



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 19 March 2018

Dear Councillor

Planning Committee

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

Date: Tuesday, 13 March 2018

Time: 10:00

Venue: Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

Members are reminded to bring their fully charged tablets to the meeting

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Alistair Fulton (Chair), Isobel Dorman (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Julia Marrs, Kenny McCreary, Richard Nelson, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh, Sheena Wardhaugh

Substitutes

John Anderson, Jackie Burns, Janine Calikes, Gerry Convery, Margaret Cooper, Peter Craig, Allan Falconer, Catherine McClymont, Colin McGavigan, Mark McGeever, Davie McLachlan, Lynne Nailon, Jared Wark, Josh Wilson,

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 14

Minutes of the meeting of the Planning Committee held on 13 February 2018 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision		
3	Application EK/18/0001 - Erection of 28 Flats Over Two Blocks with Associated Landscaping, Roads and Infrastructure at Peel Road, Thorntonhall, East Kilbride Report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	15 - 28
4	Application CR/18/0012 - Creation of a New Public Greenspace Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Community Allotment Area, Junior Mountain Bike Track, Car Park and Associated Works at Fernbrae Avenue, Rutherglen Report dated 6 March 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	29 - 42
5	Application CL/17/0476 - Erection of Eight Detached Houses at Kersewell Avenue, Kersewell Report dated 26 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	43 - 56
6	Application CL/17/0235 - Erection of 17 Wind Turbines, 149.9 Metres Maximum Height to Blade Tip, New Access Tracks, Crane Hardstandings, Temporary Construction Compound, Substation Including Control Building and Battery Storage, One Permanent Met Mast, Two Temporary Power Performance Masts and Other Associated Infrastructure at Harryburn, near Elvanfoot and Leadhills Report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	57 - 112
7	Application EK/17/0403 - Part Change of Use of Storage Yard (Class 6) to Allow for the Storage and Ancillary Recycling and Processing of Minerals at 1 Dixon Place, College Milton Industrial Estate, East Kilbride Report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	113 - 126
8	Application CL/17/0230 - Erection of 48 Houses and Formation of Amenity Space, Landscaping and Associated Access Road and Footpath Network at Land West of Lanark Road, Braidwood Report dated 5 March 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	127 - 144
9	Application CL/17/0287 - Formation of 16 Houseplots and Access Road at Land at Bellefield Road, Lanark Report dated 22 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	145 - 158
10	Application HM/17/0553 - Installation of a New Shop Front at 60 Coatshill Avenue, Blantyre Report dated 22 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	159 - 166

- 11 Review of the Planning Application Decision Making Process Guidance** 167 - 172
Joint report dated 6 March 2018 by the Executive Directors (Community and Enterprise Resources) and (Finance and Corporate Resources). (Copy attached)

Urgent Business

- 12 Urgent Business**
Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

Clerk Email: pauline.macrae@southlanarkshire.gov.uk

PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 13 February 2018

Chair:

Councillor Alistair Fulton

Councillors Present:

Alex Allison, John Anderson (*substitute for Councillor Shearer*), John Bradley, Walter Brogan, Archie Buchanan, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Isobel Dorman (Depute), Fiona Dryburgh, Mark Horsham, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Julia Marrs, Richard Nelson, Carol Nugent, Graham Scott, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Councillors' Apologies:

Mary Donnelly, John Ross (ex officio), David Shearer, Sheena Wardhaugh

Attending:**Community and Enterprise Resources**

G Cameron, Headquarters Manager, Planning and Building Standards Services; L Campbell, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Area Manager, Planning and Building Standards Services (Clydesdale); F Jack, Team Leader, Development Management Team, Roads and Transportation Services; G Rae, Planning Team Leader, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride); J Wright, Minerals Officer, Planning and Building Standards Services

Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; K McLeod, Administration Assistant; K Moore, Legal Services Advisor

1 Declaration of Interests

The following interests were declared:-

<i>Councillor(s)</i>	<i>Item(s)</i>	<i>Nature of Interest(s)</i>
Allison	Application CL/16/0170 – Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar	Previous expression of a view on the application
Dorman	Application HM/17/0460 – Residential Development Including Demolition of the Former School Annexe and Adjoining Snooker Hall, Conversion of Listed Building to Form 16 Flats Together with the Erection of 12 Flats and 6 Cottage Flats and Associated Infrastructure at Former Glengowan Primary School, Academy Street, Larkhall	Relative of the applicant

Development Comprising Conversion of Building to Form 16 Flats, Together with the Erection of 12 Flats, 6 Cottage Flats and Associated Infrastructure, Demolition of the Former School Annexe Building and Adjoining Snooker Club (Listed Building Consent) at Former Glengowan Primary School, Academy Street, Larkhall

Bradley

Application CR/17/0233 – Alterations to Accommodate Attic Conversion Including the Formation of a Rear Dormer at 23 Burnside Road, Rutherglen Applicant

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 19 December 2017 were submitted for approval as a correct record.

The Head of Planning and Economic Development advised that, in respect of item 3 of the minutes, the Scottish Ministers had advised that they did not intend to call in planning application CL/17/0436 for the erection of a detached house at Holm Road, Crossford, for their own determination.

The Committee decided:

- (1) that the minutes be approved as a correct record; and
- (2) that the position in relation to planning application CL/17/0436 be noted.

3 Application CL/16/0170 - Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods, erection of associated plant site and access road at Overburns Farm, Lamington, Biggar.

Officers advised that the applicants had requested that consideration of the application be continued to a future meeting of the Committee to allow consideration to be given to the notice of a potential legal challenge intimated by lawyers acting on behalf of objectors to the proposal.

Councillor Fulton, seconded by Councillor Dorman, moved that consideration of the application be deferred to allow the applicants to consider the issues raised in relation to a potential legal challenge. Councillor Nelson, seconded by Councillor Le Blond, moved as an amendment that consideration of the application be not deferred. On a vote being taken by a show of hands, 4 members voted for the amendment and 18 for the motion which was declared carried.

The Committee decided: that consideration of planning application CL/16/0170 by Patersons of Greenoakhill Limited for the phased extraction of sand and gravel by quarrying methods, erection of associated plant site and access road at Overburns Farm, Lamington, Biggar be continued to a future meeting of the Committee.

[Reference: Minutes of 27 March 2012 (Paragraph 4)]

Councillor Allison, having declared an interest in this application, withdrew from the meeting during its consideration

4 Application HM/17/0460 - Residential Development Including Demolition of the Former School Annexe and Adjoining Snooker Hall, Conversion of Listed Building to Form 16 Flats Together With the Erection of 12 Flats and 6 Cottage Flats and Associated Infrastructure at Former Glengowan Primary School, Academy Street, Larkhall

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0460 by Rosewood Homes and Properties Limited for a residential development including demolition of the former school annexe and adjoining snooker hall, conversion of listed building to form 16 flats together with the erection of 12 flats and 6 cottage flats and associated infrastructure at the former Glengowan Primary School, Academy Street, Larkhall.

Councillor Fulton, seconded by Councillor Anderson, moved that the application be granted subject to the conditions specified in the Executive Director's report. Councillor Nelson, seconded by Councillor McCreary, moved as an amendment that consideration of the application be continued to allow further consultation with the local community to take place. On a vote being taken by a show of hands, 5 members voted for the amendment and 17 for the motion which was declared carried.

The Committee decided: that planning application HM/17/0460 by Rosewood Homes and Properties Limited for a residential development including demolition of the former school annexe and adjoining snooker hall, conversion of listed building to form 16 flats together with the erection of 12 flats and 6 cottage flats and associated infrastructure at the former Glengowan Primary School, Academy Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

Councillor Dorman, having declared an interest in this and the following application, withdrew from the meeting during their consideration

5 Application HM/17/0448 - Residential Development Comprising Conversion of Building to Form 16 Flats, Together With the Erection of 12 Flats, 6 Cottage Flats and Associated Infrastructure, Demolition of the Former School Annexe Building and Adjoining Snooker Club (Listed Building Consent) at Former Glengowan Primary School, Academy Street, Larkhall

A report dated 30 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0448 by Rosewood Homes and Properties Limited for a residential development comprising conversion of building to form 16

flats, together with the erection of 12 flats, 6 cottage flats and associated infrastructure, demolition of the former school annexe building and adjoining snooker club (listed building consent) at the former Glengowan Primary School, Academy Street, Larkhall.

Councillor Nelson, having moved as an amendment that consideration of the application be continued to allow further consultation with the local community to take place and having been seconded by Councillor McCreary, subsequently advised that he wished to withdraw his amendment. Councillor McCreary indicated his agreement to this.

The Committee decided: that planning application HM/17/0448 by Rosewood Homes and Properties Limited for a residential development comprising conversion of building to form 16 flats, together with the erection of 12 flats, 6 cottage flats and associated infrastructure, demolition of the former school annexe building and adjoining snooker club (listed building consent) at the former Glengowan Primary School, Academy Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

6 Application CL/17/0383 - Erection of Primary School Building Incorporating Nursery, Formation of MUGA Sports Pitch, Formation of Vehicular Access and Car Parking, Landscaping and Boundary Fencing at Land at Elsrickle, Biggar

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0383 by South Lanarkshire Council for the erection of a primary school building incorporating nursery, formation of MUGA sports pitch, formation of vehicular access and car parking, landscaping and boundary fencing at land at Elsrickle, Biggar.

The Committee decided: that planning application CL/17/0383 by South Lanarkshire Council for the erection of a primary school building incorporating nursery, formation of MUGA sports pitch, formation of vehicular access and car parking, landscaping and boundary fencing at land at Elsrickle, Biggar be granted subject to the conditions specified in the Executive Director's report.

7 Application HM/17/0484 - Erection of 48 Houses at Carlisle Road, Strutherhill, Larkhall

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0484 by AS Homes Scotland Limited for the erection of 48 houses at Carlisle Road, Strutherhill, Larkhall.

The Committee decided: that planning application HM/17/0484 by AS Homes Scotland Limited for the erection of 48 houses at Carlisle Road, Strutherhill, Larkhall be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 November 2017 (Paragraph 4)]

8 Application CL/17/0477 - Section 42 Application to Vary Conditions 1, 27, 37 and 45 of Planning Consent CL/15/0273 to Revise Wind Farm Layout, Increase Turbine Height and Export Capacity and to Delete Conditions 17 to 21 of Wood Fuel Drying Facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, Former Dalquhandy Opencast Coal Site, West of Junction 11 of M74, South Lanarkshire

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0477 by Douglas West Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Conditions 1, 27, 37 and 45 of planning consent CL/15/0273 to revise the wind farm layout, increase the turbine height and export capacity and to delete Conditions 17 to 21 of the wood fuel drying facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, former Dalquhandy Opencast Coal Site, west of junction 11 of M74, South Lanarkshire.

At its meeting on 17 November 2015, the Committee approved planning application CL/15/0273 by 3R Energy Solutions Limited for the erection of 15 wind turbines, 126.5 metres maximum height to blade tip, access tracks, substation and other associated infrastructure and wood fuel drying facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, Former Dalquhandy Opencast Coal Site, west of junction 11 of M74, South Lanarkshire. The maximum height to blade tip had subsequently been increased to 131 metres through a non-material variation.

The applicants now proposed that Conditions 1, 27, 37 and 45 attached to planning consent CL/15/0273 be varied to allow for an amended wind farm development comprising 13 turbines, each with a maximum height to blade tip of 149.9 metres and with a blade length of 64 metres. Due to differing project timescales, a separate planning application, CL/16/0157, had been submitted for the wood fuel drying facility. That application had been approved and the wood fuel drying facility was now operational. The applicant had requested that Conditions 17 to 21 of planning consent CL/15/0273 be deleted as they had been incorporated into the planning consent for application CL/16/0157.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0477 by Douglas West Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act to vary Conditions 1, 27, 37 and 45 of planning consent CL/15/0273 to revise the wind farm layout, increase the turbine height and export capacity and to delete Conditions 17 to 21 of the wood fuel drying facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, former Dalquhandy Opencast Coal Site, west of junction 11 of M74, South Lanarkshire be granted subject to:-
 - ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a Section 75 Planning Obligation/and or other agreement between the Council and the applicant to ensure:-
 - ♦ contributions to the Council's Renewable Energy Fund
 - ♦ funding of a Planning Monitoring Officer
 - ♦ control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements
 - ♦ the applicant meeting the Council's legal costs associated with the Section 75 Planning Obligation and/or other legal agreements

- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15) and 17 November 2015 (Paragraph 8)]

9 Application HM/17/0488 - Mixed Use Development Incorporating Residential Dwellings, Hotel, Office, Care Home, Retail, Restaurant/Café, Open Space and Associated Works (Planning Permission in Principle) at University of the West of Scotland, Almada Street, Hamilton

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0488 by University of West of Scotland and South Lanarkshire Council for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated works (planning permission in principle) at University of the West of Scotland, Almada Street, Hamilton.

At its meeting on 7 July 2015, the Committee had approved a procedure for processing planning applications which required completion of a Planning Obligation. If approved, the application would be subject to a Section 75 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application HM/17/0488 by University of West of Scotland and South Lanarkshire Council for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated works (planning permission in principle) at University of the West of Scotland, Almada Street, Hamilton be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Section 75 Planning Obligation and/or other appropriate agreement between the Council, the applicants and the site owners to ensure that appropriate financial contributions were made at appropriate times during the development towards:-
 - ◆ additional nursery, primary and secondary school accommodation
 - ◆ affordable housing on site
 - ◆ off site roadworks
 - ◆ the applicants meeting the Council's legal costs associated with the Section 75 Obligation and/or other legal agreement
 - ◆ the insertion of "1" between "phase" and "3" in Condition 16

- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 7 July 2015 (Paragraph 15)]

10 Application CR/17/0233 - Alterations to Accommodate Attic Conversion, Including the Formation of a Rear Dormer, at 23 Burnside Road, Rutherglen

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CR/17/0233 by J Bradley for alterations to accommodate an attic conversion, including the formation of a rear dormer, at 23 Burnside Road, Rutherglen.

The Committee decided: that planning application CR/17/0233 by J Bradley for alterations to accommodate an attic conversion, including the formation of a rear dormer, at 23 Burnside Road, Rutherglen be granted subject to the conditions specified in the Executive Director's report.

Councillor Bradley, having declared an interest in the above application, withdrew from the meeting during its consideration

11 Application HM/17/0536 - Application Regarding a High Hedge Situated Along the South West Boundary of Silverwood Court, Bothwell at 25 Langside Road, Bothwell

A report dated 30 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on application HM/17/0536 by L Polombo regarding a high hedge situated along the south west boundary of Silverwood Court, Bothwell at 25 Langside Road, Bothwell.

The High Hedges (Scotland) Act 2013 came into effect on 1 April 2014 and aimed to address the problem of high hedges at domestic properties where the issue could not be resolved amicably between neighbours. At its meeting on 11 March 2014, the Committee approved the procedures to be adopted by the Council when processing applications submitted under the terms of the legislation.

It was considered that the hedge which was the subject of the application fell within the definition of a high hedge under the High Hedges (Scotland) Act 2013. The Council's Arboriculture Manager had advised that the hedge required to be reduced in height and it was proposed that work be undertaken by the owner of 25 Langside Road, Bothwell to reduce the height of the hedge to 5 metres. The hedge would then require to be maintained on a biannual basis. The work required to be undertaken by 30 June 2018. In addition, the owners of the flats at Silverwood Court were entitled to cut back foliage overhanging into their property.

The Committee decided: that a High Hedge Notice be served on the owner of 25 Langside Road, Bothwell in accordance with The High Hedges (Scotland) Act 2013.

[Reference: Minutes of 11 March 2014 (Paragraph 10)]

12 Local Government and Communities Committee - Call for Views on the Planning (Scotland) Bill

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the Council's response to the Scottish Parliament's Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

The Scottish Government considered that the Bill, which had been published on 4 December 2017, could provide a platform for improving, strengthening and simplifying the planning system. Details were given on the proposed changes set out in the Bill which covered:-

- ◆ development planning
- ◆ simplified development zones
- ◆ development management
- ◆ related matters (fees, fines, training and performance monitoring)
- ◆ infrastructure levy

The Scottish Parliament's Local Government and Communities Committee had launched a call for written evidence on the Bill on 15 December 2017. The call for evidence set out 12 questions in relation to the Bill and responses required to be submitted by 2 February 2018. The Council's response, which had been submitted by the designated date, was detailed in the appendix to the report, however, the Committee had been advised that it required to be approved by the Planning Committee. If the response was approved, the Local Government and Communities Committee would be advised accordingly and the Council's views would then inform the Committee's scrutiny of the Bill prior to its consideration by the Scottish Parliament later this year.

The Committee decided: that the response contained in the appendix to the Executive Director's report be approved as the Council's response to the Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

[Reference: Minutes of 15 August 2017 (Paragraph 12)]

Councillors Nugent and Thomson left the meeting during consideration of this item of business

13 The South Lanarkshire Development Plan Scheme 2018

A report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources) was submitted on the South Lanarkshire Development Plan Scheme 2018 which set out the Council's programme for preparing its Development Plans. In terms of the Planning etc (Scotland) Act 2006, the Scheme had to be kept up to date by at least carrying out an annual review.

The South Lanarkshire Development Plan Scheme 2018 dealt with:-

- ◆ the current coverage of Development Plans in South Lanarkshire
- ◆ proposals for a new Local Development Plan (LDP2) for the Council area and the context set for this by the Glasgow and Clyde Valley Strategic Development Plan (SPD2)
- ◆ the timescale for preparation of the LDP
- ◆ details, as appropriate, of the key components of each stage of preparation
- ◆ a participation statement, giving an account of when consultation would take place, with whom and in what form, during the preparation of the LDP
- ◆ details on how to access information and how to get in touch with the Council

The Scheme highlighted progress made in preparing and publishing a range of Plans and Supplementary Guidance. Details were given on work which had been completed in 2017/2018.

At its meeting on 8 March 2016, the Committee had agreed that the Minerals Development Plan (MLDP) and the second South Lanarkshire Local Development Plan (SLLDP2) would be amalgamated into one LDP. However, to ensure that there remained clear policy context against which to assess mineral proposals while SLLDP2 was being prepared, the existing adopted MLDP would be translated into planning guidance.

If approved, the Scheme would be:-

- ◆ submitted to the Scottish Ministers
- ◆ published on the Council's website
- ◆ made available in public libraries

The Committee decided: that the South Lanarkshire Development Plan Scheme 2018, as detailed in the appendix to the report, be approved, published and submitted to the Scottish Government.

[Reference: Minutes of 8 March 2016 (Paragraph 18)]

14 Review of the Planning Application Decision Making Process Guidance

A joint report dated 25 January 2018 by the Executive Directors (Finance and Corporate Resources) and (Community and Enterprise Resources) was submitted on a proposed amendment to the Council's guidance on the Planning Application Decision Making Process.

At its meeting on 21 November 2017, the Committee had agreed that consideration of a report on the review of the Planning Application Decision Making Process guidance be continued to a future meeting of the Committee. A review of the guidance had been required to address a number of issues, including the establishment of a comprehensive process for dealing with decisions made against officer recommendation and this issue was addressed in the report.

The proposed revised guidance regarding decisions taken by Committee contrary to officer recommendation was detailed in the appendix to the report.

Following discussion, it was proposed that the Head of Planning and Economic Development, having taken into consideration members' comments, revisit the proposed amendment to the guidance and report back to a future meeting of the Committee.

The Committee decided: that consideration of the review of the Council's Planning Application Decision Making Process guidance in respect of the process for dealing with decisions made against officer recommendation be continued to a future meeting of the Committee.

[Reference: Minutes of 21 November 2017 (Paragraph 10)]

Councillor Stevenson left the meeting during consideration of this item of business

15 Tree Preservation Order - Broughton Road, Biggar

A report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources) was submitted on a Provisional Tree Preservation Order (TPO) on 2 beech trees located on Broughton Road, Biggar, approximately 52 metres southeast of the junction with Stephen Avenue and 15 metres northwest of the junction with Dene Park, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that the trees, which were considered to contribute to the character, amenity and sense of place within the local area, were adequately protected. A pre application enquiry had been received proposing the development of the area, which involved a new access between the beech trees.

The Committee decided:

- (1) that a Provisional TPO be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the trees identified on the plan attached to the report; and
- (2) that, should there be no objections to the Provisional TPO, the Order be confirmed within 6 months from the date of its promotion.

Councillor Buchanan left the meeting during consideration of this item of business

16 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/18/0001
Planning Proposal:	Erection of 28 no. Flatted Dwellings Over Two Blocks with Associated Landscaping, Roads and Infrastructure

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : CALA Management Ltd and John Henderson
- Location : Peel Road
Thorntonhall
East Kilbride

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (Subject to conditions) – Based on conditions attached

2.2 Other Actions/Notes

- (1) Planning Committee has delegated powers to determine this application
- (2) If planning consent is granted, the decision notice should be withheld until a Planning Obligation in respect of a financial contribution for the improvement/upgrading of educational and off-site affordable housing provision in the area has been concluded between the applicant and the Council.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

All reasonable legal costs incurred by the Council in association with the above Planning Agreement shall be borne by the developers.

3 Other Information

- ◆ Applicant's Agent: 7N Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 – Development Management and Place Making
Policy 6 – General Urban Area/Settlements
Policy 12 – Housing Land
Policy 13 – Affordable Housing and Housing Choice

Development management, placemaking and design supplementary guidance (2015)
Policy DM1 – Design

- ◆ Representation(s):
 - ▶ 9 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 1 Comments Letters

- ◆ Consultation(s):

Jackton and Thorntonhall Community Council

Network Rail

Roads and Transportation Services (Flood Risk Management Section)

Roads Development Management Team

Housing Services

Education Resources (Schools Modernisation Team)

SEPA

Environmental Services

WOSAS

SP Energy Network

Housing and Technical Resources (Estates Services)

Scottish Water

National Grid

Planning Application Report

1 Application Site

- 1.1 The application site covers an area of approximately 2.6ha. It relates to the south and south-western portion of an existing site at the end of Osborne Crescent, Thorntonhall which the applicants are currently developing. To the west of the site, the land is relatively flat; however there is a change of level to the east as the land slopes north to south. To the north are 12 existing properties, constructed in 2011. There are a number of older properties to the east on Osborne Crescent. To the west is farmland located in East Renfrewshire. To the south is the Glasgow to East Kilbride railway line. The site is undulating and slopes down from south eastern corner to the west and north towards the watercourse. The site includes a number of trees which are covered by a Tree Preservation Order (TPO).

2 Proposal(s)

- 2.1 The applicants propose to amend a previous application granted in 2014 (EK/13/0338). The site was originally to be developed in two portions. The northern portion is currently being developed for 42 detached dwellinghouses. The current application site previously had consent for 11 dwellinghouses taking the consented number to 53. A further application, (which has not been determined) proposed a change to the development to 24 flats and 3 detached houses. The new application removes the 3 houses and proposes 28 flatted dwellinghouses over two blocks of 14 flats in each. This will result in a net increase of 17 units at this part of the site from the 2013 proposal.

3 Background

3.1 Local Plan Background

- 3.1.1 The site has been identified as an extension to the Thorntonhall settlement boundary as part of the South Lanarkshire Local Development Plan (as per Policy 12 - Housing Land). Therefore, the principle of residential development at this location has been established. The local development plan is required to set out a minimum 5 year supply of land capable of being developed for housing ("effective" land) and also a medium to long term pattern for future development.

- 3.1.2 In addition, Policies 4 - Development Management and Place Making, Policy 6 – General Urban Area/Settlements, Policy 12 – Housing Land and Policy 13 – Affordable Housing and Housing Choice are also relevant.

3.2 Planning Background

12 residential dwellings were constructed to the north in 2011 as part of planning application EK/10/0283. The current application is an amendment to a previously approved development of 53 dwellings which is currently under construction (EK/13/0338). A 2017 application for 24 flats and 3 dwellings has never been issued due to a change in proposal by the applicants.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – recommend conditions relating to drainage, parking and access.

Response: Noted. These conditions have been attached.

- 4.2 **Housing Services** – Previously confirmed that a financial contribution towards the provision of additional off-site affordable housing will be sought.

Response: Noted. These contributions will be subject to a legal agreement.

- 4.3 **SEPA** – Previously no objections subject to conditions relating to flood prevention
Response: Noted. These conditions will be attached to any consent issued.
- 4.4 **Environmental Services** – Previously requested an updated noise survey in relation to the site's proximity to the railway line.
Response: Noted. A condition will be attached to any consent to ensure that the findings of the survey are adhered to.
- 4.5 **WOSAS** – Previously requested an archaeological written scheme of investigation.
Response: Noted. The applicants have submitted an appropriate scheme and a condition will be attached to any consent to ensure that this will be adhered to during construction.
- 4.6 **Roads and Transportation Services (Flood Risk Management)** – no objections subject conditions relating to the provision of Sustainable Urban Drainage (SUDs).
Response: Noted. These conditions will be attached to any consent issued.
- 4.7 **Education Resources (School Modernisation Team)** – Previously confirmed that a financial contribution towards Education provision will be sought.
Response: Noted. This will be subject to a legal agreement.
- 4.8 **Network Rail** – no objections subject to conditions relating to security fencing, noise and drainage and landscaping.
Response: Noted. These conditions have been attached.
- 4.9 **Housing and Technical Resources (Estates Services)** – no objections.
Response: Noted.
- 4.10 **Jackton and Thorntonhall Community Council** – object on the basis of an increase in traffic and the inadequacy of the mini-roundabout access from Peel Road.
Response: Noted. Roads and Transportation Services has confirmed that they have no objections in terms of road safety.
- 4.11 **National Grid** – no response to date.
Response: Noted.
- 4.12 **Scottish Water** - no response to date.
Response: Noted
- 4.13 **SP Energy Network** - no response to date.
Response: Noted

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement in the East Kilbride News, 9 letters of objection and 1 comment letter have been received. The points raised are summarised as follows:

- (a) **The proposal will create an increase in traffic of 600% through Baron Court which will pose a risk to child safety, increase noise and disturbance and a lack of parking. There are no footpaths within in the development which will lead to public safety being compromised.**

Response: The application site already has planning permission for residential development. Whilst there has been an increase in numbers, the new properties are aimed at the 'down-sizing' market and vehicle numbers associated with the development are likely to be less than would normally be

expected from additional housing. Given this, vehicular movements are likely to be spread over the day and not all concentrated to morning and evening rush hour. Notwithstanding this, the proposal provides 200% parking provision to each property. This is in excess of the required level of 150%. Environmental Services have not raised any objections in relation to vehicular noise. The site is designed to encourage slower vehicular speeds and this will be aided by traffic calming.

- (b) **The development will result in the loss of security and privacy. Baron Court has already been subject to acts of crime. The applicants should carry out a risk or traffic assessment in terms of safety and security. There have been a number of instances with properties being photographed together with vehicle and mail theft.**

Response: The design of the houses and flats comply with the approved Residential Design Guide, including window to window distances and, therefore, the layout of the development is considered acceptable. The proposal is an amendment to a previous application and, therefore, a risk assessment would not be required in this instance. Moreover, the number of units proposed, even when added to the existing units, would not have triggered the need for a traffic assessment even although the layout and proposal has changed.

- (c) **A road will replace an adjacent grassed area which is factored. Children play in this area and its loss is completely unacceptable. In addition, this area is owned by the residents of Baron Court/Baroness Drive. CALA has mis-sold houses which will result in legal action against them. Cala have not taken into account various property rights which include ownership of septic tanks.**

Response: The original consent relating to 53 units included a road going through this area to service the new housing to the south. This proposal is no different. A significant area of open space will be retained within the whole development. Land ownership and any subsequent sale of a property is a separate legal matter.

- (d) **The previous application was approved without existing residents receiving any explanation. Why are CALA being allowed to significantly increase the population density in the area?**

Response: The reasons behind the application being approved were contained in the Committee Report for application number EK/13/0338 and all those who submitted representations received notification of this. The density of the proposed houses is acceptable in planning terms. The Local Development Plan and two further applications have established the principle of residential development at the site. A significant amount of open space will be retained and the new flatted dwellings are sited within generous grounds.

- (e) **The site of the proposal contains generous tree life and many natural habitats. Has SLC considered the implications on the natural environment if they acquiesce to CALA?**

Response: An ecological survey was updated and no protected species were found. A Tree Preservation Order exists around the site and only one of these trees will be affected by the proposed development. This tree will be replaced.

- (f) **The applicants should utilise the existing haul road used for construction purposes.**

Response: The applicants are proposing to use the road design which was previously approved. The proposed road is the most logical access point and

in planning terms, connects the two sites appropriately. Permanent use of the haul road would also remove a large area of open space.

- (g) **The local area around the site has already been heavily developed and removal of this area for development would be a further loss to the community. Why has agreement been given to increase the number of dwellings from 8 to 28 without further regard to provision of more amenities**

Response: The site has been identified as suitable for development in the adopted local development plan. The proposed design of the houses and flats is bespoke and will respect the character and amenity of both the existing properties and the landscape and is consistent with local development plan policy. Additional community facilities are being provided at the tennis club as part of the original planning permission.

- (h) **There will be a minimum 3-fold increase in traffic if the proposal in its current form is approved. The road type on Baron Court is monobloc. We assume a structural assessment has been carried out to ensure that it will withstand the increase in traffic. What were the results of this assessment? Can we assume that if the proposal is approved in its current form and the link road is built SLC will be liable for any resulting damage to the road? The roundabout leading on to Baroness Drive was never designed to handle the volume of traffic which will be generated by new dwellings.**

Response: Roads and Transportation Services have offered no objections to the proposal and are satisfied with the access arrangements. The number of units is below that which would require a transport statement. The roads within the development will ultimately be adopted by the Council and require to be of a suitable standard before adoption.

- (i) **The proposal is discordant and adverse to the built form in the area. The number of dwellings proposed far exceeds the original number proposed by Cala.**

Response: The flats will be located on a flat area beyond an area of thick landscaping. In addition, they will have generous open space around them and meet the relevant requirements of the residential design guide.

- (j) **Why did SLC give Cala more land and why have they buckled to pressure for more development?**

Response: The Council has never had an ownership interest in the application site currently under consideration. The proposal meets the requirements of the local development plan.

5.2 These letters have been copied and are available for inspection on the Planning portal.

5.3 Two requests for a hearing at Planning Committee have also been received. In terms of the Council's criteria for hearings, a hearing must be offered in respect of major developments where they are significantly contrary in terms of the development plan. However in this case, the site has been designated as a housing site in the Local Development Plan and therefore complies with the relevant planning policy. In all other cases, the guidance states that requests should only be favourably considered where in the view of the Head of Planning in consultation with the Committee Chair, an application has attracted a substantial body of objection relative to the proposal/location and the recommendation is to grant consent. However, is not considered that this is the case in respect of this particular application.

6 Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application for detailed planning permission are the proposal's compliance with the adopted local development plan, and its relationship with the properties recently constructed in the vicinity.
- 6.2 The adopted South Lanarkshire Local Development Plan classifies the site as Housing Land as per Policy 12. The site was included as an acceptable settlement extension. This portion of land was originally consented in 2014 for 11 detached dwellings as part of a development of 53 units. The 42 dwellings to the north are currently being constructed. A previous application for 24 flats and 3 houses has never been determined as the applicants have decided to amend the layout again. The applicant now seeks consent for a total of 28 dwellings made up of two blocks of 14 flats - each four storey including a penthouse. Each floor will house 4 flats with 2 on the penthouse floor. At this location there are a number of trees covered by a Tree Preservation Order, however, only one of these trees will be affected and will be replaced. The applicant has included them within the development and will provide additional planting, particularly between the houses and the railway line. The existing trees will also provide a buffer between the new houses and those existing on Osborne Crescent and Baron Court. This part of the site will be accessed from the existing roundabout on Peel Road through Baroness Drive and Baron Court.
- 6.3 The open space associated with the development, will be extensive and represents approximately 80 % of the site. The site will be accessed from the roundabout on Peel Road. The applicant is proposing a designing streets layout whereby it will primarily favour the pedestrian and use a series of different chicanes/traffic calming and surfaces to slow down vehicles.
- 6.4 Policy 4 – Development Management and Placemaking, Policy 6 – General Urban Areas and Policy DM1 – Design require that all planning applications take account of the local context and built form and are compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. All developments require to have no significant adverse impact on the local environment and to enhance its quality and appearance. In addition, new housing development should be of a high quality, provide sustainable measures and open spaces. The site is located directly opposite a similar existing residential area built by the same applicants and is bounded to the east by older, more traditional properties. The proposed flats are suitably large in keeping with other such properties in Thorntonhall. The flats are bespoke to the development and located within a generous landscaped area. The colour of the materials will respond to the trees surrounding them. The blocks will also use modern materials which are sustainable.
- 6.5 The development will raise no privacy issues and the dwellings comply with the Council's approved Residential Development Guide. As discussed in paragraph 6.3, the layout provides significant open space, good footpath connections and gives added protection to the mature trees on the south-eastern corner. The applicant has submitted a Design Statement which has established how the site layout has been influenced by the topography of the site. A Sustainable Urban Drainage Scheme will be incorporated within both the road layout and in a western portion of the open space. The site uses Sustainable Urban Drainage Systems, is close to public transport routes and is therefore acceptable in terms of sustainability. SEPA has advised that they have no objections to the development subject to conditions relating to flooding. I am therefore satisfied that the proposal complies with Policies 4, 6, 12 and DM1 of the adopted plan.

- 6.6 Policy 13 Housing Choice specifically refers to affordable housing. Given that the proposal is for more than 20 dwellings, the policy will be applied in this instance by way of a commuted sum. The applicant will pay for this through an appropriate legal agreement.
- 6.7 None of the remaining statutory consultees have objected to the proposal although several have recommended for conditions to be attached. These conditions, where applicable, have been attached. None of the matters raised through representations would justify refusal of the planning application. Given this, it is recommended that detailed planning permission be granted subject to the conclusion of a legal agreement.
- 7 Reasons for Decision**
- 7.1 The proposal complies with Policies 4, 6, 12, 13 and DM1 of the South Lanarkshire Local Development Plan 2015.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 March 2018

Previous References

- ◆ EK/13/0338
- ◆ EK/17/0080

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 03.01.2018
- ▶ Consultations

Jackton & Thorntonhall Community Council	29/01/2018
Network Rail	19/01/2018
WOSAS	12/01/2018
Roads and Transportation (Development Management)	07/02/2018
Roads and Transportation (Flood Risk Management)	01/02/2018
- ▶ Representations

Representation from :	Donald Maciver, 4 Baron Court, Thorntonhall, G74 5BP DATED 23/01/2018 20:00:08
Representation from :	Israr, Nabeela, Sara and Alisha Chaudry, 3 Baron Court, Thorntonhall, G74 5BP, DATED 16/01/2018
Representation from :	Paul R Brooks, 4 Baroness Drive, Thorntonhall, Glasgow, G74 5BN, DATED 12/01/2018
Representation from :	James, Bernadette and Louise Sinclair, DATED 30/01/2018

Representation from : Leading Resolutions, , DATED 17/01/2018

Representation from : Atul Sabharwal, Dunvegan House, 5 Baron Court, Thorntonhall, Glasgow, G74 5BP, DATED 26/01/2018

Representation from : Kun Zhao, 2 Baron Court, Thorntonhall, G74 5BP, DATED 26/01/2018

Representation from : Israr Chaudry, 3 Baron Court, Thorntonhall, G74 5BP, DATED 14/01/2018 12:32:51

Representation from : Yacine Titi, Tait's Thornton, Osborne Crescent, Thorntonhall, G74 5AE, DATED 22/01/2018 16:34:39

Representation from : Joe Allan, 94 Franklin Place, Westwood East Kilbride, G75 8LS, DATED 16/01/2018

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Iain Morton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext 5174 (Tel : 01698 455048)
E-mail: iain.morton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 2 That the landscaping scheme as shown on the approved plan shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 3 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 4 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 5 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.
- 6 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.
- 7 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

- 8 That the proposed water crossing is designed to convey the 1:200 year flow plus appropriate freeboard and that road has a neutral effect on flood risk and therefore existing ground levels within the functional floodplain should not be altered.
- 9 That the culvert under the railway shall remain in situ.
- 10 That the use of the garages hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the garages.
- 11 That should more than 6 months elapse from the date of the protected species survey and the commencement of works, a further survey shall be carried out and no work shall commence until the applicant receives written confirmation from the Council as Planning Authority.
- 12 That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.
- 13 That before the development hereby permitted hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 14 That before the development hereby permitted hereby approved is completed or brought into use, the vehicular access access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 15 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 16 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.6 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.6 metres in height shall be planted, placed or erected within these sight lines.
- 17 The surface of the access road shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 18 The applicant shall undertake a noise assessment to determine the impact of railway noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority such as the evaluation of the cumulative levels based on Single Event Levels (SEL). For night time the LAmax shall be provided. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be

submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail noise. The scheme shall ensure that the internal levels with windows closed do not exceed an LAeq,16hr Aeq,8hr Aeq,16hr of 40dB daytime and an Lof 30dB night-time. That unless otherwise agreed with the Planning Authority, the external levels shall not exceed an Lof 50dB daytime in any rear garden areas, when measured free-field. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

- 19 That prior to development commencing, a vibration survey shall be submitted to and approved by the Council as Planning Authority. All construction shall be compliant with British Standard BS 6472:1992 - Guide to evaluation of human exposure to vibration in buildings (1-80 Hz).
- 20 The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.
- 21 That any Sustainable Urban Drainage Scheme must not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. The development shall be carried out only in full accordance with such approved details.

