. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with this 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 this 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 this Planning Authority. Unless otherwise agreed in writing with this 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 this Planning Authority.

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

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn

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

Committee Date: 25/09/2024

Agenda Item No. 6

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**Application for Full Planning Permission**

**Ref: 24/00284/FULL**

**Site Address:** Land East of Canmore Primary School Aberdour Road  
Dunfermline

**Proposal:** Erection of 40 no affordable flatted dwellings for sheltered housing needs (Class 8) including formation of new access/car parking and footpaths, retaining walls and boundary enclosures with associated landscaping, drainage, renewable energy infrastructure and ancillary works.

**Applicant:** Campion Homes, Pitreavie Drive Dunfermline

**Date Registered:** 15 April 2024

**Case Officer:** Jamie Penman

**Wards Affected:** W5R04: Dunfermline South

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### Reasons for Referral to Committee

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

### Summary Recommendation

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The application is recommended for: Conditional Approval

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## 1.0 Background

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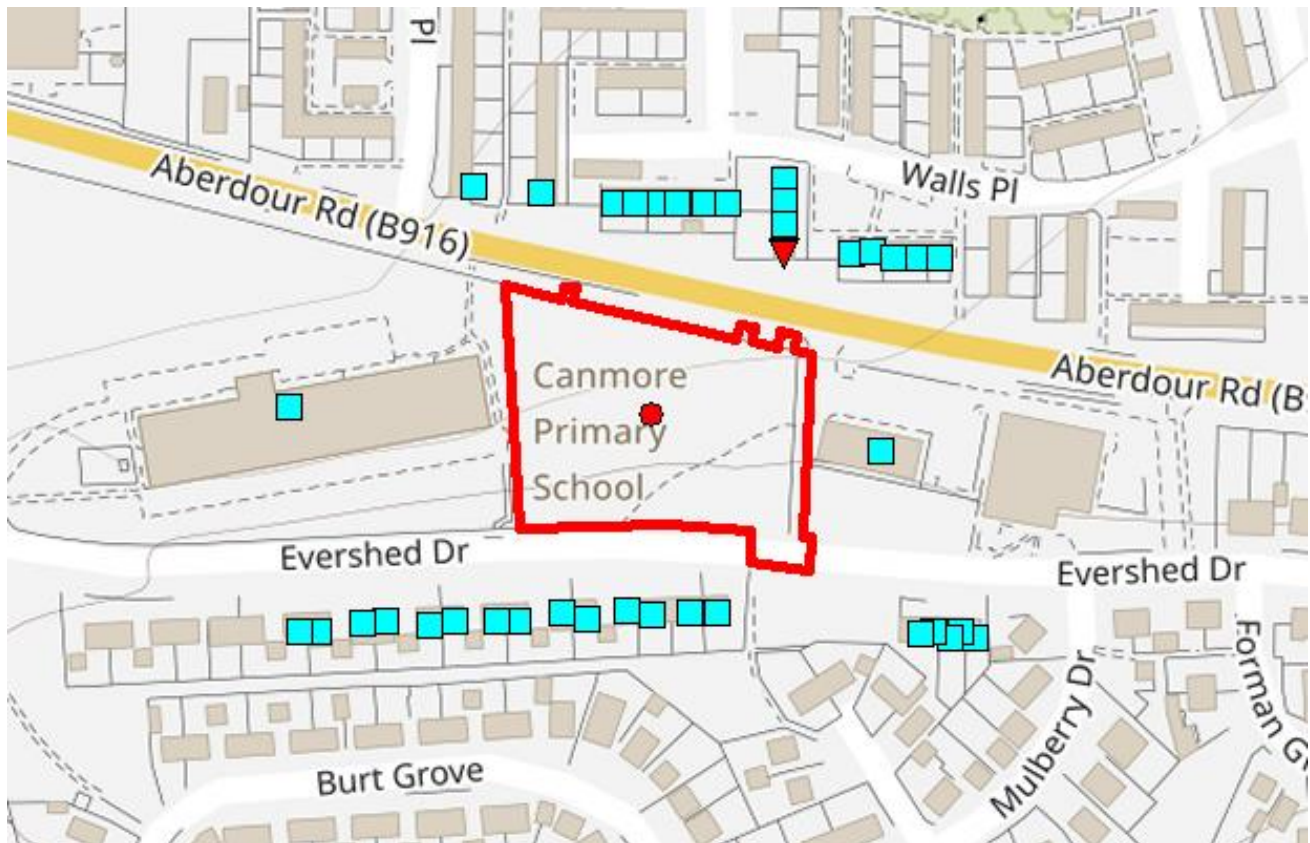
### 1.1 The Site

#### 1.1 The Site

1.1.1 This full planning application relates to a 0.6Ha area of open space, located within the Dunfermline settlement boundary. The application site is directly to the south of Aberdour Road (B916), which is a main arterial route into the centre of Dunfermline. Existing two-storey residential properties on Walls Place sit to the north of Aberdour Road. There is a local commercial centre directly to the east. Evershed Drive is located to the south of the site, with existing 1.5-storey residential properties located beyond and Canmore Primary School is located to the east. The application site currently consists of rough grassland with sporadic areas of self-seeded tree planting. There is a post and wire fence along the northern and eastern boundaries of the site. A larger, metal fence exists along the western boundary and the southern boundary remains open. The site slopes downhill from south to north, where there is an approximate levels difference of 10m. There are currently no formal vehicular access points

into the site from either Aberdour Road or Evershed Drive. There are sustainable transport options in the surrounding area which include an extensive footpath network, local bus service and cycle route. The site is not covered by any Local Development Plan designation.

1.1.2 The application site and surrounding area is shown in the image below:



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## 1.2 The Proposed Development

1.2.1 This application is for full planning permission for the erection of a four-storey flatted block, consisting of 40 sheltered housing apartments (affordable). Access, landscaping and drainage infrastructure is also proposed. The building would be located towards the northern half of the site, with a parking area and single point of vehicular access from Evershed Drive, being located on the southern half of the site. Landscaping would be provided throughout the site with direct footpath access being provided onto both Aberdour Road and Evershed Drive. The building would measure approximately 15.5m high, 73m in length and 21m wide. It would have a floor area of approximately 1,300sqm. The apartments would be located across all four floors, with a resident's lounge and café, run by Fife Council's Health and Social Care Team, located on the ground floor and a wardens office located on the first floor. The building would be finished with a mix of brown and grey facing brick, white dry-dash render and grey concrete roof tiles. The building would have an irregular roof type with flat, mono-pitched and pitched areas being proposed. Low carbon generating technologies would be located on the roof, consisting of solar panels and air source heat pumps.

## 1.3 Relevant Planning History

03/03030/WFULL - Erection of a class 10 building incorporating auditorium; general purpose halls; cafe; with associated offices; access; car parking and landscaping – Application approved subject to conditions - 15/01/04

## **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 A site visit has not been undertaken for this application. An appropriate level of information has been collated from digital sources and has been deemed sufficient by the Case Officer for a recommendation to be made.

1.4.3 Neighbours of this site were notified of this application on 22<sup>nd</sup> April 2024.

## **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 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 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 9: Brownfield, vacant and derelict land

and empty buildings

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

#### Policy 16: Quality Homes

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

#### Policy 18: Infrastructure first

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

#### Policy 22: Flood risk and water management

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

#### Policy 23: Health and safety

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

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

#### Policy 1: Development Principles

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

#### Policy 2: Homes

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

#### Policy 3: Infrastructure and Services

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

#### Policy 4: Planning Obligations

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

#### Policy 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

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

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

#### Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on

ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

## **National Guidance and Legislation**

### **Supplementary Guidance**

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing development in Fife.

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

demonstrating compliance with CO2 emissions reduction targets and district heating requirements;

requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

### **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

### **Planning Customer Guidelines**

Developing Brownfield Sites

Daylight and Sunlight

Garden Ground

Trees and Development

Minimum Distances between Window Openings

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Developer Contributions

## **2.2 Principle of Development**

2.2.1 National Planning Framework 4 2023 (NPF4) Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 16 (Quality Homes) apply. These policies support affordable housing development on non-allocated sites, where the proposal is explicitly supported by policies in the Local Development Plan. Support is also offered for proposals of less than 50 units where they have been identified as part of the local authority's affordable housing plan.

2.2.2 Concerns have been raised in submitted third-party representations that the proposal should be assessed as a Houses in Multiple Occupation (HMO) development in line with FIFEplan Policy 2. Furthermore, concerns are raised with regard to securing the affordable nature of the development and that allocation of the properties should be managed through a legal agreement. An objection also notes that the proposal should be informed by a Housing Need and Demand Assessment.

2.2.3 Fife Council's Local Development Plan 2017 (FIFEplan) Policies 1 (Development Principles) and 2 (Homes) apply. These policies support affordable housing developments within defined settlement boundaries.

2.2.4 The application site is located within an established residential area and within the settlement boundary of Dunfermline. It is currently a vacant area of open space, consisting of rough grassland and self-seeded vegetation. The site has no Local Development Plan (LDP) Status.

2.2.5 Fife Council's Affordable Housing Team (AHT) has been consulted on the proposal and has confirmed that the proposed housing mix has been determined by them and that it reflects the needs for affordable housing identified in the Dunfermline & Coast Local Housing Strategy Area. The AHT has also confirmed that the proposal is part of Fife Council's Strategic Housing Investment Plan. Housing need is informed by the Fife Housing Need and Demand Assessment.

2.2.6 The proposal is not for a homes in multiple occupation development and has therefore not been assessed as such. The flatted units proposed would provide independent living accommodation for single occupants or those living together as a family. Should the use change in the future, it will require the benefit of full planning permission.



2.2.7 Fife Council's Housing Services will be responsible for the allocation of properties to eligible people. The development shall however be conditioned to ensure its affordable nature is secured.

2.2.8 Whilst the site is not allocated for development, it is also not covered by any LDP designation. Given the site is within the settlement boundary of Dunfermline, the proposal is for less than 50 affordable houses and that it is part of Fife Council's Strategic Housing Investment Plan, the principle of development on this site is compliant with both NPF4 and FIFEplan policies and is therefore acceptable.

