

Elie and Earlsferry Community Council
Earlsferry Town Hall, Earlsferry High Street , KY9 IAF enquiries@elieandearlsferrycc.org

Development Management (Central)
Fife Council
By email: development.central@fife.gov.uk

13th July 2026

REPRESENTATION AND OBJECTION - APPLICATION 26/01491/ARC

Approval of matters Specified in Conditions of planning Permission in Principle 18/03579/PPP-Land to East of Wadeslea, Elie

Dear Sir or Madam,

Elie and Earlsferry Community Council, in its role at Statutory Consultee as confirmed on 29th June, submits this representation on the above application on behalf of the community it is statutorily constituted to represent. The Community Council objects to the application in its current form. Our objection does not concern the principle of development, which was settled by the permission in principle in February 2023 and with which this Community Council engaged constructively at the time. It concerns the foul drainage evidence on which this application — and the discharge of Condition 3 — now rests. That evidence is incomplete, unapproved, internally inconsistent, and unsecured by any enforceable mechanism; and it concerns a sewer network whose failures this Community Council has been formally documenting for over a year. This is a potentially serious Public Health hazard which is unacceptable.

Condition 3 “No works shall commence on site until confirmation that the requisite upgrading of the sewer system is going ahead and the timetable for this is submitted for the written approval of the planning authority. This shall sit alongside a requirement from Scottish Water for a drainage impact assessment to fully understand the mitigation required. Unless otherwise agreed in writing with Fife Council as planning authority, no unit shall be occupied on site until the upgrading of the sewer system is complete.”

In addition, the CC has serious concerns regarding the consequences of the significant increase in the number of proposed units. In the PIP Condition 10 limited the total number of homes on the site to 55 unless otherwise agreed by the planning authority.

1. The community's direct evidence of network failure

The condition of the Elie and Earlsferry sewer network is not a matter of perception. In June 2025 the Elie Harbour Trust reported to this Community Council — and it is minuted — that three separate combined sewer overflows, at the Harbour, the foot of School Wynd and by the Cockstails, were regularly and increasingly frequently discharging raw sewage to the sea; that sewage was present around the toilet blocks, the Watersports Centre and the beach; and that the system was backing up. Independent water sampling commissioned locally found water entering the sands from the Loch Run failing on at least one of E. coli, Enterococcus or Coliform counts on every test, particularly after rainfall. Scottish Water attended on multiple occasions; the problems recurred; and Fife Council itself escalated the matter. This is the network into which the application proposes to discharge the foul flows of 86 homes in Phase 1, and some 150 further units to follow.

2. The applicant's own evidence now confirms that of the community

The Drainage Impact Assessment (DIA) submitted with the application — produced through Scottish Water Horizons using Scottish Water's own catchment model — places official figures on what residents have reported. In a typical year, before any development:

- The Elie Harbour SPS overflow spills **57 times, discharging 17,946 m³** of untreated combined sewage;
- The Earlsferry Cadgers Wynd overflow spills **61 times, discharging 19,376 m³**;

and

- all three assessed overflows (South Street, Harbour and Cadgers Wynd) fail the Formula 'A' compliance criterion in the existing baseline.

The DIA further finds that, unmitigated, the development breaches Scottish Water's 'zero impact' policy in every scenario: spill volumes at the Harbour overflow increase by 5.3% (Phase 1) and 20% (full build-out); flooding increases at up to 16 model manholes; and flow to Elie WWTW increases by up to 26,033 m³ (18.6%) per year. The Formula 'A' requirement at the Harbour overflow rises to 15.5 l/s against an unchanged setting of 8 l/s: the development moves an already non-compliant network further from compliance, and nothing in the proposed mitigation alters the overflow settings.

Moreover, the modelled baseline itself appears to understate the position. The Elie Harbour Trust's objection of 24 June 2026 places on the record its analysis of Scottish Water's own operational event data, which the Trust states records 123 spill events at the Elie Harbour SPS CSO (CS0002395) in the thirteen months to March 2026 — approximately double the DINS modelled baseline of 57 spills per year — with a substantial proportion occurring in dry or near-dry conditions that cannot be explained by storm response. That analysis has been submitted to SEPA as a formal regulatory complaint, now escalated, with Environmental Standards Scotland also engaged. This Community Council does not adopt the Trust's analysis wholesale, but the divergence between model and measurement is itself material: every percentage increase in the DIA is calculated against a baseline that the measured record suggests is significantly understated, and dry-weather spill events point to defects the hydraulic model does not capture. Fife Council should not determine this application without the measured event duration monitoring data for all three overflows being placed on the file alongside the modelled figures.

3. The evidence is not fit to determine the application

- **The DIA is an unapproved draft.** It is watermarked DRAFT FOR REVIEW v5 (issued 4/5 June 2026) with the Scottish Water approval field blank. Fife Council is being asked to approve matters — including Condition 3 — on a working document which is invalid.
- **The critical result is missing.** The Stage 2 post-mitigation tables report spill performance only for Cadgers Wynd. The Elie Harbour overflow — the worst affected in every scenario, and the very location of the failures this Community Council has minuted — is absent from the post-mitigation results, as is South Street. The central claim of 'zero impact' is therefore unevidenced where it matters most.
- **The report contradicts itself.** It states the mitigation resolves flooding detriment 'at all the nodes' while its own Scenario 2 and 3 tables record residual flood increases at several manholes at longer storm durations; and the claimed post-mitigation improvement (0.16—0.22% at Cadgers Wynd) sits within the report's own stated rounding error.