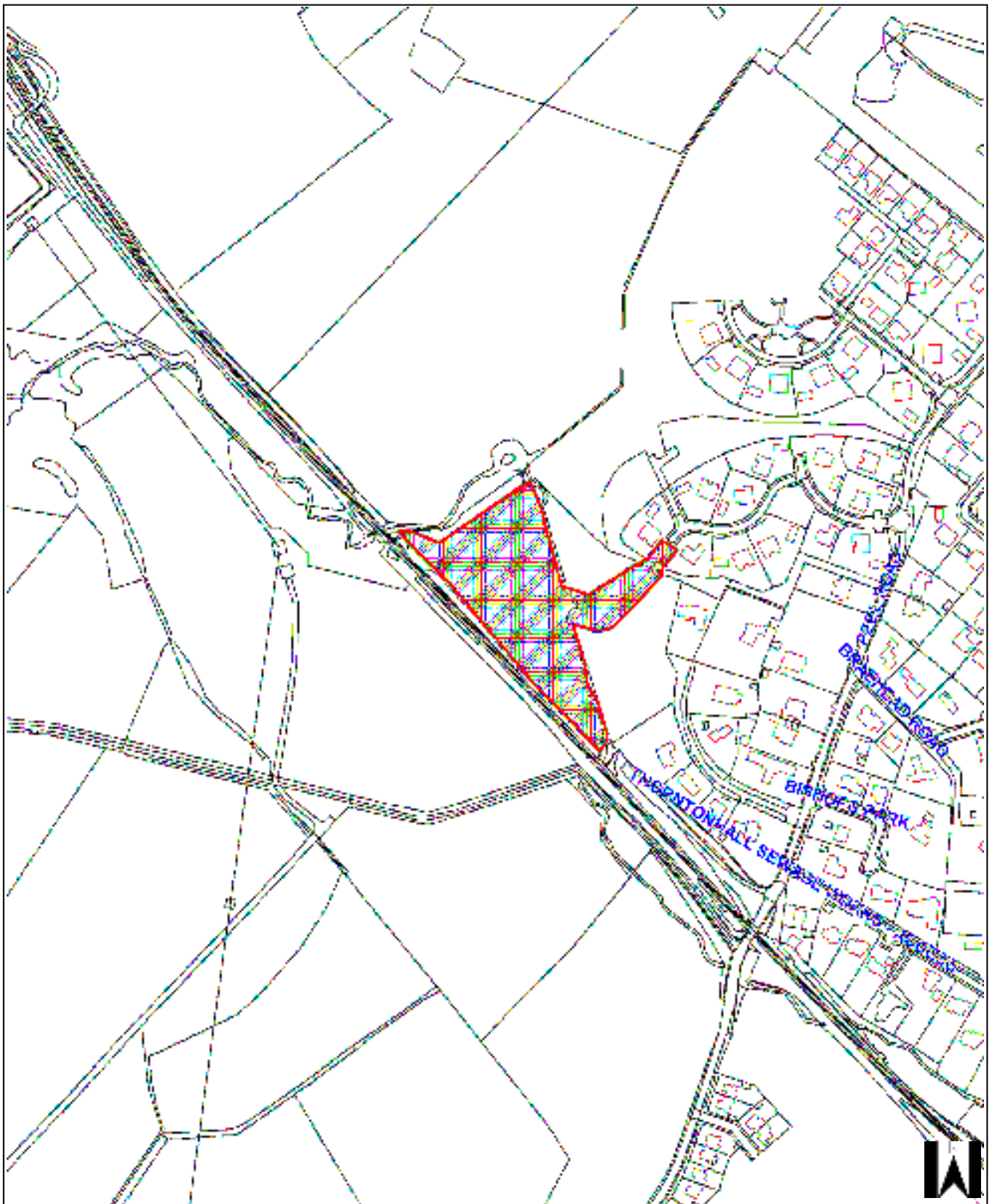
REASONS

- 1.1 In the interests of the visual amenity of the area.
- 2.1 In the interests of amenity.
- 3.1 In the interests of amenity and in order to retain effective planning control.
- 4.1 These details have not been submitted or approved.
- 5.1 In the interests of amenity and in order to retain effective planning control.
- 6.1 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 7.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 8.1 To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.
- 9.1 To ensure that there will be no increased risk of flooding to land and properties

either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

- 10.1 In the interests of amenity and in order to retain effective planning control.
- 11.1 In order to safeguard protected species
- 12.1 To ensure the provision of a satisfactory sewerage system
- 13.1 In the interest of public safety
- 14.1 To prevent deleterious material being carried into the highway.
- 15.1 In the interest of road safety
- 16.1 In the interest of public safety
- 17.1 In the interest of public safety
- 18.1 In the interests of amenity and in order to retain effective planning control.
- 19.1 In the interests of amenity and in order to retain effective planning control.
- 20.1 In the interests of public safety and the protection of Network Rail infrastructure.
- 21.1 To protect the stability of the adjacent railway embankment and cutting and the safety of the rail network.

For information only



For information only

Report

4

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CR/18/0012
Planning Proposal:	Creation of a New Public Greenspace Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Community Allotment Area, Junior Mountain Bike Track, Car Park and Associated Works

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council
- Location : The site of the former Blairbeth Golf Course
Fernbrae Avenue
Rutherglen

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission - Subject to Conditions (Based on the Conditions Attached)

2.2 Other Actions/Notes

None

3 Other Information

- ◆ Applicant's Agent: Ironside Farrar Ltd
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 3 – Green Belt and Rural Area
Policy 4 – Development Management and Placemaking
Policy 15 – Natural and Historic Environment

Development management, placemaking and design supplementary guidance (2015)

Green belt and rural area supplementary guidance (2015)

Natural and historic environment supplementary guidance (2015)

Scottish Planning Policy

◆ Representation(s):

- ▶ 8 Objection Letters
- ▶ 1 Support Letter
- ▶ 4 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Development Management)

Roads and Transportation Services (Flood Risk Management Section)

Environmental Services

Countryside and Greenspace

Estates Services – Housing and Technical Resources

Glasgow City Council

West of Scotland Archaeology Service

SportScotland

S.E.P.A. (West Region)

Historic Environment Scotland

Rutherglen Community Council

Police Scotland

Planning Application Report

1 Application Site

- 1.1 This application relates to an 18.6 hectare site located between the Fernhill area of Rutherglen and the Cathkin Braes which was formerly utilised as a golf course by Blairbeth Golf Club. The application site is undulating in nature throughout and generally slopes downwards from both the northern and southern boundaries of the site. The site is owned by South Lanarkshire Council and, as the golf club ceased to operate in 2015 and is no longer in a position to lease the site, it has been returned to the Council. Although currently accessible to pedestrians, the site is sparsely used since the closure of the golf club and is currently grassed but in a generally unmaintained state. The site is bounded to the south by the Cathkin Braes, to the north by the Fernhill area of Rutherglen, to the east by the Cathkin area of Rutherglen and to the west by the Cathkin Braes and an area of open space within the Glasgow City Council area, adjoining Castlemilk. At present, both vehicular and pedestrian access to the site is taken via Fernbrae Avenue, Rutherglen, while pedestrian access can also be taken at various other points along the site boundary.

2 Proposal(s)

- 2.1 Detailed planning permission is sought by South Lanarkshire Council to develop the site into a new public greenspace to include native planting and habitat creation, footpaths, boundary treatments, a community allotment area, a junior mountain bike track and a car park. The greenspace area would also include small scale landscape features on the former sites of greens and tees. The greenspace would be extensively linked to the Cathkin Braes which is located directly to the south and south-west of the site. As part of the proposed development, a new vehicular access to the site would be taken from Fernbrae Avenue to a dedicated car parking area. The project would be funded via support from Scottish Natural Heritage through the European Regional Development Fund Green Infrastructure Programme.
- 2.2 Due to the significant size of the application site, it was necessary for the applicants to undergo the Pre-Application Consultation process in advance of the submission of a formal application for the proposed works. As part of this process, a number of public events and stakeholder workshops were held locally in December 2017. The events were utilised to gauge public perception and preferences in terms of the layout of the proposed development. The applicants have stated that the outcome of the events has had a significant impact in terms of shaping their finalised proposals for the site. A statement of participation has been submitted with the planning application outlining the background to the consultation undertaken and the results obtained from the process. Overall, it was ascertained that the vast majority of participants favoured the proposal to carry out improvement works within the site.

3 Background

3.1 National Policy Status

- 3.1.1 Scottish Planning Policy (SPP) provides advice on national planning policy issues. The SPP states that the planning system should seek to protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. Green infrastructure should be considered as an integral element of places from the outset of the planning process and opportunities to provide additional green infrastructure should be promoted.

3.2 Local Plan Status

3.2.1 A number of policies set out in the South Lanarkshire Local Development Plan (adopted 2015) are relevant to the consideration of the proposal specifically:

- Policy 3 – Green Belt and Rural Area
- Policy 4 – Development Management and Placemaking
- Policy 15 – Natural and Historic Environment

3.2.2 In particular, the adopted South Lanarkshire Local Development Plan identifies the site as being part of the Green Belt as designated by Policy 3. This policy seeks to promote Green Belt areas for agricultural, forestry and recreational uses and seeks to protect such areas from inappropriate forms of built development. The relevant policies of the adopted Local Development Plan are considered in detail in respect of the proposed development in Section 6 below.

3.3 **Planning History**

3.2.3 The site has historically been utilised as a golf course prior to the closure of Blairbeth Golf Club in 2015. No previous planning applications have been submitted in relation to the application site.

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management)** – Offered no objections to the proposed development subject to conditions relating to access, turning space and surface water management within the site.

Response: Noted. The requested conditions would be attached to any consent issued.

4.2 **Roads and Transportation Services (Flood Risk Management Section)** – offered no objections to the proposal subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.

Response: Noted. The requested condition would be attached to any consent issued.

4.3 **Environmental Services** – offered no objections to the proposed development.

Response: Noted.

4.4 **Countryside and Greenspace Service** – confirmed that they are generally supportive of the proposals as detailed in the plans submitted. They have, therefore, offered no objections to the application.

Response: Noted.

4.5 **Estates Services - Housing and Technical Resources** – offered no objections to the proposed development.

Response: Noted.

4.6 **Glasgow City Council Planning Department** – have not responded to date.

4.7 **West of Scotland Archaeology Service** – offered no objections to the proposed works.

Response: Noted.

4.8 **SportScotland** – initially raised concerns as the proposal would result in the loss of a golf course. However, following further assessment of the proposals and discussions with the applicants, SportScotland have confirmed that they have no objection to the proposal as it can be undertaken without detriment to the overall quality of golf course

provision in the local area and would be used as a local resource for physical activity and sport.

Response: Noted.

- 4.9 **S.E.P.A. (West Region)** – offered no objection to the proposed development.

Response: Noted.

- 4.10 **Historic Environment Scotland** – offered no objection to the proposed development.

Response: Noted.

- 4.11 **Rutherglen Community Council** – have not responded to date.

- 4.12 **Police Scotland** – have not responded to date.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Rutherglen Reformer as development affecting the setting of a listed building and for neighbour notification purposes. Thirteen letters of representation were received in relation to the proposed works. The points raised have been summarised as follows:

- a) **The proposal could create vandalism and anti-social behaviour issues in the vicinity of the site, particularly at locations that are in close proximity to residential properties.**

Response: The proposal relates to the formation of a maintained greenspace area on a site that is currently unmaintained but is available for public use. As such, it is considered that the improvement of the area, through the introduction of additional security measures such as boundary fencing, would be likely to result in an overall reduction rather than an increase in current levels of anti-social behaviour. The applicants have advised that, in general, they have sought to position proposed seating areas away from residential properties that bound the site, to ensure that there is no adverse amenity impact on these properties. A significant area of additional planting is also proposed to be put in place along the eastern boundary of the site to ensure further protection of amenity to residents of nearby properties in Cathkin. As such, it is noted that the issue of anti-social behaviour has been taken into account as part of the design of the proposal and it is considered unlikely that there would be any significant issues in this regard.

- b) **The proposal could have an adverse amenity impact on residential properties located in close proximity to the site in terms of privacy and overlooking issues.**

Response: Given that the entire greenspace area is available for public use at the present time, it is not considered that there would be any significant additional adverse impact as a result of the development proposed. Extensive boundary planning and improved boundary fencing is proposed to be put in place, where appropriate, along site boundaries that are located adjacent to residential properties to provide additional privacy to residents of these properties.

- c) **The proposal could have an adverse amenity impact on residential properties located in close proximity to the site in terms noise issues created by pedestrians with dogs and the congregation of groups of people.**

Response: While it is likely that there would be some increase in noise levels due to increased use of the greenspace as a result of the improvement works proposed, it is noted that the overall site comprises 18.6 hectares of open space and, as such, use of the park is likely to be widely dispersed throughout the site. The Council's Environmental Services have been consulted regarding the planning application and have not raised any specific concerns regarding potential noise issues resulting from the development proposed. There are, therefore, no significant concerns in this regard.

- d) **A proposed seating bench adjacent to residential properties at Mary Slessor Wynd is likely to create an anti-social behaviour issue and significantly affect residential amenity at this location.**

Response: While, in general, it is noted that proposed seating areas would be located a significant distance from nearby residential properties it was noted that this particular area, situated on the site of a disused golf tee, could create an amenity issue given its proximity to residential properties. The applicants have, therefore, advised that no bench seating will be put in place at this particular location.

- e) **The proposal could create road safety issues at the proposed vehicular and pedestrian access point on Fernbrae Avenue and could create traffic congestion and parking issues in the vicinity of the site. An area adjacent to the former clubhouse could be used as a car park instead of the chosen location off Fernbrae Avenue.**

Response: Given the proposed park improvements, it was considered necessary to provide a designated vehicular access and parking area within the site to ensure that the proposed development does not create parking issues on nearby residential streets. The applicants have advised that the access point to the parking area from Fernbrae Avenue was chosen to be located at the most easterly point possible to reduce the extent of Fernbrae Avenue that would be used by vehicles accessing the site. The Council's Roads and Transportation Services have advised that they are satisfied with the proposed access and parking arrangements, subject to adherence to planning conditions including the formation of a turning area within the car park. The requested conditions would be attached to any consent issued. Subject to these conditions, it is not considered that there would be an adverse impact on traffic or road safety as a result of the development.

- f) **The proposed allotments could have an adverse impact on the appearance of the local area and on local residential amenity.**

Response: Although the allotments are proposed to be located towards the north of the site, near to Fernbrae Avenue, it is noted that they would generally be screened from view by existing natural vegetation and separated from residential properties by the car park associated with the nearby Fernhill School. The applicants have further advised that the allotments would be fenced off, would include locked gates and would be subject to agreed rules of use to ensure that there is no amenity impact on nearby residential properties. As such, it is not considered that the proposed allotments would have an adverse impact on residential amenity or the appearance of the local area.

- g) **The proposed development could have an adverse impact on the Fernhill School, which is located directly adjacent to the site, in terms of overlooking from the proposed greenspace area and in terms of wider child safety issues.**

Response: The applicants have advised that a fence of at least 1.8 metres in height would be put in place along the extent of the boundary of the site with

the school to ensure that there is no adverse amenity impact on the property as a result of the development proposed. It is noted that this would represent a considerable improvement over the current boundary fence which has a height of approximately one metre and is poorly maintained. It is, therefore, considered that there would be an improvement in terms of the levels of privacy afforded to the school as a result of the proposed development.

- h) **Park users could inadvertently encroach into the school grounds due to the lack of fencing on the boundary between the school and the proposed park.**

Response: As noted above, the applicants have advised that a boundary fence of at least 1.8 metres in height would be put in place along the extent of the boundary of the application site and the school, to ensure that there is no adverse impact on the school as a result of the proposed development. As such, it is not considered that there would be any issue in terms of encroachment into the school grounds.

- i) **Pedestrian links should be provided between the proposed greenspace and the Cathkin Braes.**

Response: It is noted that, in the event that permission is granted for the proposed development, extensive pedestrian links are proposed to be provided to link the site and the surrounding area with the Cathkin Braes, which are located directly to the south and south-west of the site.

- j) **Further community consultation should be undertaken with regard to the naming of the proposed greenspace.**

Response: The applicants have advised that further consultation would be carried out with regard to the naming of the greenspace area in the event that planning permission is granted for the proposed development.

- k) **The writers wish to state their support for the proposed development.**

Response: The writers' support of the proposed development is noted.

- l) **The writers queries why neighbour notification of properties that are located further than 20 metres from the application site was not carried out.**

Response: Statutory neighbour notification was carried out in accordance with standard Council procedures and relevant planning legislation. The application was also advertised in the local press for neighbour notification purposes. It is therefore considered that the neighbour notification procedure has been carried out correctly in this instance.

- 5.2 The above letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 Detailed planning permission is sought by South Lanarkshire Council to develop the site of the former golf course associated with Blairbeth Golf Club into a new public greenspace to include native planting and habitat creation, footpaths, boundary treatments, a community allotment area, a junior mountain bike track and a car park. The greenspace area would also include small scale landscape features on the former sites of greens and tees. The greenspace would be extensively linked to the Cathkin Braes which is located directly to the south and south-west of the site. As part of the proposed development a new vehicular access to the site would be taken from Fernbrae Avenue to a dedicated car parking area. The project would be funded via

support from Scottish Natural Heritage through the European Regional Development Fund Green Infrastructure Programme.

- 6.2 The determining issues in the assessment of this application are its compliance with local plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance.
- 6.3 In terms of national planning policy, the Scottish Planning Policy states that the planning system should seek to protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. Green infrastructure, in particular, should be considered as an integral element of places from the outset of the planning process and opportunities to provide additional green infrastructure should be promoted. This proposed development of a large, maintained green space area is considered to be entirely in keeping with the ambitions of the Scottish Planning Policy.
- 6.4 In terms of Local Development Plan policy as set out in the South Lanarkshire Local Development Plan (adopted 2015), the site is located within an area forming part of the Green Belt as designated by Policy 3 of the Local Development Plan. This policy seeks to promote Green Belt areas for agricultural, forestry and recreational uses and seeks to protect such areas from inappropriate forms of built development. It is noted that the proposed development would allow a generally unmaintained area, comprising 18.6 hectares of Green Belt land, to be formally designated as a green space. Given the sensitive location of the site directly to the south of Rutherglen it is considered that the proposed development would significantly strengthen the settlement boundary at this location. As such, the proposed development is considered to be fully compliant with the provisions of the Policy 3 of the Local Development Plan and its associated supplementary guidance.
- 6.5 With regard to the specific design and layout of the proposed development Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and the quality of placemaking. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design.
- 6.6 In this instance, it is considered that the formation of a designated greenspace area would make a significant positive contribution to the local community and would enhance the local environment and overall local residential amenity. The re-use of an area of ground which has been sparsely utilised since the closure of the golf course in 2015 as a local resource for physical activity and sport is to be welcomed. It is noted that a designated car parking area is proposed to be located within the site, to minimise the amenity impact of the development on nearby residential areas in terms of traffic and parking issues. Additional fencing, walling and planting is also proposed to be put in place where required at the site boundary to minimise any adverse impact on adjacent residents in terms of loss of amenity to their properties. As such, it is considered that the proposed development would have a significant positive amenity impact on the surrounding area and fully complies with the provisions of Policy 4 of the Local Development Plan and its associated supplementary guidance.

- 6.7 It is noted that a section of the application site bounds the site of the Fernhill School, a Category C Listed Building. In this regard the proposed development requires to be considered against Policy 15 – Natural and Historic Environment of the adopted plan and its associated supplementary guidance. Policy 15 seeks to protect natural and historic features from adverse impacts resulting from development. Additionally, Policy NHE3 of the associated supplementary guidance specifically seeks to protect the character and appearance of listed buildings and their settings. In this instance, it is noted that limited built development is proposed and that the proposals primarily relate to the formation of an area of designated green space. Additionally, it is noted that the site bounds the curtilage of the existing listed building to the rear but does not have any impact on the building itself. As such, it is considered that there would be no adverse impact on the historic feature in this case and it is, therefore, considered that the proposed development does not raise any issues in terms of Policy 15 or its associated supplementary guidance.
- 6.8 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. Eight letters of objection, four comment letters and one letter of support have been received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. It is not considered appropriate for the application to be refused planning consent based on the points of objection raised.
- 6.9 In conclusion, it is considered that the proposed development would have a significant positive impact on the local and wider area, would be appropriate to the site in terms of design and layout, would have a positive overall impact on surrounding amenity and would be fully compliant with the provisions of the relevant policies of the South Lanarkshire Local Development Plan, specifically Policies 3, 4 and 15 as well as with all policy and guidance contained within relevant associated supplementary guidance. The proposal would also support the ambitions of the SPP to enhance the green network while protecting and enhancing the quality, character and landscape setting of the area. I would, therefore, recommend that planning permission is granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposal would have a positive impact on the amenity of the local area and is fully compliant with Policies 3, 4 and 15 of the South Lanarkshire Local Development Plan (adopted 2015) and with all relevant associated supplementary guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

6 March 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)

- ▶ Neighbour notification letter dated 26 January 2018
- ▶ Consultations

Roads & Transportation Services (Flood Risk Management Section)	14/02/2018
Environmental Services	05/02/2018
Countryside & Greenspace	31/01/2018
West of Scotland Archaeology Service	08/02/2018
Roads & Transportation Services (Development Management)	26/02/2018
SportScotland	08/02/2018
S.E.P.A. (West Region)	20/02/2018
Historic Environment Scotland	14/02/2018
Estates Services	23/02/2018

▶ Representations

Representation from :	Mark McColl, 50 Mary Slessor Wynd, High Burnside, G73 5RJ, DATED 14/02/2018 16:37:11
Representation from :	Mark McColl, 50 Mary Slessor Wynd, High Burnside, G73 5RJ, DATED 14/02/2018 17:19:42
Representation from :	Joanna Gold 40 Mary Slessor Wynd, Glasgow, G73 5RJ, DATED 13/02/2018 19:33:16
Representation from	Mr John Connor, 76 Fernbrae Avenue, Rutherglen, DATED 31/01/2018
Representation from :	Lynn Anderson, 78 Fernbrae Avenue, Fernhill, Rutherglen, G73 4AE, DATED 31/01/2018
Representation from :	Sandra Porter, received via email, DATED 05/02/2018
Representation from :	Sandra Porter, received via email, DATED 09/02/2018
Representation from :	John and Kathleen Clark, received via email DATED 02/02/2018
Representation from :	Janice Keir, received via email DATED 02/02/2018
Representation from :	Felsham Planning and Development, received via email DATED 16/02/2018
Representation from :	Fernhill School, received via email DATED 19/02/2018
Representation from :	Mrs Elaine Samson, received via email DATED 27/02/2018
Representation from :	Fernhill School, received via email DATED 05/03/2018

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext 5049 (Tel: 01698 455049)
E-mail: declan.king@southlanarkshire.gov.uk

CONDITIONS

- 1 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 2 That before the development hereby approved is completed, the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 1 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 3 That the landscaping scheme as shown on the approved plans shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 4 That full details of the incidents shown on the approved plans, including details of all sculptures, seating areas, exercise facilities, community garden areas, allotments, biking areas, shelters or any other structures or facilities to be erected within the site shall be submitted to and approved in writing by the Council as Planning Authority prior to their installation on site.
- 5 That no development shall commence until details of surface water drainage arrangements (including provision of a flood risk assessment, drainage assessment and maintenance responsibilities) have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements (Appendices 1,3 & 5).
- 6 That, prior to the commencement of any development on site and unless otherwise agreed in writing with the Council as Planning Authority, details of an appropriate engineering solution relating to the historic drainage of water from the site onto the public road at Burnside Road shall be submitted to and approved by the Council as Roads and Planning Authority. The agreed engineering solution shall thereafter be implemented on site to the satisfaction of the Council as Roads and Planning Authority prior to the completion of the development hereby approved.
- 7 That, before any works commence on site, details of the provision of a turning area, to allow vehicles to enter and exit the proposed car park in forward gear, shall be submitted to and approved by the Council as Roads and Planning Authority. The works shall thereafter be undertaken in accordance with the approved details to the satisfaction of the Council as Roads and Planning Authority prior to the completion of the development.
- 8 That the proposed access to the site shall be via a 5.5 metre wide vehicular dropped kerb access, of which the first two metres behind the heel kerb shall be constructed of non-deleterious material. No water shall discharge from the access road onto the public road.

- 9 That the footpaths opposite pedestrian access points to the site shall include dropped kerbs, with a 6mm upstand provided at all pedestrian crossing points, unless otherwise agreed in writing with the Council as Roads and Planning Authority.
- 10 That, prior to the commencement of any works on site, full details of any tree works required to be undertaken in respect of the formation of car park and the associated vehicular access shall be submitted to and approved by the Council as Planning Authority. The works shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Council as Planning Authority.

REASONS

- 1.1 These details have not been submitted or approved.
- 2.1 In order to retain effective planning control
- 3.1 In the interests of amenity.
- 4.1 In the interests of amenity and in order to retain effective planning control.
- 5.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 6.1 In the interest of road safety.
- 7.1 In the interest of road safety.
- 8.1 In the interest of road safety.
- 9.1 In the interest of road safety.
- 10.1 To ensure the protection and maintenance of trees where appropriate within the site.

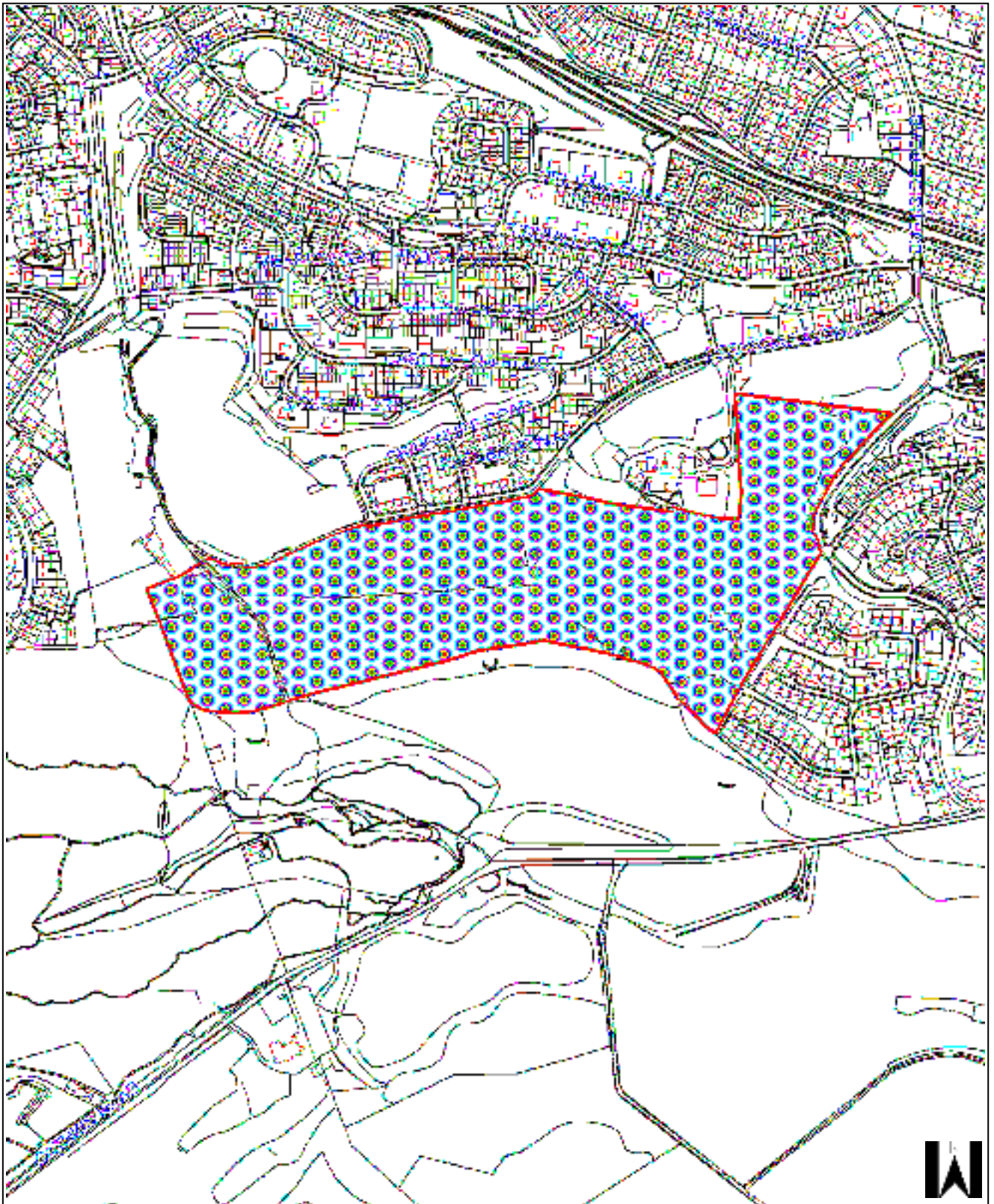
CR/18/0012

The site of the former Blairbeth Golf Course, Fernbrae
Avenue, Rutherglen

Planning and Building Standards

Not to Scale

For information only



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Report

5

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0476
Planning Proposal:	Erection of Eight Detached Dwellings

1 Summary Application Information

- Application Type : Detailed planning application
- Applicant : WB Properties Scotland Ltd
- Location : Kersewell Avenue
Kersewell

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on the Conditions listed)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Policy 12 - Housing Land

Development management, placemaking and design supplementary guidance (2015)

Sustainable Development and Climate Change Supplementary Guidance

- ◆ Representation(s):

- ▶ 12 Objection Letters
- ▶ 0 Support Letters

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Environmental Services [e-consult]

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site (extends to 1.9 hectare in size) comprises part of an agricultural field and falls within the settlement boundary of Kersewell as identified in the adopted Local Development Plan. It is approximately 2km to the east of Carnwath and is situated to the north of the small settlement of Kaimend within the Kersewell Estate. The site is accessed from Kaimend along a private road, known as Kersewell Avenue, which is over 1km in length from the end of the public road. It is surfaced in tar macadam and contains a series of speed humps and passing places with associated signage. A short section between its junction with Kersewell Terrace and the application site approximately 200m in length is not tarmacked.
- 1.2 Within the locality there are groups of houses of various types and age. The site is bounded to the west by woodland, the south and east by the remaining part of the agricultural field that forms the application site and to the north by an access road and beyond by woodland.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of 8 two storey detached dwellings which incorporate 5 bedrooms, detached double garage and spacious gardens. The development comprises a mixture of bespoke designed dwellings with features including projecting bays, verandas, solar panels, full length bedroom windows and a Celtic Cross. A common theme throughout all the house types is render, quoins, windows with a vertical emphasis, steep roof pitches and stone base courses. The style and character of the proposed dwellings is similar to the modern housing along Finlayson Lane and Bertram Avenue 200 metres to the west of the application site.
- 2.2 Three of the dwellings will front and take direct access from Kersewell Avenue whilst the remaining 5 dwellings will be positioned around a new cul-de-sac. The proposals also include repair of the short section of Kersewell Avenue that is not currently tarmacked to the same standard as the rest of the road. Landscaping shall be established around the periphery, either side of the new access and in selected locations within the site. The development will be served by a bio-disk sewerage treatment system.
- 2.3 As supporting documents the applicant has submitted a Geotechnical Report, an Ecological Assessment and Badger Survey, Archaeological Report and a Traffic and Road Assessment.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as forming part of the housing land supply where Policy 12 – Housing Land applies. It also falls within the settlement boundary of Kersewell subject of Policy 6 - General urban area/settlements. In addition, Policies 2 - Climate Change and 4 - Development Management and Place Making are relevant. Finally Supplementary Guidance on Development Management, Place Making & Design and Sustainable Development & Climate Change and the Residential Development Design Guide should also be taken into consideration.

3.2 **Relevant Government Advice/Policy**

- 3.2.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.

3.3 **Planning History**

- 3.3.1 Planning permission was granted in September 2007 for the erection of 9 detached dwellings on this site (CL/07/0205). That permission was amended in May 2009 by Planning Permission CL/09/0071 for the formation of 9 houseplots, associated vehicular access and landscaping. Following on from this, a Section 42 application CL/14/0187 was granted in June 2014 to vary conditions attached to CL/09/0455 to enable the extension of the period for the submission of further applications by an additional three years. These consents expired in June 2017 and the current application was validated on 27 October 2017.
- 3.3.2 There is an extensive planning history of development over the past 16 years or so within the wider Kersewell Estate involving the erection of individual dwellinghouses, the creation of small housing developments and the conversion of Bertram House to flats.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – following consideration of a transport statement by the applicants which reviewed traffic generation from the proposed development and the condition of the private road and existing passing place provision offer no objections. This is subject to conditions requiring a factoring arrangement to ensure all the owners of the dwellinghouses have an equal share in the upkeep of Kersewell Avenue to be put in place; the creation of an additional place and reinstatement of signage where necessary; and the meeting of guidelines on sightlines and parking.

Response: Relevant conditions covering the issues raised can be attached to any consent granted.

- 4.2 **Environmental Services** – No objection subject to informatives covering construction noise and details being sent to SEPA.

Response: Noted. Appropriate informative will be attached if permission is granted.

- 4.3 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring a flood risk assessment with and a Sustainable Urban Drainage System (SUDS).

Response: Noted. Should consent be granted, conditions can be attached to cover these matters.

5 **Representation(s)**

- 5.1 The application was advertised in the press for Non-notification of Neighbours. Following this publicity and the carrying out of statutory neighbor and owner notification, 12 letters of objection have been received. The contents of the letters are summarised as follows:

(a) Kersewell Avenue is a single track road with occasional passing places. Access at present is difficult and further development will only exacerbate this unless the road is upgraded to an adoptable standard.

Response: The principle of this scale of development of this particular site has already been established by the previous consents new housing on the site. The level of traffic generated will therefore be as under the previous consents. The findings of the Road and Traffic Assessment submitted by the applicant is that Kersewell Avenue has a well maintained road surface, traffic calming speed bumps and passing places. The short section from Kersewell Terrace to the application site is not tarmaced however the applicant intends upgrading this section. The proposed development would generate a negligible amount of additional traffic which would have little impact on safe traffic flow. In their response the Roads Development Team offer no objections subject to conditions. These conditions have been attached and they reflect the conditions which were attached to previous consents for the site. This includes the requirement to submit details of a suitable factoring scheme for the future maintenance of Kersewell Avenue, as well as the submission of a road survey of the condition of the road prior to construction, and thereafter to establish the need for any necessary repairs.

(b) There is no provision for pavements or street lighting along the access road.

Response: The additional traffic that would be generated by this individual proposal would not be significant in overall terms and cumulatively represents a negligible increase in overall traffic volumes. Roads and Transportation Services do not require footpath provision or street lighting to be carried out.

(c) The proposed development currently has issues with drainage which causes flooding on Kersewell Avenue. Scottish Water and SEPA have previously expressed concerns about water flow and private drainage.

Response: The Flood Management Team has not objected subject to conditions requiring the design and implementation of a SUDS scheme and the submission of a flood risk assessment.

(d) Precedence

Response: Each application is judged on its individual merits.

(e) The development would be contrary to the locational criteria for houses in the countryside with an adverse effect on the rural character of the countryside and the amenity it affords.

Response: The site is located in the settlement boundary of Kersewell and is identified in the housing land supply list therefore residential development on the site is in principle acceptable.

(f) There are already frequent powercuts – can Scottish Power give an assurance that there is sufficient capacity to service these new properties.

Response: The infrastructure would have to be upgraded by the service provider as and when required.

(g) It is not apparent that an explicit and enforceable factoring arrangement will be in place for landowner/home owners to cover maintenance of common ground and use of the un-adopted access road.

Response: As with previous consents for development at Kersewell a condition will be attached to any consent issued requiring a factoring arrangement to be in place to address maintenance issues.

(h) The nature of the proposal is not in alignment with policy statements to reduce reliance on the private car.