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

2.3.1 NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policies 10 (Amenity) and 14 (Built and Historic Environment) apply. These policies support development proposals which have a positive visual impact on their surroundings.

2.3.2 Concerns have been raised in submitted third-party representations that the development is out of scale and character with the surrounding area.

2.3.3 The application site is a vacant area of open space, consisting of rough grassland and self-seeded vegetation. There are existing areas of housing, a school and a local commercial centre which surround the site. These existing buildings range from 1 to 2 storeys and there is no predominant architectural style in the surrounding area.

2.3.4 The proposed 40 flats would be provided in a single building, which would be located towards the northern half of the site. The building would have an active frontage onto Aberdour Road, which is a main arterial route into the centre of Dunfermline. A parking area and single point of vehicular access from Evershed Drive, would be located towards the southern half of the site. Landscaping would be provided throughout the site with direct footpath access being provided onto both Aberdour Road and Evershed Drive. The proposed building would be 4-storeys in height, measuring approximately 15.5m high, 73m in length and 21m wide. Due to the topography of the site (approximate 10m difference between south and north), the building would present as 4-storeys to the north and 3-storeys to the south/ It would have a floor area of approximately 1,300sqm. Proposed finishing materials would include a mix of brown and grey facing brick, white dry-dash render and grey concrete roof tiles. The building would have an irregular roof type with flat, mono-pitched and pitched areas being proposed. Low carbon generating technologies would be located on the roof, consisting of solar panels and air source heat pumps.

2.3.5 The application proposal is much larger building in comparison to many of those in the surrounding area. However, due to the separation distances that exist, particularly between smaller residential properties (at least approx. 40m), no significant concerns would be raised with regard to the proposals scale and massing in this regard. Furthermore, a street elevation drawing has been submitted with the application which demonstrates that the proposal sits comfortably between the existing primary school to the west and commercial centre to the east.

2.3.6 The proposal has an attractive principal elevation which provides an active frontage on to Aberdour Road. A mix of finishing materials have been utilised and together with a varied roofline, adds to the visual interest of the building. Similarly, the rear elevation of the building would be finished to a similar standard and provide an active frontage onto the car parking area and towards Evershed Drive, which would complement the surrounding streetscene.

2.3.7 Significant engineering solutions (retaining walls) have been proposed given the topography of the site, however, these would not be overly visible from public areas which surround the site. Furthermore, these will be softened through the use of landscaping within the site.

2.3.8 Whilst the application site is a vacant area of open space, it serves no land-use purpose for the surrounding area. The site has development along all boundaries and due to its unkempt appearance, presents as a gap site/development opportunity. Due to the level differences between its southern and northern boundaries, the site should be recognised as having significant development constraints. As a whole, the application proposal presents an attractive design which will complement the site and surrounding area. The application proposal would therefore comply with NPF4 and FIFEplan policies in this regard and is therefore acceptable in terms of its visual impact.

## **2.4 Residential Amenity**

2.4.1 NPF4 Policies 16 (Quality Homes), 23 (Health and Safety) FIFEplan Policy 10 (Amenity) support development proposals that have no significant detrimental impact on existing levels of residential amenity. These policies specifically relate to privacy, overshadowing, noise and odour impacts. Where potential impacts are identified, the proposal should be supported by appropriate studies.

2.4.2 Concerns have been raised in submitted third-party representations that the development will result in unacceptable residential amenity impacts including overlooking, overshadowing, light pollution, construction impacts and from increased vehicle movements. Further concerns are raised with regard to the lack of amenity space that is proposed. Concerns have also been raised with regard to the proposal overlooking the adjacent primary school.

2.4.3 Due to the separation distances between the application proposal and the nearest residential properties (approx. 40m to north on Walls Place and approx. 60m to south on Evershed Drive), no significant concerns would be raised with regard to overshadowing or privacy impacts, as a result of the proposal. There would be windows on the eastern elevation which would look towards the neighbouring primary school, however, no significant privacy impact would arise from this. Furthermore, a 25-degree assessment has been submitted by the applicant which demonstrates no significant loss of daylight to windows on the west elevation of Canmore Primary School. Whilst the location of the proposed access and car park area would increase levels of activity on Evershed Drive, due to the low levels of traffic that the development would generate (see Section 2.5), no significantly detrimental residential amenity concerns would be raised in respect of amenity levels currently enjoyed by properties on Evershed Drive. Furthermore, whilst lighting is proposed within the car park area, it would generally face away from neighbouring houses on Evershed Drive and due to the distances between these houses and the car park, no significant concerns would be raised.

2.4.4 A Noise Impact Assessment (NIA) has been submitted with the application which has assessed the impact of road traffic noise from Aberdour Road, playground noise from Canmore Primary School and noise associated with the neighbouring Tesco Express. The NIA has assessed the impact of noise on external amenity areas and internal areas. An important point to note in the submitted NIA is that deliveries to Tesco are restricted to between 07:00 and 13:00 by condition attached to their planning consent (11/00826/FULL).

2.4.5 The NIA advises that noise levels within external amenity areas are largely within acceptable limits (below 50db). This has been achieved due to these areas being screened by the proposed

building and fencing which is to be installed along the western boundary of the site. No significant concerns would be raised in this regard.

2.4.6 The NIA advises that internal areas are unlikely to meet recommended noise levels of 40db during the daytime and 35db during the nighttime, when measuring noise levels with windows partially open. However, the NIA does advise that internal recommended noise levels can be met with specialist sound reduction glazing, with an additional means of ventilation being provided. Specific product details have not been provided, however, this can be secured by condition. In an ideal scenario, internal noise levels should be met when measured with windows open. It should be recognised, however, that in built-up areas, recommended noise levels are often difficult to achieve. Closed window solutions to achieve recommended noise levels are therefore only generally accepted in exceptional circumstances, which includes where the development is for higher density developments close to town centres and larger urban settlements. A closed window solution can therefore be accepted for this site. For the avoidance of doubt, whilst a closed window solution can be accepted, windows shall still be openable for rapid purge ventilation.

2.4.7 A resident's lounge and café would be provided within the building. This would only be available for use by the residents and no commercial scale cooking would be undertaken. Whilst the area does contain a small kitchen area, it is likely that pre-prepared food will be brought to the premises and served. As such, no significant odour concerns would be raised with regard to future occupants and existing surrounding properties.

2.4.8 Making Five's Places advises that sites are expected to provide 60sqm of open space per dwelling within the site, unless there are existing areas of open space within 250m in the wider area which can be utilised. It is noted that approximately 1,200sqm of usable open space would be provided within the site which is less than the 60sqm per dwelling guideline. However, it is noted that the site is within 250m walking distance of an existing area of open space to the north of Lilac Grove. Topographical constraints associated with the site are also noted with regard to providing usable open space on site. A reduced standard can therefore be accepted on this site.

2.4.9 As with any development, there is likely to be residential amenity impacts during the construction period in terms of noise, dust, vibrations and vehicle movements. These impacts will be short term in nature and can be minimised through the completion and submission of a Construction and Environmental Management Plan. This shall be secured by condition.

2.4.10 The application proposal raises no significant residential amenity concerns and is therefore acceptable in this regard in accordance with NPF4 and FIFEplan policies.

## **2.5 Transportation/Road Safety**

2.5.1 NPF4 Policies 13 (Sustainable Transport), 15 (Local Living and 20 Minute Neighbourhoods) and FIFEplan Policy 3 (Infrastructure and Services) apply and support development that have no significant road safety impacts. Furthermore, these policies require developments to provide adequate infrastructure to mitigate their impact in terms of traffic movements and for developments to encourage sustainable modes of travel.

2.5.2 Concerns have been raised in submitted third-party representations that the development will lead to increased traffic levels onto an already busy and congested road network. Concerns also cite ongoing issues with on-street parking on Evershed Drive and that parking provision associated with the development is not sufficient. Further concerns also note safety impacts on

pedestrians, particularly school children and concerns regarding the access junction being dangerous.

2.5.3 A new vehicular access will be formed into the site from Evershed Drive. This access will lead to a 15-space car park. Bicycle storage will also be provided. Footpath connections would also be provided onto both Evershed Drive and Aberdour Road. There is an existing bus stop adjacent to the site, on Aberdour Road. Dunfermline City Train Station is located approximately 1.5 miles from the site. The application site is located within the Dunfermline settlement boundary where there is good access to local services and amenities.

2.5.4 A Transport Statement (TS) has been submitted with the application which details that the development would likely generate a maximum of 13 two-way trips per hour. The TS advises that this would have an insignificant impact on traffic flows on the surrounding road network. The TS also advises that there are frequent bus services (approx. every half hour) into the centre of Dunfermline.

2.5.5 Fife Council's Transportation Development Management Team (TDM) has been consulted on the proposal and whilst they have raised no objections, they do note that construction traffic should be restricted from entering and leaving the site during school opening, closing and lunch hours. Furthermore, they note that a temporary construction access directly onto Aberdour Road should be provided. This can be captured through a construction management plan which shall be secured by condition. TDM also note that in accordance with Fife Council's parking standards, the development is required to provide 1 parking space per 3 units, specifically for visitors, 1 parking space per resident staff and 1 parking space per 3 other staff. Whilst third-party objections raise concerns regarding existing parking issues on Evershed Drive, this application cannot be required to address these issues. The proposal is providing a safe means of vehicular access and the required level of parking and as such, would have no significant impact on the surrounding road network.

2.5.6 The proposal would raise no significant concerns in terms of its road safety impact. Furthermore, the application site is located within a settlement boundary, close to local services and public transport options and would therefore constitute a sustainable development. The application proposal is therefore acceptable in this regard and in compliance with NPF4 and FIFEplan policies.

