

Further Information Request 37 - Issue 18 Auchtermuchty, Falkland, Ladybank & Surrounding Area

Candidate Site LDP-AUC002 (Leckybank and Lochiebank Farms)/Representation by Muir Homes Ltd (1850)

Information requested

Candidate Site LDP-AUC002 – Leckybank and Lochiebank Farms – a detailed response to the representation by Muir Homes Ltd (1850) and the various supporting documents submitted is required.

Fife Council Response

The Proposed Local Development Plan allocates land for housing across Cupar & NW Fife Housing Market Area, sufficient to meet housing land requirements. Issues relating to the housing land requirement and the provision of effective housing land supply are dealt with in Issue 2B Homes. The spatial strategy and the masterplan for the further development of Cupar require the main housing supply in the housing market area to be concentrated in Cupar to generate the necessary support for key infrastructure improvements like the town by-pass and town centre improvements. Given that Auchtermuchty is a settlement with a range of facilities there is, and will remain, a demand for new housing in Auchtermuchty. However, to allow for the success of the strategic thrust of the plan to support and encourage the development of the Cupar North Strategic Development Area, any allocation in Auchtermuchty must of necessity be modest.

This decision reflects the view taken by the Reporter through the examination of the adopted Local Plan where it was concluded that the scale of housing site proposed would significantly undermine the spatial strategy of the local plan. There was no convincing justification with respect to meeting the required land supply in a manner not consistent with that strategy. Nor did the Reporter find any compelling reason to revisit the spatial strategy in the light of the findings of the Strategic Environmental Assessment in relation to landscape sensitivity, referred to in representations.

Site assessments were conducted on all potential development sites before their inclusion in the proposed Plan (CD15). Candidate site LDP-AUC002 was examined during this process. Whilst the decision was taken that development of a larger scale would be inappropriate in terms of the character, scale and form of Auchtermuchty, the site was considered suitable for a limited amount of housing development (AUC 002 – Land to west of Millflat) (30 units) subject to satisfactory assessment and resolution of capacity constraints on the surrounding road network and potential issues with water or drainage capacity. The site should be designed to integrate with existing surroundings and should only be developed within the allocated boundary utilising adjacent and existing access points, upgrading these where necessary.

It therefore remains Fife Council's position that a site of the scale proposed (either 120 units or 50 units) at candidate site LDP-AUC002 should not be allocated for development at this time and a development of 30 units is appropriate.



Our ref: FOI/19/01433

21 June 2019

Dear

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002
ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

Thank you for your request dated 8 June 2019 requesting information passed from Fife council to the reporter Ms Katrina Rice. For ease of reference I detail your request below :

'My enquiry centres on the information passed from Fife Council to Reporter Ms Katrina Rice. I am seeking information regarding the inclusion of Site AUC002 Millflat in the current Fifeplan adopted in September 2017. This site was situated outside the settlement envelope in the St Andrews & East Fife Local Plan 2012. This site has a long history of status being sought for housing development dating back to 2 applications by Forth Homes in 1981 (one rejected & one withdrawn) and another in 1995 when the local doctors had a planning application for a new surgery rejected. In the intervening years several attempts were made by landowners & developers to have this site (& adjoining sites still currently in agricultural use) included in development plans for NE Fife. All were rejected until Ms Rice endorsed Millflat's inclusion in the current Fifeplan.

The reason for my FOI request relates to why the Reporter, Katrina Rice who identifies all the adverse access issues pertaining to this site in paragraph 2 of her 'Reporter's Conclusions' can state with confidence :

"the Council has confirmed that their transportation service has been fully involved throughout the development planning process and so I am **satisfied** that a solution **could** be found for a relatively modest development of 30 dwellings which **would not result in unacceptable impacts on the surrounding road network.**"

1. I would like to ask who Ms Rice communicated with from Fife Council before she made her site visit ? Or was she forwarded information about the site without having made personal contact with anyone from the council before her site visit ?

2. Who confirmed to Ms Rice that Fife Council Transportation Service had been fully involved throughout the development planning process ?

3. Ms Rice requested further information from the Transportation Service. I would like to know what that further information consisted of .