Response: Prior to housing development in the immediate locality Bertram House functioned as a horticultural college and then offices which resulted in significant traffic generation. The Kersewell Estate has been the subject of several consented applications for small scale housing development. As a result, the Council has identified a settlement boundary for this area in the adopted South Lanarkshire Local Development Plan. This current proposal represents a rounding off of development opportunities in a similar manner in terms of scale and density as previously approved layouts.

(i) The applicant erroneously claims that Muir Homes own the section of road from the cross roads of Kersewell Avenue with Bertram Avenue leading to the application site.

Response: The applicant has confirmed the section of road referred to is owned by Mr McKeand of Broomhill Farm. An ownership notice was served on that party.

(j) The proposed site includes and is bordered by mature trees which if removed could exacerbate flooding and detract from the environment. The area has an array of wildlife including deer, badgers, bats and birds of prey and the disturbance or removal of any woodland including cutting into the root protection area, could be detrimental to their well being.

Response: An Ecological Assessment and Badger Survey has concluded that there are no protected species or habitats directly affected by the development however mitigation measures are recommended which includes carrying out a bat survey before trimming back trees along the western boundary. The recommended mitigations are covered by a condition along with a condition specifically requiring prior consent for works which affect existing trees.

(g) The type of sewage disposal into the ground needs careful planning if it is to be a septic tank. Bedrock is noted as being highly permeable; ground water surfaces to the east in the field; and the elevation of the field at the access to the site suggests that contamination of the surface may be possible due to local groundwater flow.

Response: A biodisk treatment is proposed which would treat foul drainage prior to discharge to a soak away.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the Council's planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for 8 detached dwellings within the settlement of Kersewell. The determining issues that require to be addressed in respect of this application are compliance with the adopted local plan, the planning history of the site and infrastructure and road safety implications.
- 6.2 The site is identified in the adopted South Lanarkshire Local Development Plan as being within the settlement of Kersewell. The land also forms part of the Housing Land Supply. Policy 12 – Housing Land states that the Council will support development of sites in the land supply. As such, residential development on the site is considered to be acceptable in principle.
- 6.3 As the site is within the settlement boundary of Kersewell Policy 6 - General urban area/settlements applies which states that residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and

character of the area. The proposed development has also been considered against Policy 4 Development Management & Place Making and associated Supplementary Guidance which requires development proposals to take account of and be integrated with the local context and built form. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking..

- 6.4 The proposed layout represents a low density housing development which respects development in the locality. The detailed house designs are of a good quality and are of an appropriate scale and mass that is similar to the existing dwellings in the locality. In addition the proposed development complies with the requirements of the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision. The proposal complements existing housing groups nearby and the woodland backdrop helps with visual containment and integration. In view of this, the proposals are considered to be in compliance with Policies 4 and 6 and associated Supplementary Guidance.
- 6.5 Policy 2 - Climate Change seeks to minimise and mitigate against the effects of climate change. This is a relatively small housing development already identified as suitable for new development situated close to local services in Carnwath. The site is not at risk of flooding and there are no infrastructure constraints. In consideration the proposals would not undermine the objectives of the policy.
- 6.6 There will be no impact on natural and built heritage resources and conditions have been attached requiring compliance with mitigation measures, recommended by the Ecological Report, and the protection of trees. No objections have been received from the Roads Service and the Flood Management team subject to appropriate conditions. Objections have been received from local residents which are addressed in section 5 of the report. The main concern is the impact of additional houses on the condition of private road network and the safety of users of Kersewell Avenue. Kersewell Estate has been the subject of several applications for new housing which addressed these matters. The current proposal involves development of a similar scale as earlier proposals for the site and therefore no new issues are raised. As with previous approvals conditions would be attached to any consent issued to address matters relating to maintenance of the private road and the creation of additional passing places and signage.
- 6.7 In conclusion, previous consents for the site, the location of the application site in the settlement of Kersewell and its identification in the Housing Land Supply means the principle of residential development on site is established. The proposals represent an appropriate form of residential development for the site and would not detract from the amenity of character of the area. It is therefore recommended that detailed planning consent be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on visual or residential amenity and complies with Policies 2, 4, 6 and 12 of the adopted South Lanarkshire Local Development Plan together with the associated Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

26 February 2018

Previous References

- ◆ CL/07/0205
- ◆ CL/09/0071
- ◆ CL/14/0187

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 08/11/2017

- ▶ Consultations
 - Roads Development Management Team 16/11/2017
and
26/02/2018

 - Environmental Services [e-consult] 23/11/2017

- ▶ Representations
 - Representation from : Nigel and Joanne Jones, 1 Finlayson Lane
Kaimend
, DATED 13/11/2017

 - Representation from : Mr & Mrs P Walker , 3 Warrack Close
Kaimend
Carnwath
Lanark
S Lanarkshire
, DATED 14/11/2017 09:39:42

 - Representation from : Karen Lindsay, Woodlea
Kersewell
ML11 8LF
, DATED 10/11/2017

 - Representation from : Brian Lindsay, Woodlea
Kerswell
ML11 8LF
, DATED 10/11/2017

 - Representation from : Christopher McDermott , Shiloah
Kersewell
Carnwath
ML11 8LF

, DATED 31/10/2017 18:26:44

 - Representation from : Diane white , 7 Finlayson lane
Kaimend
Carnwath
, DATED 12/11/2017 18:59:17

Representation from : Andy Hollingdale , 1 Warrack Close
ML11 8TD
, DATED 12/11/2017 11:03:50

Representation from : Joanne Jones , 1 Finlayson Lane
Kaimend
Carnwath
South Lanarkshire
ML11 8TA
, DATED 12/11/2017 18:29:28

Representation from : Louise C Ferguson, , DATED 16/11/2017

Representation from : Elliot C Ferguson, , DATED 16/11/2017

Representation from : Lesley J Ferguson, , DATED 16/11/2017

Representation from : CLAIRE HARDIE , CRARAE
KERSEWELL AVENUE
KAIMEND
CARNWATH
ML11 8LE
, DATED 03/11/2017 18:04:37

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5174 (Tel: 01698 455174)
E-mail: ian.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That the roofs of the proposed dwellinghouses shall be clad externally in natural slate or a slate substitute which closely resembles natural slate in terms of size, texture and colour.
- 3 That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 4 That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.
- 5 That no trees within the application site and trees on neighbouring land with branches that overhang the site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 6 That all trees to be retained within and bordering the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 7 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 8 That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto any road or neighbouring land, or into the site from surrounding land shall be

provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

- 9 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 10 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 9 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 11 That before any of the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 12 metres in length shall be provided within each plot and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 12 That before any of the dwellinghouses hereby permitted are occupied, car parking spaces shall be provided within the curtilage of each plot and outwith the public road or footway (2 spaces for 2 or 3 bedroom dwellings and 3 spaces for 4 bedrooms or more) and shall thereafter be maintained to the specification of the Council as Planning Authority.
- 13 That prior to the commencement of work on site written details of a factoring scheme for the future maintenance of Kersewell Avenue shall be submitted and this scheme shall include a maintenance management schedule, all for the approval of the Council as Roads and Planning Authority. The burden of this factoring scheme shall be placed on the title of each of the dwellings hereby approved.
- 14 That before any work starts on site, details of the sewerage disposal system shall be submitted for the approval of the Council in consultation with SEPA and no house shall be occupied until the approved sewerage disposal system has been implemented to the satisfaction of the Council as Planning Authority.
- 15 That no dwellinghouse shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.
- 16 That before development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided at the junction of the new road and the existing track and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 17 That before and during the construction phase the recommendations outlined in the Ecological Assessment and Badger Survey (JDC Ecology Ltd, June 2017) shall be fully adhered to.
- 18 Prior to the commencement of development and before work commences on each dwellinghouse hereby approved a road survey shall be undertaken by an

independant consultant to establish the condition of the private road and any structures that form Kersewell Avenue. A final road survey shall be undertaken within 1 month of the completion of each dwellinghouse hereby approved and shall include recommendations in respect of the requirements for any repairs to Kersewell Avenue. Any damage to Kersewell Avenue identified by the independant consultant as being attributable to the construction vehicles or traffic arising from the development hereby approved shall be repaired within three months of the completion of the final dwellinghouse. The initial and final road surveys shall be submitted for the consideration of the Council as Planning Authority.

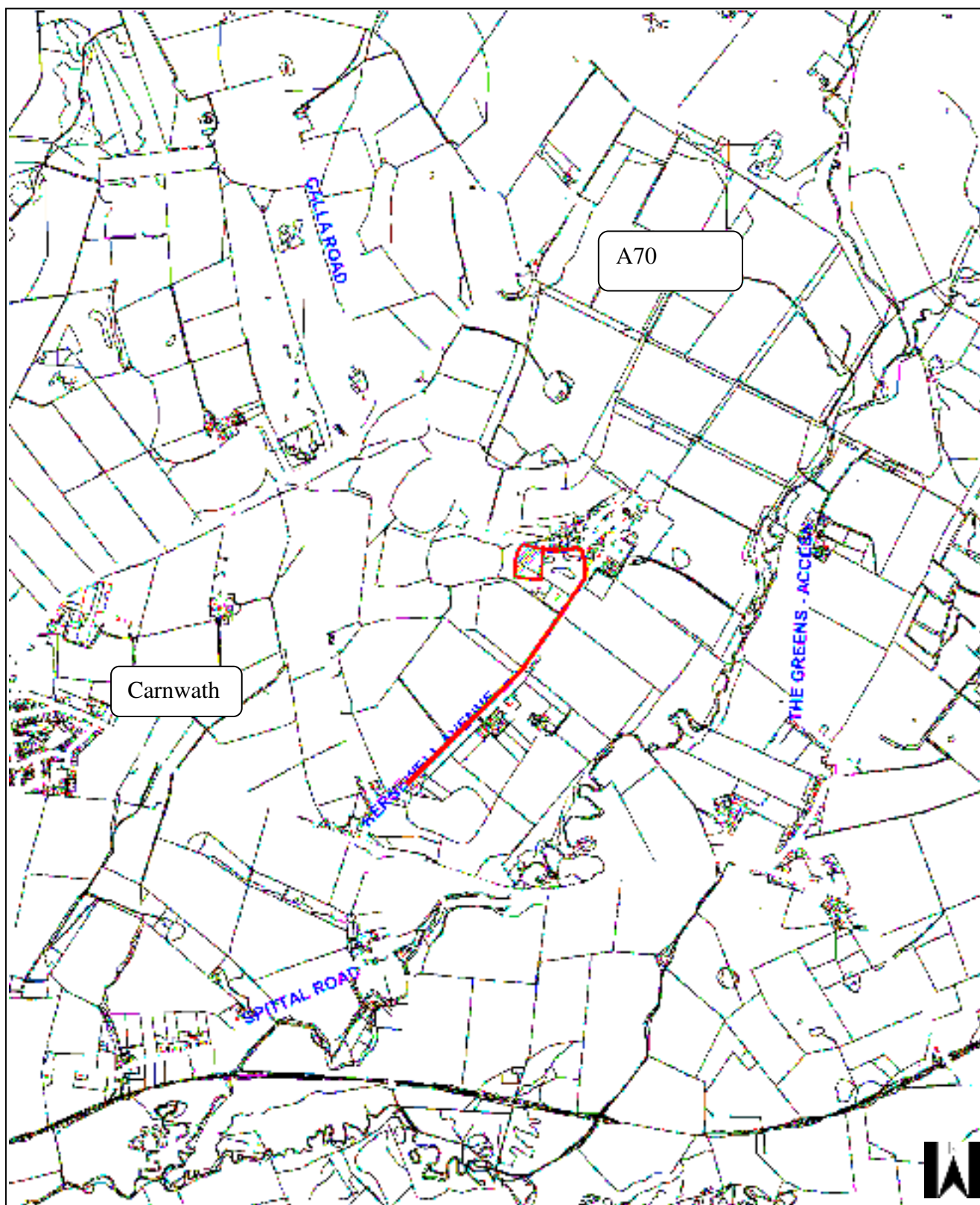
- 19 That the driveways serving Plots 1, 2 and 3 which face onto the existing track shall have a minimum width 6 metres dropped kerb vehicular crossing and the first 4 metres of each driveway as measured from the edge of the private road shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 20 The new road serving plots 3, 4, 5, 6 and 7 shall be a minimum of 5.5 metres in width.
- 21 That driveways shall be a minimum of 12 metres (this can be reduced to 6 metres if a garage is provided) in length and hardsurfaced for the first 2 metres.
- 22 That none of the driveways shall have a gradient in excess of 8%.
- 23 That before the completion of the development, the section of the access from Kersewell Terrace to the new road serving the development shall be upgraded to the same standard as the rest of the access road and that a passing space shall be included along that section of the access route in a position and to the specification of the Council as Planning Authority..
- 24 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 25 Prior to the commencement of construction all passing places currently in place along the access route that have no signage shall be fitted with signing poles with passing place plates to the satisfaction of the Council as the Planning and Roads Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 In the interests of amenity and in order to retain effective planning control.
- 3.1 In the interests of the visual amenity of the area.
- 4.1 In the interests of amenity.
- 5.1 To ensure the protection and maintenance of the existing trees and other landscape features within the site and to prevent the disturbance of trees with potential for bat roosts before a bat survey has been carried out.

- 6.1 To ensure that adequate steps are taken to protect existing trees on and bordering the site throughout the period of the proposed building operations.
- 7.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 8.1 To ensure the provision of a satisfactory drainage system.
- 9.1 These details have not been submitted or approved.
- 10.1 In order to retain effective planning control.
- 11.1 To prevent deleterious material being carried into the highway.
- 12.1 To ensure the provision of adequate parking facilities within the site.
- 13.1 To ensure that the additional dwellings contribute to the maintenance of Kersewell Avenue
- 14.1 To ensure that the development is served by an appropriate effluent disposal system.
- 15.1 To ensure that the development is served by an appropriate effluent disposal system and water supply.
- 16.1 In the interest of road safety.
- 17.1 To minimise risk to protected species and to ensure legal compliance with the requirements of the Protection of Badgers Act 1992.
- 18.1 In the interests of amenity and in order to retain effective planning control.
- 19.1 In the interest of public safety
- 20.1 In the interest of public safety.
- 21.1 In the interest of public safety.
- 22.1 In the interest of public safety.
- 23.1 In the interest of public safety.
- 24.1 In order to retain effective planning control.
- 25.1 In the interests of public safety.

For information only



For information only

Report

6

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0235
Planning Proposal:	Erection of 17 Wind Turbines (149.9m Maximum Height to Tip), New Access Tracks, Crane Hardstandings, Temporary Construction Compound, Substation Including Control Building and Battery Storage, One Permanent Met Mast, Two Temporary Power Performance Masts and Other Associated Infrastructure

1 Summary Application Information

- Application Type : Electricity Notification
- Applicant : Harryburn Wind Farm Limited
- Location : Harryburn, near Elvanfoot and Leadhills

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) That the Scottish Ministers are informed that South Lanarkshire Council objects to the Harryburn Wind Farm application under Section 36 of The Electricity Act 1989 for the reasons stated in this report.

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to deal with the notification.
- (2) The Planning Committee should note that a Planning Authority objection to a Section 36 application under The Electricity Act 1989 will cause a Public Local Inquiry to be held as the objection is within the time limit.

3 Other Information

- ◆ Applicant's Agent: SLR Consulting Limited
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **National Planning Framework 3 (NPF3)**
Scottish Planning Policy (SPP)
Specific Advice Sheet Onshore Wind Turbines

Clydeplan (July 2017)
Policy 10 Onshore Wind

**South Lanarkshire Local Development Plan
(adopted 2015) (SLLDP)**
Policy 2: Climate Change

Policy 3: Green Belt and Rural Areas
Policy 15: Natural and Historic Environment
Policy 17: Water Environment and Flooding
Policy 19: Renewable Energy

Supplementary Guidance

Renewable Energy
Sustainable Development and Climate Change
Natural and Historic Environment
Green Belt and Rural Area

◆ Representation(s):

▶	225	Objection Letters
▶	12	Support Letters
▶	0	Comments letters

◆ Consultation(s):

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

West of Scotland Archaeology Service

Roads & Transportation Services (Traffic and Transportation Section)

Environmental Services

Crawford & Elvanfoot Community Council

Leadhills Community Council

Wanlockhead Village Council

Scottish Borders Council

Dumfries and Galloway Council

RSPB Scotland

Scottish Water

National Air Traffic Services Ltd

Defence Estate Organisation (Ministry of Defence) (MOD)

Glasgow Airport

Glasgow Prestwick Airport

British Telecom (BT)

National Grid

S.E.P.A. (West Region)

Transport Scotland

Visit Scotland

Historic Environment Scotland (HES)

Scottish Natural Heritage

Joint Radio Company

Marine Scotland Science Freshwater Laboratory (MSS-FL)

Health and Safety Executive

Peat Landslide Hazard and Risk Assessment (AM Geomorphology)

District Salmon Fishery Scotland

Civil Aviation Authority

Crown Estate

Mountaineering Council of Scotland

Clyde Fisheries Management Trust

The Coal Authority

Scottish Rights of Way Society

Network Rail

British Horse Society

Forestry Commission

Scottish Wildlife Trust

The Southern Upland Partnership

Scottish Ambulance Service

Planning Application Report

1 Application Site

- 1.1 The application site is located within South Lanarkshire and extends from Elvanfoot towards Leadhills where the main infrastructure and wind turbines will be located. The application site extends south of Elvanfoot following the River Clyde and Glenochar Burn. The proposals in the southern area of the application site include habitat management and peatland restoration areas and the application site itself is located approximately 50 metres to the north and east of the settlement of Elvanfoot. The M74/A74(M) motorway and the A702 are located to the east of the site boundary and a high voltage overhead line (OHL) with accompanying pylons crosses the north eastern part of the site. Access to the site is proposed from the A702.
- 1.2 The site area extends to approximately 994 hectares (ha) and the land is managed for agricultural purposes and for grouse shooting. The proposed development is located within the Southern Uplands Landscape Character Type (LCT) and the western area of the proposed development is located within Leadhills and Lowther Hills Special Landscape Area (SLA). The proposed wind farm infrastructure and wind turbines are located approximately 600m and 1.8km respectively to the north of Elvanfoot. The proposed wind turbines are located approximately 1.9km south-west of Crawford, 2.6km to the north-east of Leadhills, 3.8km to the south-west of Abington and 5.7km to the south-east of Crawfordjohn.
- 1.3 The proposed development is for a generating station of more than 50 mega watts (MW) which requires consent under Section 36 of the Electricity Act 1989 and will be decided by the Scottish Ministers. South Lanarkshire Council has therefore been consulted as the relevant Planning Authority.

2 Proposal(s)

- 2.1 Harryburn Wind Farm Limited (HWFL) is owned by Innogy Renewables UK Limited. Under the terms of Section 36 of The Electricity Act 1989, HWFL are seeking consent from the Scottish Ministers for the erection of 17 wind turbines which will have a maximum tip height of 149.9m. It is anticipated that the proposed development would have a total installed capacity of between 54.4 MW and 69.7MW.
The proposed development includes:-
 - 17 wind turbines with foundations (approximately 18.5m diameter at each wind turbine)
 - 17 crane hardstandings (approximately 25m x 45m adjacent to each wind turbine)
 - 17 external transformers (6.25m (length) x 4m (width) x 3.6m (height))
 - Approximately 16km of new on site access track (approximately 5m wide) and associated drainage
 - A substation compound and control building and battery storage and connection to the SP Elvanfoot 275/33kV substation
 - Underground cabling along access tracks to connect turbines and the electrical substation
 - Two watercourse crossings
 - A temporary construction compound area of approximately 40m x 100m
 - An access bell mouth to the site from the A702 for construction and operational traffic
 - A permanent meteorological mast (up to 95m in height) and two power performance masts as required.

- 2.2 It is anticipated that the development would take up to 24 months to construct including a winter shut down period. The site would operate for a further 30 years at which point decommissioning would take place in accordance with legislative requirements at that time, unless further consent is granted. The site would be reinstated in accordance with a decommissioning and reinstatement plan that will be approved by the relevant authority and in agreement with the relevant consultees prior to decommissioning.
- 2.3 It is proposed the wind farm development would require a connection to the Transmission Grid Network at the existing SP Elvanfoot 275/33kV substation via underground cables. The existing Elvanfoot substation is close to the B7040 and surrounded by the application site but not included within it. The proposal is to build the substation directly adjacent to the existing Elvanfoot substation. The grid connection to be used for wind farm developments and the detailed specification is usually subject to ongoing discussions with SP Energy Networks and requires a separate grid application process, under Section 37 of The Electricity Act 1989. In this case the proposed application boundary surrounds the existing Elvanfoot substation and since the grid connection cable would be wholly underground and within the site boundary, it is included within this proposed development under Section 36 of The Electricity Act 1989.
- 2.4 During the construction period the following traffic will require to access the site:
- Staff transport, either cars or staff minibuses
 - Construction equipment and materials, deliveries of machinery and supplies such as cement; and
 - Abnormal loads consisting of the wind turbine sections and also a heavy lift crane.
- It is proposed abnormal loads and general access to the development would be from an access on A702. The route to site would be via M74/A74(M) leaving at Junction 14 on to the A702 travelling south to site.
- 2.5 The highest level of HGV trips would occur in the earlier months of the construction period when the access tracks are being constructed. The maximum level of two-way traffic would be 172 HGV movements per day in month 2 and 170 HGV movements per day in months 4 to 8. Over the 18 month construction period HGV traffic arising from the site would amount to an average of 75 movements per day. On the days when the turbine foundations are poured the additional traffic associated with this activity would amount to 70 HGV movements per day. Light vehicle trips which include vans and cars are anticipated to equate to 25 vehicle trips per day (50 two way movements).
- 2.6 The application is supported by a full Environmental Impact Assessment and a Planning Statement, Pre-Application Consultation and Engagement Report, Socio-economic Statement dated April 2017 and Supplementary Information (SI) dated January 2018, which seeks to address concerns raised by statutory consultees. The SI covers topics in relation to ornithology, noise, contaminated land, peat, hydrogeology and hydrology and traffic and transportation. The SI was advertised in the local and national newspapers on 16 January 2018 for Edinburgh Gazette and 17 January 2018 for Carlisle Gazette.

3 Background

3.1 National Policy

- 3.1.1 Scottish Energy Strategy (SES) and Onshore Wind Policy Statement were published in December 2017 following consultation during 2017. The SES sets out a vision for the future energy system in Scotland through to 2050. It sets out the priorities for an

integrated system-wide approach that considers the use and supply of energy for heat, power and transport and its strategic priorities are:

- Energy efficiency (buildings)
- Energy efficiency (industrial)
- Renewable and low carbon solutions (includes onshore wind)
- Innovative local energy systems
- System security and flexibility
- Oil and Gas Industry Strengths

The SES states that provisional statistics show 54% of Scotland's electricity needs are being met from renewable in 2016, with major new capacity due to connect to the system in coming years. The strategy sets out two new targets for the Scottish energy system by 2030 – (1) the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; (2) an increase by 30% in the productivity of energy uses across the Scottish economy. The strategy provides a long term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long term energy and climate change targets.

- 3.1.2 The Onshore Wind Policy Statement (OWPS) published in December 2017 reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development and capacity in locations across Scotland where it can be accommodated (page 7, section 4). The Scottish Government acknowledges the way in which wind turbine technology and design is evolving and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts (page 9, section 25).
- 3.1.3 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy, that has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015". Provisional statistics show that Scotland has met 2015 50% interim target.
- 3.1.4 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in favour of development that contributes to sustainable development" (page 9). At paragraph 28 SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.1.5 Scottish Government's Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014, and provides information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information, and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines.

3.1.6 All national policy and advice is considered in detail in section 6 of this report.

3.2 **Development Plan Status**

3.2.1 The proposed development requires to be considered against the Clydeplan Strategic Development Plan (Clydeplan), Policy 10 Onshore Energy. It states that 'in order to support onshore wind farms, local development plans should finalise the detailed spatial framework for onshore wind for their areas in accordance with SPP, confirming which scale of development it relates to and the separation distances around settlements. Local development plans should also set out the considerations which will apply to proposals for wind energy development, including landscape capacity and impacts on communities and natural heritage. Proposals should accord with the spatial framework set out in Diagram 6 and finalised in local development plans.'

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 2: Climate Change
- Policy 3: Green Belt and Rural Areas
- Policy 15: Natural and Historic Environment
- Policy 17: Water Environment and Flooding
- Policy 19: Renewable Energy

3.2.3 The SLLDP Supplementary Guidance (SG): Renewable Energy was approved in March 2016 and its accompanying technical reports, including Landscape Capacity Study for Wind Energy 2016 are material considerations in deciding planning applications. The following SG Renewable Energy policies are relevant to the determination of this application:

- Policy RE1 Spatial framework for wind energy
- Policy RE2 Renewable energy developments

SG supports the policies in the SLLDP and provides further guidance. In addition to the SG Renewable Energy, the following SG's are relevant in the assessment of the proposed development.

- SG Sustainable development and climate change
- SG Green Belt and rural area
- SG Natural and historic environment

3.2.4 South Lanarkshire Council prepared consultative draft on Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance in September 2017. This guidance is an addendum to the Landscape Capacity Study for Wind Energy 2016 and includes guidance on an additional category of wind turbine size ranging from 150 metres – 200 metres. The addendum takes into account the impacts of taller turbines which are 150m to 200m in height and provides relevant siting and design guidance for these turbines.

3.2.5 All of these policies are examined in detail in section 6 of this report.

3.3 **Planning Background**

3.3.1 The scoping report in June 2016 proposed up to 27 turbines with a maximum height, to blade tip, of up to 150m. The Council's comments on the scoping report informed the applicant of the development plan policies, supplementary guidance and the Council's strategic approach to wind farm development and the landscape capacity study for South Lanarkshire. The final proposed wind farm layout (149.9m maximum height to tip) has been subject to design iterations and refinements, by the applicant, which aim to balance environmental and technical issues, whilst still allowing an economically viable wind energy scheme to be developed. Eight turbines were removed from the proposed scheme following the scoping consultation. The eight turbines that were removed were located in a cluster south of the B7040 within the range of hills from White Law to Watchman Hill. The proposed turbines within the application are located approximately 3.8km from the nearest operational Clyde Wind Farm turbines which are located to the east on the other side of the M74 motorway. Clyde Wind Farm was granted consent by the Scottish Ministers in July 2008 and started exporting electricity in June 2011. It is one of the UK's biggest single consented wind farm development with 152 turbines (125m height to tip), divided into three sections (north, central and south). An extension to Clyde Wind Farm of 54 turbines (125.5m and 142m height to tip) was granted in 2014 and became operational in 2017. The Clyde Extension Wind Farm is located approximately 9km to the east of the proposed turbines.

3.3.2 The Environmental Impact Assessment (EIA) process has been undertaken, and the findings of the technical environmental studies have been used to inform the design of the project. As the application is made under Section 36 of The Electricity Act 1989 the statutory pre-application requirements do not apply. However, in accordance with good practice the applicant has undertaken a programme of pre-application consultation. The applicant's community and stakeholder engagement began in September 2015 and is continuing through the application process. Public exhibitions were held by the applicant where details of the proposed development were displayed for public viewing and comment. A total of two public exhibitions were held on 14 September 2016 at Crawford Hall and 15 September 2016 at Leadhills Hall. The public exhibitions were advertised in the local paper and a newsletter was also sent to all properties within 5km of the site prior to the exhibition. Over the two exhibitions 108 people attended and a total of 48 feedback forms were received. The full details of the community engagement are set out in the Pre-Application Consultation and Engagement Report April 2017. Whilst pre-application consultation is not statutorily required under Section 36 applications, it is considered that this has been undertaken in an appropriate and satisfactory manner.

3.3.3 In terms of background information, in addition to the proposed Harryburn Wind Farm application, an application for a 35 turbine wind farm known as North Lowther Energy Initiative (NLEI) was submitted in June 2017 under Section 36 of The Electricity Act 1989. The proposed NLEI is located within the Queensberry Estate in Dumfries and Galloway, approximately 2km west, north-west of Leadhills and Wanlockhead, 5km south of Crawfordjohn and 2km north-east of Sanquhar. The proposed application boundary abuts the South Lanarkshire boundary. The proposed North Lowther Wind Farm comprises the erection of 35 wind turbines (149m maximum height to tip), and associated infrastructure. The proposed route for construction traffic and abnormal loads will be within South Lanarkshire along the M74, the B7078 and the B740 to the access points located within Dumfries and Galloway. North Lowther Wind Farm requires consent under Section 36 of The Electricity Act 1989 and will be decided by the Scottish Ministers. South Lanarkshire Council has therefore been consulted as the

neighboring Planning Authority. The consultation process is underway and the applicant's have notified the Energy Consents Unit of their intention to submitted supplementary information in response to issues raised during the consultation process. Following review of the information, the proposed North Lowther Wind Farm will be assessed and reported to a future Planning Committee.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Risk Management Section)** – no objection subject to conditions requiring a Flood Risk/Drainage Assessment, Sustainable Drainage System serving the application site, compliance with the Council's Design Criteria, and completion of the necessary forms and provision of the required information, to the Council's satisfaction, prior to commencement on site.

Response: Noted. The requirements of Roads and Transportation Services – Flood Risk Management Section can be incorporated into the recommended planning conditions and if the Scottish Ministers are to grant consent these planning conditions require to be attached.

- 4.2 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to conditions. Initial comments were raised with the applicant in relation to traffic management, abnormal loads, bridges and structure issues. Following the submission of Supplementary Information in January 2018, Traffic and Transportation has no objection to the proposed development subject to conditions requiring a Traffic Management Plan, Travel Plan, vehicle parking on site, signage, a wheel wash facility, visibility splay, safety audit, Abnormal Loads Route Assessment and a section 96 legal agreement being entered into. It is noted that the applicant has not demonstrated control over the land required to deliver the necessary visibility splay. The proposed Abnormal Load Access Route (Figure 2 of Supplementary Information Appendix 1 Abnormal Load access Route Report March 2017) crosses one South Lanarkshire Council (SLC) structure, Collinsburn Culvert, on the A702 just south of the roundabout at J14 of the A74(M). On the basis that the abnormal loads are to cross SLC structures, their structural integrity and strength require to be verified by undertaking the required assessments which can be secured through conditions. It is also noted that the abnormal load route crosses Elvanfoot Railway Bridge which is owned and maintained by Network Rail. The applicant requires to liaise with Network Rail in order to gain approval for the use of this structure for turbine and other abnormal load deliveries.

Response: If the Scottish Ministers are to grant consent, the requirements of Roads and Transportation Services require to be incorporated into planning conditions and the applicant requires to enter into a section 96 legal agreement.

- 4.3 **Environmental Services** – no objection subject to conditions. Environmental Services reviewed the Noise Assessment and raised concerns over its content. In addition to noise issues, Environmental Services raised concerns relating to pollution contamination, dust, private water supplies and, hydrogeology and hydrology. The applicant submitted Supplementary Information in January 2018 in response to points raised by the Council's Environmental Services. On review of this information Environmental Services concluded that they would be satisfied with fixed limit of 37db or background +5dB for noise levels. Environmental Services recommended conditions in relation to operational noise levels (including cumulative noise), construction noise levels, complaint investigation, dust mitigation, contaminated land, private water supplies and hydrogeology and hydrology.

Response: Noted. If planning consent is granted appropriate conditions require to be imposed to control operational noise of the wind farm and control construction noise to ensure the works are conducted in a way that minimises noise, pollution

contamination, dust, private water supplies and hydrogeology and hydrology to meet the requirements of Environmental Services.

4.4 **Countryside and Greenspace (C&G)** – following consideration of the Landscape and Visual Impact Assessment section of the ES it is considered that the proposed wind farm development will result in the following landscape and related impacts.

- Significant adverse impacts on the unique and 'remote' landscape characteristics of the area which includes the Southern Uplands Landscape Character Type (LCT); Lowther Hills West of Clyde/Daer; Upper Glen Landscape Character Area (LCA's) of Glengonnar and Elvan Water's LCA and the Broad Valley Uplands between Elvanfoot and Abington
- Significant adverse effects on key, tourism and cultural heritage assets of Leadhills and The Lowther Hills Special Landscape Area including the Southern Upland Way long distance route; the Glasgow to Carlisle National Cycle Route No 74; associated access networks and hill top recreational destinations; the conservation village of Leadhills, and its various protected industrial archaeological features.
- Impacts on a number of individual local residential properties and all or parts of several rural settlements.
- Significant cumulative and coalescent -effects on many of the same visual and landscape receptors referred to above due to the impacts of combined and sequential views associated with the existing and adjacent Clyde wind farm, and potentially with the proposed North Lowther wind farm.

C&G share the opinion expressed in the conclusions section of the Ironside Farrar 'Harryburn Wind Farm EIA Audit of Landscape and Visual Impact Assessment' November 2017. This states that due to the location and scale of the proposed development, these impacts are likely to be extensive in extent and substantial in magnitude. In terms of impacts on ecology C&G also raised the following concerns:

- Impact on upland mosaic ecosystem, a substantial element of which is peatland habitat, along with other habitats which are identified on the Scottish Biodiversity List.
- There is loss of additional Scottish Biodiversity List habitats which is considered important at a South Lanarkshire scale
- Potential effect on notable species including otter, hare, hen harrier, curlew, golden plover – risk of disturbance/displacement/mortality
- The "Checking report for peat landslide hazard and risk assessment" notes several concerns regarding the assessment; due to the steep slopes with peat which make it especially important that this report is accurate. One point raised is that the coverage of peat depth data is incomplete (ES section 2.4.2)
- Turbines situated on mire/bog habitat (T2, T5, T7, T11, T16 & T17 appear to be right on the edge) along with substantial lengths of access track
- Track between T7 and T8 bisects an area of particularly deep peat – impact on habitat and hydrology
- Many turbines and infrastructure are situated in areas of potentially moderate (and some high) groundwater dependency – risk of significant damage with potential downstream impact
- The ecological report scopes out American signal crayfish, however the Clyde River Foundation report states that "North American signal crayfish are very common in the main stem of the River Clyde in the vicinity of the proposed development area."
- To mitigate potential impacts on biodiversity over the proposed wind farm's lifetime it should be a condition of any future consent that a Habitat Management Plan (HMP) is prepared for the restoration of peatland habitats. The HMP should be overseen by a Habitat Management Group (HMG) including the Council, and if they wish to participate, SNH and RSPB.

Response: Noted. The cumulative landscape and visual impact is assessed at paragraphs 6.4.16 – 6.4.20 and 6.4.44 – 6.4.53 below. The effects on ecology,

protected species, water, soils and peat are assessed at paragraphs 6.4.5, 6.4.9, 6.4.21, 6.4.29 – 6.4.31, 6.4.35. If the Scottish Ministers are to grant consent planning conditions require to be attached relating to the HMP and mitigation measures set out in the ES and SI.

- 4.5 **Transport Scotland** – term consultants, Trunk Road and Bus Operations (TS-TRBO) on behalf of Transport Scotland has no objection subject to conditions covering approval of a Construction Traffic Management Plan, approval of any additional signing or temporary traffic control measures deemed necessary during the delivery period of the wind turbine construction materials.

Response: Noted. If the Scottish Ministers are to grant consent the requirements of Transport Scotland require to be incorporated into planning conditions.

- 4.6 **Glasgow Prestwick Airport** – the proposal has been examined from an aerodrome safeguarding perspective and does not cause any safeguarding issues for the airport.

Response: Noted.

- 4.7 **Glasgow Airport** – the proposal is located outwith the radar consultation zone for Glasgow Airport and on this basis have no comments to make.

Response: Noted.

- 4.8 **National Air Traffic Services Ltd (NERL Safeguarding)** – objects to the proposal as the proposed development has been examined from a technical and operational safeguarding aspect and conflicts with NATS (En Route) Plc's safeguarding criteria.

Response: Noted. If the Scottish Ministers are to grant consent a technical solution requires be identified and agreed with NATS (En Route) Plc prior to consent being granted. Therefore conditions would require to be attached to the consent.

- 4.9 **Defence Estate Organisation (MOD)** – no objection. In the interests of air safety the MOD requests that the perimeter turbines are fitted with aviation lighting and if consent is granted MOD requires to be advised of construction information prior to commencement on site.

Response: Noted. If the Scottish Ministers are to grant consent the requirements of MOD require to be incorporated into conditions attached to the consent.

