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My Ref: PL/AELD/QRC/146/EIASOR

Major Applications Team
Planning Services
Fife Council
Fife House
North Street
Glenrothes
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KY7 5LT

22nd January 2024

Dear Sir/Madam,

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Screening Opinion Request

Proposed Residential Park (Retirement Lodges) at Former Sawmill, Quarry Road, Cupar Muir, Fife

I write on behalf of Atmore Easy Living Developments Ltd (AELD) regarding the above.

This letter represents a formal request to Fife Council for their Screening Opinion in connection with a proposal to create a Residential Park comprising 42 Retirement Lodges. The site is located immediately to the north of and abutting the village of Cupar Muir, which is located a short distance to the south-west of Cupar, Fife. The site has been previously used as a quarry, a Council landfill site and as a Sawmill, which was its last known use. However, it has an extant planning consent for residential development.

This formal request is accompanied by a Site Location Plan as required. In addition, an indicative sketch development layout is provided to assist with an understanding of the proposed scale and potential form of development proposed for the site.

1. Site Location and Description

The site is situated on the northern side of the village of Cupar Muir which is situated towards the south-west of Cupar, in north Fife. Generally, the site is bounded to the south by a small number of residential properties, their gardens and boundary features; to the east by Quarry Road; to the north and part northwest by farm fields; and to the west by vegetation within a separate part of the land which previously formed part of the wider Sawmill site.

The site extends to approximately 2.4 hectares and is irregular in shape, as can be seen from the attached Site Location Plan. It contains the proposed footprint of the lodges, road layout and SUDs feature, as well as areas of existing landscaping that will be retained and not developed.

The site is generally flat, with a slight fall in gradient overall from north-east to south-west. A raised tree belt exists within and along the northern boundary. It is presently characterised by overgrown vegetation in various parts of the site and along most of the other site boundaries. There are also the remnants, in various parts of the site, of the buildings and hardstanding areas of the former uses. Power lines cross over a portion of the western part of the site in a south-north direction.

2. Planning Background

2.1 Local Development Plan

The site is located within the settlement boundary of Cupar Muir and is allocated in the Council's current adopted Local Development Plan, FIFEplan (2017), as a Private Housing Opportunity Site (CPM001) with an estimated capacity of 37 units. The LDP states that the site is partly greenfield, however, it also recognises that approximately 1.9 hectares of the site is brownfield based on its past uses and this area is recorded on the Vacant & Derelict Land Register (HCHF018).

Historically, the site also was previously allocated in the Cupar & Howe of Fife Local Plan (2008) as site HSG14 for 40 houses.

2.2 Site Planning History

According to Fife Council's records which are held on its digital database, the following is a summary of the planning application history for this site.

01/00621/EOPP Outline application for residential development (including route of new access road) - Refused August 2001, Approved on Appeal P/PPA/250/332 February 2002

04/03282/EFULL Vary Condition No 2 on Appeal Decision P/PPA/250/332 to allow a further 3 years for submission of Reserved Matters - Approved November 2004

05/01772/EARM Reserved Matters for erection of 40 houses - Refused May 2006

06/02877/EARM Reserved matters application for detailed roads and layout and erection of 40 dwellings - Withdrawn March 2007

07/01297/EARM Reserved matters application for detailed roads and layout and erection of 37 dwellinghouses - Approved October 2007

19/03031/PAN Proposal of Application Notice for major residential development - PAN Agreed November 2019 (proposals not pursued)

23/01556/FULL - Reserved matters application for detailed roads and layout and erection of 37 dwellinghouses (Section 42 application to vary Condition 19 of planning permission 07/01297/EARM relating to hours of construction)

Approved 16th November 2023

NOTE - The Council accepted as part of the 2023 Section 42 Application that a previously approved consent for this site has been implemented and is therefore extant.

3. The Proposed Development

An indicative site layout plan is provided at this time which shows the intended footprint of the development areas, including the 42 residential (retirement) lodges, roads and open space/SUDs feature.

The layout illustrates a single point of access only, with an internal loop road arrangement for the layout of the lodges which also incorporates a SUDs area to be created on the east side of the access road leading into the development.

