

Part Two

2/14 Policy and Planning Framework

2/14.1 Introduction

This section addresses the implications of the proposed scheme in the context of the national, strategic and local planning policy framework.

The planning policy framework is set out by legislation under the Town and Country Planning (Scotland) Act 1997 and the Planning and Compensation Act 1991. Underpinning this legislative framework is the general principle that decisions on development and land use planning should be taken at the most local administrative level, unless there is a requirement for such decisions to be taken at a higher level. The Government influences the planning system through legislation, White Papers, National Planning Policy Guidelines, Circulars, Planning Advice Notes, approval of strategic planning documents and through powers to call in planning applications.

The development plan system forms the basis on which decisions about development and future land use are made, and effectively incorporates national, regional and strategic policies within the local framework.

Responsibility for development and land use planning therefore rests principally with local government. Under the unitary authorities in Scotland, structure plans are prepared by individual or a group of Planning Authorities which set out the broad planning strategy based on advice and policies of the Government, both at a Scottish and UK level. Each unitary authority also prepares one or more local plans to lay down the main planning and land use policies and proposals for the local plan area.

This section considers the construction of the new road in relation to planning policy to ascertain which policies and proposals are affected.

This section therefore:

- describes the existing policy and planning framework;
- assesses the extent to which the proposed scheme supports or conflicts with current planning policy; and
- identifies measures detailed within other sections of the ES which mitigate any adverse impacts.

The assessment has been undertaken through:

- reference to Government White Papers and national planning guidance;
- a review of the current and any proposed development plans and documents; and
- consultations with Fife Council.

2/14.2 Baseline Conditions

2/14.2.1 National Guidance

The main White Paper on environmental policy is 'This Common Inheritance' of 1990 and the follow up papers of 1991 and 1992. These policies are implemented through national legislation and must be taken into account during the preparation of local development plans and the application of the development control process.

National guidance for Scotland on local planning is provided by the Government in the form of National Planning Policy Guidelines (NPPGs). NPPGs provide statements of Government Policy on nationally important land use and other planning matters.

The following NPPGs were considered as part of the environmental impact assessment:

- NPPG1 The Planning System;
- NPPG2 Business and Industry;
- NPPG5 Archaeology and Planning;
- NPPG7 Planning and Flooding;
- NPPG10 Planning and Waste Management;
- NPPG13 Coastal Planning;
- NPPG14 Natural Heritage;
- NPPG15 Rural Development;
- NPPG17 Transport & planning; and
- NPPG18 Planning and the Historic Environment.

The main NPPG policies of relevance to the proposed scheme are summarised in [Appendix 11](#). Key policies are those on Archaeology and Planning, Planning and Waste Management, Transport and Planning and Planning and the Historic Environment.

2/14.2.2 Development Plan Guidance

The existing, adopted development plan that covers the Kincardine area comprises the Fife Structure Plan 1994, with alterations from 1998. No local plan was prepared for the Kincardine area.

The Structure Plan, with alterations, is in the process of being reviewed and revised by a new Structure Plan and a separate Local Plan. These plans have been finalised, but have not been adopted (as at August 2001).

The following Plans have been reviewed to identify policies and proposals relevant to the proposed scheme:

- Fife Structure Plan Consolidated Plan (July 1994) with Finalised Alteration No1 Housing (June 1998)
- Fife Structure Plan Finalised (January 2001);
- West Villages Local Plan Finalised (February 2000).

The Structure Plan sets out the strategic policies and major proposals for the development and use of land and provides the development land use context which has an influence on the decisions to be taken concerning the uses of land, the demand for new development and the quality of the environment. The Structure Plan also incorporates the principles and detail of European and UK legislation and national planning policies.

The Local Plan provides a framework of policies and proposals for land use to guide and promote change in the locality, and applies national and strategic planning policies at the local level.