- 4.10 **Scottish Environmental Protection Agency (SEPA)** – originally objected on the grounds of lack of information in relation to the historic mine workings. Further information was received from the applicant's agent SLR Consulting in October 2017 which included a revised version of Figure 11.5 Historic Mining Areas compared to the proposed site layout. The main areas of concern with regards to historic mining are tracks between T11 and T9, and T12 and T15. SLR Consulting indicated that no further detailing of the tracks is practical at this time as micro siting is likely to be required. Further mining investigation is proposed to be undertaken pre-construction, in order to address risk and modify the track or remediate past workings - if necessary. Following review of the submitted information SEPA removed their objection subject to a condition being attached to any future consent to require future site investigation in 'at risk' mining areas in advance of construction. SEPA also requested that the findings of the site investigations include the details of any necessary mitigation measures required to minimise impacts arising from the works to be submitted for approval to the Planning Authority in consultation with SEPA. SEPA has no objection subject to conditions requiring the above and a Construction Environmental Management Plan (CEMP) which includes recommendations set out in Groundwater Dependent Terrestrial Ecosystems (GWDTE) Assessment (Technical Appendix 13.1), Peat Management Plan (PMP), Habitat Management Plan, Water Quality Monitoring and Private Water Supplies. These documents require to be submitted prior to development commencing on site and approved by the Planning

Authority in consultation with SEPA. SEPA's response also notes that there is a requirement of 50m for micro siting and would expect that any proposed micro siting reflects the environmental constraints as set out in the ES. In addition SEPA provides advice on flood risk, the Water Environment (Controlled Activities) (Scotland) Regulations 2011, water environment, dewatering and abstraction and decommissioning/repowering.

Response: Noted. If the Scottish Ministers are to grant consent the requirements of SEPA require to be incorporated into planning conditions.

- 4.11 **Scottish Natural Heritage (SNH)** – object to the proposed development due to significant adverse landscape and visual impacts on a key part of the Lowther Hills, which makes an important contribution to the distinctiveness and identity of Scotland's landscapes. SNH consider that the proposal would adversely affect the distinctive landscape character and visual amenity of the Lowther Hills, including impacts on the setting of Leadhills village and on key approach routes into the core of the hills. Given the prominence of the proposal and sensitivity of this area, SNH consider it unlikely that the significant landscape and visual impacts could be avoided or adequately reduced or mitigated. SNH also provide advice on strategic development pattern, M74 corridor and the North Lowther Energy Initiative (NLEI) wind farm development located near Wanlockhead in Dumfries and Galloway and which is also the subject of a current Section 36 application. The NLEI proposal is located approximately 4km from the proposed development.

In addition SNH provide advice on other natural heritage interests. They state that when combined with their knowledge of the natural heritage interests in the area the ES generally contains sufficient information to enable them to advise on the impacts on the natural heritage. However SNH considered there was insufficient information available in the ES to support the assessment of cumulative impacts for some bird species. The applicant therefore provided further information to SNH on 18 August 2017 (formally submitted by Supplementary Information in January 2018). The additional information addresses the concerns raised in relation to birds and has enabled SNH to provide consultation advice. SNH advised that the proposal is likely to have some adverse impacts on the natural heritage in terms of birds, bats and peat, though through appropriate mitigation measures being implemented the impacts on the natural heritage can be reduced.

SNH recommend the full range of mitigation and enhancement measures identified in the ES are implemented, subject to the below additional/ enhanced measures to reduce the impacts on the natural heritage:

- Additional mitigation for Hen harrier
- Additional mitigation for Short eared owl
- A revised Habitat Management Plan to include more appropriate areas that can be used to restore areas similar to, and in proximity to, those areas which will be lost and damaged from the wind farm development.
- A requirement to prepare a decommissioning and restoration plan

Response: Noted. The ecology, ornithology, landscape, visual and cumulative impacts are considered further in section 6 of this report. If the Scottish Ministers are to grant consent the mitigation measures to minimise the natural heritage impacts require to be incorporated into planning conditions. It is noted that SNH consider it unlikely that the significant landscape and visual impacts could be avoided or adequately reduced or mitigated and have objected to the proposal on this basis.

- 4.12 **Historic Environment Scotland (HES)** – no objection. HES state in their response that their remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. HES consider that the proposals do not raise historic environment issues of national significance and therefore do not object. However, HES state that their decision not to object should

not be taken as support for the proposals. HES advise the application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance. HES note that no direct impacts to any nationally important designated historic environment assets are predicted. HES state the proposals would have a moderate adverse effect on the setting of five scheduled monuments. However, HES do not consider that the integrity of the setting of these monuments would be significantly adversely impacted and no issues of national importance are raised.

Response: Noted. The effects on the historic environment are assessed below at section 6.

- 4.13 **Peat Landslide Hazard and Risk Assessment (AM Geomorphology)** – the Energy Consents Unit commissioned AM Geomorphology to technically assess and provide comment on the Peat Landslide Hazard and Risk Assessment (PLHRA) submitted with the application. They initially noted that the report did not present a sufficiently robust assessment of peat instability hazard and risk at the site and points of clarification or revision were required. Subsequently, SLR Consulting on behalf of the applicant submitted supplementary information and this was reviewed by AM Geomorphology. They consider that the information provided satisfies the outstanding issues.

Response: Noted. If the Scottish Ministers are to grant consent conditions can be attached in accordance with the mitigation measures set out in the PLHRA.

- 4.14 **RSPB Scotland** – object to the proposed development due to the potential for the proposed wind farm to lead to collision, disturbance and displacement impacts on breeding hen harriers, which are Annex 1 species of the Birds Directive (209/147/EC). RSPB consider that two turbines in particular are located extremely close to breeding sites of Hen Harriers and strongly recommend that these turbines are removed from the proposed design. RSPB also consider that significant cumulative impacts are also predicted for hen harrier and on golden plover and curlew. RSPB consider that the proposed wind farm is likely to displace a high density of breeding waders across the site including species of conservation concern. It is welcomed by RPSB that a draft Habitat Management Plan has been submitted however they do not believe the measures contained within it are sufficient to off-set the issues described above. The RSPB consultation response sets out a number of measures that could be included in the HMP in order to reduce the impacts of the proposed development. If the Scottish Ministers are minded to grant the application RSPB request conditions to secure the following:

- implementation of a programme of post construction bird monitoring
- the establishment of a Habitat Management Group of which RSPB should be a member
- the submission of a finalised HMP for the approval of the planning authority in consultation with RSPB a minimum of 3 months prior to the date of the commencement of development. Commissioning of the turbines not to occur until such approval has been obtained and the applicant has demonstrated that they have the ability to control management over any area for mitigation. The HMP should operate for the full lifespan of the wind farm including decommissioning.
- Annual reports on the monitoring/surveillance results
- Breeding Bird Protection Plan
- Delivery of HMP secured through a Section 75 agreement

Response: It is noted that supplementary information was submitted by the applicant in January 2018 in which the applicant notes the position of RSPB and states it will respond in due course. At the time of writing this report the applicant has not removed any turbines or provided further clarification on the matters raised in the RSPB response dated 20 September 2018. The assessment of the proposed development

on ornithology is set out at section 6. If the Scottish Ministers are to grant consent the requirements of RSPB need to be incorporated into planning conditions.

- 4.15 **West of Scotland Archaeology Service (WOSAS)** – object on the basis that the proposed development will have an unacceptable detrimental effect on the setting of many recorded archaeological sites. WOSAS consider there are direct issues with the proposals located within a landscape with a high background density of recorded sites and finds that are mostly prehistoric in date. WOSAS raise concerns with the study in terms of the altitude limit that was applied and also note there is a potential issue over the habitat management works as this will take place at the lower elevations where there is potential for buried remains to be at its highest elevations. In terms of indirect issues WOSAS disagree with the methodology used to assess setting effects on significant archaeological sites recorded in the area (i.e. scheduled monuments and non-statutory register sites). WOSAS explain that the assessment has been done on the basis that setting may or may not affect the significance of the sites concerned and if the proposed changes to the setting affect the significance of the sites; rather than simply assessing the current setting of a site and then the proposed setting and giving a view on that change as being detrimental to the setting compared to the baseline, or otherwise. WOSAS disagree with some of the assessments of individual sites and believe that the impact may be greater than that stated in the ES. WOSAS consider that even without taking issue with the opinions of the authors, the ES makes it clear that five Schedule Monuments and nine non-statutory register sites (NSR) will suffer detrimental setting effects of sufficient magnitude (moderate) to be significant in EIA terms. On this basis WOSAS advise that the application should be refused. WOSAS go on to say that if the proposed development does receive consent then a planning condition should be attached requiring a programme of archaeological works in accordance with a written scheme of investigation to be submitted to and approved by the Planning Authority in consultation with WOSAS. WOSAS consider the direct issues can be mitigated by the imposition of a planning condition but that the indirect issues cannot be mitigated other than by refusing the current proposals.

Response: Noted. The impacts on the cultural heritage are assessed below at section 6. If the Scottish Ministers are to grant consent the requirements of WOSAS require to be incorporated into planning conditions.

- 4.16 **Visit Scotland** – no objection. However any potential detrimental impact – visually, environmentally and economically – of the proposed development on tourism should be identified and considered in full.

Response: Noted. The effect on tourism is assessed at section 6.4.63 below.

- 4.17 **Scottish Water** – no objection subject to conditions. The proposed development area is not within a Drinking Water Protected Area (DWPA) and should not pose a risk to the public water supply. Two of Scotland's most strategic pipes run through the site. Scottish Water required that all detailed design proposals relating to the protection of Scottish Water's assets be submitted to the Asset Impact Team for review and written acceptance. Works should not take place on-site without prior written acceptance from Scottish Water.

Response: Noted. If the Scottish Ministers are to grant consent the requirements of Scottish Water require to be incorporated into planning conditions.

- 4.18 **Joint Radio Company** – no issues with respect to radio link infrastructure operated by Scottish Power and Scottish Gas Networks.

Response: Noted.

- 4.19 **BT** – no objection, the proposal should not cause interference to BT's current and presently planned radio networks.

Response: Noted.

- 4.20 **Marine Scotland Science Freshwater Laboratory (MSS-FL)** – no objection. It is noted that the proposed development area is drained by tributaries of the River Clyde and the Elvan Water and Glengonnar Water, both sub-catchments of the River Clyde. MSS-FL highlight the national importance of two species, salmon and trout which should be considered throughout the development, particularly as the River Clyde is considered to be a recovering river for salmonoid stocks. MSS-FL welcome the proposed mitigation measures including the buffer zone of 50m around all watercourses and construction activities, the use of floating roads where peat deposits exceed depths of 1m, and the use of sustainable drainage systems within the proposed drainage scheme. In addition to the potential impacts on water quality and fish populations from the proposed development, MSS-FL raise concerns regarding the potential impacts associated with previous mining activities on fish populations. In particular within and downstream of the area where T9, T11, T12, T13, T15 associated access tracks and watercourse crossing are proposed to be located. MSS-FL welcome the water quality monitoring proposed and set out requirements for the baseline monitoring. They suggest an integrated monitoring programme and appointment of Ecological Clerk of Works (ECoW). They also note that careful attention should be given to the prevention of the spread of the North American Signal Crayfish which poses a threat to salmonoid populations and the native freshwater biodiversity.

Response: Noted. If the Scottish Ministers are to grant consent the requirements of MSS-FL require to be incorporated into planning conditions.

- 4.21 **The Coal Authority** – no objection. The Coal Authority has reviewed the proposals and confirmed that the proposed development would be located outside of the defined coalfield. Accordingly the Coal Authority has no comments or observations to make on this development.

Response: Noted.

- 4.22 **Scottish Rights of Way and Access Society (Scotways)** – no comment. Scotways have insufficient capacity to be able to submit comments at this time.

Response: Noted.

- 4.23 **Dumfries and Galloway Council** – at the time of writing this report Dumfries and Galloway Council Planning Authority have indicated that they intend to report their recommendation to their committee on 8 March 2018.

Response: Noted. On this basis, a verbal update will be presented to Planning Committee on Dumfries and Galloway Council's decision on this matter.

- 4.24 **Scottish Borders Council (SBC)** – no objection. SBC are satisfied that the proposed development is sufficiently distant from the Scottish Borders administrative area that there are negligible effects on landscape and no other impacts of significance upon the Borders area.

Response: Noted.

- 4.25 **Crawford and Elvanfoot Community Council** – object to the proposed development. The issues raised in their objection cover the following topics:

- Cumulative effects
- Clyde Valley and its tourist route
- Safe distances from settlements
- Community benefit
- Extension to the Clyde Walkway
- Contaminated ground
- Psychological effect on the community

- Incremental extensions to wind farms to make them even larger
- Impact on settlements

In addition they raise concerns over the poor engagement by the applicant with the Community Council, and comment that the benefits of the proposal stated by the applicant, are not solely available to the community most affected by this proposal.

Response: Noted. The issues and topics raised in the objection statement are taken into account in assessment of the proposed development against national and local planning policy set out in section 6 of this report. In terms of good practice the applicant should engage meaningfully with the community. However community engagement and benefits are not material considerations that can be taken into account in the assessment of the proposed development. A number of similar issues raised are also covered in representations at section 5 below.

4.26 **Leadhills Community Council** – Leadhills Community Council submitted a detailed statement of objection to Harryburn Wind Farm. The issues raised in their objection cover the following topics:

- Background to the application and need for public inquiry
- Scottish Government energy and planning policies and local planning policy
- Landscape
- Ornithology
- Ecology
- Cultural Heritage
- Geology and peat
- Hydrogeology and hydrology
- Shadow flicker
- Adverse weather conditions
- Socio-economics

Response: Noted. The issues and topics raised in the objection statement are taken into account in assessment of the proposed development against national and local planning policy set out in section 6 of this report. A number of the issues raised are also raised in representations at section 5 below.

4.27 **Network Rail** – no objection. Network Rail considers that it will have no impact on railway infrastructure and therefore have no comments/objections to this application.

Response: Noted. However South Lanarkshire Council Bridges and Structures highlight that Network Rail may wish to review the capacity of the Elvanfoot Railway Bridge to carry the abnormal loads. Should Scottish Ministers grant planning consent this matter should be controlled by planning condition.

4.28 **Health and Safety Executive (HSE)** – HSE do not wish to be consulted on wind turbines and wind farms developments in the vicinity of other major hazard sites and major hazard pipelines as they will not lead to a material increase on the number of people in the vicinity of the major hazard.

Response: Noted.

4.29 **National Grid** – object. Nation Grid have placed a holding objection and express an interest in further consultation while the impact on their assets is being assessed. National Grid have two high pressure pipelines running through the boundary of the site. Further assessment is needed to ascertain whether the integrity of their assets will be affected. In respect of their existing infrastructure, National Grid will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus.

Response: Noted. Further investigation into this matter is required to ensure protection of National Grid infrastructure.

4.30 **Wanlockhead Village Council (WVC)** – object. Wanlockhead is located approximately 4km from the proposed development. Wanlockhead Village Council takes the view that the Lowther Hills are a special place which shape the identity of their local communities. WVC consider that its landscape and environmental qualities require protecting. WVC raise the following concerns and object on the basis of the following matters:

- Background to the application and need for public inquiry
- Scottish Government energy and planning policies and local planning policy
- Landscape
- Ornithology
- Ecology
- Cultural Heritage
- Geology and peat
- Hydrogeology and hydrology
- Shadow flicker
- Adverse weather conditions
- Socio-economics

Response: Noted. The issues and topics raised in the objection are taken into account in assessment of the proposed development against national and local planning policy set out in section 6 of this report. A number of the issues raised are also raised in representations at section 5 below.

4.31 The following consultees provided no response to the proposed development:

District Salmon Fishery Scotland
Civil Aviation Authority
The Crown Estate
Mountaineering Council of Scotland
Clyde Fisheries Management Trust
British Horse Society
Forestry Commission
Scottish Wildlife Trust
The Southern Upland Partnership
Scottish Ambulance Service

5 Representation(s)

5.1 The application has been advertised in accordance with the EIA regulations with adverts being placed in local and national newspapers. The application was available for inspection at SLC offices, Montrose House, Hamilton and the application could also be viewed at Crawford Community Hall, Leadhills Community Hall, Abington Hall, Wanlockhead Inn and the Scottish Government Library in Edinburgh. The application was also available online via South Lanarkshire Council's website and Scottish Government Energy Consents Unit's website.

5.2 225 letters of objection and 12 letters of support have been received during the consultation process. In summary the objections relate to the following main issues:

(a) Cumulative landscape and visual impact:

- concerns raised regarding the cumulative impact of existing and consented turbines and the vast number that are operational, consented and at application stage in this area
- Significant landscape and visual impact on the special landscape characteristics of the Lowther Hills
- local communities have a strong appreciation of the character and merits of the Lowther Hills and value the surrounding moorlands which contribute enormously to a sense of place

- Consider it is important to recognise that many of the residents of Leadhills (and nearby Wanlockhead) have come to live here for the qualities of the landscape and the local environment
- the landscape of the Lowther Hills contributes enormously to the identity of Leadhills and Wanlockhead and makes these communities special
- wild land qualities
- the visualisations represent the likely appearance of the proposed development at particular locations though in reality many receptors will be driving, walking or cycling and therefore will experience dynamic, sequential views of the development
- there are already a significant number of turbines within a 20 km radius and the cumulative impact of these developments is becoming oppressive and is destroying a key local asset

Response: Cumulative landscape and visual impact is assessed at paragraphs 6.4.44 - 6.4.57 below. The wild land qualities are taken into account in the assessment below in relation to the Special Landscape Area qualities (paragraph 6.4.16 – 6.4.20).

(b) Impact on residential amenity, dog walkers, hill walkers and cyclists – concerns raised regarding the significant and dominating visual and landscape impact of the scheme.

Response: Impact on landscape, visual and residential amenity is assessed at paragraphs 6.4.44 – 6.4.57 below. The assessment on tourism, recreation and core paths is set out at paragraphs 6.4.23 and 6.4.61.

(c) Impact on landscape designations, effect on Special Landscape Area (SLA).

Response: Impact on the SLA is assessed at paragraph 6.4.16 – 6.4.20.

(d) Impact on Historic Garden and Designed Landscape, Listed Buildings and archaeological structures. Leadhills and Wanlockhead are the two highest villages in Scotland and owe their very existence to the mineral wealth found in the north Lowther Hills. Residents are very proud of the heritage of which the landscape forms an important component.

Response: This is assessed at paragraphs 6.4.7 – 6.4.8 and 6.4.14 – 6.4.15.

(e) Ecology and Ornithology impact – cumulative effect on a variety of wildlife, birds, raptors, bats and protected species. Do not agree that the SPA has no potential for significant effects and consider the cumulative impact of the proposals on bird life has not been properly assessed. Birds are not just found in protected areas but in adjacent areas which provide suitable habitat conditions to support their particular requirements. All the schedule 1 bird species for which the Muirkirk and North Lowther SPA is designated are found in the proposed wind farm application area and the surrounding moorlands. Significant impacts on biodiversity are not confined to the application site but also the surrounding area and the effects should be considered in the context of the larger environmental and landscape context.

Response: Ornithological and ecological effects are assessed at paragraphs 6.4.5, 6.4.9 and 6.4.24 – 6.4.27 below. SNH and RSPB have provided consultation responses and are summarised at paragraphs 4.11 and 4.14 respectively. These are taken into account in the assessment at section 6 below.

(f) Noise and Shadow Flicker, Health – concerns raised regarding the impact from the wind turbines in relation to noise, low frequency sound and shadow flicker.

Response: The health impacts of wind turbines are not a material consideration in the assessment of planning applications and are not identified in SPP as a

factor to be taken into consideration when assessing wind farm proposals. However shadow flicker and noise are listed as considerations for energy development proposals and these are assessed at paragraphs 6.4.58 – 6.4.59. Infrasound or low frequency noise is not a material consideration in the assessment of planning applications and is not identified in SPP as a factor to be taken into consideration when assessing wind farm proposals.

- (g) Traffic and transportation impact – concerns raised regarding the impact on the local road network due to increased traffic and the nature of the roads.**

Response: This is assessed at paragraph 6.4.66.

- (h) Economic and renewable energy targets, efficiency of turbines, compensation for living near turbines and impact on property values.**

Response: The Scottish Government has set a target of 100% renewable energy by 2020. Scottish Planning Policy encourages planning authorities to support the development of wind farms in locations where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. The Scottish Government's current target is to meet the equivalent of 100% of Scotland's electricity demand from renewables by 2020. There are no compensatory measures in place for properties near wind turbines. The issues raised with regards to reduced property values are not considered to be material planning considerations. This is not therefore assessed against development policy.

- (i) A Public Inquiry** should be held to consider both the proposed development at Harryburn and the proposed wind farm at North Lowther, near Wanlockhead (North Lowther Energy Initiative (NLEI)) together. Consider that a Public Inquiry would give the local communities an opportunity to make their voice heard and for the issues to be examined in an open and transparent manner.

Response: This is a matter for Scottish Government to determine.

- (j) Scottish Government Energy Policy** - support the promotion of generating electricity from renewable energy sources though object to the burgeoning over-dependence on wind power as a method of generating electricity and the local adverse environmental consequences of constructing large numbers of massive turbines in areas of high landscape and ecological value. The proposed development is unnecessary and does not justify the adverse environmental impact which the development would have

Response: In line with Scottish Government policy, South Lanarkshire Council supports the use of renewable energy located in areas that are acceptable in terms of the effects on the environment and communities. The South Lanarkshire Local Development Plan and Supplementary Guidance on Renewable Energy set out the considerations to be taken into account in the assessment of renewable energy development. This assessment is set out in section 6 below. Matters in relation to the content and nature of Scottish Government policy and the acceptability of other forms of renewable energy are for the Scottish Government to consider and not a relevant matter in the assessment of the proposed development.

- (k) Carbon rich soil and peat deposits** - concerns regarding the significant areas of the proposed development site being overlain by carbon rich soil and peat deposits. This is a category 2 designation, Area of Significant Protection within Table 1 of SPP 2014.

Response: Impact on carbon rich soil and peat has been assessed at section 6.4.21 and 6.4.38.

5.3 The main points of support are summarised below:

- a) **Community benefit** - The proposed development will provide community benefit which can help improve services, upkeep existing services and increase local employment.

Response: Socio, economic and community benefit considerations are assessed at paragraph 6.4.40 and 6.4.75 below.

- b) **Local employment** - the proposed development will provide jobs and create local employment opportunities for both local and national businesses.

Response: The socio and economic considerations of the proposed development are assessed at paragraph 6.4.40.

- c) **Renewable energy targets** - The proposed development will contribute to Scottish Government renewable energy targets and national support for wind energy projects.

Response: The Scottish Government's renewable energy targets are taken into account in the assessment below at section 6.

- d) **Suitable location** - The proposed development is in a suitable location for wind farm development. It is located within Southern Upland Landscape Character Type which is assessed in the South Lanarkshire Landscape Capacity Study as one of five landscape types with the 'highest underlying landscape capacity for wind energy development'. The proposal is in close proximity and compatible with Clyde Wind Farm and Clyde Extension wind farm.

Response: The suitability of the landscape and its location is assessed against the relevant policy and guidance at paragraphs 6.4.16 to 6.4.20 and 6.4.44 – 6.4.57. It is also noted that national planning policy is referred to at paragraph 6.2 and taken into account in the overall assessment. The assessment is concluded at paragraph 6.5.

- e) **Leadhills Estate and Harryburn Wind Farm** –The Estate has submitted a document outlining the vision for the Leadhills Estate. In summary the document states that the finance from the proposed wind farm development would enable the following to be delivered:

- Creation of a visitor centre and café facilities to interpret and present the history of the area; The location offers a combination of proximity to junction 14 on the M74, Glenochar Bastle House remains and other historic sites, the river Clyde, the promoted Clyde Walkway and wider current and potential walking networks; there are also opportunities to form a hub for other outdoor activities (gold panning, bird watching) - working in partnership with local businesses, all of which would act as an immediate draw from the motorway to the area of the Lowther Hills.
- In conjunction with local community groups and users, develop formal access routes with appropriate infrastructure and information. This will include the implementation of formalised "loop" to Leadhills Village from the Southern Upland Way and formal, waymarked village path network around Leadhills village.
- Work with South Lanarkshire Council and Leadhills and Elvanfoot villages on their aspirations to improve links between the Southern Upland Way, Leadhills and the Clyde Walkway, and between Leadhills and Elvanfoot.
- Promotion of the Glenfranka (Leadhills) Reservoir for informal recreation in conjunction with Leadhills Angling Club, linking with the path network around Leadhills village and the Southern Upland Way link.

- Working with individuals on new business proposals as facilitator and potential provider of sites and infrastructure, for example the development of the Lowther Hills Ski Club facility.
- Supporting local tourist attractions to develop their offers and facilities.
- Improving interpretation of accessible roadside mining history.

Response: Community benefit is not considered to be a material planning consideration. However reference to the community benefit outlined by the applicant is summarised at paragraph 6.4.75. There has been no submission as part of the application for the proposed development that secures the implementation of the projects listed above.

- 5.3 These letters have been copied and are available for inspection on the Scottish Government Energy Consent Unit website. These representations are taken into account in the overall assessment of the proposed development in section 6 below.

6 Assessment and Conclusions

- 6.1 Any proposal to construct or operate a power generation scheme with a capacity in excess of 50 megawatts requires Scottish Ministers consent under Section 36 of the Electricity Act 1989. Schedule 9 of the Act places on the applicant a duty to “have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest”. In addition, the proposal is required to give consideration to National Planning Framework 3, Scottish Planning Policy, Planning Advice Notes, the relevant planning authority’s Development Plans and any relevant supplementary guidance. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This proposal is for the erection of 17 wind turbines (149.9m maximum height to tip) with associated infrastructure including an access bell mouth to the site, access tracks, hardstandings, substation, control building, battery storage, underground cabling, watercourse crossings, permanent anemometer mast and two temporary construction compounds. The main issues in determining the application are the proposals compliance with national planning policy and guidance; its compliance with the Development Plan, and the proposed development’s implications in terms of landscape and visual impact, cumulative impact, impact on the water environment, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.

6.2 National Planning Policy and Guidance

- 6.2.1 In relation to planning policy guidance, the proposal can be assessed as follows:

- 6.2.2 NPF 3 notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for

onshore wind farm developments. The considerations set out in SPP at paragraph 169 and the Council's approved SG Renewable Energy 2016 are assessed at section 6.4 below.

- 6.2.3 The approach to the preparation of Spatial Frameworks is set out in SPP Table 1. It is considered appropriate to assess the proposal against this approach. Table 1 categorises areas into groups and each group is taken in turn below (further detailed assessment is provided under the SLLDP below).
- 6.2.4 In Group 1 areas, National Parks and National Scenic Areas, wind farms will not be acceptable. The proposed development is not located within a National Park or National Scenic Area.
- 6.2.5 Group 2 is used to identify areas of significant protection. This includes areas described as 'community separation for consideration of visual impact' and SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. The proposed wind farm infrastructure and wind turbines are located approximately 600m and 1.8km respectively to the north of Elvanfoot. The proposed wind turbines are located approximately 1.9km south-west of Crawford and 2.6km to the north-east of Leadhills. Visual impact, including the impact on settlements, is assessed at Section 6.4 below. Other nationally important mapped environmental interests are included in Group 2 which includes areas of wild land and carbon rich soils, deep peat and priority peatland habitat. These are assessed below at paragraph 6.4.35. National and international designations are also included in Group 2 and are assessed below at paragraph 6.4.5 – 6.4.9.
- 6.2.6 Group 3, identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria, and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.3 and 6.4, and of the 19 considerations set out in SPP the following elements of the proposed development are considered not to be assessed favourably against the provisions of SPP. These include:
- Landscape and visual impacts
 - Cumulative impacts
 - Impacts on communities and individual dwellings
 - Impacts on the historic environment
 - Impacts on tourism and recreation
- 6.2.7 Furthermore paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above it is considered that the proposed development does not accord with SPP.
- 6.2.8 The Scottish Government Specific Advice Sheet – Onshore Wind Turbines – was last modified 28 May 2014 and describes typical planning considerations to be assessed when determining applications for onshore wind turbines. The advice covers the consideration and assessment of: landscape, wildlife, habitats, ecosystems, biodiversity, communities, aviation and defence matters, historic environment, road

traffic, cumulative impacts, good practice during construction and decommissioning. The Environmental Statement (ES) and Supplementary Information (SI) submitted as part of the application covers the impacts listed above and this has been taken into consideration in the assessment of the development against the Development Plan at sections 6.3, 6.4 and 6.5 below.

6.3 Strategic Development Plan

6.3.1 Clydeplan onshore wind spatial framework is aligned to increasing energy efficiency and reducing carbon emissions, Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy, however it is considered that this is at the expense of its adverse significant visual, landscape and cumulative impact, adverse significant effects on historic environment and potential adverse significant on protected species as assessed below in Section 6 below. Consequently it is considered that the proposal does not accord with Policy 10 of Clydeplan, and is subject to consideration against the terms of the SLLDP. This is dealt with in the following section.

6.4 Adopted South Lanarkshire Local Development Plan 2015

6.4.1 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015 there are five policies and associated supplementary guidance relevant to this proposal. These relate to climate change, the rural area, natural and historic environment, water environment and renewable energy. The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.'

6.4.2 Policy 2: Climate change, seeks to minimise and mitigate against the effects of climate change and requires development proposals to be assessed against a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, and (vii) having no significant adverse impacts on the water and soils environment and biodiversity (including Natura 2000 sites and protected species). The policy also requires proposals to accord with appropriate supplementary guidance; SG Sustainable Development and Climate Change. The effects on water and soils are assessed at paragraphs 6.4.21, 6.4.29 – 6.4.31, 6.4.35 below. The impacts on Natura 2000 sites and protected species are assessed at paragraphs 6.4.5 and 6.4.24 – 6.4.27 below. Utilising renewable energy sources the proposed development can provide a total installed capacity of between 54.4 MW and 69.7MW. Taking into account the above and assessments at the relevant paragraphs on the above matters as a result of the potential adverse significant impacts on protected bird species, it is considered that the proposal does not comply with Policy 2 and the advice in the SG Sustainable Development and Climate Change.

6.4.3 Policy 3: Green Belt and rural area, this states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for

the countryside. The proposal is located within the rural area. SG Green Belt and rural area lists in Appendix 2 renewable energy as an appropriate use within this area. However, Policy GBRA1 'Economy/ business related developments', in the SG Green Belt and rural area, requires the proposal to accord with the following criteria:

- a specific locational need
- no adverse impact on biodiversity, including Natura 2000 sites and protected species or features which make a significant contribution to the cultural and historic landscape value of the area
- respect existing landscape form with new buildings and structures being designed to complement and enhance the surrounding landscape
- respect the residential and countryside amenity of the area in terms of visual impact

While wind farms can only be developed where there is a significant wind resource, other criteria in the above policy also require to be met. The impacts on Natura 2000 sites and protected species are assessed at paragraphs 6.4.5 and 6.4.24 – 6.4.27, and the effect on cultural and historic assets is assessed at paragraph 6.4.7 - 6.4.8 and 6.4.14 – 6.4.15, they are considered not to be acceptable. For the reasons set out at paragraphs 6.4.16 to 6.4.20 and 6.4.41 to 6.4.53, the landscape and visual impact is not considered acceptable. Consequently, while the proposed development is a suitable use in the rural area and will generate environmental benefits through producing renewable energy, in terms of its significant adverse landscape and visual effects, and environmental effects on the cultural heritage environment and protected species, it is considered that the proposal does not comply with Policy 3 of the SLLDP and Policy GBRA 1 of SG Green Belt and rural area.

6.4.4 Policy 15: Natural and historic environment assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy 15 seeks to protect important natural and historic sites and features, as listed in Table 6.1 of the SLLDP, from adverse impacts resulting from development, including cumulative impacts. Each of the natural and historic environment designations are assessed in turn below.

6.4.5 Policy 15 states that in Category 1 areas, development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within a designated area. The Muirkirk and North Lowther Uplands SPA is located approximately 6km to the west of the proposed development and the qualifying interests are its breeding populations of golden plover, hen harrier, merlin, peregrine, and short-eared owl, along with its non-breeding (wintering) population of hen harriers. Chapter 8 Ornithology of the ES points out that SNH stated that it is unlikely that the proposal will have a significant effect on the qualifying interests of the Muirkirk and North Lowther Uplands SPA either directly or indirectly and that an appropriate assessment is therefore not required. The Red Moss SAC is located approximately 5.5km north west of the proposed development and is designated for its active raised bog habitats. The River Tweed SAC is located approximately 8.5km east of the proposed development and its qualifying features are: Atlantic salmon, brook lamprey, river lamprey, sea lamprey, otter and rivers with floating vegetation, dominated by water crowfoot. The ES at Chapter 9 states that these sites have been scoped out of the assessment due to there being no potential for significant effects due to distance and/or lack of hydrological connection or other pathway for effects between the SACs and the proposed development. This approach was agreed with SNH during scoping consultation. On this basis it is considered that the proposal complies with Policy 15 Category 1.

6.4.6 Policy 15 states that in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of the policies and guidance provided in the SG on the Natural and Historic Environment.

6.4.7 SG Natural and historic environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes the following policies that require to be considered:

- Policy NHE 2 – Scheduled Monuments and their setting which states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances.
- Policy NHE 3 – Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest.
- Policy NHE 4 – Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character.
- Policy NHE 5 – Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.

There are no World Heritage Sites, A listed buildings, Inventory Gardens and Designed Landscapes (GDL) or inventoried battlefields within the application site. There are no inventoried battlefields within the study area. The assessment on Cultural Heritage is contained with Chapter 10 and Technical Appendix 10.1 of the ES. The Inner Study Area is the application site around the proposed development including the wind turbines and infrastructure, and there is also the Inner Study Area 2km buffer, both shown on Figure 10.1. There are a total of six Scheduled Monuments within the application site. Two of the Scheduled Monuments are within the Inner Study Area; Collins burn enclosure SM4527/ SLR No 22 and North Shortcleuch platform settlement SM4296/ SLR No 31. The ES concludes that these Scheduled Monuments will suffer detrimental setting effects of sufficient magnitude (moderate) which is significant in EIA terms. There are a further four Scheduled Monuments within the application site boundary to the south of the Elvan Water. This area includes Scheduled Monuments: the Glengeith settlement, bastle house and field system (SM4798); Air Cleuch cairns 1300m south of Glengeith (SM4641); Crookedstane platform settlement (SM4646); and the Glenochar Burn, bastle house, post-medieval settlement and field system (SM5385). Scheduled Monuments Stoneyburn platform settlement (SM4486), Stonyburn Cairns (SM4515) (Inner Study Area) and Kirkton Fort (SM2614) are assessed within the ES as Scheduled Monuments will suffer detrimental setting effects of sufficient magnitude (moderate) which is significant in EIA terms. The Middle Study Area (Figure 10.2) comprising land from the Inner Study Area up to 5km from the proposed turbines has been assessed in the ES. There are 35 Scheduled Monuments and one A Listed Building, Scot's Mining Company House, within the Middle Study Area. In addition, the Scot's Mining Company House is also a Garden and Designed Landscape. The Outer Study Area extends from the Middle Study Area to 10km from the proposed turbines (Figure 10.2). Within the Outer Study Area, there are 25 Scheduled Monuments and one A Listed Building, Wanlockhead Library.

- 6.4.8 Taking account of the above and having considered the views of HES and WOSAS, set out in paragraphs 4.12 and 4.15 respectively, and the scale, nature and location of the proposed development it is considered that the impact of the proposed development on the Scheduled Monuments would lead to unacceptable adverse effects on the historic environment, and these significant effects are not outweighed by social or economic benefits of national importance. On the basis of the above assessment it is considered that the proposal does not comply with SG Natural and Historic Environment Policy NHE 2.
- 6.4.9 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. There are six SSSI's located approximately between 5.5 - 10km from the proposed development. The ES at Chapter 9 states that these sites have been scoped out of the assessment due to there being no potential for significant effects due to distance and/or lack of hydrological connection or other pathway for effects between the SSSIs and the proposed development. This approach was agreed with SNH during scoping consultation. On this basis it is considered that the proposed development complies with SG Natural and Historic Environment Policy NHE 9.
- 6.4.10 Policy NHE 10 requires the protection of prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in the SLLDP Strategy Map, therefore Policy NHE 10 is not relevant.
- 6.4.11 Policy NHE 11 states that development proposals that involve the loss or fragmentation of areas of ancient semi-natural woodland (categories 1a and 2a on SNH Ancient Woodlands Inventory) will only be supported where any significant adverse effects are clearly outweighed by social or economic benefits of national importance. The proposal will not result in loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map. On the basis of the above assessment it is considered that the proposed development complies with SG Natural and Historic Environment Policy NHE 11.
- 6.4.12 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. Therefore the impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraph 6.4.29 – 6.4.31 below. Given the assessment, it is considered that subject to mitigation measures the proposal complies with SLLDP Policy 15 Category 2.
- 6.4.13 In SLLDP Policy 15 Category 3 areas, development which would affect these areas, following the implementation of any mitigation measures, will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. The Category 3 local designations are taken in turn below with further policy and guidance provided in the SG Natural and Historic Environment.

