

ITEM NO:

APPLICATION FOR FULL PLANNING PERMISSION REF: 15/01403/FULL

**SITE ADDRESS: SITE AT FERRYPORT PIER PIERHEAD NORTH
QUEENSFERRY**

**PROPOSAL : INSTALLATION OF LANDING PONTOON WITH ACCESS
BRIDGE AND WALKWAY**

**APPLICANT: FIFE COUNCIL
FIFE HOUSE NORTH STREET GLENROTHES**

**WARD NO: NW05
Rosyth**

CASE OFFICER: William Shand

DATE REGISTERED: 24/04/2015

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

There have been more than 5 letters of objection received for this application.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

Under Section 25 of the Planning Act the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

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. BACKGROUND

1.1 Site

1.1.1 The site is around 0.88 hectares in area and is located to the south of North Queensferry within the harbour area of the settlement and in the Firth of Forth, directly adjacent to the eastern wall of the Town Pier. The Town Pier is a category 'A' Listed Building which has a historical use for the berthing of boats but its use for this purpose has significantly decreased. The Firth of Forth extends to the south and east of the site, while the Town Pier is to the west and North Queensferry to the north. The site is situated between the Forth Road Bridge and Forth Rail Bridge. The Forth Rail Bridge has recently been designated as a World Heritage Site. The site is also within the North Queensferry Conservation Area and situated within the Firth of Forth Site of Specific Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site.

1.1.2 The site is outwith the settlement boundary and situated within the harbour area of North Queensferry.

1.2 Proposal

1.2.1 The proposed development includes the construction of a floating landing platform, an access bridge from the Town Pier and walkway to the platform. The pontoon would be separate from the Town Pier other than the connection formed by the access bridge. The pontoon berth would attach to a pontoon berthing frame which would be set in the river using dead weight anchors. The pontoon would float on the surface of the river. The walkway to the pontoon would be attached to a series of vertical guide beams which also would be set within the river using dead weight floats. Dredging works are proposed within the Firth of Forth to accommodate the development. These are outwith the application boundary and therefore not considered as part of this application but would be the subject of separate consent from Marine Scotland.

1.2.2 The purpose of the pontoon is to encourage an alternative mode of travel to North Queensferry. In particular the pontoon would be of sufficient size to accommodate the berthing of cruise ship 'tender' vessels and passenger ferries. The type and frequency of vessels is not yet known however the pontoon would be controlled and managed by Fife Council. The business assessment of the pontoon indicated that an optimistic assessment of boat trips likely for this proposal would be around 750 per year.

1.3 Site History

1.3.1 There is no specific planning history for the site although a separate application has been made for Listed Building Consent for the same proposal under application 15/01404/LBC.

1.4 Application Process

1.4.1 As the site is situated within the Conservation Area and could affect the setting of a Listed Building the application was advertised on 30 April 2015. Site notices were also posted on 24 April 2015. As the site would be situated within a SSSI and SPA the application has been screened under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 and the proposal was considered not to constitute a development which required an Environmental Impact Assessment. The application however has been supported with a Transport Statement, Ecological Assessment and Habitat Regulations Assessment. As

the site is within the Conservation Area a Design and Access statement has also been submitted.

1.5 Proposed Local Development Plan

1.5.1 The proposed FIFEplan Local Development Plan (2014) is a material consideration of any current planning application. The FIFEplan has less material weight than the Adopted Plan however following the Proposed FIFEplan's consideration at the Executive Committee on 23 June 2015 it is considered that this document is the settled position of the Council in terms of future planning policy and proposals. Only where this document offers alternative policy considerations will it be referenced in this report.

2.0 APPROPRIATE ASSESSMENT UNDER THE HABITATS REGULATIONS

2.1 As a separate part of the consideration of the application, the Council has a duty as the determining authority to carry out an Appropriate Assessment of the proposals with specific regard to the impact the development may have on the qualifying interests of the SSSI, Special Protection Area (SPA) and Ramsar within which the site is found if it is considered that the development would have a significant effect on designation. The site is within the Firth of Forth SPA and Ramsar Site and may affect the Forth Islands SPA and Outer Firth of Forth and Tay Bridge Complex Marine draft SPA (dSPA)

2.2 On consideration of the supporting information SNH has indicated that they consider that the development would have a significant effect on the Firth of Forth SPA, Forth Islands SPA and Outer Firth of Forth and Tay Bridge Complex Marine draft SPA (dSPA) but that the development would not adversely affect the integrity of these designations. The submitted information suggests that the greatest potential impact on the designations comes from increased boat travel (and the associated impacts of noise, disturbance, pollution etc) and the dredging. The dredging however is not part of this application. The potential impact of additional vessels was not considered to be a significant impact within the submitted information and therefore it is concluded that the development would not have a significant effect on the natural heritage designations. This is considered in further detail in section 3.4 of the report.