4. Environmental Impact Assessment (EIA) Regulations

In line with Part 2, Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, AELD is seeking Fife Council's formal opinion as to whether the proposed development will require an EIA.

Schedule 1 of the Regulations identifies developments that require EIA and Schedule 2 identifies development types where, if the relevant criteria are exceeded, a proposal may require an EIA based on the type of development proposed and the potential effects it might have on the environment, taking into account certain criteria outlined within Schedule 3 of the Regulations.

The Regulations provide a list of Schedule 2 type developments and under Category 10(b) Infrastructure Projects, if an Urban Development Project exceeds the threshold of 0.5 hectares, it requires to be determined if there are likely to be any potential significant effects on the environment.

The proposals for the site at Cupar Muir falls within Category 10(b) and accordingly a Screening Opinion is sought from Fife Council.

This formal request includes a plan sufficient to identify the land (see attached), as required and a description of the characteristics and location of the proposed development. The characteristics of its potential impact on the environment, as set out in Regulation 8 (2) (a) to (d) inclusive will be assessed on a topic by topic basis, as detailed below.

(i) The Location of the Proposed Development

The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to:-

a) The Existing and Approved Land Use

The site is presently overgrown with patches of vegetation within the site and around the site boundaries. However, there is evidence of the previous uses such as hardstanding areas and the remnants of former buildings.

The proposed development immediately adjoins the settlement of Cupar Muir and so it will have compatibility with the existing residential properties which exist immediately to the south of the site. Nevertheless, it is accepted that each proposal must be considered on its own merits.

Potential Environmental Impact will be determined by a limited number of factors. While it is acknowledged that the proposal represents new residential development in the form of retirement lodges to the north of the existing settlement, adjacent to existing houses, the previous uses as noted above will have had more of an environmental impact compared to housing. Nevertheless, there is likely to still be some degree of impact arising from a new development. However, it is noted that a Strategic Environmental Assessment (SEA) will have been undertaken by Fife Council as part of the LDP's preparation and therefore it will have been assessed as being suitable, in principle at least, for housing site. In addition, the part implementation of a previous consent for housing over a wider area, including the site, gives further support to the suitability of housing at this location.

Depending on how the site is proposed to be developed, the potential impact of the proposed housing on the existing local population (visual, residential amenity and traffic) as well as the natural environment (ecology, air quality, ground conditions, drainage and water), require consideration as part of EIA.

b) The Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources (Including Soil, Land, Water And Biodiversity) in The Area and Its Underground

The principle of the use of the land for housing remains acceptable based on the allocation as a Housing Opportunity Site in the LDP.

The land presently is not known to contain any special qualities in terms of soil and water for it to be retained as such, particularly given the land was previously developed.

In terms of assessing ecological value, a Preliminary Ecological Assessment has been prepared following an Extended Phase 1 Habitat Survey which was undertaken by a qualified Ecologist in August 2023 which identified nine habitat types within the survey area, with invasive non-native species including buddleia recorded. However, no high-quality habitats are present within the Application Site, and therefore it has been concluded that no significant loss will occur. Mitigations are recommended that in accordance with NPF4 for habitat creation and/or improvements, to increase the biodiversity value of the Application Site to benefit local ecology.

c) The Absorption Capacity of the Natural Environment

The Regulations set out a list of areas which require particular attention when considering the potential impact for a proposed development in terms of the absorption capacity of the natural environment in such areas (items i to viii).

- Landscape Designation

There are no Landscape Area designations attributed to the site according to the adopted LDP, nor is the site afforded any classification or protection under any European or National legislation. Accordingly, landscape designation is not a factor for consideration for this site under EIA.

- Ground Conditions

In terms of environmental quality standards, the site is not understood to be in an area known to have failed to meet environmental quality standards laid down in Community legislation.

A Phase One Site Investigation Report has already been prepared and Intrusive Site Investigations are programmed to be undertaken on the site in due course and this will be reported on accordingly by the developer's consultant engineers for the purposes of a future planning application. This will be thoroughly interrogated in the usual way and to a high standard due to the residential end use proposed on the site. Any recommendations or mitigation detailed within the aforementioned report will be undertaken by AELD under the control and regulation of Fife Council Planning and Environmental Health Services and enforced as required, to ensure compliance with Environmental Regulations, where necessary.