4. What in this information caused Ms Rice to feel 'satisfied that a solution could be found' ?

Currently the Millflat site is subject to the following application Reference [18/02298/Full](#) - Erection of 30 dwelling houses, access & associated works Land Between Millflat & Leckiebank Road, Auchtermuchty. It was validated in August 2018 and is now in its 8th month of deliberation. An independent Roads Report condemns the unsuitability of the site access & Fife Council Transportation Report published in October 2018 recommended **refusal**.

General Information

If I might firstly clarify that , because, the information you have requested is 'environmental information' for the purposes of the Environmental Information (Scotland) Regulations 2004 (EIRs), we are required to deal with your request under those Regulations. We are applying the exemption at section 39(2) of the Freedom of Information (Scotland) Act 2002 (FOISA), so that we do not also have to deal with your request under FOISA.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption, because there is no public interest in dealing with the same request under two different regimes. This is essentially a technical point and has no material effect on the outcome of your request.

Response to your request

1 a) Who Ms Rice communicated with from Fife Council before she made her site visit.

By way of background in the first instance, the examination process is administered through the DPEA administration team who act as a single point of contact during the entire process. In the interests of impartiality, a reporter will not communicate directly with any party to an examination unless taking part in a public hearing or inquiry where all relevant parties are also present.

In terms of your specific question, I confirm that all site inspections that were undertaken during the examination of Fifeplan were unaccompanied, including the inspection, by the reporter, Ms Rice, to site AUC002 Millflat. This means that neither Fife council, nor any other party to the examination were contacted or communicated with, prior to the inspection of the site, nor were they notified of the inspection of the site. As you may be aware the purpose of a site inspection is to allow the reporter to see the site for him or herself and is not an opportunity for parties to discuss its particular merits with respect to the proposed plan. Where

there are difficulties obtaining access or identifying particular features the reporter may invite the relevant parties, including the planning authority, to attend an accompanied site visit at a specified time and meeting place however no accompanied visits took place during this examination.

1 b) Or was she forwarded information about the site without having made personal contact with anyone from the council before her site visit ?

Information was provided to the reporter(s), by Fife council specific to the site in question (AUC002) at the time they submitted their plan for examination on 12 August 2015.

You may know that a key principle of the Examination procedure is that, as far as possible, the reporter should at the outset be furnished with all the information required to reach conclusions and recommendations.

The council must, within certain prescribed timescales, submit a number of required documents, to DPEA, at the time they submit their proposed plan for examination. I attach, for ease of reference, a link to our guidance for people who made representations to a proposed plan, which provides, amongst other things, a little more detail about the type of information the council are required to provide at the start of the examination. You can view this at paragraph 5, page 2. [guidance note for people who submitted representations](#).

I also attach a copy of Fife council's document indexes, and a copy of the documents relevant to site AUC002 which were provided at the time of the examination.

2. Who confirmed to Ms Rice that Fife Council Transportation Service had been fully involved throughout the development planning process ?

As you know page 1041, paragraph 2 of the report states :

'However, the council has confirmed that their transportation service has been fully involved throughout the development planning process'

Therefore, as above, it was Fife Council who confirmed to the reporter their transportation service had been fully involved.

To clarify further, please find attached below, an extract from Issue 18, page 1033, under the heading of AUC002 – Land West of Millflat, and under the sub heading of Transportation, Infrastructure and Services, where Fife Council confirm :

"Council Services such as Transportation and Education, along with external partners and organisations such as NHS Fife, Scottish Environment Protection Agency and Scottish Water, have been consulted throughout the Development Planning process. Where potential deficiencies in infrastructure have been identified, in some cases enhanced or upgraded provision has already been planned for as a result of Local Plan allocations while, in others, there will be "on-demand" provision or upgrades to existing provision. Detailed matters, such as the specifications of road

access, Flood Risk Assessment and drainage arrangements for example, are dealt with at planning application stage.”

3. Ms Rice requested further information from the Transportation Service. I would like to know what that further information consisted of

As requested please find attached requests and responses to FIR 37 and FIR 100 which refer to Transportation service. (for site AUC002)

4. What in this information caused Ms Rice to feel 'satisfied that a solution could be found' ?

In terms of the above request, you ask for a particular explanation for what within the information caused the reporter (Ms Rice) to 'feel satisfied that a solution could be found' however, under the terms of the exception at regulation 10(4)(a) of the EIRs (information not held), the Scottish Government is not required to provide information which it does not have. The Scottish Government does not have the information you have requested because a narrative or meaning of Ms Rice's conclusions in this respect would mean creating new information or providing you with an opinion or judgement which I am unable to do.