3.0 PLANNING ASSESSMENT

3.1 The issues to be assessed against the development plan and other guidance are as follows:-

- Principle of Development
- Design and Visual Impact on Conservation and Setting of Listed Building
- Natural Heritage
- Transportation
- Flood Risk/ Hydrology

3.2 Principle of Development

3.2.1 The application site is located outwith the settlement boundary of North Queensferry within the Adopted Dunfermline and West Fife Local Plan (2012). Scottish Planning Policy (SPP) (2014) seeks to promote successful sustainable places with a focus on low carbon places; a natural, resilient place; and, a more connected place. Scottish Planning Policy (SPP) promotes the use of the plan-led system with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act.

3.2.2 The relevant policy within the Adopted Local Plan is Policy E1 - Development outwith Town and Village Envelopes, which stipulates that development will only be permitted where it is in accordance with policies E15 to E29. Policy E4, supported by heritage policies E7 (Conservation Areas) and E8 (Listed Buildings) advise that development involving listed buildings and buildings in the conservation area should seek to maintain the character and heritage qualities of the buildings ensuring the design, materials, and any qualities of special architectural or historic value which it possesses are retained. It is also important to retain the vitality and viability of such areas by supporting the appropriate re-use of buildings no longer required for the original or last known purpose. Policy E20 (Water Environment) states that development will not be permitted where it would have a detrimental impact, either directly or indirectly, on the ecological status of water bodies or water quality.

3.2.3 Policy C1 of the Adopted Local Plan supports the development of community and leisure facilities. Policy B5 (Tourism and Hotel Developments) meanwhile states:

The development of new hotels, tourist facilities and attractions or the improvement or expansion of existing facilities will be supported where:

- (a) the proposal is of a scale, nature and design appropriate to its setting;
- (b) the proposal does not have a material adverse impact on the natural and built environment, or on the vitality and viability of town centres;
- (c) the proposal is accessible to, or able to be made accessible to, the existing or planned public transport network; and
- (d) the traffic generated does not have a material adverse impact upon the road network.

3.2.4 The Town Pier has been used in the past for vessel berthing and therefore the principle of this development has been established in this area. This historical use is an important factor for this site. While the use of the Town Pier for the berthing of vessels is now infrequent. The Town Pier can be used for this purpose without restrictions. This application aims to enhance and further formalise this current use by providing modern provision for vessels. While it is accepted that this proposal would likely lead to an increase in use from the current position, it must be noted that the use of the Town Pier for vessel berthing could significantly increase in the future without this proposal going ahead. The impact of an increase in boat use in the area will be considered as part of this application. The main considerations for this proposal within policies E15 to E29 relate to the impact on the water body. Other considerations would be matters of detail relating to the design and position of the pontoon, the intensification of the use and the potential impacts resulting from this. The main aim of the proposal is to enhance the pier to promote tourism to North Queensferry by a different form of transport. These aims are supported by policies C1 and B5. While the development itself would not be a tourist attraction it would support local tourism in this area. The tests within policy B5 would be considered throughout the report but it is considered that the development would meet these policy requirements.

3.2.5 Overall, the principle of this type of development in this location has been set by the existing pier and its historical use as an area for vessel berthing. None of the relevant policies would indicate that this historical use being continued should not be supported and policies C1 and B5 add support to this type of development. The principle of this development is therefore acceptable however the acceptability of the development as a whole is subject to detailed assessment against the criteria within the detailed impact policies.

3.3 Design and Visual Impact on Conservation and Setting of Listed Building

3.3.1 In general terms the SPP (2014) states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. Similarly Scottish Historic Environment Policy 2011 sets out the key tests set by the legislation that planning authorities should have special regard to. These include the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses.