- 6.4.14 SG Natural and Historic Environment contains the following policies on the historic environment under category 3 local designations. (Category B and C listed buildings and their setting fall within this designation):
- Policy NHE 3 - Listed buildings, requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
 - Policy NHE 6 - Non-scheduled archaeological sites and monuments, requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
 - Policy NHE 7 - Conservations Areas, requires proposals to be considered in light of their effect on the character and appearance of the conservation area.
- There are no listed buildings within the site boundary and 7 Category B listed buildings within 5km of the application site (Middle Study Area). There are two Conservation Areas in the Middle Study Area, at Leadhills and Wanlockhead respectively. There are 125 locally designated assets of national importance, forming 51 sites, within the Middle Study Area. Within the Outer Study Area there are 59 assets forming 24 sites identified of national importance. The ES provides details of the assessment of the proposed development on the historic environment in Chapter 10 Cultural Heritage, and Technical Appendix 10.1 - Archaeology Appendix. The ES at Chapter 10 considers that the construction of the proposed development could have potential direct impacts on below ground archaeology within the application site, and potential indirect impacts on designated assets which are sensitive to changes affecting setting. The ES goes on to state that indirect impacts for the purposes of this proposal may be characterised as an alteration of the landscape setting of those historic assets which have an open aspect towards the application site.
- 6.4.15 The above provides an overview of the significant number of cultural heritage assets which are in the vicinity of the proposed development. In considering the impact on the Leadhills Conservation Area the Leadhills Conservation Area Character Appraisal was reviewed. It sets out the history of the area and what conservation designation means; and describes Leadhills as having a unique sense of place with its vernacular detailing, miners cottages built into the hillside; while its landscape setting in the Lowther Hills creates a distinctive townscape which, apart from neighbouring Wanlockhead, is unique in Scotland. The appraisal reaffirms that it is a combination of these characteristics, the historical associations with the mining industry, the landscape, scale, and materials and detailing of the buildings that gives Leadhills it distinctive character and appearance, which it is considered desirable to preserve. SNH concur and in their response state that Leadhills offers a unique sense of place, providing visual and cultural focus at the heart of this hill range. On reviewing the consultation responses, representations, the cultural heritage assessment in the ES together with the LVIA in Chapter 7, it is considered that the proposed development will not preserve or enhance the character of the Leadhills Conservation Area as required by Policy NHE 7. WOSAS raise concerns regarding the methodology of the assessment and consider greater effects on the setting of assets than stated in the ES. When considering the contribution of the setting to the assets in the ES, and the role it plays in the heritage significance of the asset, it is considered by WOSAS that the proposed development would result in detrimental effects on the setting of many assets. WOSAS consider at least nine Non Statutory Register (NSR) sites of schedulable quality will suffer detrimental setting effects. Taking into account the above, the assessment in the ES and the comments from WOSAS (summarised at paragraph 4.15), it is considered that the effects of the proposed development on the historic environment are unacceptable. On this basis the proposed development is

considered not to comply with SG Natural and Historic Environment Policies NHE 6 and NHE 7.

6.4.16 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP and the SG Natural and Historic Environment contains Policy NHE 16 Landscape and further guidance on SLA and the wider landscape. The majority of the proposed development, 12 out of the 17 turbines, lies within the Leadhills and the Lowther Hills SLA. It is acknowledged that the location of a wind farm within a landscape designation does not necessarily preclude development and that the local landscape designations are not the highest national category. However these areas have been judged to contribute significantly to the quality of people's lives in the part of Scotland where they lie. The ES at Chapter 7 and Technical Appendices 7.1 to 7.3 provide the Landscape and Visual Impact Assessment (LVIA) for the proposed development. The assessment of a wind farm proposal within a SLA requires to consider the landscape's key characteristics and its ability to accommodate wind turbine development. The Leadhills and Lowther Hills area forms part of the more extensive Lowther Hills range, which extends into Dumfries and Galloway. This landscape of remote rounded hills and isolated upland glens is characterised by a general sense of emptiness. The full assessment of the SLA and its special qualities are set out in the Council's report 'Validating Local Landscape Designations' November 2010. SNH note the significance of the Leadhills and Lowthers area arises from its 'small but dramatic range of smoothly domed hills, incised by deep glens, clearly distinct from the more subdued surrounding Southern Uplands in which they sit.' SNH also note 'the landscape affected by the proposal is in an area where the distinctive regional character of the Lowther Hills is most clearly expressed, with a key feature being the setting it provides for the remote and historic mining villages of Leadhills and Wanlockhead (Scotland's two highest villages). The villages offer a unique sense of place, providing visual and cultural focus at the heart of this hill range.'

6.4.17 In view of the consultation response from SNH which advises that the proposal would result in significant and adverse landscape and visual impacts, and following an initial review of the proposal, the Council sought comments on the proposal from its landscape consultants, Ironside Farrar Limited (IFL). The majority of turbines proposed lie within Leadhills and The Lowther Hills SLA. 12 of the 17 turbines lie in the north east of the designated area and the proposed development would be widely visible across the northern half of the SLA, with more scattered visibility to the south of Green Lowther. The applicant concludes in the assessment of Leadhills and Lowther Hills SLA in the LVIA that there would be a significant effect on the SLA as a whole, although effects on the southern part would be more limited (ES - LVIA section 7.353 – 7.364). Generally IFL comments agree with the applicant's conclusion, considering that many of the SLA characteristics would be significantly compromised by the scale of the proposed development. The overview in SLC's Validating Local Landscape Designations document describes the key features of the SLA and states: "The Leadhills and Lowther Hills area forms part of the more extensive Lowther Hills range, which extends into Dumfries & Galloway. This landscape of remote rounded hills and isolated upland glens is characterised by a general sense of emptiness. Much of the landscape is treeless, with only a few small forestry plantations. Between the hills a number of scenic glens pass southwest from the Clyde valley into Dumfries and Galloway. The Conservation Village of Leadhills is located at the head of two glens, 400m above sea level. With the adjacent village of Wanlockhead (Dumfries and Galloway) they represent the highest settlements in Scotland and the industrial archaeology associated with these villages, including working railway, museum, mine spoil and former mines, permeates into the adjoining landscape. The Southern Upland Way passes through this landscape, providing many with the opportunity to explore and enjoy it."

6.4.18 Local landscape distinctiveness is a fundamental component of placemaking as set out in SLLDP and in more detail in the SG Natural and Historic Environment section 4.32 - 4.39. It is set out that new development in or adjacent to SLA should not detract from the special qualities or character of the special landscape. Where possible, new development should also ensure aspects of siting, layout and design should enhance the qualities for which the area has been designated. It is considered that the proposed development does not comply with the guidance due to many of the SLA characteristics being significantly compromised by the scale and nature of the proposed development. IFL considered that:

- The turbines would be located on an area of smooth rolling hills characteristic of the Southern Uplands within the designated area. While appearing to be of a large scale due to a lack of scale references, the landform is typically 200-250m above the floor of the surrounding glens and wind turbines of 150m height would significantly affect the sense of scale.
- Due to their tightly enclosed, twisting topography, the two Upland Glen Local Character Areas (LCA) of Glengonnar and Elvan Water are minimally affected by views of the operational Clyde wind farm to the east. The proposed turbines would significantly affect their setting and sense of remoteness due to a dominating skyline effect and widespread visibility across both LCAs.
- The setting of Leadhills village as seen from western approaches would be significantly affected, as would the journey to and from the village from the north and east along the two glens.
- Views from the Southern Upland Way near Leadhills and the narrow-gauge railway between Wanlockhead and Leadhills would be significantly affected.
- The proposed development would lead to significant combined and additional cumulative effects on the designated area when added to the existing Clyde wind farm group to the east and the proposed North Lowther wind farm to the west.

6.4.19 The Council's Validating Local Landscape Designations document sets out the boundaries to the SLAs and why they are defined. Leadhills and The Lowther Hills SLA boundaries are defined by excluding areas directly affected by more overt concentrations of development: including the transport corridor from Abington southwards, which contains the A74(M), West Coast main line and A702; a 400kV overhead line and Clyde wind farm which is set back from the hills immediately enclosing the Clyde Valley. The proposed development will bring significant development west of the M74 corridor, compromising the rationale for defining the SLA's extent as well as the characteristics and features described above in paragraph 6.4.17.

6.4.20 Further to the above assessment, SNH advise in their response that this prominent development would have significant impacts on this distinctive area; adversely affecting both residents' and tourists' experience of the landscape. SNH advise that the proposal would adversely and fundamentally affect the distinctive landscape character and visual amenity of the Lowther Hills. Taking account of the above assessment, including the advice from IFL, and the comments from SNH, it is considered that the proposed development cannot be accommodated without significantly and adversely affecting the landscape character, scenic interest and special qualities of Leadhills and The Lowther Hills SLA, thus prejudicing the features for which the area has been designated. Policy NH16 Landscape – Special Landscape area also seeks to maintain and enhance the historical qualities of the area and its sensitivity to change. As assessed above at paragraph 6.4.7 – 6.4.8 and 6.4.14 – 6.4.15 it is considered the proposals would lead to unacceptable adverse

effects on heritage assets. These heritage assets are a contributing characteristic of the SLA designation. Taking account of site visits made within the Leadhills and the Lowther Hills SLA (B7040 and B797) it is considered that the proposed turbines are visually dominant in views along these routes. This can be seen from LVIA Viewpoint 3: B7040 Shortcleugh and Viewpoint 26: B7040 east of the Hass; and Viewpoint 23: B797 near Glencapel and Viewpoint 19: B797 south west of Lettershaws. Taking account of the above, the SNH advice and having considered the landscape advice provided by IFL, it is concluded that this proposal will have an adverse effect on the contribution this landscape makes to the quality of people's lives, and the effects will be adverse and significant on Leadhills and The Lowther Hills SLA; accordingly, the proposed development does not comply with Policy 15 of the SLLDP and Policy NHE16 of the SG Natural and Historic Environment.

6.4.21 Policy NHE 15 in the SG Natural and Historic Environment (category 3 local designations) states that development on undesignated peatland will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the SG Renewable Energy. Chapter 11 of the ES assesses the effects on geology and peat and a Peat Management Plan (PMP) has been provided at Technical Appendix 11.2. Initial peat assessments and depth surveys were undertaken during the design stages. The majority of the site was found to have a thin (less than 0.5m) peaty soil over glacial till. The PMP considers that the overall conclusion regarding peat stability is that there is a negligible to low risk of peat instability over most of the site. The conclusions are detailed in Technical 11.1 Peat Landslide Hazard and Risk Assessment (PLHRA) included in the ES. Consultation comments on the PLHRA are provided by Energy Consent Unit's consultants, AM Geomorphology at paragraph 4.13 above. Following review of the PLHRA and further information being provided the consultant considers the assessment to be satisfactory. The ES identifies a number of locally deep areas of peat and where possible, these areas have been avoided by infrastructure. SEPA consultation response is summarised at paragraph 4.10 above, and SEPA acknowledges that despite these measures peat will require to be excavated to facilitate the construction of the development. Details of this and the proposed reuse strategy are set out within the PMP; and SEPA are largely satisfied with the measures set out. SEPA consider that it is imperative that these are implemented as proposed. Based on previous experience it is considered that changes are likely to be made to the PMP post consent should planning consent be granted. The applicant states that further site investigation will be undertaken pre-construction. SEPA request that a planning condition is attached to any consent to ensure that any changes required to the PMP post consent are approved by the Planning Authority in consultation with SEPA. Accordingly, taking account of the above and on the basis that suitable conditions can be attached to secure the necessary mitigation measures the proposal complies with Policy NHE 15.

6.4.22 Policy NHE 12 in the SG Natural and historic environment describes Local Nature Reserves, Policy NHE 13 Tree Preservation Orders, Policy NHE 14 felling of existing woodland and Policy NHE 17 Country Parks as category 3 local designations. The application site does not affect a local nature reserve or Country Park as identified in SLLDP Strategy Map, or woodland that has a tree preservation order or any existing woodland. Therefore Policies NHE 12, 13, 14 and 17 are not relevant to this assessment.

6.4.23 Policy NHE 18 in the SG Natural and Historic Environment (category 3 local designations) contains guidance on core paths and rights of way. It seeks to safeguard existing and proposed walking, cycling and riding routes. The ES at Chapter 7 LVIA and Chapter 18 Socio economics, Recreation and Land Use

assesses the effects of the proposed development on core paths and rights of way. There are no core paths or rights of way through the application site. There are numerous core paths which lie around Leadhills and within the surrounding former mining area, with proposed turbines approximately 2km from these routes. There are additional routes within 3-4km of the proposed development. The landscape and visual effects of the proposed development on recreational routes are set out at section 7.492 – 7.539 of Chapter 7 LVIA of the ES. It states that there are numerous core paths around Leadhills to the south which would have clear views of the proposed development on the sections of the paths which lie between Leadhills and Glengonnar station, where the rising elevation allows a wider outlook. It goes on to say that as demonstrated by the nearby Viewpoint 15, the proposed turbines would be visible in views to the north east above Broad Law and framed between the foreground hillsides. The assessment states that the majority of the core paths in Leadhills lie within the Zone of Theoretical Visibility (ZTV) and in close proximity (approximately 2.5km) to the proposed development. It is stated in the ES the proposed development would result in a significant effect on users of the core paths. The National Cycle Route 74 (NCR74) is a 70 mile route connecting Gretna and Glasgow via Lockerbie and Abington. Within the study area the route from the south runs along the B7076 parallel with the M74/A74(M) and continues north on to the A702 near Crawford. At junction 13 of the M74/A74(M) the route continues north west on to the B7078, on a dedicated cycle path, largely parallel with the M74/A74(M). The ZTV on Figures 7.4a and 7.4b shows predicted visibility along parts of the route along the B7076 near Elvanfoot, the A702 and also the B7078. The NCR74 is located within approximately 1.4km of the closest turbines. The sensitivity of cyclists on this designated route is however considered high, greater than road users, due to the slower speed and a general higher interest in the surroundings. The ES concludes that the effect on cyclists would not be significant, however the IFL Audit of the LVIA concluded that effects on cyclists would be significant. There are also walking routes which provide connections to the Southern Upland Way, to the south of the application site and located in Dumfries and Galloway. There are also a number of core paths located within this area. The Southern Upland Way (SUW) is a long distance walking route of the UK, from coast to coast. It runs 212 miles (340 km) from Port Patrick on the south west coast of Scotland to Cockburnspath on the eastern coast of Scotland. The SUW provides sections that are suitable for families and the less ambitious walker, and in particular the summit of Lowther Hill and Green Lowther are popular walking routes and very accessible. The LVIA identifies significant effects on parts of the SUW near to Leadhills, several core paths around Leadhills and walkers on local hilltops such as Green Lowther and Tinto Hill. The ES states that the greatest sequential cumulative effects from the proposed development with the existing and consented wind farms would occur when travelling east from the south western edge of the study area towards Wanlockhead. It is acknowledged in the ES that the proposed development would extend the visibility of turbines close to the SUW, and although Clyde Wind Farm is theoretically visible from this area, it is mostly obscured and distant. The ES concludes that taking into account the existing wind farms and the small section of route from which the proposed development would be visible, but would be a prominent feature, the sequential cumulative magnitude of change on users of this section of the SUW would result in significant effect. The IFL Audit of LVIA concludes that due to the location, scale, and number of the proposed turbines, the proposed development would lead to significant adverse visual effects on sections of the SUW, NCR 74 and local recreational paths and hill summits. Taking into account the assessment in the ES, IFL comments and SNH comments, it is considered that the proposed development does not comply with Policy NHE 18 in SG Natural and Historic Environment under category 3 local designations. The ES also states that although the proposed development would only be seen for a short stretch of this section of the SUW, in addition to the North Lowther Wind Farm, there would be a noticeable change to the outlook from the path, extending the presence of

wind farms from the south west. The ES considers that the sequential cumulative magnitude of change of the proposed development with baseline and proposed wind farms on users of this stretch of the SUW would result in significant effect.

- 6.4.24 Policy NHE 19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. European Protected Species (non-birds) considered in the ES included bats, otters, badgers, water voles and fish. SNH raise no concerns with the surveys for habitats and species and if the mitigation measures and pre-construction surveys described at section 9 of Chapter 9 of the ES are fully implemented there will be no adverse impacts on protected species. If the application is granted consent, further protected species surveys will have to be undertaken several weeks in advance of construction on site. It is considered appropriate to require a species protection plan which reflects the principles set out in Chapter 9 of the ES and should be prepared and approved by the Planning Authority in consultation with SNH prior to commencement of works on site.
- 6.4.25 Chapter 8 of the ES describes and evaluates the current avian interest of the application site and the surrounding area. SNH requested further information in relation to ornithological concerns and on review of the supplementary information they consider that the proposal is likely to have some adverse impacts on protected birds, though, through appropriate mitigation measures being implemented, the impacts on the natural heritage can be reduced. SNH recommend the full range of mitigation and enhancement measures identified in the ES are implemented along with additional/enhanced measures for hen harriers and short-eared owl. However although the outline Habitat Management Plan (HMP) sets out conservation management options for breeding waders, SNH advise that these options are focused in a part of the application site across lower ground. These areas are considered appropriate for breeding waders such as redshank, lapwing and snipe, but SNH advise the measures would be of limited value for golden plover and curlew, which have higher breeding populations on open moorland. No habitat enhancement measures are proposed for the open moorland area. SNH advise the capacity of the current outline HMP to mitigate the loss of breeding curlew and golden plover may therefore be limited. This contradicts the statement within the ES and the updated cumulative impact assessment, where it states that effects on birds can be discounted because of the measures within the outline HMP. SNH accept the high degree of uncertainty associated with displacement figures and consider some of the figures from other ES are probably over-precautionary, even taking mitigation into account. SNH therefore advise that restoration of habitat in other parts of the site should be carried out to mitigate, at least in part, the loss of breeding birds close to turbines. This would require the applicant to submit a revised outlined HMP to demonstrate that suitable mitigation measures can be delivered.
- 6.4.26 Further advice is given from SNH in relation to the effects of the proposed development on hen harriers. They suggest that the turbine layout should be amended to reflect the distribution of past breeding records as a means to avoid disturbance. SNH go on to advise that despite this, and given that hen harrier breeding sites do change between years, the possibility of breeding birds establishing territories near proposed turbine locations will need to be addressed. Further detail on this particular issue is set out in SNH's response and they conclude by recommending additional mitigation to avoid the potential for committing an offence during wind farm construction, which includes additional survey work and a bird protection plan. SNH also recommend similar mitigation for short-eared owl. RSPB considered that the proposed development could lead to potentially significant effects on protected species at a regional level, and they have concerns with regards to the

mitigation measures that are proposed being sufficient to off-set the potential effects. The RSPB consultation response is summarised at paragraph 4.14 above. The applicant submitted supplementary information in January 2018. It stated that further information would be submitted in response to RSPB concerns, though at the time of writing this report no further information or correspondence has been provided by the applicant.

- 6.4.27 On reviewing the information presented in the ES, the Supplementary Information, and the responses from SNH and RSPB, it has given rise to the possibility of significant adverse effects on birds if suitable mitigation measures are not implemented throughout the lifetime of the proposed development. SNH do not object on the grounds of effects on birds, however they do highlight concerns with the proposed mitigation and recommend additional measures. Similarly RSPB raise concerns with the effects of the proposed development on protected birds and over the suitability and appropriateness of the mitigation measures, which results in an objection from RSPB. Taking into account the above responses and concerns made by consultees and from representations, it is considered that the proposed development has potential to have an adverse effect on birds protected under the Wildlife and Countryside Act 1981 (as amended in Scotland), and therefore does not comply with Policy NHE 19 protected species.
- 6.4.28 The SG Natural and Historic Environment also includes quiet areas as category 3 local designations. The proposed development does not impact on any quiet areas as identified in the SLLDP Strategy Map. In summary of the above assessment of the proposal against Policy 15 Natural and Historic Environment, it is considered that the impact of the proposed development on the historic environment would lead to significant adverse effects on the heritage assets (paragraphs 6.4.7 – 6.4.8 and 6.4.14 – 6.4.15 above), significant adverse effects on the SLA (paragraphs 6.4.16 – 6.4.20 above) and may potentially lead to significant effects on protected species (paragraphs 6.4.24 – 6.4.27). Accordingly, the proposed development does not comply with Policy 15 of the SLLDP and policies NHE 2, NHE 6, NHE 7, NHE 16 and NHE19 of the SG Natural and Historic Environment.
- 6.4.29 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. SG Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. Chapter 13 of the ES and Technical Appendix (TA) 13.1 assesses the effects on hydrogeology and hydrology. It is acknowledged that there are areas of Groundwater Dependent Terrestrial Ecosystems (GWDTE) within the application site and the ES includes a GWDTE assessment. SEPA consider the information provided regarding GWDTE to be thorough and recommend that the Construction Environmental Management Plan (CEMP) includes the measures set out in the GWDTE assessment (TA 13.1), such as cross drains beneath access tracks to ensure current surface water flow paths are maintained. SEPA and MSS-FL and representations raised concerns regarding the effects from historic mining in the area. SEPA considered the main areas of concern with regards to historic mining are tracks between T11 and T9, and T12 and T15. MSS-FL raise concerns regarding the potential impacts associated with previous mining activities on fish populations. In particular within and downstream of the area where T9, T11, T12, T13, T15 associated access tracks and watercourse crossing are proposed to be located. SLR Consulting indicated that no further detailing of the tracks is practical at this time as micro siting is likely to be required. Further mining investigation is proposed to be undertaken pre-construction, in order to address risk and modify the track or remediate past workings. SEPA also recommend that the

CEMP should incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution and during all phases of construction, reinstatement, after construction, and final site decommissioning, to ensure the effects on the water environment are mitigated. The scope of the detailed mitigation measures and monitoring will required to be set out, including how it is intended to collect, contain, treat and dispose of contaminated site drainage. The CEMP requires to be submitted prior to commencement on site and to be approved by the Planning Authority in consultation with relevant statutory consultees.

6.4.30 Chapter 13 of the ES also outlines the existing groundwater abstractions within the vicinity of the development. The assessment identified three private water supplies (PWS) potentially within the same surface and groundwater catchment as the proposed development however these are all outwith the buffers zones specified. The closest PWS is North Shortcleuch which is 662m to the south of the development. Baseline monitoring is proposed for both quality and quantity, and the monitoring requires to be recorded through both construction and operational phases allowing continual assessment. The ES concludes that with this mitigation in place the impact is assessed as negligible. SEPA raised concerns regarding the lack of detail regarding potential impacts and mitigation of surface water run-off from roads during construction phase and how this will be managed. It is considered the further detail can be provided in the CEMP of how this will be managed. MSS-FL also provide comments summarised at paragraph 4.20 above. They note that the proposed development area is drained by tributaries of the River Clyde and the Elvan Water and Glengonnar Water, both sub-catchments of the River Clyde. MSS-FL highlight the national importance of two species, salmon and trout which should be considered throughout the development, particularly as the River Clyde is considered to be a recovering river for salmonoid stocks. MSS-FL welcome the proposed mitigation measures including the buffer zone of 50m around all watercourses and construction activities, the use of floating roads where peat deposits exceed depths of 1m, and the use of sustainable drainage systems within the proposed drainage scheme. Taking into account comments from MSS-FL, SEPA and Environmental Services it is considered that the performance of the good practice measures require to be kept under constant review by a water monitoring schedule, based on a comparison of data taken during construction, with a baseline data set, sampled prior to the construction period. The ES states that this will be provided and it is considered to be acceptable subject to conditions securing further details on the monitoring locations and methodology.

6.4.31 The Council's Flood Risk Management team raised concerns regarding surface water and potential impact on the run-off characteristics of the site (response at paragraph 4.1 above). Therefore it is considered necessary for a flood risk assessment/drainage assessment to be undertaken prior to commencement on site to highlight associated risk from run-off and that a Sustainable Urban Drainage System (SuDS) serving the application site be designed and independently checked in accordance with the Council's current SuDS Design Criteria Note. The SuDS thereafter require to be maintained in accordance with the approved details. The final detailed design of the site requires to take into account the resulting recommendations and mitigation measures and to be implemented where needed. The Council's Environmental Services raise concerns regarding dust mitigation, contaminated land, private water supplies and hydrogeology and hydrology (paragraph 4.3 above). Following review of the Supplementary Information, it is considered that these matters can be satisfied subject to conditions. It is considered due to the potential impacts on surface water as a result of the development that a condition needs to be imposed to require a water quality monitoring plan and, fish and macro invertebrate surveys throughout construction, operation and decommissioning. The ES outlines that the infrastructure

layout has been designed to avoid hydrologically-sensitive areas and to provide a minimum 50 metre buffer zone for all watercourses. Mitigation measures set out in Chapter 13 of the ES and SI, and SEPA's consultation responses also require, however, to be included in the CEMP. If the proposal was granted consent a condition requiring the preparation of the CEMP, which would include surface water management and pollution prevention measures, and a condition requiring the preparation of Peat Management Plan (PMP) should also be attached. In addition, further targeted ground investigation work is required prior to the commencement of work on site, to inform the detailed geotechnical design for each turbine location, access track, hardstanding areas and construction compound. Thereafter the CEMP and PMP, should be approved by the Planning Authority in consultation with SEPA, SNH and the Council's Roads and Transportation Services (Flood Risk Management Section), and implemented during construction, operation and decommissioning. Taking account of the above assessment it is considered that subject to the conditions and mitigation measures described the proposal complies with Policy 17 Water Environment of the SLLDP.

6.4.32 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. As noted above at paragraph 3.2.3, the Council has prepared SG on Renewable Energy. The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.

6.4.33 Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:

- Group 1: Areas where wind farms will not be acceptable
- Group 2: Areas of significant protection
- Group 3: Areas with potential for wind farm development

Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development.

6.4.34 Group 2 Areas of significant protection, SPP and SG Renewable Energy recognises the need for significant protection of particular areas which include:

- National and international designations
- Other nationally important mapped environmental interests
- Community separation for consideration of visual impact

National and international designations have been previously assessed at paragraphs 6.4.5 – 6.4.9 and it is considered that subject to conditions there are no adverse effects on the national and international designations specified in the Spatial Framework set out in the SPP (Table 1). Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat, and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a

consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are areas of carbon rich soils/peatland located within the site of the proposed development. This is assessed below at paragraph 6.4.38. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There are two settlements within 2km of the proposed wind turbines – Elvanfoot and Crawford. The proposed turbines are located approximately 1.8km to the north of Elvanfoot and approximately 1.9km south-west of Crawford. This is assessed further below at paragraph 6.4.39. The ES contains a Landscape and Visual Impact Assessment (LVIA) at Chapter 7. The visual impact of the proposal is assessed at paragraphs 6.4.55 – 6.4.57 below.

- 6.4.35 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy states that beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. Table 7.1 of the SG sets out a series of considerations which are to be taken into account when assessing renewable energy proposals and these are in line with the considerations set out at section 169 of SPP.
- 6.4.36 Policy RE2 Renewable Energy Development states applications for renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Each of the considerations is assessed below at paragraphs 6.4.37 – 6.4.74. On the basis of the assessment below it is considered that the proposed development does not fully comply with Policy RE2 and Group 3 of the Spatial Framework as set out in SPP.
- 6.4.37 Impact on international and national designations. National and international designations have been previously assessed at paragraphs 6.4.5 – 6.4.9 and it is considered that subject to conditions there are no adverse effects on the national and international designations set out in Table 7.1 criteria 1 of the SG and SPP regarding impacts on international and national designations.
- 6.4.38 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP). The applicant has undertaken peat probing across the application site and the Energy Consent Unit's consultant, AM Geomorphology has assessed the site for peat slide risk. Carbon rich soils/peatland Class 1 ranked areas require the most careful consideration because their combined soil habitat characteristics indicate a strong likelihood of deep peat and priority peatland habitats. In line with SPP, impacts on carbon rich soils/peatland must be assessed and it be clearly demonstrated that all significant effects on the qualities of these areas can be substantially overcome through siting, design or other mitigation. Taking into account the information submitted to date, SNH's response summarised at paragraph 4.12 and SEPA's response summarised at paragraph 4.11, it is considered that the potential impact on carbon rich soils can be controlled by condition. The proposed development has been designed to avoid areas of deep peat. However clarification on the quality of the peat, its depth and the proposed mitigation requires, to be set out in the Peat Management Plan (PMP). Therefore if planning consent is granted, conditions should be attached requiring further site investigations, assessment of impact on carbon rich soils/peatland and the identification of proposed mitigation. A CEMP and PMP, based on SEPA guidance to ensure soil disturbance is minimised, also requires to be

adopted for handling soils. CEMP and PMP would also require to be the subject of a condition if the proposed development was granted consent. On balance it is considered that on the basis of the above assessment and subject to conditions there are no significant or material impacts on carbon rich soils/peatlands, deep peat and priority peatland habitat subject to conditions and mitigation measures being implemented and monitored.

6.4.39 Community separation for consideration of visual impact is the third criteria of the Group 2 Areas of significant protection. It relates to community separation for consideration of visual impact; which is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan as having a settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. The infrastructure associated with the proposed wind farm is located 600m north of Elvanfoot and the proposed turbines are located approximately 1.8km north of the settlement. The proposed development is located south west of Crawford. The proposed turbines are located 1.9km from the settlement of Crawford. The proposed development presented in the application is considered to result in significant visual effects for Elvanfoot and on the northern part of Crawford. The visual effects and cumulative impact of the proposed development is assessed further at paragraphs 6.4.55 – 6.4.57. Taking the assessment into account the proposed development is considered not to comply with the required community separation for consideration of visual impact for Elvanfoot and Crawford as set out in Table 7.1 criteria 3 of the SG and SPP.

6.4.40 Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

Chapter 18 of the ES and the Socio-economic Statement presents an assessment of the socio-economic impact of the proposed development. It is estimated that the construction phase of the proposed wind farm could support between 131 and 168 additional jobs in Scotland including between 29 and 38 jobs in South Lanarkshire. For the operations and maintenance of the proposed development it could support between 9 and 12 additional jobs in Scotland, of which 4 or 5 could be in South Lanarkshire. Other socio-economic effects identified from the proposed development include positive impacts from employee spending in the local economy during the construction period of approximately 24 months, and a temporary moderate positive effect on the regional economy generated by construction related expenditure. Chapter 18 of the ES states that for both construction and operational phases of the proposed development, the socio-economic effects are considered to be beneficial but not significant.

6.4.41 The scale of contribution to renewable energy generation targets and the effect on greenhouse gas emissions.

Chapter 12 of the ES sets out the energy generation and carbon emissions savings for the proposed development. The calculations of total carbon dioxide emission savings and payback time for the proposed development indicates the overall payback period of a wind farm with 17 turbines with an installed capacity between 3.2MW and 4.1MW would be around (0.8 to 1.6 years), when compared to the fossil fuel mix of electricity generation. The estimated carbon payback period of the total proposed development is expected to be approximately 13 months (1.1 years).

6.4.42 Effect on the natural heritage, including birds – Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats. This consideration has previously been assessed under

Policy 15 Natural and historic environment of SLLDP at paragraphs 6.4.5 and 6.4.24 – 6.4.27. On the basis of the above assessment it is considered that the proposed development has potential to lead to adverse significant effects on protected birds and accordingly the proposed development does not comply with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.

6.4.43 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP). The ES commits to a detailed HMP being produced and implemented. The Council's Countryside and Greenspace, RSPB and SNH provided advice in relation to the outline HMP set out in their consultation responses at paragraphs 4.4, 4.11 and 4.14 respectively. If the proposed development is granted consent the HMP should be overseen by a Habitat Management Group (HMG) including the Council, RSPB and SNH if they wish to participate. However, taking into account the above assessment at 6.4.24 – 6.4.27, the consultation responses and representations, it is considered that further measures are required to be set out in the outline HMP to demonstrate that the measures presented are sufficiently robust to mitigate the effects of the proposed development, given the measures currently proposed are inadequate. On this basis it is considered that the proposed development does not comply with the consideration set out in Table 7 criteria 7b) Habitat Management Plans.

6.4.44 Landscape and visual impacts

The landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals as set out in SG Renewable Energy section 6.27 – 6.67. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. The likely effects of the proposed development on the landscape and visual amenity are assessed in the ES at Chapter 7 Landscape and Visual Impact Assessment (LVIA) and a Residential Visual Amenity Survey (RVAS) is set out in Technical Appendix 7.4. The Council's landscape technical studies include:

- South Lanarkshire Landscape Character Assessment (SLLCA)
- Validating Local Landscape Designation
- Spatial Framework and Landscape Capacity for Wind Farms

The Council approved in December 2010 a series of technical studies that were prepared to inform its guidance for renewable energy developments. South Lanarkshire Landscape Character Assessment (SLLCA) 2010 updated the 1999 Glasgow and Clyde Valley Regional Landscape Character Assessment and provides greater detail on the local landscape character. The SLLCA was used to inform the preparation of the document entitled Validating Local Landscape Designations 2010. The review of South Lanarkshire's designations was undertaken in line with Scottish Natural Heritage (SNH) and Historic Scotland's Guidance on Local Landscape Designations. This document was referred to in paragraphs 6.4.16 – 6.4.20 above when assessing the impact on the SLA. The SLLCA and Validating Local Landscape Designations documents were used to inform the preparation of the Spatial Framework and Landscape Capacity for Wind Farms 2010. Supplementary Planning Guidance on Renewable Energy (SPG) was approved by the Council in December 2010. As noted above a series of technical studies was prepared to inform the renewable energy guidance. The SPG and technical studies were subject to consultation for a period of 10 weeks from 21 January until 31 March 2010.

6.4.45 In April 2013 the Council approved the proposed South Lanarkshire Local Development Plan (SLLDP) and proposed Supplementary Guidance (SG) on Wind Energy. The proposed SG Wind Energy was the subject of consultation between 16 May to 28 June 2013 together with the technical studies SLLCA 2010, Validating

Local Landscape Designation 2010 and Updated Cumulative Capacity Assessment for Wind Energy Feb 2013. Following the consultation the SLLDP and SG Wind Energy 2013 were submitted for examination to the Directorate of Planning and Environmental Appeals (DPEA). On 20 October 2014 the DPEA issued its report of the Examination of the SLLDP and SG Wind Energy. In their report the DPEA pointed out that, in June 2014, after the publication of the Council's proposed plan and proposed SG on Wind Energy, the Scottish Government published a new version of Scottish Planning Policy (SPP). SPP 2014 set out a different approach to the identification of spatial frameworks for onshore wind farms. It also contained new advice for Planning Authorities on how to consider and assess wind energy proposals. Consequently the Reporters recommended that the Council be required to produce updated supplementary guidance on renewable energy which accorded with the SPP 2014. The Planning Committee agreed to the Reporters' recommendations in March 2015. In light of the changes introduced by SPP 2014 and the recommendations from the Reporter, the Council prepared new Supplementary Guidance (SG) Renewable Energy and updated the landscape capacity study for wind energy in 2015. The SG Renewable Energy, SLLCA 2010, Validating Local Landscape Designation 2010 and Landscape Capacity Study for Wind Energy 2015 were subject to consultation for a six week period between 8 September and 30 October 2015. In March 2016 the Council approved the SG Renewable Energy and technical studies. Consequently, the guidance and technical studies relevant to the assessment of the proposed development are:

- South Lanarkshire Supplementary Guidance Renewable Energy March 2016 (SG Renewable Energy)
- South Lanarkshire Local Landscape Character Assessment 2010 (SLLCA)
- Validating Local Landscape Designation 2010
- Landscape Capacity Study for Wind Energy 2016 (LCS Feb 2016)

6.4.46 The proposed development lies within part of the Southern Uplands Landscape Character Type (LCT) (the Lowther Hills West of Clyde/Daer Landscape Character Area (LCA) and is located between two areas of Upland Glen LCT (Glengonnar Water LCA to the north and Elvan Water LCA to the south). The South Lanarkshire Landscape Capacity for Wind Energy Study February 2016 (LCS Feb 2016) identifies there is low underlying and remaining capacity for wind energy development within the Southern Uplands: West of Clyde/Daer LCA. It is noted that the Upland Glen LCT has no capacity for turbines over 30m in height. At Table 6.1 (j) of the LCS Feb 2016, the proposed limits to future development notes that Clyde wind farm dominates most of this landscape and there is therefore very limited scope for further development without adversely affecting peripheral landscapes. In view of the consultation response from SNH which advises that the proposal would result in significant and adverse landscape and visual impacts, and following initial review of the proposal, the Council sought comments on the proposal from its landscape consultants, Ironside Farrar Limited (IFL). The assessment below takes into account advice contained in the Audit of the LVIA by IFL (provided as background report). As noted below at paragraph 6.4.48, no further information was submitted by the applicant in response to the issues raised by the Planning Service during the assessment of the proposal which included the IFL Audit of the LVIA.