Nevertheless, it can be confirmed at this time that there will be minimal intrusive ground work, only in relation to the installation of the necessary services and the SUDs feature, as the lodges will sit on concrete slabs.

- Drainage

It is recognised that water quality and the impact of the proposed development on water quality within its surrounding urban and rural context will require due assessment with regard to the treatment of surface water run-off from the development to meet SEPA and Scottish Water (SW) directives. It is proposed to form a SUDs feature within the site at a suitable location based on site levels to collect and treat surface water run-off from the development in times of heavy rainfall. These aspects of the

proposals will be informed by the preparation of a Drainage Strategy containing Flood Risk Assessment and surface water run-off calculations, as required.

The applicant's consultant engineers have submitted a Pre-Development Enquiry (PDE) to Scottish Water (SW) with the intention that the foul and surface water will discharge to the existing separate system located in the road network to the south, leading to the site. SW have advised via an initial liaison that there are no known issues that would preclude the development connecting to the sewers or the water supply.

The foul and surface water drainage and the water capacity matters are considered to be unexceptional with solutions achievable for assessment under the planning application process and no significant effects are anticipated to require assessment under EIA.

- Potential Cumulative Impact

Although the site is located outwith the existing urban form of Cupar Muir, the land has been considered previously as acceptable for residential development due to its compatibility with the adjacent housing immediately to the south and its ability to be accessed suitably by using and extending the existing road network.

The potential cumulative impact of adding to the population of the area is given due consideration further below in (ii) (b), although increasing the population of Cupar Muir by an additional 42 residential units for retirement persons (likely only to be single persons or couples) totalling a maximum of 84 persons, is unlikely to have a significant environmental impact, particularly given the limited scale of housing proposed compared to previous consented development in the past, and given that the matter will have been assessed previously under SEA as part of the LDP process.

In terms of any traffic impact associated with the specific housing development proposed, given that the Council has allocated the site for an estimated capacity of 37 houses already, a proposal for 42 retirement lodges for single persons or couples will not be a significant increase and no significant effects are anticipated to require assessment under EIA. Transport and road safety matters associated with the proposed 42 retirement lodges units are therefore able to be suitably addressed as part of the planning application.

The zoning of the site for residential development demonstrates that the land has the capacity to absorb new housing and that the creation of an extended community on land immediately adjacent to the existing settlement of Cupar Muir as an extension to the built-up area, helps to meet sustainable development principles and policy objectives set by the Scottish Government. As an associated part of such a planned approach, EIA is not considered necessary to address cumulative impacts which are likely to be minimal (see (ii) (b) below).

(ii) The Physical Characteristics of the Proposed Development

The Regulations require that the characteristics of development must be considered having regard, in particular, to the following:-

a) The Size and Design of the Development

The proposed development comprises a mix of 2- and 3- bedroom retirement lodges.

A development of Retirement Lodges is not comparable with the existing houses located to the south of the site in the settlement due to the different nature of the buildings/structures. Neither is the scale/density of development comparable with the pattern of development which exists in the area to the south. However, a development of 42 single storey lodges will be a suitable fit for a site which is self-contained and virtually enclosed by vegetation, helping them to be mostly screened from view from the houses to the south. Therefore, the proposals will not have a significant impact on the local environment in terms of visual and residential amenity.

As a site for Retirement Lodges, the development will have its own distinctive character and identity, meeting the Scottish Government's planning policy objectives for the 6 Qualities of Successful Place in NPF 4 and Fife Council's own place-making policy objectives for the design of new housing contained in Making Fife's Places Supplementary Planning Guidance. The lodges layout will be designed to give a sense of place and identity, be safe, pleasant and welcoming by the ability to create a sense of community as an expansion to the existing settlement. Overall, the development will be designed to create a high-quality residential environment.

Therefore, in combination, the site can be developed not only as a self-contained community but also linked to the existing settlement as a suitable extension to the built up area, on previously developed land, thereby creating one cohesive community once developed, thus ensuring its impact will be minimal within its current context and overall environment.

b) Cumulation with Other Existing Development and/or Approved Development

As mentioned above, the proposed residential development on the site will be compatible with the residential use immediately to the south.