3.3.2 Policies E3 and E4 of the Local Plan set out the criteria for development design advising that proposals should have high standards applied proportionally to the scale of each development proposal, and seeks to ensure that all development makes a positive contribution to its immediate environment in order to enhance the built environment and to protect the character of individual areas. External finishes should respect the character of an area, enhance the landscape quality of an area, and should maintain and enhance the visual amenity of their setting in terms of scale, massing, layout, and landscaping etc. Policy E7 advises development within a Conservation Area, or affecting its setting, shall preserve or enhance its character and be consistent with any relevant Conservation Area appraisal or management plan that may have been prepared for the area. The design, materials, scale and siting of any development shall be appropriate to the character of the Conservation Area and its setting. Policy E8 of the Local Plan advises that development affecting a listed building, or its setting, shall preserve the building, or its setting, or any features of special architectural or historic interest it possesses. The design, materials, scale and siting of any development shall be appropriate to the character and appearance of the listed building and its setting.

3.3.3 The pontoon would have very little direct impact on the A Listed Town Pier as the pontoon would have minimal attachment to the pier. The pontoon instead would be situated adjacent to the pier with its own supports in the water and the bridge walkway would be positioned onto the pier within minimal attachment to allow pedestrians to transfer from the pier to the pontoon. A condition should be added requiring details of any surface treatment for the pier where the pontoon would be placed to ensure no irreversible damage to the pier. This condition should also require details of the fixings. The proximity of the pontoon to the pier would create some localised impact on the piers setting. The pontoon would be seen in the context of the pier particularly from the north and east within North Queensferry. There would be minimal impact from the west although it is noted that the some of the support structure would be seen above the pier. These would create minimal visual impact given their size and nature. The pontoon itself would be subservient in scale and prominence relative to the pier and thereby any visual impacts on the setting of the pier would be minimal and localised. The pontoon would also continue the historical use of the pier thereby retaining the historical character of the pier and area. Historic Scotland has no objections to the proposal but indicate it would have been preferable for the pier to have been incorporated into the proposals to aid its restoration. The applicant has indicated that further funding may be available to carry out some repair of the pier as part of this project. Any works of that nature may require further Listed Building Consent.

3.3.4 The harbour area and the pier fall within the North Queensferry Conservation Area and the site is relatively close to the World Heritage site of the Forth Rail Bridge. Again the proposal has the potential to have a detrimental visual impact on the setting of the Conservation Area and the

World Heritage Site. Views of the pontoon would largely be from within the Conservation Area or from the site of the bridge. Views of the pontoon in the context of the Conservation Area or Bridge would be limited to the approach to the pontoon from the south or east. While the pontoon would be of modern construction, its structure would be of relatively insignificant construction particularly when viewed in the context of the more substantial pier. The scale of the pontoon and its position would help avoid any significant harm to the Conservation Area or the World Heritage Site.

3.3.5 Overall, the proposed development would have some visual effect on the historic environment in that it would be sited adjacent to the Town Pier and sited within the Conservation Area. The pontoon structure however would be minor in scale relative to the existing pier and would not affect the character or setting of the pier. The visual impact of the pontoon on the Conservation Area would not be significant given the context of the site relative to the Firth of Forth and existing pier. The development would therefore be in compliance with the Development Plan and National Policy in this regard.

3.4 Natural Heritage

3.4.1 Policies E20, E22 and E23 of the Adopted Local Plan seek to protect local sites designated for their nature conservation interest and also to protect any valuable wildlife habitats and protect them from development where it would have an adverse effect, either directly or indirectly, on the ecological status of waterbodies or the quality of groundwater. Policy E20 of the Adopted Local Plan states that development will not be permitted where it would have an adverse effect, either directly or indirectly, on the ecological status of watercourses or wetlands or the quality of groundwater.

3.4.2 As noted the site is located in an area designated for its importance for natural heritage. An ecological assessment and Habitats Regulations assessment has been undertaken to support the application. These reports consider the species which may be at risk from the development. The biggest concern noted in these reports is the potential impact on the bird populations which use the area and the potential impact this may have on the qualifying interests of the ecological designations. The main issues noted within these reports are visual disturbance, noise disturbance and loss of habitat during construction and visual disturbance and noise disturbance during operation. Pollution from boats was considered but found to be negligible due to the boat traffic already within the wider area. The qualifying interests of the SPA and SSSI which the site is located in relate primarily to wintering birds and a winter bird survey was carried out for the area to identify the use of the site and surrounding area by the birds. It was found that this area of the designations was not readily used by wintering birds.