6.4.47 The IFL Audit notes that the LVIA for the proposed development is comprehensive and well illustrated and appears to identify most of the significant landscape and visual effects. However, IFL has significant concerns in relation to the assessment process which does not appear to follow basic LVIA principles and good practice as set out in the 'Guidelines for Landscape and Visual Impact Assessment (3rd Edition) 2013, Landscape Institute and IEMA'. It is considered that this has led to an assessment which is difficult to follow and often inconsistent. Many effects are over-estimated, while others are low, in a manner inconsistent with other detailed findings.

A list of the key issues highlighted by the LVIA is set out below. The IFL Audit provides further detail on these matters in section 2 - review of the landscape and visual assessment, section 3 - overview of the assessment, and Appendix 1 and 2 of the IFL Audit. IFL have significant reservations concerning the method of assessment and the proposal itself, these are listed below.

1. Method: Landscape Sensitivity
2. Method: Visual Receptor Sensitivity
3. Method: Magnitude
4. Method: Significance of Effects
5. Method: Nature of Effect
6. Baseline: Receptors
7. Cumulative Windfarms
8. Assessment of Effects: Baseline Scenarios
9. Assessment of Effects: Type of Cumulative Effects
10. Representative Viewpoint Assessment
11. Landscape Character Receptors
12. Landscape Effects: Magnitude of Change
13. Landscape Effects: Cumulative Effects
14. Visual Effects: Method of Assessment
15. Visual Effects: Representative Viewpoints
16. Visual Effects: Settlements, Roads, Recreational Routes and Others
17. Summary of Effects

6.4.48 It is noted that an interim response relating to issues raised during the assessment of the development by the Planning Service were sent to the applicant on 10 November 2017. This included issues/concerns from the Council's Environmental Service, Roads and Transportation Service and advice from the Council's advisors - Ironside Farrar Limited and from West of Scotland Archaeology Service (WOSAS). A response from the applicant was received on 8 January 2018 in the form of Supplementary Information which set out further information on noise, contaminated land, dust, private water supplies, hydrogeology and hydrology, borrow pits and blasting, abnormal loads, bridges and structures and traffic management. The applicant reviewed the IFL Audit and WOSAS comments and noted their position. No further information was received in response to the issues raised by IFL and WOSAS. Notwithstanding the concerns raised in relation to the LVIA, the Planning Service has provided its assessment of the proposals against the relevant policy and guidance.

6.4.49 Firstly impact on landscape, designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly the visual effects are assessed. These assessments take into account cumulative impacts. The impact on landscape designation, in this case Leadhills and The Lowther Hills SLA, has previously been assessed above at paragraph 6.4.16 - 6.4.20 and it concludes the proposed development will adversely affect the quality of the SLA designated landscape area in which the proposed development is located.

6.4.50 The IFL Audit considers the extent and significance of the landscape and visual impacts reflects the scale of the development and the constraints of the landscape and visual environment in which it is located. IFL considered that there are three key issues to be considered in relation to the proposed development:

1. The location of the proposed windfarm in relation to landscape character, regional spatial strategy and other operational and consented wind energy schemes. This is considered at paragraphs 6.4.51 to 6.4.54 below.
2. Significant effects on a local landscape designation. This is considered at paragraphs 6.4.16 to 6.4.20 above.

3. Significant visual and cumulative visual effects on settlements, residential properties and other receptors. This is considered at paragraphs 6.4.55 to 6.4.57 below.

As noted above at paragraph 6.4.45 the Council's strategic guidance for wind energy development in South Lanarkshire is given in SG Renewable Energy, March 2016 and is supported by LCS Feb 2016 which was updated to account for the rapidly increasing number of operational, consented and proposed wind energy developments in South Lanarkshire and surrounding areas.

6.4.51 IFL state that the LCS Feb 2016 at Table 6.1 provides a landscape analysis and capacity assessment and Figures 6.1 to 6.4 illustrate underlying capacity, current cumulative development (at May 2015), and proposed limits to cumulative development. LCS Feb 2016 at Table 6.1(j) provides specific analysis and guidance for the Southern Uplands LCT. In relation to the Southern Uplands: West of Clyde/Daer LCA it states: 'This LCA is characterised by large scale rolling hills and the historic mining industry around Leadhills/ Wanlockhead. The hills are largely unforested and include a significant viewpoint and small ski area at Lowther Hill. It lies almost entirely within the Lowther Hills SLA. The Southern Upland Way passes through this area'. In relation to landscape capacity IFL state: 'Further development should be strictly limited to maintain differences in character from the much more developed area, point 1 - to the east and maintain a gap between Clyde wind farm and wind farms in East Ayrshire/ Dumfries & Galloway southwest of Nith valley. A significant wind farm would be likely to exceed recommended capacity.'

6.4.52 The Table 6.1 and Fig. 6.4 show that the LCA has low underlying and remaining capacity for wind farm development of turbines up to 120m tall in maximum group sizes of 5-10, and no capacity for turbines over 120m tall. The Upland Glen LCT has no capacity for turbines over 30m in height. In section 6.3.5 of LCS Feb 2016, the summary for the Southern Uplands regional area (comprising principally the Southern Uplands LCT) states: 'The Southern Uplands type has underlying capacity for wind energy development. This is because it comprises extensive areas of larger scale landscape with simple landforms and open character with few human scale references. The Upland Glen type has little capacity for development due to its tight enclosure'. However, it notes the already extensive Clyde wind farm and other wind energy development located to the east of the River Clyde and Daer Water, creating areas of Landscape with Wind Turbines and Wind Turbine Landscape extending east into Scottish Borders. In relation to the areas west of the Clyde (in which the site lies) and surrounding the Daer Water it states that they: 'currently remain largely as Landscape with No Wind Turbines'. IFL state that the strategic objective should be to ensure that the cumulative effect of further development in or close to the Southern Uplands does not lead to cumulative effects across the area and into Dumfries & Galloway or East Ayrshire, creating a much more extensive Landscape with Wind Turbines. The guidance states there should be a significant distance, preferably in excess of 10km between upland wind farms. In relation to valley locations surrounding the Lowther Hills the guidance states that there is a need to pursue 'the avoidance of an overdeveloped skyline on adjacent lower areas such as the Upland Glens, Broad Valley Uplands and Upland River Valleys'. Furthermore, IFL state 'a visual separation should be kept from areas of particular landscape or recreational value such as the Leadhills Valley'. The proposed development lies within the middle of the LCA, in the Lowther Hills, identified by SNH as a nationally distinctive landscape due to the juxtaposition of steep, smooth conical hills and deeply incised valleys. Taking account of the above criteria it is considered that the proposed development due to its location, significant scale and nature does not meet the guidance set out in the LCS Feb 2016.

Landscape capacity and cumulative

6.4.53 The proposed turbines lie in a wider context with significant areas of existing or consented wind energy development in most directions:

- East: Clyde wind farm and its extension, mainly to the east of the M74 corridor.
- North: Andershaw, Middle Muir and wind farms around the Douglas Valley to the north of the B740
- West: Several wind farms in Dumfries and Galloway and East Ayrshire, mainly to the west of the A76

IFL note that section 6.4.3 of LCS Feb 2016 identifies areas with limited underlying capacity, 'Limited Underlying Landscape Capacity denotes areas that have underlying capacity for a modest scale of wind energy development including occasional well-separated smaller scale wind farms and single/paired turbine developments of varied turbine size'. In addition to lowland and valley areas there are five upland areas with limited underlying capacity, including the area in which the proposed development lies: 'Southern Uplands in the Lowther Hills around Leadhills and the Daer Reservoir are the same type as the Southern Uplands in which Clyde wind farm is located, but have a lower capacity. This is due particularly to their landscape value, being less forested, higher, with a higher scenic quality and more remote qualities. There is capacity for the occasional smaller scale wind farm in the hills or smaller single/paired turbines in lower areas.' In section 6.5.1 LCS Feb 2016 it is stated in relation to this area: 'There is scope for a smaller wind farm in the Southern Uplands Lowther Hills LCA, or for occasional single turbines in the fringes of this area'. This scope is considered further below.

6.4.54 IFL note that para 6.4.5 of LCS Feb 2016 identifies Areas of Significant Cumulative Development. These areas are identified in response to SPP paragraph 169 which lists cumulative landscape and visual impacts as a factor which may limit capacity for further development. The capacity study identifies eight areas across South Lanarkshire, each drawn fairly tightly around operational and consented developments and which 'overlap with landscapes with varied underlying capacity for development, and simply reflect that there is significant cumulative development relative to the underlying capacity of the landscape'. This site lies west of cumulative area 8, the Southern Uplands and Upland Glens east of the Clyde and Daer, adjacent to Scottish Borders. This area has been extensively developed, supporting the very large commercial wind farm of Clyde and its extension, and other smaller adjacent wind farms amounting to 214 turbines. The areas shown in Figure 6.4 of LCS Feb 2016 are indicative. Development proposals require to address detailed criteria in Table 6.2 of LCS Feb 2016 to demonstrate that landscape capacity within, or adjacent to, these areas would not be exceeded as a result of adding a proposed development to existing and consented cumulative development. In Table 6.2 there are 5 key development guidance criteria relating to area 8, of which numbers 1 and 4 are relevant:

'1. Other windfarms should be clearly separated from Clyde windfarm

4. Any proposed windfarm to the west of Clyde windfarm should be separated from the latter by at least 10km, or two ridges and valleys.'

In relation to 1, the proposed development is physically separated by the Clyde Valley from Clyde wind farm and its extension. However, many visualisations show a degree of visual coalescence (e.g. VPs 4, 6 and 9 to the east and VPs 15 and 17 to the west in the LVIA). In relation to criteria 4, the proposed development lies to the west of Clyde but is separated from it by less than 4km distance and one valley; across which the two developments would face one another. Furthermore it is noted in the LVIA that there is extensive cumulative visual overlap with the Clyde wind farms, such that

they are seen from most locations where the proposed development would be seen. It is noted in the Planning Statement that the applicant considers landscape capacity studies are strategic in nature and should not be used to determine planning applications without regard to the individual assessment of the proposal. It is evident from the above assessment that the proposed development does not comply with South Lanarkshire's strategic guidance for wind energy development. It has been demonstrated that the strategic guidance has been prepared in accordance with SPP and SNH guidance. The objection from SNH also identifies a key issue is that the proposals would extend the established pattern of significant wind energy development east of the M74 corridor into the currently undeveloped Lowther Hills west of the M74. It is noticeable that the existing wind farm development is quickly lost from view when travelling west along the Elvan and Glengonnar Water Upland Glens and that these areas would be visually dominated by the proposed wind farm. SNH concur in their response. Setting aside the strategic pattern of the development in the area, the proposal is considered in its own merits. It has previously been assessed in terms of effects on special landscape area at paragraph 6.4.16 – 6.4.20. The visual effects of the proposal are considered below.

Visual impact

6.4.55 IFL state that the proposed development would have almost unbroken visibility across the hills and glens within 3km of the turbines and fairly extensive visibility up to 10-15km distance, across the surrounding hills and areas of lower ground in the Clyde Valley. Visibility would be restricted by higher hills containing the site to the south and west. The ZTV overlaps significantly with that of the Clyde wind farm group, such that the proposed turbines would almost always be seen along with existing turbines. Although often seen with the Clyde turbines, there are many locations where the visual effects of the proposed turbines would be significant in their own right, and many would be significant cumulatively with Clyde and other existing and consented wind farms, as well as the proposed North Lowther wind farm in Dumfries and Galloway to the west. The LVIA identifies significant effects at the following key receptors:

- The nearby settlement of Elvanfoot.
- 20 residential properties or groups of properties within 3km of the turbines.
- The B797 and B7040 roads between the M74 corridor and Leadhills/Wanlockhead
- Parts of the Southern Upland Way near to Leadhills
- Several core paths around Leadhills
- Walkers on local hilltops such as Green Lowther and Tinto Hill.

In addition to the above the IFL Audit considers the following receptors to be significantly affected:

- Road users on sections of the M74/A74(M), A702, B7076 and West Coast Mainline Railway, within approximately 5-10km of the turbines.
- Cyclists on the Sustrans National Cycle Route 74 within approximately 5-10km of the turbines.
- Visitors on the Leadhills-Wanlockhead narrow gauge railway
- Skiers using the ski tow and slopes on Lowther Hill (active for up to 20 days a year)

In terms of effects from wind farm developments, it is considered that this is a considerable number of receptors and reflects the scale and prominence of the proposed turbines as well as their location in an area not currently occupied by wind energy development, albeit close to a very significant extent of existing development. Taking into account the above assessment at 6.4.44 – 6.4.55, the consultation responses and representations, it is considered that the proposed development would lead to unacceptable adverse effects on landscape designations, landscape character, visual impact and cumulative landscape and visual. On this basis it is

considered that the proposed development does not comply with the consideration set out in Table 7 criteria 8 a) and b), 9 a) and b) landscape and visual impacts and cumulative impacts.

6.4.56 The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. First of all residential visual amenity is considered below followed by noise and shadow flicker. In addition to the Landscape and Visual Impact Assessment (LVIA) undertaken within Chapter 7 of the ES, a Residential Visual Amenity Assessment (RVAA) of residential properties within 3km was carried out and is contained in Technical Appendix 7.4. As previously noted there are two settlements, Elvanfoot and Crawford within 2km of the proposed turbines. Abington is located approximately 3km from the proposed development. The IFL Audit and conclusions of the LVIA are broadly in agreement. In terms of Elvanfoot, the ES stated that there will be Major significant visual effects on this settlement, both in terms of standalone effects and cumulative effects. IFL consider the effects to be adverse. In terms of Crawford, although the overall assessment is Moderate and not significant, IFL consider there would be significant effects on the northern part of the settlement, represented by properties G3 – G7 in the RVAA. The extent of the visibility can be seen on Figure R.1b. The ES concludes that views from Abington are heavily screened by trees although it is considered that views of the proposed turbines are available from some approaches, including the River Clyde corridor and caravan park. There are 17 individual residential properties and 15 groups of residential properties lying within 3km of the proposed turbines. None of the properties lie within 1km of a turbine. The RVAA considers all properties are considered to have a High sensitivity. Ten properties or groups in the RVAA are assessed as experiencing a Substantial magnitude of change but none are assessed as being likely to suffer from overbearing effects on residential amenity. The IFL Audit considers a further three properties and seven groups are predicted to experience significant visual effects. IFL agree with most of the assessments of magnitude but query some assessments and consider some properties may experience overwhelming effects. IFL note the following in their Audit:

- P1 and P2 Waterhead. Forestry along the east side of the B797 has been clearfelled, such that the views from these two properties will be affected much as shown in the bare ground wirelines.
- P12 South Shortcleugh. This property has a view north across the Elvan Water valley to the hills on which the proposals are located; forming its principal view from the front, the garden and the access track to the B7040. Views to the rear are foreshortened by steep hillsides. Residents would have a view of 16 turbines located on the elevated skyline, occupying a 120° horizontal angle. Many Clyde wind farm turbines are more distantly visible to the northeast, occupying more of the skyline in the open part of the view. At 1.5km to the nearest proposed turbine, the extent, elevation and cumulative effects could make this a potentially overwhelming effect on visual amenity. However IFL note that small north facing windows, trees in the garden and an outbuilding would reduce the effect as seen from the house.
- P13 The Hass. Contrary to what is said in Table 5.1 of RVAA, there are two end gable windows facing towards the turbines.
- P7 Firkin Dun. Contrary to the statement in the RVAA there would be views of turbines from the front elevation, albeit oblique. These would of course be face on to views from the passage on the west side of the property and the garden.

6.4.57 When assessing the proposed development in terms of visual effects, it is important to note the strong sense of place which these residential properties and settlements experience. This is particularly when leaving Abington crossing over the M74 and travelling south on B797 and likewise travelling west along B7040 from Elvanfoot. As

the road meanders up into the hills there is a sense of tranquillity, and it is evident that the Leadhills and Wanlockhead villages offer a unique sense of place, providing a visual and cultural focus at the heart of this hill range. From site visits within the area it is considered the scale of the proposed turbines on these hills would reduce the perceived scale of the hills, thus increasing the prominence of the proposed wind farm development. It is important to note that although operational Clyde Wind Farm is located to the east of the proposed development, it is quickly lost from view as you travel into the Lowther Hills. The visualisations within the RVAA provide an insight into the scale, and dominance of the proposed turbines on the local properties along these routes. It is considered that there would be significant adverse visual effects along the B797, and the RVAA demonstrates the effects on properties such as Lettershaws Cottage and Lettershaws Caravan Park, located within 1.9km of the proposed turbines (Figure R.2c, Figure R.2e). The visibility in the northern area of Crawford can be seen from Figure R.4a – i and Figure R.5 a – e). In terms of effects on Leadhills it is acknowledged that the proposal would not be visible from much of Leadhills village itself, however as noted above it is the key approaches to the village and the effects on the village landscape setting that are key in the assessment. Furthermore, the ES acknowledges that residential properties within more elevated parts of Leadhills will be able to view turbine hubs and blade tips. In terms of residential amenity it is also noted that there is potential for significant visual effects of the associated infrastructure on the landscape. The hills form steep sided slopes where the proposed tracks and infrastructure are located. The engineering method to construct the proposed development is considered to lead to adverse effects on the landscape which would be extensive and highly visible. Representations which both support and raise objection to the proposed development are set out in Section 5 of this report above. Taking the above assessment into account along with the representations, it is considered that Elvanfoot, northern part of Crawford and 20 residential properties/groups are likely to experience significant effects of the proposal on residential visual amenity. On this basis it is considered that the proposed development does not comply with the consideration set out in Table 7 criteria 10a) residential visual amenity.

6.4.58 The impact of the proposed development on communities and individual dwellings in terms of noise and shadow flicker are assessed below. The full noise assessment is provided in Chapter 15 of the ES and Technical Appendices 15.1 Noise and Vibration report. In response to the information submitted Environmental Services initially raised concerns regarding the noise assessment and recommended a fixed daytime limit of 35dB. The applicant provided information to clarify the interpretation of the noise report to Environmental Services. The applicant considers that a fixed daytime limit of 40dB is acceptable and should be applied, and does not agree with Environmental Services justification for the lower limit. To be in accordance with ETSU-R-97 and IOA Good Practice Guide the daytime limit requires to be within the range of 35 – 40 dB. Following review of the points of clarification from the applicant, Environmental Services raise no issues with the methodology of the assessment and have reviewed the background measurements provided in the noise assessment and collated information to demonstrate that the proposed development will meet the 'background +5dB criteria' and will not need a fixed limit of 40dB. Environmental Services acknowledge that although they had originally wanted a fixed limit of 35db or background +5dB, after a detailed review of the data they consider that a fixed daytime limit of 37dB or background +5dB is acceptable. In their opinion an additional 2dB on the fixed limit of 35dB should not result in an appreciable difference in noise levels at the most sensitive receptors. Limiting the levels and setting the cumulative noise level at 40dB provides the opportunity for additional development in the area in line with the IOA Good Practice Guidance with regard to the concept of 'headroom'. Environmental Services required appropriate conditions placed on any consent which include complaint handling and mitigation measures such as slowing/switching off

turbines in particular metrological conditions should be suffice to controlling/mitigating excessive noise from the development.

- 6.4.59 Shadow flicker is assessed at Chapter 17 of the ES. Figure 18.1 shows the modelled shadow flicker analysis area, which is based on 10 rotor diameters ($117\text{m} \times 10 = 1170\text{m}$) from each of the proposed turbines and within 130 degrees either side of north. There is one property which could potentially be affected by shadow flicker as shown on Figure 17.1 of the ES. The property is North Shortcleugh and is located 1.1km to the south of the closest turbine (Turbine 7). Chapter 17 of the ES presents the output of the shadow flicker model and no turbines are predicted to cast any shadow on North Shortcleugh. Taking account of the above effects from shadow flicker are considered not to be significant. Nevertheless if the Scottish Ministers are to grant consent for the proposed development, it is considered that where shadow flicker is found to cause a nuisance, mitigation measures should be implemented in order to reduce its occurrence. Therefore if planning consent is granted an appropriate condition should be imposed to control this matter. On the basis of the above assessment at paragraphs 6.4.56 – 6.4.59 it is considered that communities and individual properties would experience adverse significant visual effects. It is therefore concluded that the proposed development does not comply with criteria 10 regarding the impact on communities and individual dwellings.
- 6.4.60 Impacts on carbon rich soils and peat, using the carbon calculator. This consideration also set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed at paragraph 6.4.15 and 6.4.38. It is noted that the proposed development is located on peatlands and that an area of carbon rich soils is located within the proposed development site. During the construction period a Construction Environmental Management Plan (CEMP) and Peat Management Plan (PMP) is proposed in the ES. A CEMP and PMP should be adopted for handling soils, based on SEPA guidance, to ensure soil disturbance is minimised. Further information is required to update the Peat Landslide Hazard and Risk Assessment. These matters require to be subject of a condition if the proposed development was granted consent. The application included a carbon calculator assessment which estimated the carbon payback period of the total proposed development is expected to be approximately 1.9 years. On the basis of the assessment at paragraphs 6.4.21 and 6.4.38 and subject to conditions and mitigation measures, the proposed development accords with the consideration set out in criteria 11 of Table 7 of the SG Renewable Energy regarding impacts on carbon rich soils and peatlands.
- 6.4.61 Impact on Public Access. This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy has previously been assessed at paragraph 6.4.23 under Policy 15 Natural and historic environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. On the basis of the above assessment it is considered that the proposed development is not in accordance with the consideration set out at criteria 12 of Table 7 of the SG Renewable Energy regarding core paths, wider access routes and recreational uses.
- 6.4.62 Impacts on the historic environment. This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy has previously been assessed under Policy 15 Natural and historic environment of SLLDP at paragraphs 6.4.7 - 6.4.8 and 6.4.14 – 6.4.15. On the basis of the above assessment it is considered the proposed development does not accord with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.
- 6.4.63 Impacts on tourism and recreation. Tourism and recreation and renewable energy developments are not necessarily incompatible. The visibility from tourist routes and

viewpoints is an important consideration. How the behaviour of tourists might be affected by changes to views from important tourist routes in the area requires to be assessed. The ES at Chapter 18 assesses the likely effects of the proposed development on socio-economics, recreation and land use. And Chapter 7 sets out landscape and visual effects on recreational receptors. The SG Renewable Energy recognises the importance of outdoor access (walking, cycling, horse riding and non-motorised water based activities) for both the health and social wellbeing of communities and economic vitality of the area. The South Lanarkshire Core Path Plan sets out the development and management of a network of access routes in accordance with Land Reform (Scotland) Act 2003. Core paths are only one component of the overall outdoor access provision of the area. Core paths will be supplemented by and linked to a more extensive network of access routes (non core paths). There are a number of strategic long distance walking and cycling routes in South Lanarkshire including the Clyde Walkway, Southern Upland Way and elements of the National Cycling Network. These are recognised as important visitor attractions. The ES at Chapter 18 states that factors which might lead to a change in local recreational behaviour during the operation of the proposed wind farm, include a change in amenity or intrusion, and changes in setting and context of the recreational resource due to the presence of wind turbines and supporting infrastructure. The ES states that these are linked to the visual experience of users of these routes, which are assessed at Chapter 7 LVIA. Paragraph 6.4.23 above sets out the effects of the proposed development on these attractions (NCR74 and SUW) and it is considered that due to the location and scale of the proposal it will lead to significant adverse visual effects on sections of the SUW and NCR74, local recreational paths, views from hill summits and some local recreational facilities. It is considered that the landscape and visual effects are intrinsically linked with the effects on tourism and recreation for the area in which the proposed wind farm is located. NPF3 sets out the strategy for a natural, resilient place which aims to evolve the approach to environmental stewardship, enhance ecosystem services and adapt to the growing impact of climate change. NPF3 seeks to protect existing assets, and sets out an approach which emphasises the importance of the environment for people, and identifies a National Long Distance Cycling and Walking Network as a means of enhancing visitor and recreation experiences, as well as ensuring that Scotland's population has access to the outdoors for health and well-being. The national network aims is to make better links between existing routes and improve connections between urban and rural, and inland and coastal areas. Specific proposal include extension to the Clyde Walkway to link in with other long distance routes. Aspirational routes for the Clyde Walkway Extension are proposed within existing network of paths and cycle routes identified within the ES. The ES concludes there are no direct effects on tourism and the cumulative effects on the tourism economy, including specific tourism receptors, are considered unlikely. However given the significant adverse landscape and visual effects and cumulative effects, and environmental effects on the historic environment, recreational access paths and popular sections of the national long distance walking/cycling routes, it is considered that the proposed development is not in accordance with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

- 6.4.64 Impact on aviation and defence. The ES at Chapter 16 assesses the potential impact of the proposed development on aviation and defence systems within the vicinity of the site. NATS En Route Plc has stated that the proposed development conflicts with safeguarding criteria. Therefore the proposed development does not comply with criteria 15 of Table 7 of the SG Renewable Energy. However, discussions are ongoing between the developer and the appropriate parties to assess the opportunities for delivering a technical solution. On this basis it is considered that a technical solution requires to be established with NATS before appropriate conditions can be attached and the application can be determined. As this is a Section 36

application it would be for the Scottish Ministers to determine if this is a satisfactory means of addressing this matter. The Ministry of Defence (MOD) does not object subject to conditions regarding information to be provided to the MOD; and in the interests of air safety the MOD requests that the turbines are fitted with aviation lighting. This requires to be secured through planning conditions.

- 6.4.65 Impacts on transmitting or receiving systems. The ES Chapter 17 assesses the potential impact of the proposed development on telecommunications and broadcasting installations. Any adverse effects with regard to television and radio interference, as a direct effect of the proposed development, can be resolved through technical solutions. Appropriate conditions should be attached if consent is granted. Taking account of the above and having considered the conclusions in the ES and consultation responses the proposed development accords with criteria 16 of Table 7 of the SG Renewable Energy.
- 6.4.66 Impacts on road traffic and on adjacent trunk roads. The ES at Chapter 14 provides an analysis of the proposed development with respect to the potential impact it may have on the road network. The proposed abnormal loads route is the M8 motorway, exiting at junction 13, onto the A702 then along the site access. Roads and Transportation Services has no objection to the proposed development subject to conditions and a section 96 legal agreement being entered into as noted in paragraph 4.1 and 4.2. A detailed transport impact assessment will be required prior to construction if the development is consented. The number and route of the construction vehicles is unconfirmed at this stage. Following confirmation of the source of materials and quantities required, this information requires to be provided to the Planning Authority for approval to agree a suitable roads guarantee. On the basis of the above it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy. However it is noted that the applicant has not demonstrated control over the land required to deliver the necessary visibility splay and has not demonstrated that Network Rail are acceptable to the abnormal loads that would require to cross their bridge, Elvanfoot Railway Bridge.
- 6.4.67 Impacts on hydrology, water environment and flood risk. This consideration covers criteria 18 of Table 7 of the SG Renewable Energy. The water environment and flooding under Policy 17 of SLLDP has been assessed at paragraph 6.4.29 – 6.4.31 above. On the basis of the above assessment and the consultee response at paragraph 4.1, it is considered that subject to conditions and mitigation measures the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk. Therefore the proposed development is in accordance with the consideration set out at criteria 18 of Table 7 of the SG Renewable Energy.
- 6.4.68 Decommissioning and restoration and the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration. This consideration requires a plan for decommissioning and restoration of the proposed development to be robust; and any consent granted will require a decommissioning and restoration condition attached. The ES sets out that the decommissioning protocol would be agreed with South Lanarkshire Council and other appropriate regulatory authorities in line with best practice guidance and requirements of the time. This would be done through the preparation and agreement of a Decommission and Restoration Plan (DRP) and that financial provision for the decommissioning would be provided. If consent is granted conditions should be attached requiring that a decommissioning and restoration plan prior to construction on site and an updated DRP is submitted to the Planning Authority no later than 24 months prior to the end of consent, and a condition to secure a decommissioning bond that satisfies the Council's requirements is provided. On the basis the above

requirements can be secured through conditions, if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

- 6.4.69 Energy storage is criteria 20 of Table 7 of the SG Renewable Energy. Energy storage allows renewable energy to be captured and set aside for use when and where is needed. The proposed development includes a battery storage unit located within the substation compound. The ES states the control building will comprise a single story building 20m x 10m with a pitched roof; with the final design of the building and compound area to be agreed prior to construction. If consent is granted a condition requires to be attached to request design details to be submitted and approved by Planning Authority prior to the commencement of development. On the basis these requirements can be secured through conditions if consent is granted, the proposed development complies with criteria 20 of Table 7.1 of the SG Renewable Energy.
- 6.4.70 Site decommissioning and restoration bond. The need for a robust planning obligation to ensure that operators achieve satisfactory site restoration. As noted at paragraph 6.4.68 above there is a requirement for a decommissioning and restoration bond or financial guarantee to be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria. On the basis a suitably worded condition can be attached to the consent if granted, the proposed development complies with criteria 21 of Table 7 of the SG Renewable Energy.
- 6.4.71 Forestry and woodland removal. The application site does not contain any forestry or woodland, therefore criteria 22 is not relevant.
- 6.4.72 Impact on Prime Agricultural Land. The application site does not contain any prime agricultural land, therefore criteria 23 is not relevant.
- 6.4.73 Borrow pits. The application site does not propose any borrow pits, therefore criteria 24 is not relevant.
- 6.4.74 Environmental Protection. Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. A condition requiring the submission and approval by the Planning Authority, in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP), including PMP, Pollution Prevention Plan, water quality monitoring and a surface water management plan, therefore requires to be attached to the consent, if granted.
- 6.4.75 The considerations set out at Table 7.1 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.4.32 to 6.4.74. In addition to this, another principle set out in the SG Renewable Energy at paragraph 2.10 and at SPP at paragraph 173 relates to community benefit. SPP states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed in the ES that local benefits will include allocation of funding (£272k - £349k per annum, based on £5,000 per MW installed) to local communities through the Community Benefit Fund during the 25 year operational life of the development and the potential for the community to invest in a Shared Ownership Scheme. Should consent for the proposed development be granted and implemented the applicant requires to provide a package of community benefit for the lifetime of the development. The contribution to the South Lanarkshire Council Renewable Energy

Fund and other locally managed community projects requires to be agreed between the applicant, the Council and the benefiting groups. The level of contribution is not a material consideration in the assessment of the application. The contribution of community benefit is acknowledged and meets some aspects of Council policy and the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments. Nonetheless, for the reasons set out above and concluded in paragraph 6.5 below the proposed development is not considered to be acceptable in planning terms.

6.4.76 The proposed development would have adverse significant landscape and visual impacts, cumulative effects, unacceptable visual and adverse effects on cultural heritage and communities and individual dwellings, as well as potentially adverse significant effects on protected species that may not be able to be mitigated for. The proposal therefore does not comply with the provision of SPP, SLLDP or SG 10 on Renewable Energy.

6.5 Conclusion

6.5.1 In conclusion, it is inevitable that a development of this scale will have an environmental impact. The assessment has taken into account all aspects of the proposed development and their likely effects on the environment and communities. In summary, due to the location, scale and number of its proposed turbines, the proposals would lead to:

- Significant adverse effects on landscape character, including the Southern Uplands LCT/ Lowther Hills West of Clyde/Daer LCA, the Upland Glen LCAs of Glengonnar Water and Elvan Water; the Broad Valley Upland between Elvanfoot and Abington
- Significant adverse effects on key characteristics and visitor assets of the Leadhills and The Lowther Hills SLA
- Significant adverse visual effects on one settlement (Elvanfoot); 20 residential properties/property groups; several transport routes or sections of routes; sections of the Southern Upland Way and NCR74; local recreational paths and hill summits and some local recreational facilities
- Significant cumulative effects on many of the same landscape and visual receptors due to proximity to and combined and sequential views with turbines in the Clyde wind farm group to the east and, potentially with the proposed NLEI wind farm to the west in Dumfries and Galloway.
- Significant adverse effects on the historic and cultural environment, including nationally protected scheduled monuments and their setting
- Potential for significant adverse effects on protected species

The Lowther Hills are a notable and distinctive landscape feature of South Lanarkshire and beyond, not currently occupied by wind energy development, but surrounded on three sides by very extensive cumulative development. It is considered, taking account of the assessment detailed above that the effects of the proposed development on this landscape are extensive and adverse due to the location, scale and prominence of the turbines. . Consideration has been given to the benefits of the proposal, including the provision of community benefit and its contribution to renewable energy targets and to reducing carbon emissions; it is also noted that the applicant considers that there are a number of aspects of the proposal that, when considered individually, may be acceptable with suitable mitigation, or that the proposal's effect is not considered to be significant, or can be justified due to the generation of renewable energy. However when reviewing all the elements of the proposed development, it is clear the cumulative and incremental nature of its effects will lead to adverse significant landscape and

visual and cumulative effects and adverse significant effects on historic and cultural environment, communities and individual dwellings as well as protected species. In view of the above it is recommended that the Council object to the proposal for the reasons detailed below at section 7.1.

7 Reasons for Decision

- 7.1 The proposal cannot be assessed favourably against the provisions of SPP. The proposal is contrary to Policies 2, 3, 15 and 19 of the adopted South Lanarkshire Local Development Plan 2015. In addition, the proposal cannot be assessed favourably against Policy GBRA1 of the approved South Lanarkshire Green Belt and Rural Area Supplementary Guidance, Policies NHE2, NHE6, NHE7, NHE16, NHE18 and NHE19 of the approved South Lanarkshire Natural and Historic Environment Supplementary Guidance and Policies RE1 and RE2 of the approved South Lanarkshire Supplementary Guidance Renewable Energy (2016).

Michael McGlynn

Executive Director (Community and Enterprise Resources)

5 March 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Harryburn Windfarm EIA – Audit of Landscape and Visual Impact (Ironside Farrar Limited) (Nov 2017)
- ▶ Environmental Impact Assessment (EIA) Regulations advert appeared in the Herald on 30 May 2017 and the Edinburgh Gazette on 30 May 2017 and the Lanark Gazette on 31 May and 7 June 2017
- ▶ Environmental Impact Assessment (EIA) Regulations for Further Environmental Information (FEI) advert appeared in the Edinburgh Gazette on Tuesday 16th January 2018 and Carluke Gazette on Wednesday 17th January 2018
- ▶ Consultations

Roads and Transportation Services (Traffic and Transportation)	09/11/2017
Leadhills Community Council	11/07/2017
Leadhills Community Council	12/02/2018
Roads & Transportation Services (Flood Risk Management Section)	15/06/2017
Countryside & Greenspace	23/01/2018
Countryside & Greenspace	31/01/2018
Transport Scotland	28/06/2017
Transport Scotland	12/02/2018

Scottish Water	22/06/2017
Scottish Water	19/02/2018
NATS (En Route) Plc	01/06/2017
NATS (En Route) Plc	15/01/2018
Glasgow Airport	01/06/2017
Ministry of Defence (MOD)	08/06/2017
Ministry of Defence (MOD)	06/02/2018
SEPA	23/10/2017
SEPA	30/10/2017
SEPA	10/07/2017
Peat Landslide Hazard and Risk Assessment (AM Geomorphology)	13/12/2017
Peat Landslide Hazard and Risk Assessment (AM Geomorphology)	30/10/2017
Peat Landslide Hazard and Risk Assessment (AM Geomorphology)	01/07/2017
RSPB	20/09/2017
RSPB	13/02/2018
Historic Environment Scotland (HES)	10/07/2017
Historic Environment Scotland (HES)	01/02/2018
Environmental Services	10/07/2017
Environmental Services	24/01/2018
Visit Scotland	06/06/2017
Visit Scotland	23/01/2018
The Coal Authority	05/07/2017
The Coal Authority	24/01/2018
SEPA	18/01/2018
SNH	06/10/2017
SNH	31/01/2018
Joint Radio Company (JRC)	24/05/2017
Joint Radio Company (JRC)	18/01/2018

BT	16/06/2017
BT	15/01/2018
Marine Scotland Science Freshwater Laboratory (MSS-FL)	27/07/2017
Marine Scotland Science Freshwater Laboratory (MSS-FL)	08/02/2018
West of Scotland Archaeology Service	30/06/2017
Glasgow Prestwick Airport	28/06/2017
Scottish Borders Council	25/07/2017
Scottish Borders Council	14/02/2018
Crawford and Elvanfoot Community Council	30/06/2017
Wanlockhead Village Council	13/07/2017
Network Rail	10/07/2017
Network Rail	12/02/2018
National Grid	27/07/2017
National Grid	29/07/2017
National Grid	15/02/2018
Health and Safety Executive	17/01/2018
Health and Safety Executive	01/06/2017

► Representations

Available to view on the Scottish Government's Energy Consents Unit website

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Ruth Findlay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5943, (Tel : 01698 455943)
E-mail: ruth.findlay@southlanarkshire.gov.uk

Electricity Notification

PAPER APART – APPLICATION NUMBER : CL/17/0235

REASONS FOR OBJECTION

- 1 This decision relates to the Environmental Statement, Planning Statement, Pre-Application Consultation and Engagement Report, Socio-economic Statement dated April 2017, and subsequent Supplementary Information dated January 2018

for the installation and operation of seventeen, 149.9m high wind turbines, a permanent meteorological mast (up to 95m in height), crane hardstandings, external transformers, new on site access track (approximately 16km), associated drainage, substation compound, control building, battery storage, connection to Elvanfoot substation, two watercourse crossing, bell mouth access and temporary construction compound at Harryburn, Elvanfoot, South Lanarkshire.