## **2.6 Flooding and Drainage**

2.6.1 NPF4 Policies 22 (Flood Risk and Water Management) and FIFEplan policies 3 (Infrastructure and Services) and 12 (flooding and the Water Environment) support development proposals which will not be impacted by flooding, nor increase flooding elsewhere out with the site. Furthermore, these policies support development which sustainably deals with surface water run-off.

2.6.2 The SEPA flood maps show small areas of potential surface water flood risk along the southern boundary of the site. As such, a Flood Risk Assessment (FRA) has been submitted by the applicant which concludes that whilst flooding of the site is not predicted, in order to manage any residual risk, additional storage capacity should be built into the surface water drainage system.

2.6.3 Surface water run-off shall be managed through a sustainable urban drainage system (Suds). Surface water will be directed to and stored within below ground attenuation structures and then discharged to the nearby Scottish Water surface water sewer at a restricted rate.

2.6.4 Fife Council's Structural Services Team has reviewed both the FRA and drainage design and has confirmed that they have no objections to the proposal.

2.6.5 Scottish Water has also been consulted and has raised no objections.

2.6.6 The application proposal raises no significant flooding or drainage concerns. The proposal therefore complies with NPF4 and FIFEplan policies and is therefore acceptable in this regard.

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

2.7.1 NPF4 Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and 23 (Health and Safety) and FIFEplan Policy 10 (Amenity) support development which remediates contaminated land, making it safe for future land uses. These policies also advise that development which would have a significant adverse impact on air quality will not be supported.

2.7.2 A Site Investigation Report has been submitted with this application which details that no remedial works are deemed to be required in relation to potentially contaminated land.

2.7.3 Fife Council's Land & Air Quality Team (L&AQ) has been consulted and has raised no objections or further queries with regard to the submitted information. L&AQ have requested that a condition be attached which requires the developer to report any unforeseen contamination, should it be found during the construction period.

2.7.4 The proposal raises no significant contaminated land concerns. The proposal is therefore compliant with NPF4 and FIFEplan policies and is therefore acceptable.

## **2.8 Natural Heritage and Trees**

2.8.1 NPF4 Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, Woodland and Trees) and FIFEplan Policy 13 apply and support development which protects and enhances protected species/biodiversity in and around the site whilst also safeguarding protected trees and also non-protected trees which have amenity value.

2.8.2 An Ecological Survey and Impact Assessment Report has been submitted with the application. This report details that the site is an area of neutral grassland with two trees and a small area of shrubs. It details that the site is of moderate ecological quality. The ecological survey noted negligible potential for protected species but advises that any vegetation clearance undertaken during the bird breeding season should be preceded by an on-site survey. The report details ecological enhancement measures which should be undertaken which shall include but not necessarily be limited to the planting of landscaping and the installation of bat and bird boxes. The report concludes by noting that whilst the development would result in land of moderate ecological quality, there are opportunities to mitigate this loss and to enhance the local habitat.

2.8.3 Fife Council's Ecology Officer has been consulted on this application and has raised no significant ecology concerns. They have noted however that an updated landscaping plan should be provided which should deliver a higher ecological value. This can be secured by condition.

2.8.4 A Tree Impact Assessment has been submitted with the application which details that there are two trees within the application site (both Cat. C) and six within the grounds of Canmore Primary School (all Cat. B). The report advises that the majority of the tree population is early mature and in moderate structural condition.

2.8.5 Fife Council's Tree Officer has been consulted on this proposal and has advised that there is some ambiguity as to which trees are to be removed and which trees are to be protected. This was raised with the applicant who advises that both trees within the site are to be removed to facilitate the development with compensatory planting proposed. Furthermore, there is minimal incursion of root protection areas into the application site from the neighbouring school site and as such, there would be no significant impact on these trees. A Tree Protection Plan has been submitted and a condition added which requires the protection measures to be installed before any works commence and for them to be retained for the duration of the construction period.

2.8.6 The proposal would raise no significant concerns in terms of its ecology or tree impact providing that ecology enhancements are provided and landscaping is implemented. This shall be secured by condition. The proposal therefore complies with NPF4 and FIFEplan policies in this regard and is therefore acceptable.

## **2.9 Sustainability**

2.9.1 NPF4 Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate Mitigation and Adaptation), 12 (Zero Waste), 13 (Sustainable Transport) and FIFEplan Policy 11 (Low Carbon) support development that is compliant with sustainable development principles and take account of the climate and nature crises.

2.9.2 A Low Carbon Checklist (LCC) has been submitted with this application which advises that a fabric first approach will be undertaken to reduce Co2 emissions. The LCC advises that a renewable energy strategy for the development will be implemented which will include a combination of solar panels and/or air source heat pumps. Furthermore, surface water run-off will be dealt with sustainably as set out earlier in this report. Provision will also be made for recycling within the site. The sustainable travel opportunities have also been covered earlier in this report.

2.9.3 The proposal therefore complies with NPF4 and FIFEplan policies in this regard.

## **2.10 Developer Contributions**

2.10.1 NPF4 Policy 18 (Infrastructure First) and FIFEplan Policy 4 (Planning Obligations) support development where an infrastructure first approach has been applied. These policies advise that all development should mitigate their impact on infrastructure capacity and developer contributions will be sought where required.

2.10.2 Concerns have been raised in submitted third-party representations that the development should not be exempt from developer contributions and that contributions should be made to the adjacent school.

2.10.3 Given that 100% affordable housing is proposed, the application site is exempt from all planning obligations. Furthermore, given the proposal would generate no school aged children, there would be no impact on the school estate.

## 3.0 Consultation Summary

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|                                                        |                                        |
|--------------------------------------------------------|----------------------------------------|
| Education (Directorate)                                | No objections.                         |
| Parks Development and Countryside                      | Maintenance advice provided.           |
| Trees, Planning Services                               | Clarification required.                |
| Scottish Water                                         | No objections.                         |
| Land And Air Quality, Protective Services              | Condition recommended.                 |
| Structural Services - Flooding, Shoreline and Harbours | No objections.                         |
| Natural Heritage, Planning Services                    | Revised landscaping plan requested.    |
| TDM, Planning Services                                 | No objections. Conditions recommended. |
| Housing And Neighbourhood Services                     | No objections.                         |

## 4.0 Representation Summary

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4.1 Nine objections have been received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| Issue                                                                     | Addressed in Paragraph |
|---------------------------------------------------------------------------|------------------------|
| a. Proposal will result in overlooking towards neighbouring properties    | 2.4                    |
| b. Proposal will result in overshadowing of neighbouring properties       | 2.4                    |
| c. No amenity space has been provided                                     | 2.4                    |
| d. Proposal should be assessed against Policy 2 (HMO)                     | 2.2                    |
| e. A Housing Need and Demand Assessment should be undertaken              | 2.2                    |
| f. Eligibility for housing should be secured by Section 75 agreement.     | 2.2                    |
| g. Proposal should not be exempt from developer contributions.            | <b>2.10</b>            |
| h. Increased traffic onto surrounding road network which is already busy. | <b>2.5</b>             |
| i. School aged children walk within the area.                             | <b>2.5</b>             |

|                                                                              |     |
|------------------------------------------------------------------------------|-----|
| j. Parking provision is insufficient.                                        | 2.5 |
| k. Access junction is dangerous.                                             | 2.5 |
| l. Residential amenity impacts associated with vehicle movements.            | 2.4 |
| m. Layout is not consistent with neighbouring buildings.                     | 2.3 |
| n. Design not in-keeping with surrounding development.                       | 2.3 |
| o. Proposal would result in overlooking of primary school playground.        | 2.4 |
| p. Noise issues during construction period.                                  | 2.4 |
| q. Residential amenity impact from new streetlights.                         | 2.4 |
| r. Parked vehicles on Evershed Drive will make the site difficult to access. | 2.5 |

#### 4.2.2 Other Concerns Expressed

The following concerns have been raised, however, they are not material planning considerations which can be taken into account.

- Increased traffic will worsen road condition.
- Local dentists and doctors not accepting new patients.
- Loss of view.
- Access will be dangerous in winter.

## 5.0 Conclusions

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Whilst the application site is greenfield and not allocated for development in the Local Development Plan, it is a gap site which is located within the settlement boundary of Dunfermline, where there is national and local policy support for affordable housing developments. Furthermore, the site has no Local Development Plan protection. The application proposal is an attractive, modern development and whilst large in size, will complement the surrounding area. No significant residential amenity concerns are raised, largely due to the offsets which have been provided between the proposed building and existing neighbouring residential properties. No significant road safety concerns are raised, given the low levels of traffic that the development is likely to generate. Furthermore, amenities are available in the surrounding area along with sustainable transport options. No significant concerns are raised with regard to the development's impact on flooding, drainage, contaminated land or biodiversity. The application is therefore recommended for approval, subject to conditions.

## 6.0 Recommendation

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

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

1. Before any development commences on site, a Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to Fife Council as Planning Authority, for prior



written approval. The approved measures shall then be followed in full on site during the construction period. For the avoidance of doubt, the CTEMP shall include details of the construction hours, traffic routes and wheel cleaning facilities and consider all potential impacts on surrounding residential properties, potential impacts on local ecology and how these impacts shall be mitigated.

Reason: In the interest of protecting residential amenity, road safety and ecology; to ensure adequate measures are put in place during the construction period to avoid any significant impacts.

2. Before any development commences on site, full details of all noise mitigation measures (including windows, trickle vents and acoustic fencing) shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall be installed on site in full, prior to the first occupation of the development.

Reason: In the interest of residential amenity; to ensure future residents are protected from significantly detrimental noise impacts.

### **CONDITIONS:**

3. 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.

4. All units hereby approved shall be provided as affordable housing as defined by Fife Council's Supplementary Planning Guidance on Affordable Housing (2018), or any future superseding version of this guidance, and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In order to define the terms of the consent.

5. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the

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

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

6. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, a suitable bird survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area and shall be submitted to and approved in writing by this Planning Authority before those clearance works commence. Once written approval has been given the works themselves should be carried out within a specified and agreed timescale.

Reason: To ensure breeding birds are protected.