Policies and proposals within each plan, relevant to the proposed scheme, include those relating to infrastructure, nature conservation, landscape, recreation, land use, water resources and pollution. These policies are set out in [Appendix 11](#) and are summarised according to subject area in Table 2/14.1.

2/14.3 Mitigation

The design of the road has sought to accord with relevant planning policies and to avoid significant adverse effects on the environment. Where impacts cannot be avoided, appropriate mitigation measures will be implemented. Measures are highlighted in the relevant preceding sections of this Environmental Statement. The most important measures comprise:

- route selection – the removal of approximately 40% of traffic through the village of Kincardine;
- provision of a signalised pedestrian crossing to maintain access from Kincardine onto the proposed Fife Coastal Footpath;
- creation of new footpath/cycleway/bridleway on the southern side of the new road;
- incorporation of pollution control measures and Sustainable Urban Drainage System into the road drainage system;
- creation of wetland habitat for amphibians as a replacement for loss of existing habitat by construction of new road;
- the return of agricultural land to agricultural production where feasible; and
- landscape proposals sympathetic to existing landscape features and character of local landscape.

2/14.4 Predicted Impacts

Predicted impacts presented in the preceding Sections [2/2](#) to [2/13](#) of this Environmental Statement have been assessed in terms of whether they represent a conflict or are in accordance with the plans and policies listed in this section. The results are presented below and are summarised in Table 2/14.1.

National Planning Policy Guidelines

There are policies within four NPPGs that are of relevance to the proposed scheme.

NPPG 2 on Business and Industry suggests that transport proposals can be linked to the development opportunities that they create. As there are plans for future business/industrial development within the Kincardine area, it is possible that the road could support, in a strategic sense (by the overall improvement to the road network), the objectives of this policy. Subject to no overriding conflicts with other objectives (social, economic or environmental), no significant conflict with the policy objectives is therefore envisaged.

NPPG 17 on Transport and Planning provides policies concerning the relationship of transport to land use planning, on different modes of transport and the integration of environmental aims into transport policy. The main policy relevant to road construction concerns the safety and appropriateness of access design and states that access design should reflect the type of road involved, the nature of the area and the volume and character of traffic likely to use the access and the road. The design of the new road has addressed each of these factors and therefore no conflict with the policy objectives is envisaged.

NPPG 5 on Archaeology and Planning provides policies concerning the protection of archaeological sites of regional importance. An assessment of the impact of the route on cultural heritage has been undertaken and no regionally important sites other than a Listed Building (see NNPG 18) are affected. NPPG 5 will be supported through mitigation measures proposed by Historic Scotland, which will include archaeological sampling along the route. No conflict with the policy objectives is envisaged.

NPPG 18 on Planning and the Historic Environment provides policies concerning the preservation of listed buildings and their settings and the preservation and enhancement of Conservation Areas. There will be an adverse effect on the setting of Inch House which is a Category B Listed Building, and which has been confirmed by Historic Scotland as having an impact of no significance to cultural heritage. The new road will remove 40% of existing traffic from the A876 and A985 through Kincardine village centre, thereby benefiting the character of the Conservation Area, which includes these roads. *NPPG 18* will be fully supported through landscape mitigation at Inch House and therefore no significant conflict with the policy objectives are envisaged.

National Planning Policy Guidelines relating to the Planning System, Planning and Flooding, Planning and Waste Management, Coastal Planning and Natural Heritage are not predicted to be affected.

Development Plan Policies (Structure and Local Plans)

Infrastructure

Infrastructure policies that are aimed to improve the road network will be supported by the proposals. These policies also safeguard land for infrastructure such as the new road, referred to in the plans as the Kincardine By-pass.

Sustainability/Environmental Improvements/Environmental Impact Assessment

Policies concern the improvement of the environment by requiring that new development does not give rise to significant adverse environmental impacts, is sustainable and makes a positive contribution to the environment. The policies also require Transport and Environmental Impact Assessments to be undertaken for major developments. Through the EIA process, mitigation measures have been incorporated into the proposals to reduce the environmental impact of the scheme and enhance the environment wherever possible. In addition to the EIA, a Transport Assessment has been undertaken. These policies are supported through these assessments and therefore no significant conflicts with the policies are envisaged.