- **The model class and data are inadequate for the purpose.** The assessment uses a Type II planning model while itself stating a Type III model is the appropriate class for scheme appraisal; level data has been 'inferred' where gaps exist; the authors accept no liability if the model data proves erroneous; and one offset subcatchment (N049005101) was removed between drafts when survey showed the model's 'assumed/estimated' baseline to be wrong. No field verification is evidenced for the offset areas that remain, whose locations were advised by the developer.
- **There is no climate allowance and no seasonal peak.** The modelling applies a 'typical year' rainfall series and a flat occupancy of 2.5 persons per dwelling which is unrealistic. We consider 4 persons per household would be a more accurate formula. Elie and Earlsferry's population increases to **approximately 4,500** each summer — the bathing season, when the overflows discharge to greatest public effect. The critical-period load is materially understated, and no sensitivity analysis or climate uplift is applied, contrary to NPF4 Policy 22 and Fife Council's own guidance expectations. The accruing population from the development is grossly underestimated.
- **Loch Run inspection report.** The Loch Run culvert is in a dilapidated state with multiple defects as highlighted in the survey report by Draintec Solutions submitted to FC and referred to in condition 27 of 18/03579/PPP.

4. Condition 3, the promised Growth Project, and an unsecured mitigation package.

When committee granted the permissions in principle, the Report of Handling (18/03578/PPP, paragraph 2.13.5) recorded that Scottish Water had instigated a Growth Project to address the wastewater capacity issues, with a likely minimum delivery timescale of 5—7 years and budget within its investment programme. Condition 3 — requiring written confirmation that 'the requisite upgrading of the sewer system is going ahead', with an approved timetable, before any works commence — was imposed on that basis, and the community accepted the permissions on that understanding.

That Growth Project appears nowhere in this application, in the DIA, or in any recent correspondence from Scottish Water, including its letters to Wendy Chamberlain MP. It has been replaced, without any published decision, by a site-specific package: on-site septic/treatment tanks, approximately 0.125—0.345 hectares of surface water removal, a 39-metre sewer upsize and 7 m³ of overflow storage. Whether that package constitutes the 'requisite upgrading of the sewer system' which the committee intended is a question of substance that must be answered openly in the Report of Handling — not resolved by implication.

Moreover, none of the package is secured. Scottish Water was consulted on 29th June 2026 and responded on 1st July 2026 with a single sentence of no objection: no conditions, no reference to the DIA or its draft status, no reference to the mitigation its own commissioning found necessary, and no timetable — despite having assured the constituency MP in writing that the DIA would 'determine any mitigation work that is required in advance of connection'. If consent is granted on the current papers, no enforceable instrument will require any element of the mitigation to be designed, funded, built or verified before homes are occupied.

5. The Local Place Plan and the community's position

The Elie and Earlsferry Local Place Plan, registered under the Planning (Scotland) Act 2019, is a material consideration for this application. The community's consistent position — expressed through the Place Plan process, at the applicant's own consultation event on 22 April 2026, and in correspondence with Fife Council, Scottish Water, the Scottish Government and Wendy Chamberlain MP — is not in opposition to housing, including the affordable homes this community needs. It is that infrastructure must demonstrably precede occupation, on evidence, with commitments and targets that can be

verified and a contingency where they fall short. The present application inverts that: it seeks approval on a draft assessment with its key result missing, secured by nothing.

The LPP states that *“Policy 7 of the National Planning Framework advises that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.”*

Cruden Homes' design statement includes a chart which shows that during the building and after 10 years the effect on 4 out of 5 viewpoints will be majorly or moderately adversely affected. The LPP also states that any development should provide parking for new and existing cars and enhance and extend public open spaces.

6. Growth in House Numbers

Condition 10 limited the total number of homes on the site to 55 unless otherwise agreed by the planning authority. **The proposal has now increased from 55 to 86 homes, an increase of approximately 58%.** This is estimated to bring in 590 new residents including children and will almost double our present local population. If a similar increase were applied to the proposed third phase east of Wadeslea, the total development could approach 490 homes, potentially bringing more than 1,200 additional residents. Contrary to the LPP the plans show very little space for parking in the new development due to the small plots. There are very limited green areas apart from the SuDS area, which is not suitable for approximately 60 children to play in. The reduction of garden ground, unrealistically few car parking spaces, unusable green open public areas and the lack of play space for 58% more children are a direct consequence of the growth in house numbers and is unacceptable to the Community Council.