7. Before they are installed on site, full details of the ecological enhancement measures as detailed in the submitted Ecology Impact Assessment, along with any associated maps and product details, shall be submitted to Fife Council as Planning Authority for prior written approval. The approved ecological enhancement measures shall be installed on site prior to the occupation of the 30th unit.

Reason: To ensure the site contributes to biodiversity enhancement.

8. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

9. The total noise from all air source heat pumps shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any relevant 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.

Reason: In the interest of residential amenity; to ensure noise levels generated by air source heat pumps causes no significant impact.

10. Before any unit is occupied, a detailed boundary treatment plan shall be submitted to Fife Council as Planning Authority for prior written approval. The agreed boundary treatments shall be installed prior to each unit being occupied.

Reason: In the interest of visual amenity; to ensure the full details of all boundary treatments are agreed.

11. Before any unit is occupied, a revised landscaping plan (including maintenance details) shall be submitted to Fife Council as Planning Authority for prior written approval. For the avoidance of doubt, the revised landscaping plan shall the seeding of a species-rich wildflower meadow towards the south of the north of the car park area and include more native planting alternatives. Once approved, the revised landscaping plan shall be fully implanted before the development is brought into use, or during the first planting season following occupation, whichever is sooner.

Reason: In the interest of visual amenity and biodiversity enhancement; to ensure landscaping is provided that softens the visual impact of the development and provides a biodiversity benefit.

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

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

13. Prior to occupation of the sheltered housing, the access bellmouth from Evershed Drive shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. Work shall include the provision of a minimum throat width of 5.5 metres with 6 metres radius kerbs; a raised table; removal of existing road hump; and provision of bollards for a length of 6 metres from the adjoining road channel line.

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

14. Prior to occupation of the sheltered housing, the construction and delineation of the parking, manoeuvring, servicing, turning and access driveway areas, as shown on document 03, shall be to the satisfaction of the planning authority.

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

15. Prior to occupation of the sheltered housing, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and Evershed Drive, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access with the public road.

16. The tree protection measures, as detailed in the agreed Arboricultural Method Statement Tree Survey Report (Blebo Tree Surgery 15/08/2024), shall be erected on site before any development commences. Thereafter, the tree protection measures shall be retained in a sound, upright condition, for the duration of the construction period.

Reason: In the interest of biodiversity protection; to ensure existing trees are protected.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Jamie Penman, Chartered Planner

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

Committee Date: 25/09/2024

Agenda Item No. 7

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**Application for Full Planning Permission**

**Ref: 23/01774/FULL**

**Site Address:** Land North East of Norman Place Leslie

**Proposal:** Erection of seven dwellinghouses (Class 9) and associated development including formation of vehicular accesses and landscaping (demolition of existing buildings)

**Applicant:** Mr McAdam, 1 Eagle Street Glasgow

**Date Registered:** 14 July 2023

**Case Officer:** Brian Forsyth

**Wards Affected:** W5R14: Glenrothes North, Leslie and Markinch

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

1.1.1 This approximately 0.46 hectare application site in Leslie is bounded to the north by South Street East (with two-storey residential properties and lock-up garages on the opposite side), to the east by Fettykil Path (with a bowling green/club and housing on the opposite side), to the south by the policies of the Category B listed Fettykil House, and to the west by single-storey housing onto Norman Place. The northern part of the site, within Leslie Conservation Area, extends to some 0.3 hectares, incorporating disused and derelict c. 1930s brick commercial garage premises, ancillary buildings contemporaneous with those premises, brick walls, gates, more recent fencing, adjoining disused land with evidence of past horticultural use, timber domestic sheds, two timber domestic lock-up type garages, and stretches of traditional stone walling along South Street East and into the site. The northern part of the site overall is semi-derelict. The southern part of the site, outwith the conservation area, comprises a corner of the policies of Fettykil House, including a pond, with traditional stone walling along the Fettykil Path

frontage. The southern part of the site is physically separated from the northern part by the disused garage premises and a curtilage listed wall of Fettykil House.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 Full planning permission is sought for erection of seven dwellinghouses (Class 9) within the northern part of the site, accessed off South Street East, and associated development and landscaping. An eighth house within the southern part of the site, originally proposed as part of this application, has been deleted from the application at the request of the applicant. The proposed development would be facilitated by dountaking of the abovementioned existing structures on site, except for the traditional stone walling.

1.2.2 Five of the dwellinghouses are proposed along South Street East, between the rear of the existing cottages onto Norman Place and the junction with Fettykil Path, the two at the junction with Fettykil Path being two and three-quarter storey; that to the rear of the existing cottages onto Norman Place being one/one and a half storey; and the two in-between being one and three-quarter storey. The other two to the rear (south) would be two and three-quarter storey, one next to Fettykil Path and one internal to the site. Vehicular access to all the dwellinghouses would be through an existing access point/gap in the stone boundary wall along South Street East, except in the case of the dwellinghouse to the rear of the existing cottages onto Norman Place, which would make use of a separate existing access point/gap in the stone boundary wall; and in the case of the two dwellinghouses at the junction of South Street East and Fettykil Path, which would have additional access off South Street East, serving their garages.

1.2.3 A report in relation to an accompanying application for conservation area consent, ref. 23/02254/CAC, is included in these papers. That report addresses the particular built heritage

implications of proposed demolition works necessary to facilitate the development the subject of this application for planning permission.

### **1.3 Relevant Planning History**

1.3.1 The following relevant planning history is listed in the Council's electronic register: -

23/02254/CAC - Demolition of disused commercial garage buildings, brick walls, gates and fencing – Pending Decision.

22/00593/PREAPP – Pre-application enquiry for erection of 6. No. dwellinghouses – Closed 25 May 2022.

19/02363/PREAPP – Pre-application enquiry for erection of 10 dwellinghouses, alterations to boundary wall and formation of access – Closed 20 November 2019.

### **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the National Planning Framework 4 (2023) (NPF4) and FIFEplan Local Development Plan (2017).

1.4.2 Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.4.3 The application was advertised in the Dundee Courier & Advertiser on the 20 July 2023 and a statutory notice posted on site on the same date.

1.4.4 The site was last visited by the case officer on 8 August 2024

### **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 7: Historic assets and places

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

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

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

#### Policy 14: Design, quality and place

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

#### Policy 16: Quality Homes

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

#### Policy 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.

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

#### Policy 1: Development Principles

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

#### Policy 2: Homes

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

#### Policy 3: Infrastructure and Services

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

#### Policy 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**

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland Managing Change series

### **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 Customer Guidelines**

Daylight and Sunlight

Garden Ground

Trees and Development

Minimum Distances between Window Openings

### **Other Relevant Guidance**

Leslie Conservation Area Appraisal and Management Plan (2004)

Fife Council Policy for 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.

## **2.0 Assessment**

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### **2.1 Relevant Matters**

2.1.1 NPF4 states that a plan-led approach is essential to supporting the delivery of Scotland's national outcomes and broader sustainable development goals. The matters to be assessed against the development plan and other material considerations are: -

- Principle of Development
- Design and Layout/Visual Impact/Built Heritage
- Residential Amenity
- Transportation/Road Safety
- Flooding and Water Management
- Ground Conditions
- Natural Heritage
- Building Sustainability

## **2.2 Principle of Development**

2.2.1 The relevant provisions of FIFEplan Policies 1 and 2 and NPF4 policies 1, 8, 9 and 16 apply.

2.2.2 As a site within the defined settlement boundary for Leslie in terms of FIFEplan, with no policies for the location therein, the principle of development for housing is established in terms of the above provisions of FIFEplan policy. In turn, the proposals are considered to accord with NPF4 policy 16.

2.2.3 Collectively, NPF4 policies 1 and 9 state that in the case of redevelopment of such sites, demolition will be the least preferable option, given the need to conserve embodied energy and give significant weight to the global climate crisis. It is noted that the disused garage premises are in a derelict state, the agent advising that they have been vacant for 5-6 years, with the roofs having been leaking for some time and the rainwater goods damaged or missing, resulting in repeated soaking of the walls and deterioration of the brick fabric. The premises are also contaminated from their historic use and it is contended that they are unsuitable and unviable for conversion to residential use. From visual inspection, and taking the agent's appraisal into account, the principle of redevelopment of the site without reuse of the disused commercial garage buildings is considered acceptable in terms of the above provisions of NPF4 policies 1 and 9.

2.2.4 In light of the above, the proposals are considered to accord with NPF4 policy 8 as relates to the sustainable reuse of brownfield land.

2.2.5 Whilst the principle of the proposals is considered acceptable in terms of the above provisions of policy, the overall acceptability of the proposals remains subject to compliance with the below provisions of policy and guidance.

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

2.3.1 The relevant provisions of NPF4 polices 7 and 14 and FIFEplan Policies 1, 10 and 14 apply. Making Fife's Places Supplementary Guidance (2018), Leslie Conservation Area Appraisal and Management Plan (2004), Historic Environment Scotland Policy Statement (2019), and Historic Environment Scotland's Managing Change series are also relevant here.

2.3.2 Objection is raised in relation to the appearance of the proposed dwellinghouses.

2.3.3 Planning Services' Built Heritage Officer (BHO) raises concerns in relation to proposals within the policies of the Category B listed Fettykil House, which part has now been deleted from the application at the request of the applicant. The BHO does not otherwise raise concerns in relation to the proposals for redevelopment of the site.

2.3.4 The site is in a relatively prominent location at the junction of South Street East and Fettykil Park. As mentioned, the northern part of the site is within the Leslie Conservation Area and is in an overall semi-derelict condition. This part of the conservation area comprises part of an extension to the original Leslie Conservation Area, a late 18<sup>th</sup> and early 18<sup>th</sup> century area planned as the 'New Town', to a rigid layout.