Land Use (including Agriculture)

Policies relate mainly to the protection of prime agricultural land from development. There will be a loss of approximately 10ha of agricultural land due to construction of the scheme, 25% (2.5ha) of which is estimated to be prime agricultural land. This loss is not predicted to be significant in terms of agriculture. In addition, the protection of prime agricultural land is no longer the top priority it once was. Therefore, although policies to protect prime agricultural land will be affected, no conflict with the objectives of these policies is envisaged.

Policies within this category also protect existing and proposed open space and areas allocated for housing. No areas of open space will be affected by the proposed scheme, therefore the objectives of these policies are unaffected. There is an area allocated for housing along the north side of Walker Street. However, this area will not be directly affected by the proposed scheme and no significant conflict with this policy is envisaged.

A further policy concerns the provision of new employment land for business and industrial use in the Kincardine area. As previously discussed in relation to the impact of the roads on *NPPG 2*, this policy objective is supported in a strategic sense by the overall improvement to the road network. No significant impacts are envisaged.

Footpaths, Cycleways and Bridleways

Policies relate to the development and maintenance of strategic and local networks for walkers, cyclist and horse riders and those with special needs. They also aim to protect the extension of the Fife coastal path westwards to Kincardine Bridge and links between Kincardine and the wider countryside. The proposed scheme will include the provision of a new footpath, cycleway and bridleway along the southern side of the new carriageway to maintain links to Walker Street that will be severed by the new road. Access to the proposed Fife Coastal Path will be maintained via a signalised pedestrian crossing accessible by ramp from Kincardine village centre. With the mitigation measures in place, no significant adverse impacts are envisaged on footpaths, cycleways and bridleways. The proposed scheme therefore supports the objectives of these policies.

Nature Conservation

Policies concern the protection of sites of international, national and local importance for nature conservation, including Natura 2000 sites, Sites of Special Scientific Interest, habitats, species, geological and geomorphological sites and species included in the Fife Local Biodiversity Action Plan. An ecological appraisal is required where adverse impacts on a site of any level of importance are predicted due to development and where this is the case, the proposals should incorporate measures that ensure a net benefit to conservation.

The proposed scheme will have no impact on international or national sites. Road drainage will be discharged to a ditch that drains into the Forth estuary, the southern bank of which is of international importance. The quality of discharge from the road drainage system will be an improvement on the existing drainage system due to the incorporation of pollution control measures into highway drainage design and therefore no significant impacts are envisaged.

The proposed scheme will involve the loss of an area of wetland of local importance east of the Kincardine Bridge that provides a habitat for amphibians. A new habitat for these species will be created in the locality and therefore no significant impacts on habitats are envisaged. The impact of the proposed scheme on nature conservation has been undertaken through an ecological appraisal as part of this EIA.

Taking all of the proposed mitigation measures into account, the policy objectives are broadly supported and no significant conflict is envisaged.

Business and Employment

There is a proposal that Fife Council will assess the potential for a site to be identified within the Kincardine area to accommodate large-scale industrial development. The construction of the proposed scheme is viewed by the Council as providing the opportunity for such development in the area. Although the vacant land at Kincardine Power Station had been the Council's first preference, land in the Inch Farm/Longannet area, with direct access onto the proposed scheme will be considered. Any such proposal will be subject to full public consultation.

Cultural Heritage

Policies concern the protection of historic buildings and monuments and archaeological sites, including Listed Buildings and their settings, Scheduled Ancient Monuments, Sites on Inventory of Gardens and Designed Landscapes, Sites on Fife Council Sites and

Monuments Records, Areas and Sites of Regional Importance and non-statutory register sites. The policies also require that developments should make a positive contribution to Conservation Areas and be compatible with their character, and require that these areas are protected from the adverse effects of development.