If it may be of help however, the reporter records within the report, at page 1041, paragraph 2, in particular the latter half of paragraph 2, the extent and scope of her reasoning, an extract of which is detailed below for ease of reference :

“2. I have noted the concerns expressed about the impact of increased traffic on the surrounding roads and issues of road/pedestrian safety. From my site inspection I am aware of the reduced width of some of the surrounding roads and the extent of existing housing which already uses these roads including the proposed main access road, Lochiebank Crescent. However, the council has confirmed that their transportation service has been fully involved throughout the development planning process and I am satisfied that a solution could be found for a relatively modest development of 30 dwellings, which would not result in unacceptable impacts on the surrounding road network. **The proposed plan requires the preparation of a transport statement as part of the development requirements for the site. This could consider traffic controls to prevent the unsafe use of Millflat, a recommended access point for construction traffic and take into account the location of the local play-park. Furthermore, I regard the proposed site as well located for pedestrian access to the facilities in Auchtermuchty centre which provides the opportunity for the use of alternative modes of transport to the car. The alleged problem with existing parking in the town does not alter my view.**

With regard to your final paragraph about the site in question being subject to an application for the erection of 30 dwelling houses, I can confirm that the examination of a proposed local development plan is concerned with the local development plan rather than any specific development proposals. The details of any proposal would, as is currently ongoing in the application you mention, remain to be assessed through the planning application process. That process would include consultation and the further assessment of issues such access, as well areas such as traffic impact, layout, design, building heights and flooding. The proposed plan once

adopted, in the context of the reporter's recommendations, sets out the policies and development principles which should apply in assessing the details of any planning application. This detailed assessment would fall, in the first instance anyway, to the council as planning authority.

Finally, if it might be of some help to advise that the role of the reporter during the examination is to examine the appropriateness and sufficiency of the content of the proposed plan. Only if this is insufficient or inappropriate are they to consider other sites or approaches. Reporters are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient.

I trust this is of assistance however should you have any queries please do not hesitate to contact me.

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to Mr Paul Cackette, Chief Reporter, DPEA, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR.

Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Yours sincerely

**Section Manager
Planning and Environmental Appeals Division**



Supporting Documents Index

Note: Where an issue is not listed, there are no supporting documents.

Issue 1: General Comments

SD1 Planning Circular 6 2013 Development Planning

SD2 19/10/2010 Planning Committee report - Fife Local Development Plan

SD3 Scottish Government Travel Plan 2007

SD4 HNSA practitioners guide 2014

SD5 14 05 14 FIFEplan Proposed LDP Equalities Impact Assessment

Issue 2b: Homes

SD1 Supporting Housing Paper

Issue 2e: Town Centres

SD1 Fife Household Survey October 2009

SD2 Planning Decision Notice 04/03826/COPP

Issue 2g: Low Carbon and Renewable Energy

SD1 SNH Guidance – Siting and Designing Wind Farms in the Landscape May 2014

SD2 Fife Council Customer Guidelines – Renewable Energy in Fife

Issue 2h: The Environment and Flooding

SD1 PAN 69: Advice on Flooding

Issue 2i: Minerals

SD1 Scottish Government: The Town & Country Planning (Notification of Applications) (Unconventional Oil and Gas) (Scotland) Direction 2015

Issue 3b: West Fife Area Strategies

SD1 13/03683/EIA Wellwood

Issue 4: South West Coast Area

SD1 Decision Notice – 13/02953/PPP

SD2 Appeal Decision Notice - PPA-250-2176 & Appendix H Green Networks (Land at Spencerfield, Inverkeithing)

SD3 Petition - Rosyth Community Council

SD4 Site Plan – Longannet Power Station

SD5 Committee Minute – Fife Council Executive Committee of 09/09/2014

SD6 Court of Session Opinion – Ruling reference (2013) CSIH 109 XA175/12

SD7 Decision Notice – 12/00662/FULL (Dalgety Bay, St David's Harbour)

SD8 Decision Notice – 14/03756/PPP (Kincardine, South of Riverside Terrace)

SD9 Conservation Area Appraisal – November 2009 (Kincardine)