2.3.5 Taking into account the semi-derelict condition of the northern part of the site, it is considered that its reuse, in and of itself, would be an enhancement to the character and appearance of the conservation area. Notwithstanding the views of the objectors, it is considered that the overall built form, layout and detailed design of the redevelopment proposals would see the character and appearance of the conservation area preserved and the visual amenity of the area generally significantly improved, drawing on the architectural forms visible in the existing architecture of Leslie but with contemporary interpretation, laid out in a rigid layout which completes this part of the planned Leslie New Town. Strong street edges are provided along South Street East and Fettykil Path, and strong roof patterns are proposed along Fettykil Path. Facing South Street East, the variation in building heights makes a positive contribution to the visual character of the development; taller buildings turn the corner effectively and are visually grouped to increase the massing of buildings and make a corner feature, reinforced by being set a little forward, thereby avoiding a uniform building line. The existing traditional stone walls would be retained. In terms of materials, natural slate is proposed to roof pitches, external walls would be a mix of facing brick (referencing the existing disused commercial garage and Leslie's industrial heritage) and render; feature cladding panels are proposed as either timber cladding or zinc metal; notwithstanding, and to ensure the materials palette does not harm the character and appearance of the area, it is considered that approval of materials should be made a condition of planning permission.

2.3.6 Overall, and subject to the abovementioned condition in relation to materials, it is considered that the proposals would see the character and appearance of the conservation area preserved and the visual amenity of the area generally significantly improved, according with the above legislative objective and relevant provisions of policy and guidance

## **2.4 Residential Amenity**

2.4.1 The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 apply. Fife Council Policy for Development and Noise 2021; and Fife Council Planning Services Garden Ground, Minimum Distances between Window Openings, and Daylight and Sunlight, Customer Guidelines also apply.

2.4.2 Objections are raised in relation to the loss of natural light to a nearby residential property and loss of an area of amenity space on the site rented by a nearby householder.

2.4.3 Notwithstanding the view of the objector, the proposals accord with the Daylight and Sunlight Customer Guidelines. In terms of the Garden Ground Customer Guidelines, it is noted that there are deficiencies in terms of meeting headline plot ratio and garden ground targets, however it is considered this is justified in securing an overall built form and layout which sees the character and appearance of the conservation area preserved, in particular by ensuring built form predominates sufficiently to define the rigid layout desired. Within the site, the proposals accord with the Minimum Distances between Window Openings Customer Guidelines;

externally to the site, the proposals do so comfortably, except between the proposed dwellinghouses on Plots 5 and 6 (junction of South Street East and Fettykil Path) and the existing house opposite where there would be a separation of some 16 metres, however this is considered acceptable taking into account the size and distribution of the proposed windows and the desirability of the dwellinghouses on these plots acting as a corner feature. There are no upper floor windows serving habitable rooms that would be within nine metres of the boundary with an existing neighbouring residential property. In relation to noise, the submitted noise report recommends the proposed houses make use of a 'closed window' solution in response to industrial noise, which can be secured by a condition of planning permission.

2.4.4 Overall, and subject to the above condition of planning permission requiring a 'closed window' solution, it is considered that the proposals accord with or are acceptable in terms of the above provisions of policy and guidance in relation to residential amenity. In relation to the loss of the amenity space on site rented by the objector, it is understood that this is only a temporary arrangement with the site owner.

## **2.5 Transportation/Road Safety**

2.5.1 The relevant provisions of FIFEplan Policies 1 and 3 and Making Fife's Places Supplementary Guidance (2018) apply.

2.5.2 Objectors state that the proposals will exacerbate existing vehicle access issues, including for service and emergency vehicles; will contribute to a reduction in on-street parking for existing residents and bowling club users; and give rise to road safety issues generally.

2.5.3 Planning Services' Transportation Development Management team (TDM) raises no objection; however, conditions are recommended to ensure that access over private roads to properties at The Orchard is maintained during construction as well as ensuring provision and maintenance of visibility splays at the South Street East/Fettykil Path and proposed private access road/South Street East junctions.

2.5.4 In relation to parking, it should be noted that the proposed on-site parking provision meets the relevant Council guidelines, and that the proposed vehicular accesses (which it is acknowledged would have to be kept clear of parked vehicles) are either existing or substitute for existing vehicular accesses. As such, and taking into account that TDM does not object in relation to parking, it is considered that the proposals are acceptable in terms of parking. While consequential overflow parking onto the existing road network cannot be ruled out, neither can it be ruled out in connection with the existing lawful uses of the site, which includes use as a commercial garage.

2.5.5 In relation to other transportation/road safety considerations, the conditions of planning permission recommended by TDM do not meet the relevant tests for planning conditions, that requiring maintenance of access during construction relating to a matter which is not a material planning consideration; those specifying splays conflicting with the proposed site layout and design, which includes a corner feature building at the junction of South Street East/Fettykil Path and retention of existing walls and their existing height along South Street East; it is considered that the design changes necessary to provide for TDM's recommended splays would not see the character and appearance of the conservation area preserved. Taking into account the need to preserve the character and appearance of the conservation area, noting that the existing substandard road layout around the site can be expected to have a calming effect on traffic, and acknowledging that continued lawful use of the site for commercial garage purposes, etc. would likely give rise to vehicle conflicts too, it is considered that the proposals are acceptable in terms of other transportation/road safety considerations, notwithstanding TDM's position and the views of objectors.

2.5.6 In light of the above, the proposals stand to be considered acceptable in terms of the above provisions of policy and guidance.

## **2.6 Flooding and Water Management**

2.6.1 The relevant provisions of NPF4 policy 22 and FIFEplan Policies 1 and 12 apply. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) also applies.

2.6.2 Objections are raised in respect of the ability of the sewers to cope with the proposals.

2.6.3 The Scottish Environment Protection Agency (SEPA) flood maps show only the limits of the existing pond being liable to flooding, with a medium likelihood of such an event. The applicant has submitted a flood risk assessment (FRA) and such further information as required at this time in terms of the above design criteria guidance. The Council's Flooding, Shoreline and Harbours team raises no objection in relation to either flooding or surface water management. A consultation response has not been received from Scottish Water.

2.6.4 Deletion of the eighth house and modest consequential changes followed Flooding, Shoreline & Harbours' consultation response, however any residual issues in terms of drainage infrastructure can be addressed by condition of planning permission. Subject to such a condition, and to other standard conditions in relation to surface water management, the proposals are considered to accord with the above provisions of policy and guidance in relation to flooding and water management. The issue of public sewer capacities raised by objectors is ultimately for Scottish Water to consider through the relevant consenting processes.

## **2.7 Ground Conditions**

2.7.1 The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 apply.

2.7.2 The site is not in area notified by the Coal Authority to the planning authority for statutory consultation purposes. The Council's Land & Air Quality team raises no objection subject to standard conditions.

2.7.3 Taking Land & Air Quality's views into account, and subject to their recommended conditions, the proposal is considered to accord with the above provisions of policy in relation to ground conditions.

## **2.8 Natural Heritage**

2.8.1 The relevant provisions of NPF4 policies 1 and 3 and FIFEplan Policies 1 and 13 apply. Making Fife's Places Supplementary Guidance (2018) also applies.

2.8.2 An objector claims the proposals would adversely impact on ecology, claiming a conservation report hasn't been done and, as such, we don't know whether there would be adverse impact on protected species.

2.8.3 Ecological and bat survey reports have in fact been submitted. Planning Services' Natural Heritage Officer raises no objection.

2.8.3 Taking the views of the Natural Heritage Officer into account, and notwithstanding the objector's concerns, it is considered that the proposal accords with the above provisions of policy and guidance in relation to natural heritage.

## 2.9 Building Sustainability

2.9.1 The relevant provisions of NPF4 policies 1, 2 and 14 and FIFEplan Policies 1, 3 and 11 apply. Fife Council's Low Carbon Supplementary Guidance (2019) is also relevant here.

2.9.2 The applicant has submitted a satisfactorily completed Fife Council Planning Services Low Carbon Checklist in support of the proposal. Photovoltaic panels and air source heat pumps are proposed. As such, and subject to a condition to secure the implementation of these measures, the proposal accords with the above provisions of policy and guidance in relation to building sustainability.

## 3.0 Consultation Summary

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|                                                        |                                                   |
|--------------------------------------------------------|---------------------------------------------------|
| Urban Design, Planning Services                        | No objection.                                     |
| Built Heritage, Planning Services                      | No objection in relation to amended proposals.    |
| Structural Services - Flooding, Shoreline and Harbours | No objection.                                     |
| Land And Air Quality, Protective Services              | No objection subject to standard type conditions. |
| TDM, Planning Services                                 | Objection.                                        |
| Scottish Water                                         | No response.                                      |
| Natural Heritage, Planning Services                    | No objection.                                     |

## 4.0 Representation Summary

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4.1 23 representations have been received from 21 parties, all raising objection.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| Issue                                                                                                                         | Addressed in Paragraph |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------|
| a. Will exacerbate existing access issues, including for service and emergency vehicles; and give rise to road safety issues. | 2.5                    |

|                                                                                                                 |     |
|-----------------------------------------------------------------------------------------------------------------|-----|
| b. Will contribute to a reduction in on-street parking, including for the bowling club.                         | 2.5 |
| c. Appearance of houses to detriment of visual amenity.                                                         | 2.3 |
| d. Will impact on ecology; conservation report hasn't been done; how do we know no impact on protected species. | 2.8 |
| e. Will lead to a loss of access to natural light by third party property.                                      | 2.4 |
| f. Sewers won't be able to cope.                                                                                |     |
| g. Neighbour will lose amenity land on site which they rent.                                                    | 2.4 |

#### 4.2.2 Support Comments

##### Issue

- a. None

#### 4.2.3 Other Concerns Expressed

##### Issue

- a. Object to removal of trees.
- b. Stone walls are listed and should not be removed.
- c. Will lose private view across the site.
- d. Will impact property values
- e. Will impact on utilities
- f. Development cannot proceed as proposed as discharge to River Leven is within third party control
- g. Will impact amenity of neighbours during construction
- h. Will obstruct vehicle access and movement during the construction phase.