One site of national importance, one site of regional importance, three sites of local importance and one site of negligible importance will be affected by impacts of no significance to cultural heritage. There will be an adverse effect on the setting of one of the regional sites, Inch House that is a Category B Listed Building, which has an impact of no significance to cultural heritage. Two local sites of local importance will be affected by minor negative significant impacts to cultural heritage.

The core of Kincardine is designated in the Local Plan as a Conservation Area. The proposed road will have a positive effect on the Conservation Area by removing approximately 40% of traffic from the A876, thereby benefiting its amenity value. This constitutes a beneficial impact of minor significance to cultural heritage.

In accordance with Historic Scotland requirements, archaeological sampling will be undertaken along the route, with detailed survey and recording at four sites of local importance.

No significant impacts on policy objectives are envisaged.

Landscape

Policies relate to ensuring that new development in the more rural areas is in keeping with the local landscape character and respects key landscape features. They also protect new and existing trees, woodland and hedgerows as well as the coastal zone. Where existing features are affected, a tree survey and landscaping proposals are to be submitted.

A landscape assessment has been undertaken as part of the proposals and landscape mitigation is proposed which is sympathetic to landscape features and character. No significant impacts on these policy objectives are envisaged.

Water Resources/Pollution

Policies aim to protect and enhance watercourses and the quality and quantity of water resources, and aim to minimise pollution. Development that would cause flooding is not permitted, and any development that generates run-off likely to affect watercourses, is to be subject to a Sustainable Urban Drainage System.

The proposed scheme is not envisaged to cause flooding. Potentially polluting run-off will be treated through pollution control measures incorporated into the road drainage scheme which will be designed in accordance with the guidance on Sustainable Urban Drainage Systems. Policy objectives are therefore supported and no significant impacts are envisaged.

Mineral Resources

Policies protect against the sterilisation of commercially important mineral deposits by development. The proposed road will not cross an area where there are deep coal reserves. No sterilisation of coal reserves is therefore envisaged.

Planning Authorities

The following planning authorities were consulted regarding their views on the impacts of the scheme:

- Fife Council
- Clackmannanshire Council; and
- Falkirk Council

The main Policy Objectives of relevance are those identified in this section, all of which fall within the Fife Council boundary. Clackmannanshire and Falkirk Council were contacted as neighbouring authorities.

No specific comments on Policy Objectives were received from the above Councils. However, issues noted by Fife Council comprised the western extension to the Fife Coastal Path and the status of the Firth of Forth as a potential Special Protection Area and Ramsar site. Policies and proposals concerning the Fife Coastal Path are discussed in this section under Footpaths, Cycleways and Bridleways. Policies concerning SPA and Ramsar designations are discussed under Nature Conservation. These two issues are also discussed further within [Section 2/11](#) Pedestrians, Cyclists, Equestrians and Community Effects and [2/5](#) Ecology and Nature Conservation.

Table 2/14.1 Summary of Planning Policies and Proposals Relevant to the Proposed Scheme.