3.4.3 In terms of the construction impacts it is noted that the developer proposes to construct the pontoon largely between April and September which is outside the most sensitive period for the wintering birds when the area is not as readily used. A condition should be attached requiring details of a construction programme which follows this strategy. The visual disturbance and noise disturbance to the bird populations during construction should therefore be minimal as work would be undertaken out with the most sensitive periods of the year. The loss of habitat relates primarily to the dredging operations, which are outwith the scope of this application. The location of the pontoon would be directly adjacent to the existing pier which is not readily used by wintering birds according to the surveys undertaken. The pontoon would also be relatively minor in scale and thereby would have an insignificant effect on habitat loss. In terms of the dredging, as previously noted this is outwith the application site and is subject to a Marine

License and the impact of the dredging on the ecological designations and wintering birds would be assessed through that process.

3.4.4 In terms of the impact of the development during the operation of the pontoon again it is noted that this relates to noise and visual disturbance to the birds. As this pontoon would likely be in operation all year round then this disturbance would likely occur when the wintering birds are present. This impact would largely be from boat users walking on the pontoon and from vessels as they approached and used the pontoon. These impacts would occur over a small area and would be largely specific to the east of the site where there is less screening for this impact. The surveys found however that this area was less readily used by the birds. In addition, the birds in this area are already habituated to a low level of disturbance with the numbers of visitors to the area and the noise from traffic, boats and rail. It is noted that the pier could potentially be used for unrestricted vessel berthing at present and there is no limit on how many vessels could be using the site daily. This proposal is in essence formalising the previous use for modern vessels. The business assessment for the site suggested that potentially 750 vessels a year could use the pontoon which would equate to 2 trips a day if evened out over a year. It is unlikely that this would be achievable particularly in the short term. It is therefore considered that the proposed pontoon would not lead to a significant increase in boat travel from the pier area which would be significantly greater than the historical use of the pier or add significantly to the boat travel within the wider Forth area. On this basis, it is considered that the development would not lead to any significant impact on the bird populations that use this area or indeed the qualifying interests of the ecological designations. Scottish Natural Heritage, the RSPB and the Council's Natural Heritage officer share this view although they did indicate that some additional information should be submitted to fully quantify that view.

3.4.5 The submitted assessments also consider other species at risk from the development. No evidence of any protected species were found within the site. Whilst the survey area does have suitable habitat for otter the site itself does not pose a significant risk to otter nor would the development result in the loss of habitat. However, the assessment does indicate that best practice should be employed during construction including use of appropriate lighting and the avoidance of overnight work to avoid any impacts during construction. The mitigation specified would also be specific to avoid any impact on bats, although no evidence of bats were found in the area. The assessment also considers terrestrial birds which may be found nesting on the Forth Islands. Best practice is again proposed for the construction period in this regards. A condition should be attached to any consent requiring that the mitigation measures proposed are implemented as part of the development.

3.4.6 The ecology consultees have all indicated that in principle the development is unlikely to cause any significant impact on the ecology of the area however they note that there is a lack of information on the dredging proposals and the end use of the development. The dredging element has been covered earlier in the report. The concern relating to the end use of the proposal relates primarily to the need for comparison between the baseline information (current use of the Forth and pier for vessels and this area by tourists etc) against any increase that may occur to allow an assessment of whether any increased disturbance would be significant. At this time the Council does not know how often the pontoon would be used and what the likely increase would be. The Council would be in control of the pontoon and therefore to address this issue it is recommended that conditions should be applied to the permission that require the submission of a management plan for the site. This should include details of proposed usage. This should be annually reviewed for a specified period and include an updated Habitat Regulations assessment should there be a proposed increase in the yearly use. This would allow an initial consideration of the proposed use relative to the potential impact which can be

assessed annually. In principle it is considered that the initial usage of the pontoon is unlikely to have any significant impact on the ecology however should the use of the pontoon increase or change then this should be subject of review. In addition the consultees have also proposed additional conditions. The RPSB suggest using a condition to limit the speed of boats travelling to the pontoon, along with limits on lighting and hours of operation. The Natural Heritage Officer has also advocated the use of conditions regarding best practice in the construction of the pontoon and in particular meeting the requirements of SEPA's guidelines and the provision of information for visitors regarding the importance of the area and respecting the natural environment around the pontoon.