- 2 The application is contrary to the terms of Scottish Planning Policy, Policy 3: Green Belt and rural area, Policy 15: Natural and Historic Environment, Policy 19: Renewable Energy of the South Lanarkshire Local Development Plan, and Policy NHE 16 Landscape of the Supplementary Guidance on Natural and Historic Environment, and Policy RE 2 Criteria 8) landscape and visual impacts of the Supplementary Guidance on Renewable Energy in that the development, in view of its scale and location, would lead to significant adverse effects on the landscape character of the Southern Uplands, Lowther Hills and Upland Glen areas and the key characteristics of the Leadhills and The Lowther Hills Special Landscape Area, and would have a significant adverse effect on the contribution this landscape makes to the quality of people's lives.
- 3 The application is contrary to the terms of Scottish Planning Policy, Policy 3: Green Belt and rural area, Policy 15: Natural and Historic Environment, Policy 19: Renewable Energy of the South Lanarkshire Local Development Plan, Policy NHE 16 Landscape of the Supplementary Guidance on Natural and Historic Environment, and Policy RE 2 Criteria 8) landscape and visual impacts Policy RE 2 Criteria 9 a) and 9 b) Cumulative landscape and visual impacts and areas where cumulative impacts limits capacity for further development of the Supplementary Guidance on Renewable Energy in that the development, in view of its scale and location, would lead to significant cumulative effects on many of the same landscape and visual receptors due to proximity to and combined and sequential views with turbines in the Clyde Wind Farm group to the east, and would be located between areas of significant wind energy development to east, north and west.
- 4 The application is contrary to the terms of Scottish Planning Policy, Policy 3: Green Belt and rural area and Policy 19: Renewable Energy of South Lanarkshire Local Development Plan, and Supplementary Guidance on Renewable Energy Policy RE 2 Criteria 3) community separation for consideration of visual impact, Criteria 8) landscape and visual impacts, Criteria 9 a) Cumulative landscape and visual impacts, Criteria 10 a) residential visual amenity in that the development, in view of its scale and location, would lead to significant adverse visual effects on Elvanfoot and the northern part of Crawford, properties and property groups within 3km and several transport routes.
- 5 The application is contrary to the terms of Scottish Planning Policy, Policy 2: Climate Change, Policy 3: Green Belt and rural area, Policy 15: Natural and Historic Environment, Policy 19: Renewable Energy of the South Lanarkshire Local Development Plan, Policy NHE 19 protected species of the Supplementary Guidance on Natural and Historic Environment, and Policy RE 2 Criteria 7a) effects on the natural heritage including birds and 7b) habitat management plans of the Supplementary Guidance on Renewable Energy in that the development, in view of its scale and location, would lead to potential significant effects on protected bird species at a regional level, and raise concerns with regards to the

mitigation measures that are proposed being sufficient to off-set the potential effects.

- 6 The application is contrary to the terms of Scottish Planning Policy, Policy 3: Green Belt and rural area, Policy 15: Natural and Historic Environment, Policy 19: Renewable Energy of South Lanarkshire Local Development Plan, Policy NHE 2 Scheduled Monuments, Policy NHE 6 Non-scheduled archaeological sites and monuments, Policy NHE 7 Conservation Areas of the Supplementary Guidance on Natural and Historic Environment and Policy RE 2 Criteria 13) impact on the historic environment of the Supplementary Guidance on Renewable Energy in that the development, in view of its scale and location, would lead to unacceptable adverse setting effects on schedule monuments and non-scheduled archaeological sites, and would not preserve or enhance the character of the Leadhills Conservation Area.
- 7 The application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment, Policy 19: Renewable Energy of South Lanarkshire Local Development Plan, and Policy NHE 18 core paths and rights of way of Supplementary Guidance on Natural and Historic Environment, and Policy RE 2 Criteria 12) impact on public access and Policy RE 2 Criteria 14) impact on tourism and recreation of the Supplementary Guidance on Renewable Energy in that the development, in view of its scale and location, would lead to significant adverse visual effects on sections of the Southern Upland Way, NCR74 and local recreational paths and hill summits and local recreational facilities.
- 8 The application is contrary to the terms of Scottish Planning Policy, Policy 19: Renewable Energy of South Lanarkshire Local Development Plan and Policy RE 1 and RE 2 of the Supplementary Guidance on Renewable Energy in that the development is not in accordance with South Lanarkshire's strategic guidance and landscape capacity guidance.

For information only



For information only

Report

7

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	EK/17/0403
Planning Proposal:	Part Change of Use of Storage Yard (Class 6) to Allow for the Storage and Ancillary Recycling and Processing of Minerals

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Enviro-Clean (Scotland) Ltd
- Location : 1 Dixon Place
College Milton Industrial Estate
East Kilbride
G74 5JF

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Approve the planning application subject to Conditions (based on the conditions overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: AED Planning & Development
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 4 - Development management and placemaking
Policy 7 - Employment
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding
Policy 18 – Waste

Supplementary Guidance 1: Sustainable Development and Climate Change

- SDCC 2 - Flood risk
- SDCC 3 - Sustainable drainage systems
- SDCC 11 - Waste management facilities

Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM1 - Design

- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

S.E.P.A.

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is an existing industrial yard within the College Milton Industrial Estate, East Kilbride. The application site extends to some 0.395 hectares and is located centrally within the estate with an existing access off Dixon Place. The site is bounded on all sides by other industrial and commercial uses. A small strip of green space bounds the site at its north eastern corner but is outwith the boundary of the application site.
- 1.2 The application site (and surrounding industrial estate) is within land designated as a 'Core Industrial and Business Area' within the Adopted South Lanarkshire Local Development Plan 2015 (SLLDP).
- 1.3 In line with the majority of the College Milton Industrial Estate, the site is permitted for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution) as prescribed within the Town and Country Planning (Use Classes) (Scotland) Order 1997.

2 Proposal(s)

- 2.1 Planning permission is sought for the change of use of the site from Classes 4 to 6 to allow for the storage of minerals on site (a Sui Generis Use) as well as the ancillary processing and recycling of inert construction waste such as road planings and stone from demolition projects. It is proposed that up to 50,000 tonnes per annum of minerals (construction aggregate) and inert construction waste would be imported and stored on site for sale and exportation. When required, the minerals and inert construction waste would be processed (screened and crushed) on site. The proposals, therefore, also include the siting of a screening grading unit and a crushing unit. A wheeled loading shovel and a back actor would be employed on site for moving and loading of material. A single storey workshop for the on-site plant and a modular cabin for on-site staff welfare facilities are also proposed; as is on site staff parking.
- 2.2 The proposals would involve the permanent employment of 4 people, with a further 4 drivers being involved in importing and exporting of material. It is proposed to operate the screening and processing of materials from 0600 to 1800 Monday to Friday and 0600 to 1400 on a Saturday and Sunday. It is proposed that importation and exportation of materials will follow the same operating hours but given the sporadic nature of supply and demand of material it is proposed that there may be vehicle movements outwith these hours, in line with how the site could presently operate.

3 Background

3.1 National Policy and Guidance

- 3.1.1 The SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. SPP also advises that industrial and business locations may be appropriate for accommodating waste management facilities.
- 3.1.2 Planning Advice Note (PAN) 63 'Waste Management Planning' and PAN 1/2011 'Planning and Noise' also provide additional advice on best practice for waste management and developments that may generate noise respectively.

- 3.1.3 PAN 63 Waste Management Planning provides advice on the role of the planning system for more informed consideration of development proposals for waste management facilities.
- 3.1.4 PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.
- 3.1.5 All the national policy advice has been considered in the assessment section of this report.

3.2 Development Plan

- 3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 Planning for Zero Waste reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.
- 3.2.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
 - Policy 2 Climate Change
 - Policy 4 Development Management and Placemaking
 - Policy 7 Employment
 - Policy 16 Travel and Transport
 - Policy 17 Water Environment and Flooding
 - Policy 18 Waste
- 3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
 - Supplementary Guidance 3: Development Management, Placemaking and Design
- 3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.3 Planning History

- 3.3.1 The site was last formally used approximately 5 years ago as a vehicle yard and since then has predominantly lain vacant, with the current applicant occasionally using the site for storage and processing of minerals on an ad hoc basis. Following discussions with the Planning Authority, the applicant wishes to regularise the use of the site to allow formal, permanent storage and ancillary processing of minerals on site.
- 3.3.2 The application is for a part change of use and does not involve the construction of a new waste facility so, therefore, falls within the 'Local' development category of the Planning Development hierarchy. The Council's scheme of delegation does not make the same provision and states that waste management facilities with a capacity of over 25,000 tonnes per annum will be required to be reported to the Planning Committee. In

this instance, whilst the inert construction material receives an exemption under SEPA's Waste Management Licensing (Scotland) 2011 Regulations, in general planning terms, it is still classed as 'waste'; and as stated the proposed capacity of the site (up to 50,000 tonnes per annum) falls outwith the Council's Scheme of Officer Delegation and the application is therefore required to be reported to the Planning Committee for determination.

4 Consultation(s)

- 4.1 **Environmental Services** – No objection subject to conditions imposing standard noise levels on the site and requirement for further approval of a dust management scheme.

Response: Noted. Noise levels and dust management have been attached as conditions as part of the recommendation.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – No objection subject to conditions to comply with the Council's Design Criteria for Sustainable Drainage and to complete the necessary forms and provide required information prior to commencement on site.

Response: Noted. If planning permission is granted, a condition to address this matter shall be attached.

- 4.3 **SEPA** – have no objection to the proposals but provide detailed advice to the applicant regarding other regulatory requirements for the operation of the site.

Response: Noted. The regulatory advice is outwith the remit of the Council as Planning Authority but has been forwarded to the applicant. If planning permission is granted, the applicant will be required to apply to SEPA for further permits and/ or exemptions relating to The Waste Management Licensing (Scotland) Regulations 2011 and The Pollution Prevention and Control (Scotland) Regulations 2012.

- 4.4 **Scottish Water** – have no objections to the proposals.

Response: Noted.

- 4.5 **Roads and Transportation Services (Development Management)** – No objections to the proposals subject to conditions relating to turning areas, road surfacing, provision of on-site parking, visibility splays, average load numbers (40 in total per day) and wheel and road cleaning being employed.

Response: Noted. These matters have been conditioned as part of the recommendation.

5 Representation(s)

- 5.1 The application was advertised as a Schedule 3 development and for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the East Kilbride News on the 6 December, 2017.

- 5.2 Following this publicity, no objections have been received to the proposals.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

6.2 National Planning Policy

- 6.2.1 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. The SPP also promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. SPP also advises that industrial and business locations may be appropriate for accommodating waste management facilities.
- 6.2.2 PAN 63 Waste Management Planning provides advice on the role of the planning system for more informed consideration of development proposals for waste management facilities.
- 6.2.3 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance on noise assessments and noise mitigation measures.
- 6.2.4 The application is for the storage of minerals with ancillary processing and recycling of inert construction waste. The recycling of materials is supported through the Scottish Government's waste hierarchy.
- 6.2.5 It is therefore considered that the principle of the proposal complies with National Planning Policy. The overall acceptability of such a development must however also meet other detailed advice within PANs 50 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

6.3 Strategic Development Plan

- 6.3.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 Planning for Zero Waste reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.
- 6.3.2 It is, therefore, considered that the principle of the proposal complies with the Strategic Development Plan (GCVSDP) given the proposals are to support a site with an element of inert construction waste recycling located within a designated industrial area. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

6.4 South Lanarkshire Local Development Plan

- 6.4.1 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.4.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is located within an area zoned as 'Core Industrial and Business' under Policy 7 of the SLLDP which states that these areas are retained for industrial/ business use (Classes 4, 5 and 6). Policy 7 is designed to protect established business/industrial uses by avoiding siting incompatible uses (such as residential) within these areas and to protect supply of business and industrial land. Supplementary Guidance 5: Industrial and Commercial Development expands on Policy 7 and provides further guidance on appropriate uses within Core Industrial and Business Areas. Paragraph 3.9 of the SG notes that SPP advises that industrial business locations may be appropriate for accommodating waste management facilities. The SG states that further guidance on this is found within the waste management section of Supplementary Guidance 1: Sustainable Development and Climate Change (SG1).
- 6.4.3 Policies SDCC 11 and 12 of SG1 state the need to provide waste management facilities, including for recycling, in appropriate locations ensuring the facilities themselves are safeguarded from inappropriate, adjacent development such as housing and protecting established residential amenity by the suitable siting of facilities in areas where they will not create nuisance such as noise or dust.
- 6.4.4 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. The other criterion of this policy is assessed further below (paragraphs 6.4.16 to 6.4.17).
- 6.4.5 It is considered that the storage and processing of minerals and inert construction waste involves a quasi industrial use that would be compatible within an industrial location. The development does not introduce any sensitive receptors (such as residential or offices) into the Core Area that would then restrict the surrounding industrial uses. The industrial nature of the surrounding area also limits the potential for sensitive receptors to be introduced adjacent to the application site. The proposals relate to a part change of use of the site. The proposed development would utilise the existing hard standing with only temporary buildings proposed on site. On this basis, it is considered that the full site could easily be reverted back to a service yard in the future should it be required.
- 6.4.6 It is, therefore, considered that the application site is located within a suitable location as designated within the development plan. The principle of the development, therefore, accords with the Development Plan and National Policy in this instance.
- 6.4.7 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by, inter alia, maximising the reuse of vacant and derelict land, having no significant adverse impacts on the water and soils environments, air quality and minimising waste.
- 6.4.8 The application site involves the utilisation of a service yard with existing hardstanding that has been rarely used in the last 5 years and is already connected to the existing road network. .. Whilst the storage of minerals and ancillary processing and screening on site do have the potential to cause air borne dust, it is considered that this can be mitigated by a dust management scheme. This requirement will be conditioned if planning permission is granted.

- 6.4.9 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should, inter alia, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.4.10 As referenced in paragraph 6.4.8, onsite dust management can be conditioned to ensure that it is managed effectively. Effective management techniques include dampening the material on site, minimising loading drop heights and providing wheel washing facilities. The site is located within an industrial area with no nearby sensitive receptors so would be unlikely to have an effect on the amenity of the area. Environmental Services are content with the proposals but would require a dust management plan for the site and for standard noise levels being set for the site. Should planning permission be granted appropriate conditions shall be imposed to control these matters.
- 6.4.11 It is considered that the operating hours as proposed (Para 2.2) are in keeping with the industrial area, including the unrestricted vehicle movement. The proposed site layout, workshop and welfare facilities are functional rather than aesthetic but are again in keeping within the surrounding industrial area.
- 6.4.12 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's Guidelines for Development Roads.
- 6.4.13 The existing Class 4 to 6 use is unrestricted in terms of vehicle trips and therefore it is considered that a proposal with an upward processing limit (i.e. material that can be imported, processed and exported) of 50,000 tonnes (daily average volume of 10 vehicles entering and exiting the site) would not be onerous to the infrastructure of the Industrial Estate. The industrial estate was pre-planned for Class 4, 5 and 6 users and therefore the site's access and estate's internal roads were designed for use by industry and storage or distribution users. The unrestricted vehicle movement currently allowed on the application site could result in a much heavier user utilising storage or distribution from the site without any further input from the Planning Authority. This application, therefore allows the Planning Authority to introduce an element of control onto the site by being able to condition vehicle trips in and out of the site. Given the proposed use is dependent on material from other sources supply is not constant and therefore it is appropriate that when conditioning daily vehicle movements it is on an average, annual basis to account for the peaks and troughs of material being available. Roads and Transportation Services have no objections to the proposals subject to the average daily limit of vehicles being conditioned to 40 two way movements over the course of a year and other conditions relating to on-site parking provision, turning areas, visibility splays and road surfacing. Conditions requiring these form part of the recommendation.
- 6.4.14 SLLDP Policy 17 'Water Environment and Flooding' states that sites where flooding may be an issue shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems.
- 6.4.15 The application site is not located within any identified flood area on SEPA's flood risk map. Roads and Transportation Services (Flood Risk Management Section_) have no objections to the proposals but require the provision of a sustainable drainage system on site for surface water and to complete the necessary appendices that form part of

the current South Lanarkshire Council SuDS Design Criteria Guidance Note. A condition requiring sustainable drainage for surface water and completion of the relevant appendices forms part of the recommendation of approval.

6.4.16 SLLDP Policy 18 'Waste' of the adopted South Lanarkshire Local Development Plan (SLLDP) states that waste management proposals should be tested against a set list of criteria which, inter alia, ensures that proposals contribute to the Zero Waste Plan (Waste Hierarchy), do not lead to an adverse impact on local communities and no significant impact in terms of local environment effects including noise, dust, vibration, odour and air quality.

6.4.17 As referenced in paragraph 6.4.8, onsite dust management can be conditioned to ensure that it is managed effectively. As set out in sections 6.2 and 6.3 it is considered that the recycling element of the proposals are in line with the waste hierarchy which seeks to minimise any form of waste being sent to landfill. In terms of noise, it is considered that the industrial nature of the surrounding estate limits the potential impact the proposals may have, particularly given the lack of noise sensitive receptors. This would also be the case in relation to potential odours from the site. Environmental Services are comfortable that, as with dust, noise can be controlled through the imposition of standard noise levels to ensure they are mitigated to acceptable levels within an industrial setting. Therefore a condition setting noise levels also forms part of this recommendation.

6.5 Conclusion

6.5.1 In conclusion, the location of the proposal within an established industrial estate is considered acceptable in meeting the terms of the Development Plan and national guidance. The proposals are also considered compatible and acceptable within an industrial setting. Given the site's location and the planning conditions attached to this recommendation it is considered that the proposed development would not lead to issues in terms of noise, odour, air quality and transportation, and would not have a detrimental visual impact within the surrounding area. It is therefore recommended that planning permission be granted.

7 Reasons for Decision

7.1 The proposal complies with national planning policy and advice and with the principles of the approved Glasgow and Clyde Valley Strategic Development Plan 2017 and the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2015 and relevant Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 March 2018

Previous References

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Neighbour notification advert dated 06.12.2017
- ▶ Consultations

Roads & Transportation Services (Flood Risk Management Section)	11/12/2017
SEPA	11/12/2017
Scottish Water	01/12/2017
Environmental Services	21.02.2018
Transportation Services (Development Management)	22.02.2018

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

James Wright, Minerals Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
 Ext 5903 (Tel : 01698 455903)
 E-mail: james.wright@southlanarkshire.gov.uk

CONDITIONS

- 1 That HGV movements to and from the site shall be limited to an average of 40 two way movements (20 vehicles entering and exiting the site) per day over a 12 month period unless otherwise approved in writing by the Council. For the avoidance of doubt the first 12 month period shall commence from the date of this permission. Written documentary evidence of all importation and exportation of all materials to and from the site shall be made available at all times for inspection on request of the Planning Authority.
- 2 That between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (LAeq,1hr) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (LAeq,15min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.
- 3 That prior to the commencement of the use hereby approved, the developer shall submit, for the approval of the Council as Planning Authority, a detailed scheme for dust control and monitoring in relation to any mineral stacks and on site operations and thereafter shall abide by the terms of the approved scheme unless otherwise agreed in writing with the Council as Planning Authority.
- 4 That the processing, grading and recycling of materials, hereby approved, shall be ancillary and only in connection with supplementing the mineral stock on site and shall not be run as a recycling facility in its own right.
5. That before the use, hereby approved, is implemented, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.
6. That before the use, hereby approved, is implemented, a turning space shall be provided within the site to enable vehicles to enter and leave the application site in forward gears at all times.
7. That before the use, hereby approved, is implemented, a private vehicular access or driveway of at least 15 metres in length shall be provided and the full 15 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
8. That before the development hereby approved is completed or brought into use, 6 No. parking spaces (2.9m x 5.5m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning

Authority.

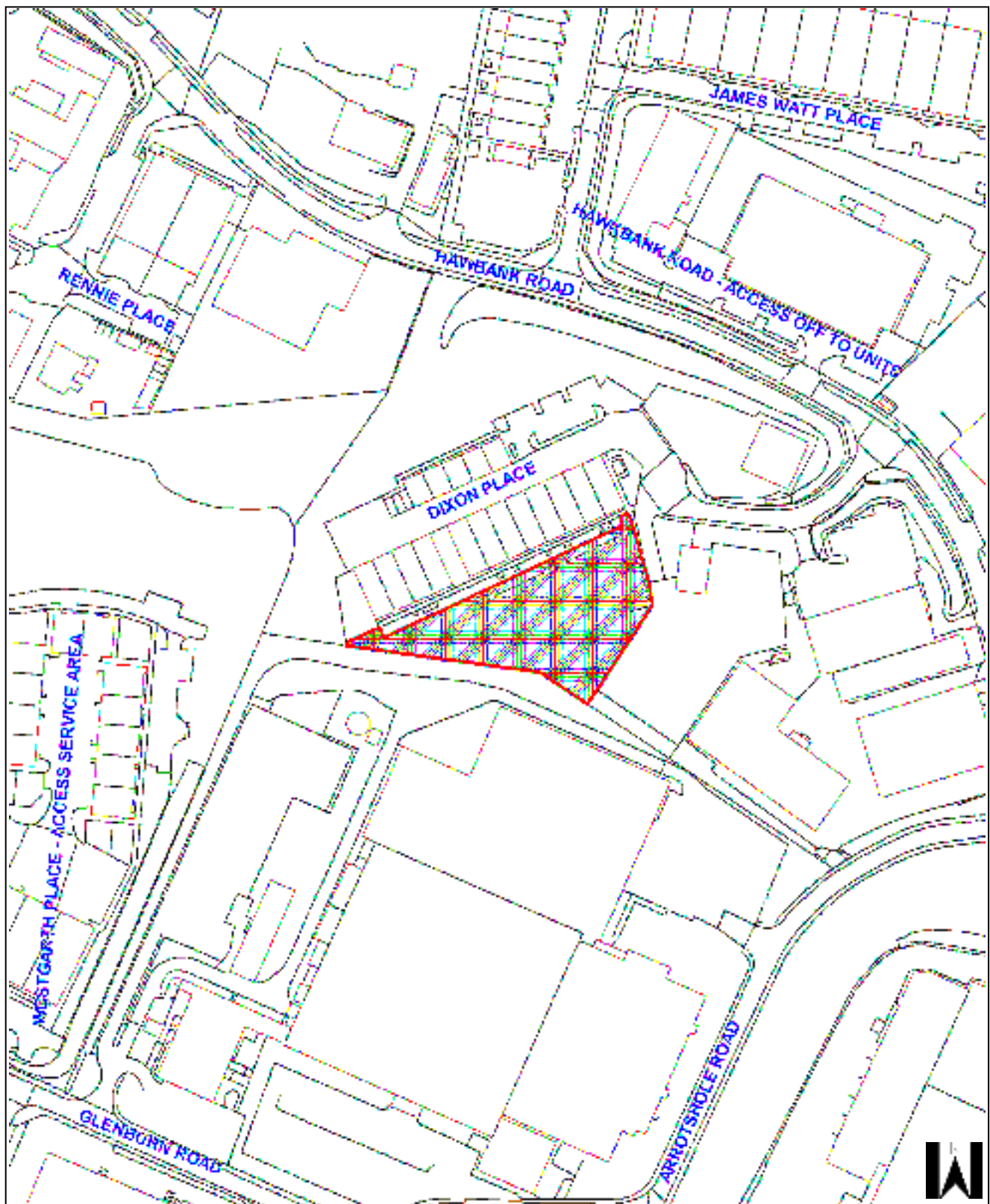
9. The surface of the access required by condition 7 above shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
10. That before the use, hereby approved, is implemented details of wheel cleaning facilities, including sweeping of the public road if necessary, shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, operations shall be undertaken in accordance with the approved wheel cleaning plan for the lifetime of the use hereby approved.
11. That before the use, hereby approved, is implemented measures such as bollards/ pedestrian barrier to maintain the visibility splays for Dixon Place and Hawbank Road shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the visibility splays will be maintained in accordance with the approved details for the lifetime of the use hereby approved.
12. That before the use, hereby approved, is implemented details of resurfacing and repair works on Dixon Place shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Roads and Transportation Services. Thereafter all work shall be carried out to the satisfaction of the Council within 3 months of the date of approval.
13. That the screening, grading and processing of material on site shall only occur between the hours of 0600 to 1800 Monday to Friday and 0600 to 1400 on a Saturday and Sunday and at no other time.
14. That before the use, hereby approved, is implemented details of the workshop, hereby approved, shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the workshop shall be constructed as approved and maintained as such for the lifetime of the development hereby approved.

REASONS

- 1.1 In order to control the terms of the consent.
- 2.1 In the interests of noise control.
- 3.1 In the interests of controlling fugitive dust.
- 4.1 In order to define the terms of the consent.
- 5.1 In the interests of drainage and surface water management.
- 6.1 In the interests of Road Safety.
- 7.1 In the interests of Road Safety.

- 8.1 In the interests of Road Safety.
- 9.1 In the interests of Road Safety.
- 10.1 In the interests of Road Safety.
- 11.1 In the interests of Road Safety.
- 12.1 In the interests of Road Safety.
- 13.1 In order to control the terms of the consent.
- 14.1 In order to control the terms of the consent.

For information only



For information only

Report

8

Report to:	Planning Committee
Date of Meeting:	13/03/2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0230
Planning Proposal:	Erection of 48 Dwellinghouses and Formation of Amenity Space, Landscaping and Associated Access Road and Footpath Network.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Braidwood View
- Location : Land West of Lanark Road
Braidwood

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (Subject To Conditions) – Based on Conditions Attached

2.2 Other Actions/Notes

- (1) Planning Committee has delegated powers to determine this application
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:
 - Financial contribution towards the provision of affordable housing.
 - Financial contribution towards educational facilities
 - Financial contribution towards the upgrade of community facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant

3 Other Information

- ◆ Applicant's Agent: John Russell Partnership
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development management and placemaking
Policy 5 - Community Infrastructure Assessment
Policy 6 - General urban area/settlements
Policy 12 - Housing Land
Policy 13 - Affordable Housing and Housing Choice
Policy 16 - Travel and Transport

Development management, placemaking and design supplementary guidance (2015)

Green Belt and Rural Area Supplementary Guidance

Affordable Housing and Housing Choice Supplementary Guidance

**Sustainable Development and Climate Change Supplementary Guidance
Community Infrastructure Assessment Supplementary Guidance**

Natural and Historic Environment Supplementary Guidance

- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Countryside & Greenspace

Network Rail

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

The Coal Authority - Planning and Local Authority Liaison Department

Education Resources - School Modernisation Team

Scottish Wildlife Trust

Environmental Services [e-consult]

S.E.P.A. (West Region) (Flooding)

Community Services

Scottish Natural Heritage

Roads Development Management Team

Housing Services

Planning Application Report

1 Application Site

- 1.1 The application site, extending to 1.95 hectares, is located on Lanark Road (A73) at Upper Braidwood. It comprises dilapidated buildings, hardstanding, the site of a demolished dwelling, scrubland, overgrown hedgerows and a mixture of marshy and semi improved grassland. Topographically, the site rises gradually in a west/east direction.
- 1.2 The southern section of the site falls within the settlement boundary of Upper Braidwood whilst the northern half, excluding the site of a former house, is located within designated Green Belt. The site is bound: to the east by the A73 Lanark Road (the principal road corridor between Lanark and Carluke) and beyond by existing dwellings and a residential development site; to the west by the West Coast Railwayline, beyond which lies the Harestanes Industrial Estate; to the south by a dwellinghouse and a storage and distribution business and; to the north by a mixture of scrub and grassland.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of 48 dwellings incorporating a range of styles and sizes including one and a half storey and two storey designs ranging from three to 5 bedroom units. The house types include a mix of detached, semi-detached and terraced properties. The proposal also includes associated road, footpath, landscaping and SUDS basin.
- 2.2 Access will be taken from one point on Lanark Road via a roundabout which will connect into the access for Albert Park a housing development under construction on the opposite side of Lanark Road. This leads to a central roadway linking onto a loop in the southern section and a cul-de-sac in the northern section with a footpath connection back to the central roadway. The dwellings will be arranged around the road network as described. A spacious play/amenity area will be laid out in a central location which facilitates natural surveillance. In line with Designing Streets, the proposal incorporates traffic calming measures including shared surfaces. Open swales will align the road edges as part of an integrated Sustainable Urban Drainage System which will link into a SUDS basin, located at a natural low point at the north western end of the site alongside a sewerage pumping station. Along the Lanark Road frontage, the boundary treatment will consist of a close boarded 1200mm fence on top of an 800mm earth bund with landscaping designed as a mitigation measure to minimize disturbance from road traffic noise. A 3 metre high noise barrier will be erected along the western boundary as a protective measure against railway noise.
- 2.3 As supporting documents the applicant has submitted a Geotechnical Appraisal, a Mining Report, a Design and Access Statement, Habitat and Bat Survey and a Noise Impact assessment.

3 Background

3.1 Local Plan Background

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies much of the site as part of housing supply land and as lying within the settlement boundary of Upper Braidwood where Policies 6 - General Urban Area/Settlement and 12 Housing Land apply respectively. The land in the northern section is in designated Green Belt covered by policy 3: Green Belt and Rural Area. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, 5: Community Infrastructure Assessment, 13: Affordable Housing & Housing Choice, 15 Natural and Historic Environment, and 16: Travel and Transport are relevant as is the

Supplementary Guidance on Development Management, Place Making & Design; Affordable Housing & Housing Choice; Sustainable Development & Climate Change; Green Belt and Rural Area and Community Infrastructure Assessment. The Council's Residential Development Guide should also be taken into consideration.

3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.

3.2.2 The SPP states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

3.3 **Planning History**

3.2.1 Due to a lengthy delay in concluding a section 75 agreement, which was amended to allow financial contributions to be phased, Planning Permission CL/08/0078 for 44 flats in the southern section within the settlement of Upper Braidwood was finally granted in May 2014. Planning Permission CL/09/0177 was granted for a children's nursery, within the curtilage of a former dwelling, in the north-eastern corner of the site fronting Lanark Road in November 2009. Planning Permission CL/17/0035 for a residential development (planning permission in principle) on land (currently a storage and distribution business) adjoining the southern boundary of the application site was granted in March 2017.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – no adverse comments subject to the imposition of appropriate conditions in respect of access standards, visibility, parking, footpath provision and drainage.

Response: Noted. The applicant has demonstrated that the requirements of the Roads Development Team can be met. If consent is granted appropriate conditions will be applied.

4.2 **Roads and Transportation Services HQ (Flooding Unit)** – offer no objection subject to conditions requiring a flood risk assessment and a Sustainable Urban Drainage System (SUDS).

Response: Noted. Should consent be granted, conditions can be attached to cover these matters.

4.3 **Environmental Services** –recommend conditions requiring a contaminated land investigation. A Noise Impact Assessment is required to determine the impact of noise from the adjoining railway and distribution centre. A Vibration Survey should also consider vibration from the rail track.

Response: Noted. A Noise and Vibration Impact Assessment has been submitted which concludes that vibration is not an issue and that noise impact can be addressed by mitigation measures which includes high glazing standards for habitable rooms

with ventilation systems which avoid the need to open windows. In addition, fencing, bunding and landscaping would be provided along the Lanark Road frontage and the boundary with the railway line.

- 4.4 **SNH** – a walkover survey should be carried out prior to the commencement of work to ensure the findings of the badger survey remain valid. The mitigation measures highlighted for birds in the Ecology Report should be implemented.

Response: Noted. If consent is granted, appropriate conditions will be applied to cover these matters.

- 4.5 **Housing Services** – have intimated that the payment of a commuted sum towards affordable housing provision in the local market area rather than the onsite provision is their preferred option. The applicant has in principle indicated a willingness to enter into a section 75 obligation.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards affordable housing. The applicant has in principle indicated a willingness to enter into a section 75 obligation.

- 4.6 **Countryside and Greenspace** – footpath provision is deemed to be acceptable. The structural landscape treatment along the greenbelt boundary should be sufficiently robust and the applicant be asked to submit a fully specified landscape masterplan for the open space and landscaping elements. Confirmation of the future management arrangements for these elements also needs to be confirmed.

Response: Noted. If planning permission is granted conditions requiring the prior approval of the landscaping scheme would be applied.

- 4.7 **Scottish Water** – no objection, however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. There is capacity in the Camps Water Treatment Works however capacity in the Crossford Waste Water Treatment is limited. It is recommended that a Pre-Development Enquiry Form is completed and submitted directly to Scottish Water.

Response: Noted.

- 4.8 **Education Resources - School Modernisation Team** – no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to Carluke High School, St Athanasius Primary School and nursery provision in the area.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has, in principle, indicated a willingness to enter into a section 75 obligation. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards educational provision in the local area.

- 4.9 **Community Services** - no objections subject to the developer providing a financial contribution for community/play provision facilities in the local area. There are no Council play areas within 2 km of this proposed site, therefore, it is recommended that a small play area is provided within the site. The Council would not adopt open space/play areas for future maintenance and as such consideration of a factoring arrangement or similar would be required.

Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards play provision/community provision in the local area. A play area has been identified on the layout plan and conditions would be applied to cover prior approval of the details, the timing of the works being carried out and future maintenance.

- 4.10 The Coal Authority** – Have considered the Mining Risk Assessment Report submitted by the applicant and advise that, as the mining legacy affecting the application site is non-coal related, they raise no objection to the proposal. However consideration should be given to a condition requiring the undertaking of the recommended intrusive site investigations prior to the commencement of development. These works would aid in establishing the exact situation regarding non-coal mining activity at the site and would enable the further assessment of the risk that this poses to the proposed development along with what, if any, remedial measures are required to mitigate this risk. The Coal Authority advises out that the Mining Risk Assessment Report does not acknowledge the presence of the limestone shaft adjacent to the site boundary and, therefore, does not provide an assessment of the risk that this mining related feature poses to the proposed development.

Response: Noted. If consent is granted a condition requiring an intrusive investigation would be required.

- 4.11 SEPA** – have no objection as there is no apparent flood risk. In terms of foul water drainage, consideration should be given to connecting those dwellings and properties currently served by private drainage arrangements onto the site. To ensure compliance with current standards for SUDS, treatment along swales should be considered. The pumping station should be designed to avoid emergency overflow situations arising.

Response: Noted. Conditions covering SUDS and connection to the sewerage network will be covered by condition if consent is granted.

- 4.12 NetworkRail** - No issue with the principle of the development subject to conditions requiring a trespass proof fence, drainage containment, noise impact assessment and proximity of landscaping to the railtrack. Demolition of neighbouring buildings must be carried out in accordance with an agreed method statement approved by Network Rail.

Response: Noted. A Noise Impact Assessment has already been completed with recommended mitigation including a 3 metre high close boarded acoustic fence which would also suffice as a trespass proof fence. Conditions have been attached covering drainage and landscaping. A copy of the consultation has been passed to the applicant.

- 4.13 Scottish Wildlife Trust** – no response to date.

Response: Noted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours no letters of representation have been received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 48 dwellinghouses and associated infrastructure at Lanark Road, Upper Braidwood. The determining

issues in considering this application are its compliance with the policies of the adopted South Lanarkshire Local Development Plan, the associated Supplementary Guidance and the Council's Residential Development Guide, the impact on the amenity of the adjacent properties and surrounding area and road safety.