Subject	Development Plan	Policy/Proposal	General Objectives	Predicted Effects of Proposed Scheme & Significance
Infrastructure	Fife Structure Plan (Jan 2001)	Development and Programmed Infrastructure Proposals Proposal PC 1	Land programmed for infrastructure, including Kincardine By-pass to be safeguarded and to improve strategic and supporting road network.	Supports Policies. No significant impacts on Policies envisaged.
		Safeguarding of Existing & Potential Transport Routes Policy T3		
	Fife Structure Plan (July 1994)	Strategic Road Network Policy I 4		
	West Village Local Plan (Feb 2000)	The Kincardine Bridge and Village By-pass Policy T 1		
Sustainability /Environmental Improvements /Environmental Impact Assessment	Fife Structure Plan (Jan 2001)	Sustainability Policy SP 1	New development proposals should not have significant adverse environmental impacts, should improve the quality of town centres, be sustainable and make a positive contribution to the environment.	Addressed through various mitigation measures discussed throughout the ES. Removal of approximately 40% of traffic through centre of Kincardine will make a positive contribution to the environment and quality of the town centre in terms of air quality, a reduction in traffic noise and reduced community severance. Transport Assessment and EIA undertaken. Supports Policies. No significant impacts on Policies envisaged.
		Developer Requirements Policy T 4		
		Town Centre Improvements Proposal PS 1		
	Fife Structure Plan (July 1994)	Conservation of the Environment Policies E1 and E2	Transport Assessments and Environmental Impact Assessments should be undertaken for major developments	
	West Village Local Plan (Feb 2000)	Sustainability Policy S 1		
		Village Envelopes Policy BE 1		
		Development Design Policy BE3		
		New Development Policy T 1		
Land Use (including Agriculture and Housing)	Fife Structure Plan (Jan 2001)	New Employment Provision Proposal PE 2	Provision of new employment land for business and industrial purposes at Kincardine	Road will not prevent such land being taken forward for development. Possible that road will support business/industrial proposals for Kincardine area
		Prime Agricultural Land Policy N2	Prime quality agricultural land and existing/proposed open space to be protected from development	
	Fife Structure Plan (July 1994)	Agricultural Policy ED 13		
	West Village Local Plan (Feb 2000)	Protection of Agricultural Land Policy COU5		Land allocated to meet housing land requirements up to 2006
		Open Space Policy CLR 5		
	Housing Sites Policy H1			

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Subject	Development Plan	Policy/Proposal	General Objectives	Predicted Effects & Significance
Footpaths, Cycleways and Bridleways	Fife Structure Plan (Jan 2001)	Safeguarding of Existing and Potential Transport Routes Policy T 3	The development and maintenance of strategic and local networks for walking, cyclists, horse riders and those with special needs. Includes extension of Fife Coastal Path westwards to Kincardine Bridge and links between settlements and the countryside.	<p>Access to proposed extension of Fife Coastal Path from Kincardine will be maintained via a signalised pedestrian crossing accessible by ramp.</p> <p>New footpath, bridleway and cycleway will be created adjacent to the southern carriageway to maintain links from Walker Street and provide a circular route for equestrians on southern coastal area of Kincardine</p> <p>No significant impact on Policies.</p>
		Countryside, Recreation and Access Policy N3		
	Fife Structure Plan (July 1994)	Cycling Policy I 12		
		Countryside Recreation Policy E16		
		Cycleways Policy E17		
	West Village Local Plan (Feb 2000)	Footpaths, Cycleways and Bridleways Proposal PR28		
		Fife Coastal Path Proposal PR 29		
Pedestrian and Cyclists Proposal Policy T4				
Footpaths, Cycleways and Bridleways Policy CLR 12				
Nature Conservation	Fife Structure Plan (Jan 2001)	Nature Conservation International Site Policy N7	Protection of internationally, nationally and locally important nature conservation sites from the adverse effects of development, including Natura 2000 sites, Sites of Special Scientific Interest, habitats, species, geological and geomorphological sites and species included in Fife Local Biodiversity Action Plan. Significant adverse effects on Natura 2000 sites not permitted if they affect the integrity of the site unless there is overriding public interest or no alternative. Ecological appraisal required to be submitted where adverse impact on site of any importance, or where net benefit to nature conservation due to proposals.	<p>Incorporation of pollution control measures into highway drainage system to improve quality of highway drainage, ultimately discharged to estuarine waters.</p> <p>Creation of wetland area for amphibians as replacement habitat for existing area lost due to new road.</p> <p>No significant impacts on Policies</p>
		Nature Conservation National Site Policy N8		
		Nature Conservation Regional and Local Sites Policy N9		
		Nature Conservation Enhancement Policy N10		
	Fife Structure Plan (July 1994)	Natural Heritage Policies E4A, E4B, E4C and E6		
West Villages Local Plan (Feb 2000)	Nature Conservation Policies COU8, 9, 10 and Proposal PR9			