7. Traffic safety concerns

We are requesting a formal Road Traffic Safety Audit of both the Wadeslea junction due to the documented safety issue at the Wadeslea junction onto the A917 and the already serious congestion problem which is recognised by Fife Council along the length of Wadeslea Road up to a cul-de-sac. We do not consider the altered plan to create a new access road into the new development from Wadeslea to be safe or without adverse effect to existing residents and road users. We submit that this assessment must be done using peak summer traffic conditions rather than the annual averages to ensure an accurate result rather than an estimate. Increased construction traffic through the villages should also be assessed at the same time. This report would confirm that our community's concern is justified.

What the Community Council requests

The Community Council submits its objection to the application and requests that the determination be deferred until:

- **The applicant can demonstrate — through a finalised, approved (not draft) DIA —** that the sewer network has capacity to serve the development without increasing spill volumes at CSOs that fail Formula 'A', and in particular at CSO002395 discharging to Elie Harbour.
- **The final, Scottish Water-approved DIA is published on the application file,** including post - mitigation spill frequency and volume results for all three overflows in all scenarios;
- **Scottish Water provides a substantive consultation response in addressing the DIA'S draft status,** the omitted Harbour results, the funding, consenting and programming of each mitigation element, the status of the 2023 Growth Project, and the treatment capacity of Elie WWTW (with SEPA's position confirmed);

- **The measured event duration monitoring (EDM) data for the Harbour, South Street and Cadgers Wynd overflows for 2024 and 2025 is published on the application file** alongside the DIA's modelled figures, with SEPA's compliance position on each overflow confirmed, so that the divergence between the modelled baseline and the measured record identified in the Elie Harbour Trust's objection can be assessed before determination;
- **A Habitats Regulations Appraisal screening is evidenced on the file**, given the proximity of the Firth of Forth SPA/SSSI and the designated bathing water;
- **A Road Traffic Safety Audit has been undertaken;**
- **An up-to-date Impact Assessment of Consequence of a 58% significant increase in housing units** on the community amenities of the villages and infrastructure has been undertaken.

Should Fife Council approve, the Community Council requests the following conditions:

- **No commencement until the final DIA is approved** in writing by Scottish Water and detailed design, funding confirmation and a delivery timetable for every element of the mitigation and treatment infrastructure have been approved in writing by the planning authority (thereby also discharging Condition 3 openly and on the record);
- **No occupation of any unit until the approved works are constructed**, commissioned and verified by an independent suitably qualified engineer;
- **Effective Monitoring:** a 12-month pre-commencement baseline of event duration monitoring at the three overflows, and quarterly publication of monitoring for at least 24 months after first occupation, with a defined remedial obligation should spill frequency or volume deteriorate against baseline;
- **No further phases** until the post-occupation monitoring demonstrates no deterioration and a further cumulative DIA is approved;
- **Maintenance security** for the SuDS, tanks and offset drainage until formal vesting, by bond or commuted sum, with a maintenance specification appropriate to a coastal location with known wind-blown sand ingress.

Finally, the Community Council formally requests:

(a) That this application be referred to committee for determination rather than decided under delegated powers, given the volume and substance of local concern and the involvement of the constituency MP.

(b) That the Community Council be notified of the committee date and afforded the opportunity to be heard.

(c) That the Report of Handling expressly addresses the status of the Growth Project and the basis on which Condition 3 is considered capable of discharge.

(d) That the total number of homes on the site be reconsidered.

The community of Elie and Earlsferry accepted the 2023 permissions on a clear promise: capacity first, homes second. This Community Council asks only that the promise be kept, in an enforceable form, on final evidence.

Yours sincerely,

Angela Anderson

Chair Elie and Earlsferry Community Council

Submitted following resolution of the Community Council on 7th July 2026

Documents Relied Upon

1. *Scottish Water Horizons, Drainage Impact Assessment, Wadeslea Elie (3 Scenarios), Project HOZDP_DIA7571, Draft v4, 24 May 2026*
2. *Bayne Stevenson Associates Ltd, Drainage Layout Sheets 1 and 2 of 2, Drawings J5921-BSA-P1-ZZ-DR-C-0300 and -0301, Rev B, 27 May 2026*
3. *Bayne Stevenson Associates Ltd, External Levels Layout Sheets 1 and 2 of 2, Drawings J5921-BSA-P1-ZZ-DR-C-0100 and -0101, Rev B, 27 May 2026*
4. *Bayne Stevenson Associates Ltd, Pre and Post Development Overland Flows Layouts, Drawings J5921-BSA-P1-ZZ-DR-C-0180 and -0181, 26-27 May 2026*
5. *Elie Harbour Trust, SEPA Regulatory Complaint re CSO002395, [date of complaint], signed Iain Dalgleish [reproduced in full at Appendix 1]*
6. *Cruden Homes Ltd, Pre-Application Consultation materials distributed to Elie residents [date to be inserted], including written materials referencing drainage and SUDS proposals [to be appended as exhibit]*
7. *Cruden Homes Ltd / Applicant, Community Consultation Statement submitted with planning application 26/01491/ARC [to be appended as exhibit]*
8. *Elie and Earlsferry Local Place Plan* chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.fife.gov.uk/__data/assets/file/0021/42672/Elie-and-Earlsferry-Local-Place-Plan.pdf