There are no other consented or approved developments surrounding the site or elsewhere close by in Cupar Muir or in the local area for this proposal to be assessed against in terms of potential cumulative impact of other development.

Consequently, there is unlikely to be any significant environmental effects arising from the development and no EIA is deemed necessary relative to these matters.

c) The Use of Natural Resources

The land use designation of the site is neutral in planning terms with no special landscape or other natural heritage designations apparent. The land has been identified for development purposes in the adopted LDP and therefore the loss of the land for housing in principle has been accepted both in planning terms and in terms of potential environmental impact, having been subject to SEA as part of the LDP process. No important resources (soil and water) are known to exist on the site, and the ecological interest on the site is relatively benign, following a preliminary assessment, with some mitigation considered suitable to offset any impact arising from developing the site.

Where identified in the various assessments still to be undertaken of ground investigations (Site Investigation Report) and surface water treatment (Drainage Strategy including Flood Risk Assessment and Surface Water Drainage Calculations), it is anticipated that potential mitigation will be able to be undertaken to reduce any potential loss/change to the natural environment as a result of the proposed development.

d) The Production of Waste

The proposed development will not incur waste products per se. However, the production and control of waste arising from the construction process will be monitored regularly by the developer, following the necessary procedures and practices on construction sites to minimise waste and to ensure all waste will be collected and as much recycled where possible. Otherwise, any other remaining waste will be taken to landfill and deposited in an environmentally acceptable manner.

The production of waste from the housing development once completed will be the responsibility of each end user i.e. the property owners. The Council will also be responsible for the removal of rubbish and recycled items from each property in line with environmental legislation. Therefore, these matters are beyond the control of AELD but can be effectively monitored and controlled, with legislation being enforced as necessary, to prevent any adverse impact on the environment in terms of waste.

e) Pollution and Nuisances

By the very nature of the proposed development, it is not anticipated that the proposed housing will generate significant levels of pollution and nuisance to cause a significant impact on the environment.

Any air quality issues would be associated with car emissions and potential emissions from domestic boilers after the houses are occupied i.e., at the operational (post-development) stage. Any Air Quality Assessment required will address air quality in line with regulatory standards.

Residential development is not regarded as a noise generating development. Any potential noise nuisance associated with residential developments is normally related to residential amenity impacts between residents relative to indoor and outdoor uses at each property.

f) The Risk of Major Accidents, and/or Disasters (only if relevant to the Proposed Development)

The potential environmental impact of the proposed development is not considered relevant to this characteristic, since neither housing per se, nor the scale of housing proposed, produce any risk of major accidents and/or disasters from occurring. Any risks that might arise, such as a gas explosion due to a faulty supply in a house or in the street or a faulty domestic boiler would be the occupier's or gas supplier's responsibility and not AELD's and so these are matters outwith the remit of EIA in regard to this site.

g) The risks to Human Health (for example due to water contamination or air pollution).

The potential environmental impact of housing on human health, in terms of potential water contamination, air/noise pollution, while relevant to a degree, is able to be controlled and monitored by other regulatory bodies under specific environmental legislation. As such, it is not necessary to address such an issue under EIA in regard to this site.

3. The Characteristics of the Potential Impact

The potential significant effects of development must be considered in relation to criteria set out in 1 and 2 above, with regard to the impact of the development on the factors specified in Regulation 3A(3) (a) to (h).

The site is not within a sensitive location as defined in Regulation 2(i).

The proposed development of Retirement Lodges will be undertaken on land on the edge of and immediately adjacent to an existing settlement and on previously developed land, which is compliant with planning policy objectives set out in NPF 4. The allocation of the land in the LDP as a housing site

leads to the conclusion that a housing development at the general location and specifically on this site, which is immediately adjacent to existing housing to the south, is acceptable and that the potential impacts of housing on the environment have already been assessed under SEA as part of the LDP process and deemed to be acceptable. Nevertheless, the potential impact of the proposed housing on the existing local population (visual, residential amenity and traffic) as well as the natural environment (ecology, air quality, ground conditions, drainage and water), still require to be considered (as noted earlier in this SO request letter).