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Subject	Development Plan	Policy/Proposal	General Objectives	Predicted Effects & Significance
Cultural Heritage	Fife Structure Plan (Jan 2001)	Built Heritage Policy B1	Protection of Listed Buildings and their settings, Scheduled Ancient Monuments, Sites on Inventory of Gardens and Designed Landscapes, Sites on Fife Council Sites and Monuments Records, Areas and Sites of Regional Importance and non-statutory register sites. Archaeological investigations required where a SAM or ASRI is covered or destroyed and archaeological mitigation and recording required prior to commencement of development affecting archaeological sites of regional importance that are recorded or uncovered by development. Developments should make a positive contribution to the Conservation Area) and be compatible with its character but will not be permitted where they have adverse effects on the Outstanding Conservation Area.	One site of national importance, one site of regional importance, three of local importance and one site of negligible importance affected by impacts of no importance to cultural heritage. Of regional sites, with landscape mitigation, there will be a medium effect on setting of Inch House (B Listed Building), which has impact of no significance to cultural heritage. Two sites of local importance affected by minor negative significant impacts to cultural heritage Archaeological sampling along route. Detailed survey and recording at four sites of local importance Route will remove 40% of traffic from a large part of the Conservation Area. Minor positive impact on the Conservation Area. No significant impacts on Policies
		Archaeological Protection Policy B3		
	Fife Structure Plan (July 1994)	Cultural Heritage Policies E7B, E8B, E9 and E10B		
	West Village Local Plan (Feb 2000)	Development Control in Conservation Areas Policy BE9		
		Listed Buildings Policy BE11 Ancient Monuments and Archaeological Sites Policies BE14, BE15		
Landscape	Fife Structure Plan (Jan 2001)	Quality of Development in Countryside Policy N1	Promotion and protection from development of new and existing trees, woodland and hedgerows and the coastal zone.	Landscape assessment undertaken and landscape mitigation proposals in keeping with landscape features and landscape character incorporated into scheme design.
		Securing Tree and Woodland Planting Proposal PN2		
	Fife Structure Plan (July 1994)	Green Wedges and Corridors Policy E21B	Development in countryside and rural areas to respect key landscape features and be sympathetic to local landscape character and to undertake new planting as part of the proposals. Where existing features affected, tree survey and landscaping proposals to be submitted. Except in exceptional circumstances, development not permitted in green wedges or green corridors.	No significant impact on Policies
	West Village Local Plan (Feb 2000)	Trees, Woodlands and Hedgerows Policies COU11, COU14		
		New Planting Proposal PR12		
		The Coast Policy COU16		
		Development Design and Landscape Assessment Policy COU2		

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Subject	Development Plan	Policy/Proposal	General Objectives	Predicted Effects & Significance
Water Resources/ Pollution	Fife Structure Plan (July 1994)	Pollution Policies E22 and E24	Protection and enhancement of watercourses and quality and quantity of water resources.	Incorporation of pollution control measures and SUDS into scheme design. No significant risk of flooding envisaged.
	West Village Local Plan (Feb 2000)	Flooding and Water Quality Policies WDU1 and WDU2 Watercourses Policy COU6	Development not permitted where risk of flooding involved. Pollution to be minimised and Sustainable Urban Drainage System to be used for proposals generating run-off likely to affect quality of watercourses.	
Mineral Resources	Fife Structure Plan (Jan 2001)	Safeguarding Mineral Deposits Policy R1	Protection of mineral deposits of commercial interest from development that could constrain their extraction.	There are no proposals to commercially exploit deep coal reserves within the Kincardine area. No sterilisation of reserves is predicted.
	Fife Structure Plan (July 1994)	Minerals Policy ED18A		