3.4.7 The proposed development would occur within an area of particular sensitivity in terms of ecology. It is considered however that the scale and nature of the development is appropriate for the location and would not lead to any significant impact on the designations or the ecology of the area. It is recognised that the intensification of the use of this area for the purposes of berthing vessels could lead to an increase in disturbance to the bird populations in the area. There is considered to be sufficient mitigation proposed to control and limit any impact in this regard. Concern has been raised regarding the dredging operations to accompany this proposal however this does not form part of this application. The development is considered to be in compliance with the Development Plan in terms of ecology.

3.5 Transportation

3.5.1 The SPP (Promoting Sustainable Transport and Active Travel) advises that sound choices on the location of new development are required and sustainable modes of transport should be promoted through appropriate development. Policies T1 and T2 of the Adopted Local Plan advise that car parking requirements, turning areas, visibility splays and other detailed road matters should meet the design standards adopted by Fife Council. They also promote alternative methods of transport other than the private car.

3.5.2 Transportation Development Management has stated that the proposed pontoon itself would not lead to any significant impact on the road network. The concern however relates to the inward and onward travel to and from the pontoon. North Queensferry has a localised parking concern with limited public car parking facilities. The Transportation Development Management Team has assessed the Transport Statement (TS) submitted with the application and notes the contention that the majority of users of the pontoon will leave the site on foot. This is accepted if visitors are coming from cruise ships or are tourists of another form. It also indicates that any person visiting the pontoon to use an outward vessel would be encouraged to use public transport or Battery Road car park which they would be informed of as part of a booking process. The TS also states that Fife Council would not promote any use of the pontoon which would encourage the increase in private car use. It must also be noted that the pier has a historical use for the berthing of vessels. While this use has diminished, as already noted the unrestricted use of the Town Pier for this purpose could easily increase in the future with the right promotion and enhancement of the pier. It is recognised that the pontoon would likely lead to an increase in berthing vessels from the current position however the proposal must be put in the context that the Town Pier is a functioning site for vessels to berth without restriction. It is considered that this application allows greater control to be put in place to manage, control and review the use of the area in terms of traffic management. The Transportation Development Management Team is content that the proposals in their current form would not lead to any significant impact on the road network or localised parking and has indicated that conditions relating to construction, construction parking and wheel washing should be added. A condition could also be applied regarding the management of the site and this would require details of

parking controls proposed by the applicant (including information to customers, controls and transfer methods). Like the impact on ecological designations, this could be reviewed annually based on if the use of the pontoon changes and to ensure management of the pontoon is working. Transportation Development Management conclude that any traffic management issues which arise from the end users of the pontoon would need to be addressed by Fife Council.

3.5.3 It is considered that the proposed pontoon would not have any significant transportation impacts. It is recognised that the impact from this development and its eventual use is largely dependent on how the pontoon is used, which at present is not known. It is considered however that there is sufficient mitigation available through the proper management of the site to avoid any significant impact in this regard. The operation of the pontoon can also be reviewed annually to ensure that the management is working sufficiently.

3.6 Flood Risk/ Hydrology

3.6.1 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures.

3.6.2 Policies I3, I4, and I5 of the Adopted Local Plan advise that developments should not place unacceptable demands on public infrastructure including drainage systems, that developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Policy E20 indicates that any impact on water bodies should be avoided.

3.6.3 SEPA has been consulted and expressed no concern with the application. The Council's Harbours, Coasts and Floods Team has also been consulted and has stated that the Team has been involved in the project and therefore has no objection in this regard. On this basis, it is considered that the development is unlikely to lead to an increased flood risk. In addition to flood risk, the impact on water quality through contaminants is also a consideration. For this development, this would largely be as a result of construction rather than use given the location has a historical use for the berthing of vessels. In terms of construction, it is considered that the use of condition requiring the compliance with SEPA's best practice in terms of working around water bodies should be attached along with the submission of an Environmental Management Plan outlining how this would be implemented on the site.

3.6.4 It is considered that this development would not pose any significant risk in terms of flooding or pollution for this water body.

CONSULTATIONS

Scottish Environment Protection Agency
Historic Scotland

No comments
No objections. The pontoon would not have any significant direct impact on the A Listed Town Pier and would have an insignificant impact on its setting.