##### Comment

- No trees are proposed for removal.
- No stone or listed walls are proposed for removal.
- This is not a material planning consideration.
- This is not a material planning consideration.
- This is not a material planning consideration.
- This is not a material planning consideration.
- This is not a material planning consideration.
- This is not a material planning consideration.
- This is not a material planning consideration.

## 5.0 Conclusions

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5.1 Subject to conditions of planning permission, the development accords with or is acceptable in terms of the provisions of policy and guidance in relation to the principle of development, design and layout/visual impact/built heritage, residential amenity, transportation/road safety, flooding and water management, ground conditions, natural heritage, and building sustainability. The development accords with the Development Plan overall, with no material considerations of sufficient weight to justify departing therefrom.

## 6.0 Recommendation

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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 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 THE COMMENCEMENT OF THE DEVELOPMENT HEREBY APPROVED, AND NOTWITHSTANDING THE DETAILS SHOWN IN THE APPROVED PLANS AND DRAWINGS, details of the external finishes and surfaces shall have been submitted to and approved in writing by this planning authority.

Reason: In the interests of preserving the character and appearance of the Leslie Conservation Area and safeguarding the visual amenity of the area generally.

3. BEFORE THE COMMENCEMENT OF THE DEVELOPMENT HEREBY APPROVED, AND NOTWITHSTANDING THE DETAILS SHOWN IN THE APPROVED PLANS AND DRAWINGS, amended versions of the documents (our ref.) '43', '44', and '45', shall have been submitted to and approved in advance in writing by this planning authority.

Reason: To ensure the effective management of surface water as part of the amended housing proposals hereby approved (omission of the house to Plot 8).

4. The SuDS and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational before any of the houses hereby approved are occupied, unless otherwise agreed in writing. Thereafter the said SuDS and drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure the effective management of surface water and to ensure that the required drainage works are carried out and operational at the required stage of the development.

5. BEFORE ANY OF THE DWELLINGHOUSES HEREBY APPROVED ARE OCCUPIED, confirmation that the approved SuDS and drainage infrastructure has been constructed in line with current best practice shall have been submitted to this planning authority. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

Reason: To ensure the approved SuDS and drainage infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

6. 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](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.

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

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

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

8. 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.

9. BEFORE THE FIRST OCCUPATION OF EACH DWELLINGHOUSE HEREBY APPROVED, the low and zero carbon generating technology shown serving it shall have been installed and made available for use.

Reason: To ensure the development accords with relevant policy and guidance.

10. BEFORE THE FIRST OCCUPATION OF EACH DWELLINGHOUSE HEREBY APPROVED, the recommended glazing (approved noise report (our ref. '42') refers) serving it shall have been installed.

Reason: To ensure a satisfactory internal noise environment.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

[Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements \(2022\)](#)

[Historic Environment Policy for Scotland \(2019\)](#)

[Historic Environment Scotland Managing Change series](#)

[Leslie Conservation Area Appraisal and Management Plan \(2004\)](#)

Report prepared by Brian Forsyth, Planner (Chartered Town Planner)

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

**Committee Date: 25/09/2024**

**Agenda Item No. 8**

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**Application for Conservation Area Consent**

**Ref: 23/02254/CAC**

**Site Address: Land North East of Norman Place Leslie**

**Proposal: Demolition of disused commercial garage buildings, brick wall, entrance gates and fencing**

**Applicant: Mr B McAdam, 1 Eagle Street Glasgow**

**Date Registered: 25 August 2023**

**Case Officer: Brian Forsyth**

**Wards Affected: W5R14: Glenrothes North, Leslie and Markinch**

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

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This application requires to be considered by the Committee because it is associated with another type of application for consideration by the Committee and it is expedient for both applications to be considered together.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

1.1.1 This approximately 0.46 hectare application site in Leslie is the same as that to which application for planning permission ref. 23/01774/FULL for erection of seven dwellinghouses relates, a report in relation to which is also included in these papers. It is bounded to the north by South Street East, to the east by Fettykil Path, to the south by the policies of Fettykil House, and to the west by housing onto Norman Place. The northern part of the site, extending to some 0.3 hectares, lies within the Leslie Conservation Area, incorporating disused and derelict c. 1930s brick commercial garage premises, ancillary buildings contemporaneous with those premises, brick walls, gates, more recent fencing, timber domestic sheds, two timber domestic lock-up type garages, and stretches of traditional stone walling along South Street East and into the site. The southern part of the site, outwith the conservation area, comprises a corner of the policies of the Category B listed Fettykil House, physically separated from the northern part of the site by the disused garage premises and a curtilage listed wall of Fettykil House.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Works

1.2.1 Conservation area consent is sought for demolition of disused 1930s brick commercial garage premises, contemporaneous brick wall and gates, and more recent fencing, all to facilitate the abovementioned development the subject of planning permission ref. 23/01774/FUL

## 1.3 Relevant Planning History

23/01774/FULL - Erection of seven dwellinghouses (Class 9) and associated development including formation of vehicular accesses and landscaping (demolition of existing buildings) - Pending Decision.

22/00593/PREAPP – Pre-application enquiry for erection of 6. No. dwellinghouses – Closed 25 May 2022.

19/02363/PREAPP – Pre-application enquiry for erection of 10 dwellinghouses, alterations to boundary wall and formation of access – Closed 20 November 2019.

## 1.4 Application Procedures

1.4.1 Under Sections 59(1) and 66 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a conservation area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

1.4.2 The application was advertised in the Edinburgh Gazette and Dundee Courier & Advertiser on the 5<sup>th</sup> and 7<sup>th</sup> September 2023 respectively. A site notice was posted on the 7<sup>th</sup> September 2023.

1.4.3 The site was last visited by the case officer on 8 August 2024

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023) (NPF4)**

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.

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

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 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**

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019)

Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on Demolition (2020)

### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

## 2.0 Assessment

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### 2.1 Relevant Matters

2.1.1 The matter to be assessed against the development plan and other considerations is built heritage, specifically the desirability of preserving the structures proposed for demolition.

### 2.2 Built Heritage

2.2.1 The relevant provisions of NPF4 policy 7 and FIFEplan Policies 1 and 14 apply. Making Fife's Places Supplementary Guidance (2018), Historic Environment Policy for Scotland (2019), Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019), and Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on Demolition (2020) also apply.

2.2.2 The structures in question are not listed but lie within the Leslie Conservation Area.

2.2.3 Historic Environment Scotland raises no objection to the proposed demolition but advises this is not to be taken as showing support.

2.2.4 Planning Services' Built Heritage Officer (BHO) raises concern with regard to the impact of the proposals on the character and appearance of the conservation area. Although utilitarian in character, the BHO considers that the disused brick garage premises make a positive contribution to the character of the south side of the conservation area, describing them as providing an architectural link between the conservation area and the industrial heritage of Leslie, including the nearby Category B listed chimney stack and the associated Fettykill Mills complex on the River Leven below. On this basis, the BHO advises that demolition of the garages would be detrimental to the historical interest of the conservation area, denuding its architectural character and failing to preserve its character and appearance, contrary to NPF4.

2.2.5 The case officer considers that the disused commercial garage premises are of a basic and ubiquitous design, the use of brick unrelated, such that no significant weight can be attached to the architectural link referred to by the BHO. As such, and taking into account that the other proposed demolitions are minor and that the BHO does not raise concerns in relation to same, it is not considered that the structures proposed for demolition make any significant positive contribution to the character and appearance of the Leslie Conservation Area. In so far as such a contribution may be argued, it is noted that the disused garage premises are in a derelict state, the agent advising that they have been vacant for 5-6 years, with the roofs having been leaking for some time and the rainwater goods damaged or missing, resulting in repeated soaking of the walls and deterioration of the brick fabric. The premises are also contaminated from their historic use, it is contended that they are unsuitable and unviable for conversion to residential use.

2.2.6 In light of the above, the proposals are considered to accord with the above legislative objective and relevant provisions of policy and guidance. The northern part of the site as a whole is in a semi-derelict condition, harming the character and appearance of the conservation area, the limited extent of the demolitions within it is not expected to add to that harm; as such,

it is not considered a condition to ensure a binding contract for redevelopment of the site prior to demolition is justified in this instance.

### 3.0 Consultation Summary

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|                                   |                                                                            |
|-----------------------------------|----------------------------------------------------------------------------|
| Historic Environment Scotland     | No objection but not to be taken as support.                               |
| Built Heritage, Planning Services | Fails to preserve existing character and appearance and unable to support. |

### 4.0 Representation Summary

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4.1 One representation has been received in objection to the proposal.

#### 4.2 Material Planning Considerations

##### 4.2.1 Objection Comments:

| Issue   | Addressed in Paragraph |
|---------|------------------------|
| a. None |                        |

##### 4.2.2 Support Comments

| Issue   |
|---------|
| a. None |

##### 4.2.3 Other Concerns Expressed

| Issue                                                     | Comment                                                                                |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------|
| a. Will have a detrimental impact on wildlife and people. | This is not material to consideration of an application for conservation area consent. |

### 5.0 Conclusions

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The structures proposed for demolition do not make a significant positive contribution to the character and appearance of the Leslie Conservation Area. As such, it is considered that the proposals accord with the relevant legislative objective and provisions of policy and guidance relating to the desirability of preserving structures in conservation areas proposed for demolition.

## 6.0 Recommendation

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

### **CONDITIONS:**

1. WITHIN THREE MONTHS OF COMMENCEMENT OF THE DEMOLITIONS HEREBY APPROVED, these demolitions shall have been completed in their entirety and the site landscaped in accordance with a scheme of soft and/or hard landscaping which shall have been submitted to and approved in writing by this planning authority; Thereafter until such time as development of the site commences under the terms of a planning permission granted under Section 37 of Town and Country Planning (Scotland) Act 1997, the landscaping shall be maintained in accordance with a scheme of aftercare and maintenance which has been submitted to and approved in writing by this planning authority.