A proposed development of 42 residential units for Retirement living over a relatively small site with a defined northern boundary to ensure it will be self-contained, will be a modest increase in housing relative to the overall settlement of Cupar Muir. There is no cumulative impact as no other residential development is consented or planned in Cupar Muir.

The size of the proposed development would likely lead to a modest increase in vehicle movements in the area which could potentially raise an air quality issue. It is unlikely, however, that this specific development would cause any significant traffic related or air quality issues which would require consideration through EIA. Instead, these are matters that can be addressed in the normal way as part of the planning application process.

The characteristics of a housing development do not raise any adverse impacts other than relatively minor air quality issues as stated above. The design related issues and impacts in terms of residential amenity are of a scale and nature that they can be adequately addressed through the planning application process.

The layout of the proposed lodges and any associated open space and landscaped areas are all important factors to help mitigate potential impacts on the adjacent housing and the wider surrounding area. However, it is considered that the potential impacts identified within this Screening Opinion Request are not so significant that they should be addressed under EIA and therefore they are able to be more appropriately addressed under the planning application process.

While there will be some environmental impact experienced during the construction process, this will be temporary in nature. Therefore, the onset, frequency and duration of these impacts will be short-lived and will not in themselves, nor when combined with the minimal environmental effects associated with the housing development once completed, have a significant effect on the environment to require EIA.

In terms of reducing any potential impact, as already stated above, there are no important resources (soil and water) known to exist on the site, and therefore these are not likely to be lost as a result of the proposed development.

The ecological interest on the site is relatively benign, following a preliminary assessment, and so significant impacts requiring EIA are not anticipated. Due to the extent and nature of the existing vegetation features around the perimeter of the site, some mitigation has been deemed suitable to offset any impact arising from developing the site.

Similarly, the site is not afforded any special landscape designation and no further assessment is deemed necessary in that regard. Where identified in the various assessments of ground investigations, surface water treatment and ecology, potential mitigation will be undertaken to reduce any potential loss/change to the natural environment as a result of the proposed development.

In terms of the identified impacts, it is not considered that any of these would be transboundary in nature. Any direct or indirect impacts of this development are likely to be on the local environment and unlikely to be complex in nature given the type of development involved. The impacts from this development are likely to be localised and directly on the immediate location. The characteristics of the impact of this development therefore would not be likely to cause significant environmental effects that would merit consideration under EIA in that regard.

Summary

The proposed residential development falls within the category of a Schedule 2 Development as an Urban Development project exceeding 0.5 hectares.

The proposed development of Retirement Lodges would be relatively modest in scale and the proposals demonstrate that it would not be out of scale with the settlement. The development will take place within its urban/semi-rural context, being on the edge of an existing settlement. Given the characteristics of the proposed development and its location and the ability of local infrastructure to accommodate the level of development proposed, it is unlikely that the development would cause any significant impact on the environment.

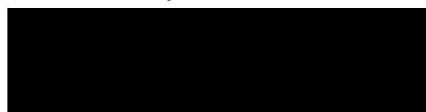
Taking into account the nature, scale and location of the development and based on an understanding of the site's physical and locational characteristics and an assessment of the potential impacts associated with developing the site for housing (Retirement Lodges) of the scale proposed, in line with Schedule 3 criteria in the EIA Regulations 2017 and as set out in this Screening Opinion Request, it is concluded that an Environmental Impact Assessment (EIA) should not be necessary in this case.

AELD formally request your Council's EIA Screening Opinion on this proposed development, and it is requested that the Council's Opinion is adopted within three weeks from the date of the receipt of this request, in accordance with the Regulations. I trust also that the information contained within this request is sufficient for you to reach your Screening Opinion. However, should you require additional information or additional time within which to respond, please advise accordingly.

In the event that your Authority should determine that an Environmental Impact Assessment would be required, please provide a Scoping Opinion along with your Screening Opinion.

I look forward to hearing from you. In the meantime, should you require clarification on any issue or further information to assist you, please do not hesitate to contact me in the first instance.

Yours sincerely,



John MacCallum BSc (Hons), MRTPI
Planning Consultant

cc AELD Ltd

Enc. Site Location Plan; Indicative Sketch Development Layout Plan