Scottish Natural Heritage

No objections. The proposal would have no

Transportation	significant impact on the qualifying interests of the Special Protection Areas. Has advised that further information should be requested to clarify some matters.
RSPB	No objections subject to conditions relating to wheel washing, the submission of a Construction Management Plan and control of the parking of construction vehicles. Indicated that in principle the development was unlikely to undermine the qualifying interests of the ecological designations. They do however indicate that further information should be sought on certain matters including the final use of the site, dredging and the baseline use of the area for vessels.

REPRESENTATIONS

There have been 32 letters of objection, 2 general representations and 1 letter of support received for this application. A letter of objection has been received from North Queensferry Community Council. The concerns expressed within the letters of objection include:

- Not in keeping with the Conservation Area;
- Not in keeping with SSSI;
- Dredging will disturb contaminants on riverbed;
- Road network cannot support significant increase in traffic;
- Individuals will not leave car outside village;
- Infrastructure deficits to take construction traffic;
- Lack of services such as toilets, cafes, shops;
- Cumulative strain of attractions on the road network.
- Lack of parking;
- Traffic management plan required for North Queensferry;
- Plans appear incomplete in terms of handrails etc;
- Impact on ecology;
- A business assessment is required;
- No EIA submitted;
- Impact on historical aspect of area.
- Will not achieve desired intention in terms of attracting vessels;
- Little community benefit;
- Local residents privacy would be impacted by increase in visitor numbers;
- Noise, pollution and safety at site;
- Impact on Listed Pier;
- Dredging could adversely affect fragile pier;
- Pollution from additional boat movements;
- Cruise ship tenders would require additional security measures such as fencing which would not be keeping with area;
- Impact on bird populations;
- Impact on residential amenity from disturbance and noise of visitors;

- Public access to the pier would be restricted;
- Construction impacts on residents in terms of noise, dust and pollution;
- Detract from rail bridge;
- Would lead to significant increase in vehicles;
- Will affect the sensitive setting of the settlement;
- Proposal is premature to a traffic management plan and the wider plans;
- Interfere with the recreational use of the pier;
- Misleading planning drawings

The majority of matters have been addressed in the body of the report. Matters in relation to construction traffic will require management given the village constraints however this can be controlled through the construction management plan. The lack of ancillary services (such as toilets, seating etc) would not be a consideration for this application as the provision of these facilities would not be a requirement of the proposal. As noted this application would not alter the existing use and the area functions without these facilities. It is noted within the representations that neighbours to the pier have suffered from anti-social behaviour from individuals using the pier however this is caused by misuse of the pier rather than a consequence of the use itself. There would be scope for this to be controlled and managed better through a management plan and reviewed annually. At this point there are no other proposals which have been submitted which would add to the cumulative consideration of this application and thereby a Traffic Management Plan for this purpose would be premature. The submitted plans are considered adequate for the assessment of this application and no business assessment is considered necessary given the present use of the pier. Community benefit is not considered a significant material consideration for this application.

In terms of the impact on privacy and residential amenity, it is noted that there are residential properties along the pier. The current use of the pier may cause some disamenity from embarking and disembarking people however this relates directly to the purpose of the pier. This proposal would not change the present use and therefore would not introduce any new issues but may lead to an increased use of the pier. Again, a management plan for the site could reduce any impacts in this regard and assist with any current disamenity. In terms of security fencing and additional facilities of this nature to accommodate cruise ship tenders, it should be noted that this has not been proposed with this application. If this is required should this become a reality for the pontoon then a separate application would be required. Any additional security requirements would need to be considered by the applicant. Similarly the applicant does not propose to remove access from the pier through this proposal.

The general comments state:

- There does not appear to be a business case for this proposal;
- The lifetime of the pontoon is unknown;
- Concerns of decommissioning of pontoon if it is not used.
- Health and safety concerns over control of access to pontoon.
- Concerns over proposed users and the viability of this.

None of these matters raise any material considerations which would warrant refusal of the application.

One letter of support has been received and this states that the proposal could bring trade to the local area but consideration must be given to restricting the number of people that can be dropped off at one time.

CONCLUSIONS

The proposed development would improve the usability of the area for boats and other vessels and could be a benefit locally in terms of tourism. The development would have a minimal impact on the built heritage of the area, in particular the A-Listed Town Pier and Conservation Area. The scale of the pontoon would avoid the structure dominating views of the harbour or the pier and would allow the area to be used once more for its historical purpose. While the site is in an area of particular sensitivity in terms of ecology, it is considered that the size of the site and the nature of the proposals would avoid any significant direct impact on the qualifying interests of the ecological designations. Adequate mitigation and controls are in place to avoid any significant impact. The end use of the pontoon could result in an increased demand for parking and onward travel. Again adequate controls are available to avoid any significant impact on the local road network. Overall, it is considered that the development is in compliance with National Policy and the Development Plan and would not have a significantly detrimental impact on the amenity of the area.