Reason: In the interests of preserving the character and appearance of Leslie Conservation Area and of visual amenity generally; to avoid prolonged periods without site restoration or redevelopment.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

[Historic Environment Policy for Scotland \(2019\)](#)

[Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent \(2019\)](#)

[Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on Demolition \(2020\)](#)

Report prepared by Brian Forsyth, Planner (Chartered Town Planner)

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



Committee Date: 25/09/2024

Agenda Item No. 9

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**Application for Full Planning Permission**

**Ref: 23/03555/FULL**

**Site Address:** 7 Drummochy Road Lower Largo Fife

**Proposal:** Formation of replacement hardstanding on public open space for domestic use (retrospective)

**Applicant:** Mrs Janette Baptista, 7 Drummochy Road Lower Largo

**Date Registered:** 12 January 2024

**Case Officer:** Manasa Kappadi Channabasavaiah

**Wards Affected:** W5R21: Leven, Kennoway and Largo

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

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This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation, including objections from the Largo Area Community Council.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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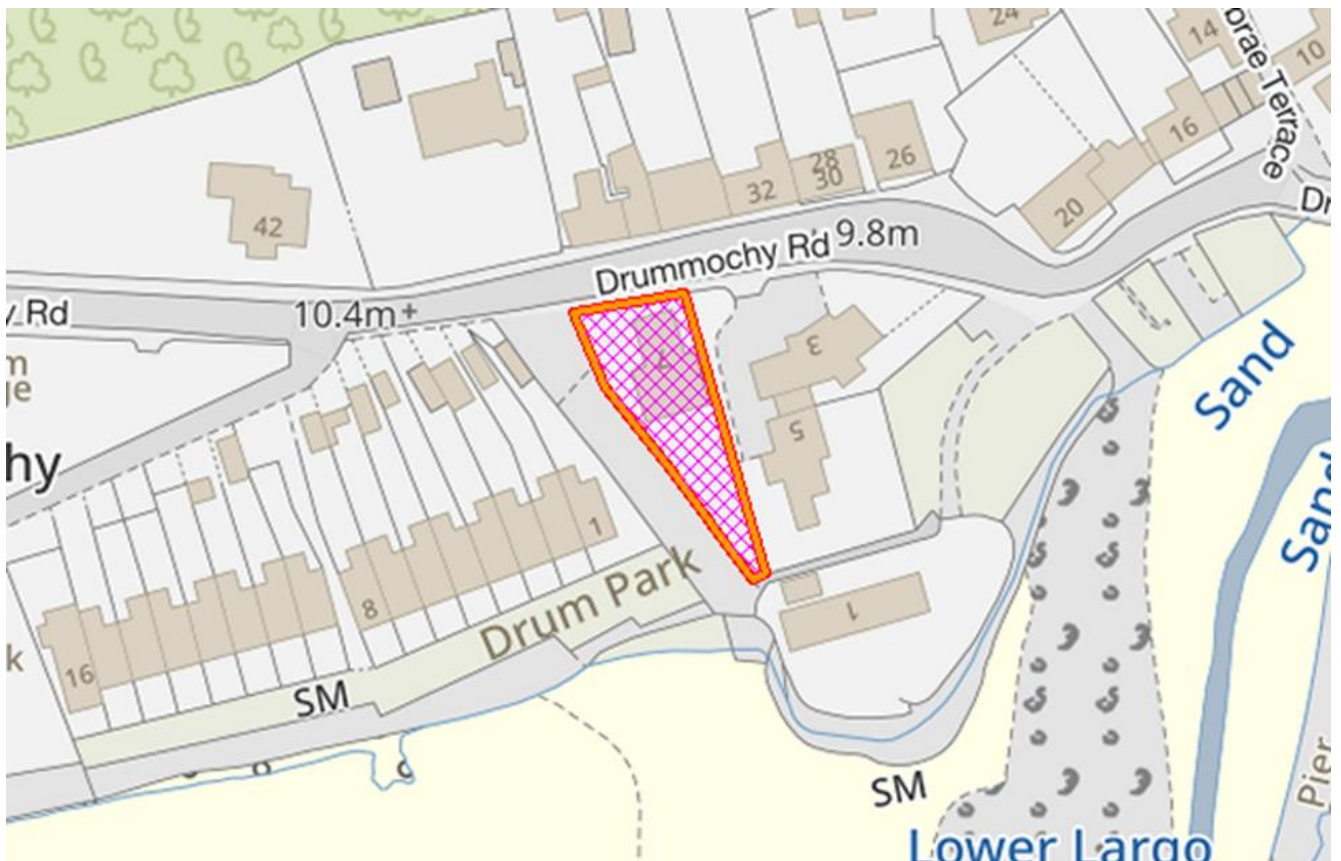
## **1.0 Background**

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### **1.1 The Site**

1.1.1 This application relates to a detached two storey traditional dwellinghouse located in an established residential area of Lower Largo and it also lies within the Conservation Area; as defined in the Adopted FIFEplan - Fife Local Development Plan (2017). The dwellinghouse is located in a prominent position on Drummochy Road and has a large garden area which also overlooks the nearby harbour. Access to the property is via a shared access lane off Drummochy Road, which accommodates both vehicles and pedestrians. The shared lane provides access to both adjacent third party properties and the shorefront. The lane slopes from Drummochy Road down towards the shore area and is finished in a range of surface finishes including crushed aggregate, broken tarmac and is also grassed in areas further from Drummochy Road. The site is not Common Good Land, nor is it defined as designated Open Space in FIFEplan.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 Formation of replacement hardstanding on public open space for domestic use (retrospective). The formation of a small area of replacement hardstanding (tarmac finish) on part of the shared publicly accessible lane. The applicant has advised that this is not for providing car parking but is to improve the access to their own existing driveway within their own curtilage as the surface had broken up and was uneven and changes in ground height needed addressing to enable safer and improved access to their property.

1.2.2 The area of hardstanding would measure approximately 9.5 metres long and 3.5 metres wide and is finished in tarmac. The hardstanding surface area would cover approximately half the width of the shared access lane, would be aligned height wise with Drummochy Road and the applicant's driveway and would have no barriers or obstructions to allow continued shared access to the public and interested third parties. Following some concerns from interested party's amendments on site and as part of the retrospective proposal have been made.

## 1.3 Relevant Planning History

95/00774/HIST - Conservatory Extension To Dwellinghouse - Application approved subject to conditions - 26/10/95

95/01003/HIST - Conservatory extension to dwellinghouse - Application approved subject to conditions - 26/10/95

21/00212/TEL - Notification of intention to install telecommunications apparatus - 1 No. pole (8M medium)

Site: Outside 7 Drummochy Road, Lower Largo, KY8 6BZ - CLOSED - 18/02/21

## **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

### **1.4.2 Publicity**

The application was originally advertised in The Courier on the 18<sup>th</sup> January 2024 as a proposal affecting a Conservation Area. The advert period ran for the standard 21 days. A related 21-day Site Notice was also erected on site on the 15<sup>th</sup> January 2024 again as a development affecting a Conservation Area. Following further extensive discussions and amendments with the applicant the amended application was again publicised in The Courier on the 8<sup>th</sup> August and a further Site Notice was erected on the 4<sup>th</sup> August. In terms of the neighbour notification process; all notifiable neighbours were issued letters dated 17<sup>th</sup> January 2024 and they, as well as other interested third parties whom had made written representations during the assessment process, were also re-notified in April 2024 and more recently on the 30<sup>th</sup> July 2024. Overall, it is considered that all relevant adverts, site notices were carried out as well as ensuring neighbours to the site and other interested parties remained informed of all the proposed design alterations and were given adequate opportunities to lodge further comments.

### **1.4.3 Site Visit**

A physical site visit was undertaken on the 13<sup>th</sup> of May and again on the 6<sup>th</sup> of June 2024 to inspect the interim adjustments made on site to ensure site levels had been adjusted to avoid potential grounding of vehicles and also to ensure easier turning was possible given some aspects of the original retrospective works had resulted in an increase in ground level difference in some areas. The site visits also allowed a formal inspection of the retrospective works and to gain a better understanding of the relationship with neighbouring properties, the streetscape/Conservation Area and also, to obtain photographs of the hardstanding. Additionally, the necessary information has been collated digitally to allow the full consideration and assessment of the application and it is considered that with the information provided in conjunction photographs, there is sufficient information to determine the proposal.

## **1.5 Relevant Policies**

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

Policy 7: Historic assets and places

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

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

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes

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

### **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 10: Amenity

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

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**

Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland (2019)

Managing Change in the Historic Environment (2018)

### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

### **Other Relevant Guidance**

Lower Largo Conservation Area Appraisal and Management Plan

Making Fife's Places Transportation Development Guidelines (2018)

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development

- Design and Layout/Visual Impact
- Flooding and Drainage
- Transportation/Road Safety

## **2.2 Principle of Development**

2.2.1 NPF4 (2023) Policies 9 and 14; Adopted FIFEplan (2017) Policy 1 apply in this regard. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) part (a) states that the sustainable re-use of brownfield land, whether permanent or temporary, will be supported. In determining the re-use is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

2.2.2 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part A states that the principle of development will be supported if it is either a) within a defined settlement boundary and compliant with the policies for the locations or b) in a location where the proposed use is supported by the Local Development Plan.

- i. the proposal is supported by an agreed timescale for build-out;
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; and
- iii. the proposal is for smaller scale opportunities within an existing settlement boundary.

2.2.3 In this instance, as the application site lies within the settlement boundary for Lower Largo, as defined in the Adopted FIFEplan Local Development Plan (2017), there is a presumption in favour of development subject to it also meeting other relevant satisfactory details. The existing shared sloping access lane has a slightly uneven surface across its entire lane and consists of crushed spoil and aggregate, some of which has been grassed over the years, and whilst the application site (now finished in level area of tarmac) would visually be different from the vast majority of the wider access lane, its primary land use would remain as it currently and previously was and therefore it is deemed acceptable in land use planning terms. Further to this the area itself whilst considered space accessed by the public, it is not considered to have high amenity value. The formation of tarmac hardstanding on the mixed crushed aggregate/spoil/grassed area of 30 square metres to the north east of the public lane would not constitute an unacceptable or detrimental loss of amenity space nor would it have an impact on the bio-diversity of the area.