Issue 5: South West Villages

SD1 Application Form, Withdrawal and Appeal Decision – 10/03744/PPP(Gowkhall, Clune Road)

SD2 Community Action Plan 2011 (Saline and Steelend)

Issue 6: Cairneyhill & Crossford

SD1 Development Framework Avant Homes

Issue 7a(1): Dunfermline & Halbeath – Allocated Sites/Other Proposal (Non-SDA)

SD1 Bellyeoman CC alternative route DUN067

SD2 Elliot St – HNS Response

SD3 1500778FULL

Issue 7a(2): Dunfermline & Halbeath – Strategic Development Areas

SD1 Planning Application 13/03683/EIA

Issue 10: Kirkcaldy & Dysart, Burntisland & Kinghorn

SD1 LDP-KDY005 Site Assessment Oct 2013

SD2 Woodland Trust confirmation email

SD3 Kingdom Housing Asso rep Feb 2014

SD4 Burntisland Forth Ports ownership 2013

SD5 08 August 2014 Fife LDP - SEPA Finalised Spreadsheet

SD6 Seamill 07_04084_COPP committee report

SD7 2014 08 08 SEPA Response

SD8 SEPA response spreadsheet Aug 2014

SD9 Extract of online mapping Kirkcaldy Harbour

SD10 Forth Ports_Kirkcaldy_Operational Land plan

SD11 HSE consultation zone Smeaton

SD12 Victoria Rd Part 1 Consultation Report

SD13 Victoria Rd Part 2 Regeneration Strategy

SD14 14_01955_FULL committee report

SD15 Email to Ryden re Kirkcaldy South West

SD16 Victoria Rd Power Station 13_03793_PPP decision

SD17 Victoria Rd Power Station 13_03794_LBC withdrawn

SD18 Victoria Rd Power Station 13_03794_LBC referral

SD19 Location plan Diageo 12_00981_FULL

SD20 Diageo approved landscaping 12_00981_FULL

Issue 11: Cowdenbeath, Lochgelly & Surrounding Areas

SD1 Title deeds

SD2 Site plan

SD3 Lochgelly Charrette report

Issue 14: Levenmouth Area

SD1 Site Assessment Candidate site LDP KEN001

SD2 Site Assessment Candidate site LDP LEV001

SD3 Site Assessment Candidate site LDP WDY001

SD4 Site Assessment Candidate site LDP WDY002

SD5 Final Levenmouth SLA Strategic Framework

SD6 Action Plan Final

SD7 2014/09/25 Fife Council Meeting Minute

SD8 2014/09/25 Cllr David Ross Speech

SD9 Letter from Derek Mackay MSP

SD10 SEPA Response 8 Aug 2014

SD11 15 03 04 PAS Letter re Levenmouth Charrette plus

SD12 Charrette plus report 2013

SD13 Appeal decision Durievale Windygates

SD14 2013_03_28 SEPA Appendix 3 FIFE site assessment comments

Issue 15c: East Neuk Area (Elie & Earlsferry)

SD1 Light Fife Green Policy Statement

Issue 16: St Andrews Area

SD1 Tourism Development Framework for Scotland

SD2 Hotel Development Study - Fife

SD3 Landscape Capacity Assessment and Proposed Green Belt Study of St Andrews' (2003)

SD4 13/02583/PPP Committee Report

SD5 14/02249/ARC Committee Report

Issue 17: Cupar Area

SD1 Landscape Option ATS Depot, Cupar

SD2 Partial Redevelopment Option ATS Depot, Cupar

SD3 Development Brief ATS Depot, Cupar

SD4 Committee Report 08/00706/COPP

SD5 Planning Decision Notice 08/00706/COPP

SD6 NHS Property Asset Management Strategy 2013

SD7 Planning Decision Notice 13/02401/PPP

SD8 Planning Application 13/02401/PPP Location Plan

Issue 18: Auchtermuchty, Falkland, Ladybank & Surrounding Area

SD1 Planning Decision Notice 13/03407/FULL

SD2 Report of Handling 13/03407/FULL

SD3 Planning Decision Notice 05/02569/EFULL

Issue 19: Newburgh Area

SD1 Planning Decision Notice 09/01976/PPP

SD2 Section 75 Agreement 09/01976/PPP

SD3 Planning Application 09/01976/PPP Site Layout