RECOMMENDATION

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

1. BEFORE ANY WORKS START ON SITE, full details of the connection between the Town Pier and pontoon hereby approved shall be submitted for the written approval of Fife Council as planning authority. For the avoidance of doubt this shall include details of fixings and intervening materials. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting the A-Listed Town Pier.

2. BEFORE ANY WORKS START ON SITE, an ecological mitigation statement shall be submitted for the written approval of Fife Council as planning authority. This shall include the mitigation set out within the submitted Preliminary Ecological Assessment (Parsons Brinckerhoff – December 2014) and Habitat Regulations Assessment (Parsons Brinckerhoff – March 2015) along with the following measures:
 - A timetable setting out the construction period of the development. This shall reflect the recommendations of the submitted Habitats Regulations Assessment;
 - Details of the information to be given to visitors which outlines the importance of the area for ecology and any actions visitors should take to avoid disturbance. Details of how this would be distributed shall be provided;
 - Controls on boat speeds as they approach the pontoon;
 - Lighting mitigation;
 - Hours of operation;
 - Biodiversity enhancement
 - Maintenance and management of refuse and pollutants;
 - Monitoring;
 - Any other protection measures considered necessary

The development shall be implemented in accordance with the details approved through this condition.

Reason: To protect the integrity of the protected ecological designations.

3. BEFORE ANY WORKS START ON SITE an Environmental Management Plan shall be submitted for the written approval of Fife Council as planning authority. This shall include measures to protect the water body environment during construction and shall follow SEPA best practise in this regard. The development shall be implemented in accordance with the details approved through this condition.

Reason: To protect the water environment.

4. BEFORE THE PONTOON IS BROUGHT INTO USE a management plan for the use and operation of the pontoon shall be submitted for the written approval of Fife Council as planning authority. This shall specify the date the pontoon will be brought into use and the following matters:
 - An updated Habitat Regulations Assessment reflecting the proposed use of the pontoon for that year and reviewing the previous year;
 - Management procedures and controls for the pontoon including berthing, boarding, queueing and protection of residential amenity;
 - A projection for the likely number of vessels to use the pontoon in the year ahead;
 - Any restrictions proposed on vessel numbers or vessel capacities
 - A traffic management plan including parking requirements, visitor information and controls;
 - An annual review of these matters and their effectiveness (if the pontoon has been in operation for a year);
 - Dredging information including proposed mitigation for the listed pier;
 - Should the pontoon no longer be required then the review shall consider its removal.

The management plan shall be reviewed annually with an updated management plan being submitted to Fife Council as planning authority every year prior to the anniversary of the pontoon coming into use. After 5 years this requirement shall be reviewed as to whether an annual review is required. The annual review must reflect the prospects for the pontoon and the review the previous year's use in terms of management and impact on the local traffic network, ecology and residential amenity. The development shall be implemented in accordance with the details approved through this condition.

5. 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.

6. Adequate wheel cleaning facilities approved by Fife Council as Planning Authority being provided and maintained 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.

7. Prior to works starting on site, a Construction Management Plan (CMP) shall be submitted for approval. The CMP shall address the location of the site compound, staff parking, storage of materials, construction vehicle movements and delivery times. If vehicle access via Cadger's Slip is required immediately East of the town centre, details of protection and reinstatement of the historic stone paving and repairs to the retaining wall shall be submitted. The use of water borne construction traffic trips shall be encouraged.

Reason: In the interest of road safety and to protect the historic environment

8. No construction vehicles or staff vehicles shall park on-street on Main Street/Pierhead (B981), Battery Road or any other adopted road within North Queensferry.

Reason: In the interests of road safety traffic disruption.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance:
Scottish Planning Policy (2014)
Scottish Historic Environment Policy (2011)

Development Plan:
Adopted Dunfermline and West Fife Local Plan (2012)
FIFEplan (Fife Local Development Plan) 2014

Report prepared by William Shand, Chartered Planner and Case Officer
Report agreed and signed off by Mary Stewart, Service Manager and Committee Lead Officer

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