2.2.4 In light of the above, it is considered that the proposed development is compatible with the area in terms of land use, meeting the policy requirements of the NPF4 and Local Development plan, and is therefore deemed acceptable in principle.

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

2.3.1 Policies 7, 14 and 16 of the National Planning Framework 4 (2023), Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Lower Largo Conservation Area Appraisal and Conservation Area Management Plan (2012) and Policies 1, 10 and 14 of the Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018) apply in this regard.

2.3.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that with respect to any buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

2.3.3 NPF4 Policies 7, 14 and Local Plan Policy 14 support development where it will not harm important historic or architectural fabric or impact adversely upon the setting of important Listed Buildings or Conservation Areas. NPF4 Policy 7 states that new development shall only be supported where it preserves or enhances the character and appearance of a Conservation Area and this will be through the understanding of site context, protecting important site features, design quality and the use of appropriate materials. NPF4 Policy 14 and Annex D advise that development proposals shall be supported where they are consistent with, where relevant, the six qualities of successful places such as Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. This policy also states that development proposals which are poorly designed will not be supported.

2.3.4 Adopted FIFEplan (2017) Policy 1 (Development Principles) will support developments that are within the settlement boundary; Policy 10 (Amenity) states that development that leads to a detrimental impact to amenity regarding the visual impact of the development on the surrounding area will not be supported, and Policy 14 (Built and Historic Environment) states that development which protects or enhances buildings or other built heritage assets of special architectural or historic interest will be supported. Making Fife's Places - Supplementary Guidance (2018) states that developments within the historic setting should be appropriate and follow best conservation practice whilst incorporating traditional materials and avoid detrimental impacts on historic buildings and the historic character of an area.

2.3.5 The surrounding area (public lane) is not considered to be of significant built heritage importance but does play an important part in Lower Largo's history as an access point to the slipway and foreshore. However, the proposal would not alter the route significantly nor obstruct continued access and therefore the key issue for consideration is the aesthetics of the proposal. In this instance the use of tarmac is historically acceptable and is used on many East Neuk access routes. Whilst it is appreciated that this slipway area has historically consisted of a mix of spoil and crushed aggregate, there is also evidence of some areas of tarmac within the broad mix of crushed materials previously used. The application of a single material is not considered to significantly impact on the streetscene or the wider Conservation Area setting. Whilst the finish does look new, tarmac is a traditional material which will also weather over time but. Further to that the applicant has also ensured that levels have been adjusted to blend in better with the remaining lane and they have now applied grassed areas around the edges of the access point to visually blend in with the existing adjacent grassed elements that make up the wider slipway access. Further to that and in light of concerns from third parties, adjustments have been made to the height difference around some of the access point perimeter which did when originally installed result in some areas being higher than before the works were carried out, which limited car access, free vehicle movement and the ability of immediate neighbours to be able to manoeuvre into their existing driveways located off the lane. The proposed tarmac hardstanding area would be bound with precast concrete kerbs to help avoid any material breakup as well as reinforce the softer newer aggregate edges around the formed access feature. The surface would be aligned with the public driveway and accessed from road level with grass seeded towards the slope to the south and crushed aggregate to the west to blend in with the remaining access.

2.3.6 Representations have been submitted regarding the change in use of this area of public open space to formation of hardstanding and the impact it would have on the surrounding environment and conservation area. Initially the access driveway had higher gradient with mix of aggregate along the kerb. Following the site visit and discussion with the applicant and agent, concerns were raised with the applicant with regard to the gradient of the tarmac area which when first laid had a higher finished level than the remaining section of the land. Subsequently the applicant was advised that the site levels should be more comparable to existing adjacent levels and the looser crushed aggregate laid around the perimeter should be more compact,

and topsoil added along with grass seed to ensure it visually blends more with the remaining grassed apron of the rest of the slip access area to improve the appearance. As such, improvements were made and amended drawings and photographs were submitted.

2.3.7 Further comments were received after renotifying the neighbours of the amendments. Following a further site inspection, additional improvements to the levels at the corner of the tarmac were sought in order to ensure access to a neighbouring driveway was not impeded. These improvements to levels were made and amended drawings and photographs were submitted. The improvements are welcomed, and the amended proposed development would not have a significant detrimental impact on visual amenity or on the surrounding conservation area.

2.3.8 In light of all the above, the proposal is considered acceptable in terms of form, detailing and choice of materials; would have no adverse effect upon the surrounding conservation area and would be in compliance with the relevant policies of NPF4, the Development Plan and its related guidance. Tarmac is considered a traditional finish and whilst part of the wider access to the slipway will look newer as the more recently laid tarmac is darker, it will weather and become similar to the adjacent roadway. Whilst it is appreciated it will visually differ from the other ad hoc ground finishes on other areas of the lane, this in itself does not render the proposed development unacceptable.

## **2.4 Flooding and Drainage**

2.4.1 NPF4 (2023) Policy 22; Adopted FIFEplan (2017) Policies 1, 3 and 12 and Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) apply in this regard.

2.4.2 Policy 22 (Flood risk and water management) Section (c) (i) and (ii) states that development proposals will not increase risk of surface water flooding to others or itself be at risk. Furthermore, all rain and surface water will be managed through Sustainable Urban Drainage (SUDS) and integrate with existing blue and green infrastructure and presume no connection to the combined sewer. Section (d) further elaborates that proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

2.4.3 Adopted FIFEplan (2017) Policies 1 (Development Principles) and 3 (Infrastructure and Services) where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 (Flooding and the Water Environment) states that development proposals will be supported were they can demonstrate they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere; reduce the water conveyance and storage capacity of a functional flood plain; detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use and detrimentally impact on future options for flood management.

2.4.4 Flooding and drainage concerns were also raised in submitted representations. However, in terms of drainage and flooding concerns, the area in question is considered to be so small in nature and is bounded by permeable finishes that it would not raise any further additional significant water flow or result in poor drainage. It is considered that the current flood risk is more likely from the main Drummochy Road itself rather than a small additional area of tarmac

hardstanding with a permeable and grassed permitter to capture any small additional rainfall or overland flows.

## **2.5 Transportation/Road Safety**

2.5.1 NPF4 (2023) Policy 13 and 18, Policies 1 and 3 of Adopted FIFEplan (2017) and Fife Council Making Fife's Places: Appendix G (2018) apply in this regard.

2.5.2 NPF4 Policy 13 (Sustainable Transport) (b) development proposals will be supported where the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies. Policy 18 (Infrastructure first) (b) states that impacts of development proposals on infrastructure should be mitigated and material considerations must be addressed in order to be acceptable.

2.5.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part B states that proposals must address impact and mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure; whereas Policy 3 (Infrastructure and Services) developments must address any impacts on road safety and ensure the design implements the correct level of infrastructure and functions in a sustainable manner.

2.5.4 Fife Council's Transportation Development Management team has been consulted and advised that the works carried out will cause no detriment to road or pedestrian safety, and they have no objections.

2.5.5 As the public will manoeuvre their cars to access their driveway, the levels between the new raised tarmac area, particularly corner area and the remaining driveway should be less severe and should be permeable to ensure draining the rainwater to the grassed area. Changes in the gradient level would be unnoticeable during darker hours. As such concerns was raised with the applicant and their agent with regards to the gradient level. Additionally, road safety concerns were raised within the representations submitted for this application.

2.5.6 However, improvements have now been made as per the advise during the site visits and is considered acceptable. The new finished level of the tarred area would align with the currently existing undulated gravelled/grassed driveway. Although there is a small difference in the gradient level at the corner of the hardstanding, this can be conditioned to improve the difference to align with the existing public driveway.

2.5.7 In light of the above, the proposal is considered acceptable in terms of road safety and would be in compliance with the Development Plan and its associated guidance.

## **3.0 Consultation Summary**

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TDM, Planning Services

No objection

Scottish Water

No response



## 4.0 Representation Summary

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25 objections have been received with regards to this proposal since the amended drawing/photographs submitted on 30<sup>th</sup> July. Additionally received objections from the Largo Area Community Council. The concerns raised in the objections can be summarised with a Planning Officer response as follows:

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| <b>Issue</b>                                               | <b>Addressed in Paragraph</b> |
|------------------------------------------------------------|-------------------------------|
| a. conservation area, environmental impact, design impact. | 2.3.5.                        |
| b. road safety, topography, gradient level.                | 2.5.5 and 2.5.6.              |
| c. drainage issue, flooding, permeability issue            | 2.4.4 and 2.3.7.              |
| d. scale of the development                                | 1.2.2 and 2.2.3               |

#### 4.2.2 Other Concerns Expressed

| <b>Issue</b>                                  | <b>Comment</b>                                                                                                                                                                                                                    |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. land ownership, land use, right of access. | Whilst these concerns are noted, these are not relevant to the consideration of the planning application as they are civil legal matters. Approving this application would not remove any access rights any party has.            |
| b. the social impact, set a precedent.        | Whilst this concern has been noted, the potential setting of a precedent and social impact are not a material consideration in the assessment of this application. All applications are considered under their individual merits. |
| c. building regulations                       | Whilst these concerns are noted, this is not relevant to the consideration of the planning application. Building regulations, if necessary, would be dealt separately from planning permission considerations.                    |

## 5.0 Conclusions

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The proposal is considered to be acceptable in meeting the terms of the National Guidance, Development Plan and relevant Fife Council Planning Customer Guidelines. The proposal would have no significant visual adverse impact on the surrounding Lower Largo Conservation Area and is compatible with its surrounds in terms of land use, scale, design, choice of materials; would not cause any detrimental visual impact to the surrounding properties, residential amenity.

## 6.0 Recommendation

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

### **CONDITIONS:**

1. Prior to the hardstanding area being brought into use, the gradient level to the south west corner of the area should be aligned, in keeping with the currently existing public pathway level and retained in place as such for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of safe driveway to be used by public.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Manasa Kappadi Channabasavaiah, Planning Assistant

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