- 6.2 The vast majority of the site falls within the settlement boundary of Upper Braidwood, is identified as being part of the housing land supply in the adopted Local Development Plan and was previously subject of Planning Permission CL/08/0078 for the erection of 44 flats .The area comprises a mixture of vacant brownfield land containing dilapidated buildings and regenerated scrubland. The northern section, other than the site of a dwelling now demolished, falls within designated greenbelt and contains a mixture of scrubland and marshy and semi -improved grassland. There is no evidence of active agricultural activity on this ground.
- 6.3 Within the part of the site identified in the adopted South Lanarkshire Local Development Plan as being within the settlement of Upper Braidwood Policy 6 - General Urban Area/Settlements states that residential developments may be acceptable provided they do not have a significant adverse impact on the amenity and character of the area. Other than the site of the former dwelling, the area is also identified as part of the housing land supply. Policy 12 – Housing Land supports development on the sites included in the Housing Land Audit and identified on the proposals map. As such, residential development is considered to be acceptable in principle subject to compliance with other Council policy and guidance on new residential development with particular reference to layout and design.
- 6.4 The remainder of the application site is located within the Green Belt where Policy 3 - Green Belt and Rural Area applies. This advises that development which does not require to be located in the countryside will be expected to be accommodated within the settlements, other than in a number of circumstances. These include instances where there is a specific locational requirement or established need for a proposal; the proposal involves the redevelopment of derelict or redundant land or buildings where environmental improvement can be shown; the proposal involves the conversion of traditional buildings; or the proposal is for limited development within identifiable infill or gap sites and existing building groups. Supplementary Guidance on the Green Belt and Rural Area goes on to provide detailed guidance on these types of development in order to determine if a proposal is appropriate in the context of a Green Belt location. The proposal has been carefully assessed against the policy and guidance and, while there are elements that accord with some of the criteria (which are explored below), it does not fully comply with the Local Development Plan or the SG. As a result the proposed development in land use terms is contrary to the development plan.
- 6.5 The settlement boundary as defined in the South Lanarkshire Local Development Plan is drawn tightly to respect the existing extent of built development. It includes land on the eastern side of Upper Braidwood which reflects the historic incremental extension of the settlement on that side of the road. A new housing development is currently under construction on that side of the A73. To the west is the strong definitive boundary of the railway line and beyond is an industrial estate and clusters of low density dwellings whilst to the south the boundary is defined by an existing dwelling and storage and distribution business. While part of the application site is not within the village envelope it is appropriate in assessing the current proposals to consider whether a small scale incursion beyond the settlement boundary is acceptable. A key factor is consideration of Scottish Planning Policy which, in relation to development in the Green Belt, states that the purpose of the Green Belt designation is to;

- Direct planned growth to the most appropriate locations and support regeneration
- Protect and enhance the quality, character, landscape setting and identity of towns and cities
- Protect and give access to open space within and around towns and cities.

- 6.6 As described above the site is bounded on three sides by the physical presence of the built environment whilst scrub and vegetation cover on neighbouring land to the north helps visually contain and emphasise its integration with adjacent urban areas. The development will facilitate a logical extension creating a more balanced and rounded settlement edge. The proposed structural planting will result in a clearly defined and defensible settlement boundary whilst enhancing landscape quality and character. The separation distance and intervening Greenbelt between Upper Braidwood and Carluke will be maintained without adversely affecting their settings. No amenity/recreational space or public right of access will be impeded or lost. There will be no significant impact upon landscape features, valuable habitats or protected species. In addition, the proposal involves a modest extension to the settlement boundary which would not erode character of the village. Overall, therefore, it is considered that the objectives of the SPP in respect of the Greenbelt will not be compromised.
- 6.7 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Placemaking and Design requires the Council to seek well designed proposals which integrate successfully with their surroundings, take account of the local context and built form and to be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition, development should be well related to existing development, public transport, local services and facilities. The proposed dwellings although relatively unique in appearance will nevertheless be able to integrate with the established character of Upper Braidwood which comprises a range of house styles and sizes. In the local context they are of an appropriate scale and mass. In addition the proposed development complies with the requirements of the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision. There would not be an adverse impact on the amenity of existing local residents in terms of overlooking or overshadowing given the distance between existing properties and the site. Roads and Transportation Services have not raised any road safety concerns. In view of this, the proposal is considered to be in compliance with Policy 4 and associated Supplementary Guidance.
- 6.8 Policy 2: Climate Change and the associated Supplementary Guidance seeks to, where possible, minimise and mitigate against the effects of climate change and sets out a range of criteria which new development should consider to achieve this. The proposed development is consistent with the criteria relevant to this type of development at this location in particular as part of the site involves the re-use of a brownfield site; being sustainably located in terms of access to public transport; provides opportunities for active travel routes through the creation of enhanced footpath to the wider area; and avoiding areas of medium to high flood risk. The proposed development is considered to be consistent with Policy 2 and with the guidance set out in the supplementary guidance.
- 6.9 Policy 5 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to

ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards education and community facilities. Policy 13 Affordable Housing and Housing Choice states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on site provision and this has been accepted by the applicant the value of which would be based on the development viability of the site. The applicant has agreed in principle to the payment of financial contributions for education provision, the provision of community facilities and off site affordable housing which will be addressed through the condition of a section 75 obligation. The scale and nature of the financial contributions is subject of on-going discussion.

- 6.10 Policy 15 - Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. A Habitat and Bat Survey conclude that the proposal will not impact on protected species or habitats and SNH concur with these findings.
- 6.11 With regard to road safety Policy 16 – Travel and Transport requires all new development proposals to consider the resulting impacts of traffic growth. Roads and Transportation Services have confirmed that the proposal can be accommodated in transportation and road safety terms. In addition there are no objections in terms of the internal layout which meets Designing Streets objectives. Finally, the proposal would improve pedestrian routes within the locality.
- 6.12 In conclusion, much of the site falls within the settlement boundary, has been subject of a previous consent for 44 dwellings and is included in the Housing Land Supply in the Local Development Plan. However the proposal for the remainder of the site extends beyond the settlement boundary and fails to meet criteria where new development in the countryside is acceptable. It is, therefore, contrary to the development plan. The Planning Act does however allow for exceptions to be made to policy where other material considerations outweigh the provisions of the development plan. On balance the development is considered acceptable and therefore an exception to policy has been demonstrated for the following reasons.
- (i) The objectives of Scottish Planning Policy in terms of the purposes of the Green Belt would not be compromised
 - (ii) The proposal will enable the rounding off of the current irregular settlement edge and the creation of a robust and defensible boundary.
 - (iii) The nature and scale of the development will not have an adverse impact on the character of the area
 - (iv) The greenbelt area within the application site is not actively farmed and contains no valuable landscape or habitat features.
 - (v) There are no infrastructure or road safety implications.
 - (vi) There would be no adverse impact on residential or visual amenity or the landscape character of the area.

In view of all of the above, and taking into account the current local development plan context the proposals represent an appropriate form of residential development for the

site and it is therefore recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the conclusion of a Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

7 Reasons for Decision

7.1 For the reasons set out in 6.12 above.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

5 March 2018

Previous References

- ◆ CL/08/0078
- ◆ CL/09/0177

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 01/06/2017
- ▶ Consultations

Network Rail	14/06/2017
Roads Development Management Team	05/07/2017
Countryside & Greenspace	23/06/2017
Environmental Services [e-consult]	20/06/2017
Roads & Transportation Services (Flood Risk Management Section)	07/06/2017
S.E.P.A. (West Region) (Flooding)	15/06/2017
The Coal Authority - Planning and Local Authority Liaison Department	15/06/2017
Community - play provision/community contributions	16/06/2017
Scottish Natural Heritage	20/06/2017
Education Resources - School Modernisation Team	19/06/2017
Scottish Water	19/06/2017
Roads & Transportation Services (Flood Risk Management Section)	07/06/2017
Housing	18/08/2017

► Representations

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Ian Hamilton, Planning Officer, Montrose House, Hamilton

Ext no. 5174 (Tel: 01698 455174)

E-mail: ian.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 3 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.
- 5 That all trees to be retained within the site shall be fully protected during the period of construction and prior to any work commencing on the site, written details specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority.
- 6 That prior to any works commencing on site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all proposed trees, shrubs, grass mix, etc.; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 7 That the landscaping scheme, approved under the terms of Condition 6 above, shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the last dwellinghouse hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 8 That notwithstanding the generalities of Condition 7 above and prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 7 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.
- 9 That no dwellinghouse shall be occupied until the site is served by a sewerage

scheme constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.

- 10 That before the dwellinghouse hereby approved is occupied, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 11 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required.
- 12 That the surface water drainage system, approved under the terms of Condition 11 above, shall be implemented simultaneously with the development hereby approved, to the satisfaction of the Council as Planning Authority and SEPA and shall be completed prior to the last dwellinghouse hereby permitted being occupied.
- 13 That no dwellinghouses shall be occupied until the access roads and footways leading thereto from the existing public road have been constructed to base course level.
- 14 That before the last dwellinghouse hereby permitted is occupied, all roads and footways within the development shall be completed to final wearing course level.
- 15 That before any work starts on site details of the new roundabout to be constructed on Lanark Road (A73) shall be submitted for the consideration and approval of the Council as Planning Authority. For the avoidance of doubt the roundabout shall be designed in accordance with the Design Manual for Roads and Bridges. The submission shall include a Stage 2 Road Safety Audit.
- 16 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of

the Council's written approval of the remediation plan.

- 17 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.
- (b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.
- (c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
- 18 That prior to any dwellinghouses being occupied , the mitigation measures in respect of acoustic barriers and ventilation, described in the Noise and Vibration Impact Assessment prepared by REC dated 06 September 2017, shall where appropriate be implemented to the satisfaction of the Council as Planning Authority unless otherwise agreed in writing.
- 19 That before any development starts on site or within or within six months of the date of this consent a walkover of the application site shall be carried out by an appropriately experienced ecologist prior to any work to ensure the findings in the Extended Phase 1 Habitat Survey (Arcona Ecology Ltd, May 2016) remain valid.
- 20 The mitigation for breeding birds detailed in section 8.4 of the Extended Phase 1 Habitat Survey (Arcona Ecology Ltd, May 2016) is complied with.
- 21 That before any work commences on the site, a scheme for the provision of play area(s) within the site shall be submitted to the Council as Planning Authority for written approval and shall include:(a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s); (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed; (c) details of the fences to be erected around the play area(s); and (d) details of the phasing of these works unless agreed in writing by the Council as Planning Authority..
- 22 That prior to the occupation of the 25th dwellinghouse within the development, all works required for the provision of the equipped play area, shall be completed in accordance with the details approved under the terms of condition 21 and thereafter the areas shall not be used for any purposes other than as an equipped play area.
- 23 That before any work commences on site, proposals for the maintenance of all areas of open space/play areas within the development shall be submitted to the Council as Planning Authority and no work on the site shall be commenced until the permission of the Council has been granted for these proposals or such other proposals as may be acceptable.

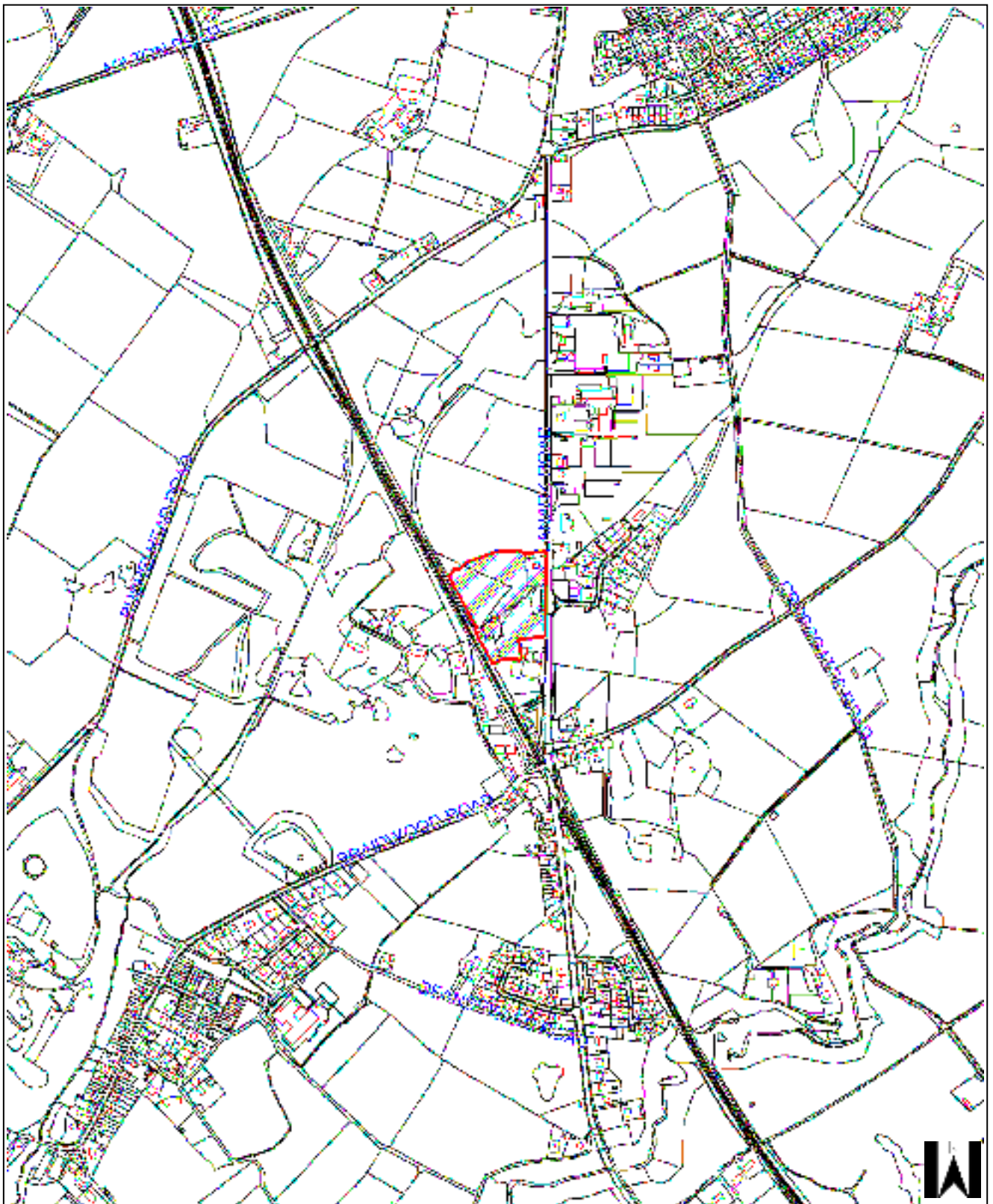
- 24 All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and shall be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the planning authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.
- 25 That notwithstanding condition 6 above trees/shrubs planted adjacent to the railway boundary shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.
- 26 That before development starts, a certificate from a recognised firm of chartered engineers shall be submitted to the Planning Authority confirming the mineral stability of the site and this certificate shall be based on a professionally supervised and regulated boring programme.
- 27 That before the first dwellinghouse hereby permitted is occupied, the new roundabout and vehicular access on the A73 required under condition 15 above so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 28 That on completion of the roundabout access the applicant shall undertake a Stage 3 Road Safety Audit and submit this to the Council, as Roads Authority. The developer will, as soon as practicably possible, submit the findings of the audit, together with proposed remediation measures and programme of works; and thereafter implement the agreed remedial measures within agreed timescales and to the satisfaction of the Council as Planning Authority.
- 29 That twelve months following completion of the roundabout access the applicant shall undertake a Stage 4 Road Safety Audit and submit this to the Council. The developer will, as soon as practicably possible, submit the findings of the audit, together with proposed remediation measures and programme of works; and thereafter implement the agreed remedial measures within agreed timescales and to the satisfaction of the Council as Roads Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In order to retain effective planning control
- 4.1 To ensure the protection and maintenance of the existing mature trees within the site
- 5.1 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.
- 6.1 In the interests of the visual amenity of the area.

- 7.1 In the interests of amenity.
- 8.1 In the interests of amenity.
- 9.1 To ensure that an appropriate sewerage system is provided.
- 10.1 To ensure the provision of a satisfactory drainage system.
- 11.1 To ensure the provision of a satisfactory surface water drainage system.
- 12.1 To ensure the provision of a satisfactory surface water drainage system.
- 13.1 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 14.1 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings.
- 15.1 These details have not been submitted or approved.
- 16.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 17.1 To ensure the site is free of contamination and suitable for development.
- 18.1 To ensure there is adequate noise mitigation measures in place at the site.
- 19.1 In the interests of badger welfare.
- 20.1 In the interests of nesting birds.
- 21.1 To ensure the provision of adequate play facilities within the site and in order to retain effective planning control.
- 22.1 In order to retain effective planning control.
- 23.1 In the interests of amenity.
- 24.1 To protect the stability of the adjacent railway cutting and the safety of the rail network.
- 25.1 To minimize leaf fall on the rail track.
- 26.1 To ensure the mineral stability of the area.
- 27.1 In the interests of road safety
- 28.1 In the interests of road safety
- 29.1 In the interests of road safety

For information only



For information only

Report

9

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/17/0287
Planning Proposal:	Formation of 16 Houseplots and Access Road

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mrs Alison McRae
- Location : Land at Bellefield Road
Lanark
ML11 7RH

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on the Conditions listed)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) If planning consent is granted, the decision notice should be withheld until a financial contribution of £24,000 has been paid towards the provision of appropriate community facilities in the area.

This may take the form of a one-off payment or an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, being concluded between the Council, the applicants and the site owner(s).

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable. If, however, this matter is being progressed satisfactorily, the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.

3 Other Information

- ◆ Applicant's Agent: Burrell Design Studio
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 2 - Climate Change
 - Policy 3 - Green Belt and Rural Area
 - Policy 4 - Development management and placemaking
 - Policy 5 – Community Infrastructure Assessment
 - Policy 12 Housing Land
 - Policy 15 - Natural and Historic Environment

Green Belt and Rural Area Supplementary Guidance

Development management, placemaking and design supplementary guidance (2015)

Natural and historic environment guidance (2015)

Sustainable Development and Climate Change Supplementary Guidance

- ◆ Representation(s):
 - ▶ 2 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

S.E.P.A. (West Region)

Environmental Services [e-consult]

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site (1.9 ha) relates to a former vegetable and packaging business situated at the end of Bellefield Road, approximately 1km to the north of Lanark. The site comprises the hardstanding of cleared sheds, the shell of one remaining building and a tarmac roadway. The remaining part of the site is overgrown with scrub and self seeded trees. Amongst the regenerated growth is evidence of hardstanding and brick foundations. From Bellefield Road there is a wide access down to the main site area. Either side of the access is grazing paddocks.
- 1.2 Generally, the site is relatively level, however, in the southern section beyond the former building group, the vacant open land is slightly raised. Along the southern boundary is a screen embankment whilst part of the eastern boundary has a self seeded tree belt.
- 1.3 The site is bounded to the west by a newly planted woodland to replace a clear felled area on rising ground, to the north by a large residential house and vacant land, to the east by Bellefield Road and beyond by a mixed woodland on rising ground and to the south by residential dwellings. In the north western corner of the site, a narrow strip of land connects the site with an agricultural field which has been earmarked for a SUDS pond. In the immediate locality to the north and south are former nurseries where greenhouses and associated infrastructure have been replaced by dwellings

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the formation of 16 house plots orientated around three cul-de-sacs (one of which has a circular turning head and the other two have y-shaped turning heads) radiating out from the main access road from Bellefield Road. Detailed of the proposed house types have not been provided at this stage and would be subject of further applications. An existing shelter belt around the periphery will be retained and reinforced with additional planting.
- 2.2 The proposed dwellings will be served by a bio-disk plant which discharges into the Mouse Water via an existing pipe previously used by the vegetable packing business. Surface water from the dwellings would be directed to a SUDS pond laid out in the north western corner adjacent to Jerviswood House.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as forming part of the housing land supply where Policy 12 – Housing Land applies. The site falls within the Rural Area where Policy 3 Rural Area and Green Belt applies. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, 5: Community Infrastructure Assessment and 15 Natural and Historic Environment are relevant. Finally Supplementary Guidance on Development Management, Place Making & Design; Sustainable Development & Climate Change; Green Belt and Rural Area; and Natural and Historic Environment apply while the Council's Residential Development Guide should also be taken into consideration.

3.2 Relevant Government Advice/Policy

- 3.2.1 SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. In terms of development in the rural area, SPP states that most new development should be guided to locations within or adjacent to settlements. Planning should take every opportunity to create high quality places and direct development to the right places, in particular by encouraging the re-use of brownfield sites.

3.3 **Planning History**

- 3.3.1 Planning Permission in Principle CL/09/0455 for a residential development was granted in March 2010. The consent included a condition limiting the number of houses on the site to 9 unless a detailed statement justifying additional units was provided. Following on from this a Section 42 application CL/13/0003 was granted in February 2013 to vary conditions attached to CL/09/0455 to enable the extension of the period for the submission of further applications by an additional three years. Both consents expired in March 2016.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Clydesdale)** – no objections to the application in principle. This is subject to formation of additional passing places on Bellefield Road, a footway along the site frontage and suitable access and drainage arrangements.

Response: Noted. Should consent be granted, conditions can be attached to cover these matters. A plan showing the location of passing places along Bellefield Road between the entrance to the site and Bellefield Grove has been agreed.

- 4.2 **Roads and Transportation (Flooding)** – A 16 plot development requires a holistic approach to drainage and SUDS are a legal requirement. There is an indication from SEPA pluvial maps that some of the site may be at risk of flooding due to run off from the adjoining woodland and, therefore, a Flood Risk assessment is required to ensure there will be no detrimental impact to properties within or outwith the site.

Response: Noted. Should consent be granted, conditions can be attached to cover these matters to ensure surface water run off is suitably addressed in the layout.

- 4.3 **Environmental Services** – Further information was sought to demonstrate that the proposed foul drainage infrastructure is adequate and appropriate for a development of this size. After the submission of further information, Environmental Services confirmed that this matter could be dealt with by condition. They also recommended conditions requiring a contaminated land investigation and dust mitigation measures.

Response: Noted. These matters can be covered by condition if consent is granted.

- 4.4 **SEPA** – This development falls below the scale and nature of development on which they provide on site specific advice.

Response: Noted.

5 **Representation(s)**

- 5.1 The application was advertised in the press for Non-notification of Neighbours. Following this publicity and the carrying out of statutory neighbour notification process, 2 letters of objection have been received. The contents of the letters are summarised as follows:

(a) Bellefield Road is single track with no pavement. It is already dangerous to walk along it due to speed of cars. Further traffic generated by so many new houses is not suitable or appropriate.

Response: Roads and Transportation Services have not raised any safety concerns or objections subject to conditions requiring the introduction of passing places along Bellefield Road and the formation of a footway along the frontage of the site.

(b) There are many developments that have already been granted permission and have not proceeded or sold. This suggests that there is insufficient need for a development of this type, particularly as it is out with the local area for a housing development.

Response: The economic downturn in 2007 did impact upon the housing market however there is now evidence of recovery. The principle of a residential development on this site has already been established by previous consents and its inclusion in the housing supply list referred to in the Local Plan.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the Council's planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for sixteen house plots on the site of a former storage and packing business at Bellefield Road in Lanark. The determining issues that require to be addressed in respect of this application are compliance with the adopted local development plan, government guidance, the planning history of the site and infrastructure and road safety implications.
- 6.2 The site is identified in the South Lanarkshire Local Development Plan as being outwith the settlement boundary for Lanark and falls within the designated Rural Area where Policy 3 - Green Belt and Rural Area applies. This states that development which does not require to locate in the countryside will be expected to be accommodated within settlements. However, in recognition of the previous planning consents granted for the redevelopment of the site for housing, the site is also identified as part of the housing land supply. Policy 12 – Housing Land states that the Council will support development of sites in the Housing Land Audit. As such, residential development is considered to be acceptable in principle.
- 6.3 The proposal seeks consent for the formation of 16 plots within the site. The previous consent included a condition limiting the number of houses on the site to 9 unless a detailed statement justifying additional units was provided. Therefore, consideration has to be given to whether the scale and form of development proposed is acceptable. A design statement has been provided which explains the site is visually self contained within the landscape framework of the area. In addition, the density of the layout and plot sizes are similar to other small scale residential developments that have been granted in the locality. A restriction on the height of the new houses to one and a half storeys would mean new development would be less prominent than the former buildings on the site.
- 6.4 In addition, detailed guidance on new development in the Rural Area is contained in the Green Belt and Rural Area Supplementary Guidance. In the case of brownfield sites such as this, Policy GBRA7 - Redevelopment of Previously Developed Land outlines a number of criteria relevant to redevelopment proposals. The salient points are summarised as follows:
- New buildings should normally occupy the same position on the site as those that are to be replaced. Exceptionally, new development may extend to the existing

physical limit of the site, including any hardstanding areas. However, justification through the submission of a design statement will be required to show why this is necessary. In such cases, there should not be an adverse impact on the wider area in terms of landscape character and setting.

- The physical footprint of the new buildings shall normally not exceed that of the existing buildings in terms of floor area unless it can be shown there will not be a detrimental landscape impact or the cost of rehabilitating the site require additional units.
- The new development will be in keeping with the main features of the landscape and will integrate with its surroundings. A landscape framework should be provided to demonstrate how the development would fit into the landscape.
- Proposals should have no adverse impact in terms of road safety.
- There will be no adverse impact on biodiversity, including Natura 2000 sites and protected species, or features which make a significant contribution to the cultural and historic landscape value of the area.

6.5 Most of the original buildings associated with the former use have now been cleared other than the shell of one remaining shed. The site is derelict and overgrown and detracts from the landscape character and the amenity of nearby residents. The site is detailed on the Council's Vacant and Derelict Land Register. The former industrial use has long since ceased with no prospect of recommencing. The site previously contained a number of large sheds industrial in appearance. They had an extensive overall footprint but were located in the centre of the site whereas the current proposal seeks to develop the entire site for housing. Notwithstanding this, a significant area of hard standing used for storage and parking existed previously. It is also noted that the footprint of the houses on the 16 plots would not exceed that of the industrial complex if a limit on plot ratio is imposed by condition. On balance, the redevelopment of the site would greatly enhance the environmental quality of the area and would integrate with the landscape character of the area providing limits on storey height are imposed. It is also accepted that in the context of its surroundings, the site is well screened by topography and woodland and is not visually prominent from any public viewpoint.

6.6 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change. This is a relatively small housing development situated close to local services in Lanark which will utilise vacant brownfield land. The site is not at risk of flooding other than potential surface water run-off from an adjoining hill which could be mitigated by appropriate drainage. In consideration the proposals would not undermine the objectives of the policy.

6.7 The proposed development has also been considered against Policy 4 Development Management & Place Making and associated Supplementary Guidance which requires development proposals to take account of and be integrated with the local context and built form. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking. These matters are more properly dealt with at the further application stage, however, the development of the site for a housing development of the size and scale proposed would respect the local character of the area. A condition would be attached to the consent to ensure compliance with the Rural Design Guide and the submission of a Design Brief to justify the chosen house types and design and set parameters and guidelines for the future development of the site.

- 6.8 Policy 5 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed and developers will be required to ensure transparency in the financial viability of a development. In compliance with this, the applicant has agreed to make financial contributions towards community facilities of £1500 per dwelling amounting to £24,000. The scale of development does not exceed thresholds in the policy that would require the making of a contribution towards education provision and affordable housing.
- 6.9 Policy 15 – Natural and Historic Environment seeks to protect the natural and historic environment from adverse impacts resulting from development. In this case the site is within a Special Landscape Area. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010. The site falls within the Rolling Farmlands Landscape Character type where new development should generally be small scale, well sited so as to maximize the natural screening and the integration provided by topographic and woodland variety. Large and medium scale modifications to the undulating topography should be resisted. In its present dilapidated state the site detracts from the quality and enjoyment of the surrounding countryside. The remediation of the site will result in significant environmental improvements. The adjacent woodland cover on steep sided inclines ensures visual containment in respect of the wider locality. No modification of the natural landform is anticipated. The site also adjoins a core path which follows the route of Bellefield Road; Policy NHE18 in the Natural and Historic Environment Supplementary Guidance seeks to safeguard existing routes and where developments are adjacent to a route they are required to take account of the route. The proposed development does not affect the route of the path and conditions requiring the formation of a footpath along the site frontage and passing places along Bellefield Road would enhance the route and improve pedestrian safety.
- 6.10 In summary, this development proposes redeveloping the brownfield site of a former industrial business within the rural area. Previous consents and the identification of the site in the Housing Land Supply have established the principle of residential development on site. The proposal has been assessed favourably against detailed policy guidance of the adopted local development plan. The proposals represent an appropriate form of residential development for the site and it is therefore recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the payment of £24,000 has been made to ensure the submission of the necessary financial contributions.

7 Reasons for Decision

- 7.1 The proposal accords with Policies 2, 3, 4, 5, 15 and 17 of the adopted South Lanarkshire Local Plan and associated Supplementary Guidance: Natural and Historic Environment; Development Management, Place Making and Design; Green Belt and Rural Area; Green Network and Green Spaces and Sustainable Development and Climate Change. The proposal will have no adverse impact on residential or visual amenity of the area and also raises no road safety issues.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

22 February 2018

Previous References

- ◆ CL/09/0455
- ◆ CL/13/0003

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 04/10/2017

- ▶ Consultations
 - Environmental Services [e-consult] 14/07/2017
 - S.E.P.A. (West Region) 11/07/2017
 - Roads & Transportation Services (Flood Risk Management Section) 08/08/2017

- ▶ Representations
 - Representation from : Siobhan , 15 Bellefield Crescent
Lanark
ML11 7QY
, DATED 26/07/2017 15:22:24

 - Representation from : Bryan Kerr , 3 Bellefield Way
Lanark
, DATED 26/07/2017 14:53:47

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Ian Hamilton, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 5174 (Tel: 01698 455174)
E-mail: ian.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-(a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;(b) Sections through the site, existing and proposed ground levels and finished floor levels;(c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,(d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.
- 2 That before any of the further applications required under the terms of Condition 1 above are submitted a Design Statement and Design Brief which shall set out the design principles, justify the design solution and show how the proposal responds to the wider context of the area as well as the characteristics of the site shall be submitted for the consideration and approval of the Council as Planning Authority. All of the applications submitted under condition shall accord with the approved documents.
- 3 That notwithstanding the terms of Condition 1 above, the design and siting of any dwellinghouse on the site shall take due cognisance of the rural location, with particular regard being paid to scale, massing, roof pitch, fenestration and materials; and shall be in accordance with the Council's approved policy on new dwellings in the Countryside.
- 4 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 5 That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 60 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 6 That before any of the houses hereby approved are occupied, a two metre wide footway shall be constructed along the frontage of the site to the specification of the Council as Roads and Planning Authority.

- 7 That before any of the houses hereby approved are occupied passing places, with appropriate entry and exit taper, shall be formed, in compliance with Guidelines for Development Roads, in the location detailed in drawing number 1007 to the satisfaction of the Council as Planning and Roads Authority.
- 8 That before the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto the public road or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 9 That no dwellinghouses shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.
- 10 That before work commences on site details of the sewerage disposal system, shall be submitted to and approved by the Council as Planning Authority in consultation with SEPA and thereafter prior to the occupation of the dwellings the approved sewerage system shall be installed to the satisfaction of the said Authority.
- 11 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include the following signed appendices : 1 'Sustainable drainage design compliance certificate' , 2 'Sustainable drainage design - independent check certificate' 3 'Flood risk assessment compliance certificate', 4 'Flood risk assessment - independent check certificate' and 5 'Confirmation of future maintenance of sustainable drainage apparatus' . The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 12 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 13 (a) The applicant shall be required to undertake a comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
 - (i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
 - (ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
 - (iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk

assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

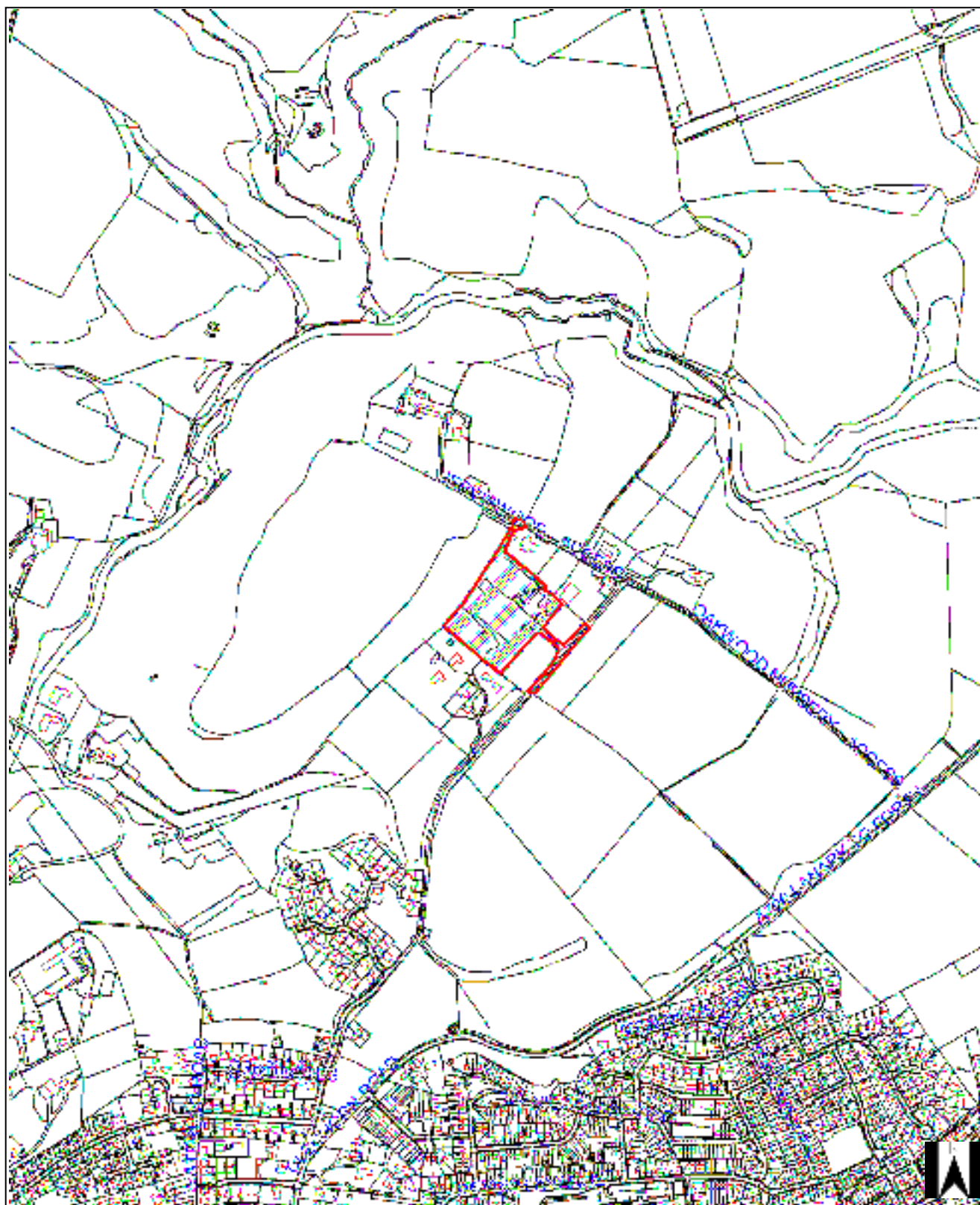
- 14 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 15 That the developer shall submit a scheme for the installation of 'Schwegler 2FN' bat boxes on adjacent woodland for the approval of the Council as Planning Authority in consultation with SNH and that prior to the commencement of the development on site, including any associated demolition, the bat boxes shall be installed to the full satisfaction of the said Authority.
- 16 That the further application required under Condition 1 above shall include a scheme of tree and shrub planting for the area indicated in green on the approved plan.
- 17 That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

REASONS

- 1.1 These details have not been submitted or approved.
- 2.1 To provide an explanation of the design concept and to enable a greater understanding of the proposal.
- 3.1 In the interests of amenity and to ensure satisfactory integration of the new dwellinghouse with the designated Countryside.
- 4.1 In the interests of the visual amenity of the area.
- 5.1 In the interest of road safety.
- 6.1 In the interest of public safety.
- 7.1 In the interest of road safety.
- 8.1 To ensure the provision of a satisfactory drainage system.

- 9.1 To ensure that the development is served by a water supply.
- 10.1 To ensure that the development is served by an appropriate effluent disposal system.
- 11.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 12.1 In order to retain effective planning control.
- 13.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 14.1 To minimise the risk of nuisance from dust to nearby occupants.
- 15.1 To minimise impacts upon bats, a European Protected Species.
- 16.1 In the interests of amenity.
- 17.1 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

For information only



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Report

10

Report to:	Planning Committee
Date of Meeting:	13 March 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0553
Planning Proposal:	Installation of a New Shop Front

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr Mohammed Razzaq
- Location : 60 Coatshill Avenue
Blantyre
G72 9LE

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission.
- (2) This application requires to be referred to the Planning Committee as the applicant is close family relative of a member of the Council.

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine the application

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Development management, placemaking and design supplementary guidance (2015)

- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

None

Planning Application Report

1 Application Site

- 1.1 The property is an existing single storey terraced building containing a shop which is located on Coatshill Avenue, Blantyre within a short row of local amenities. The area is predominantly residential and David Livingstone Primary School is located at the end of the street.

2 Proposal(s)

- 2.1 The applicant proposes to install a new shop front to the property. This will include the removal of the small window to the right of the existing door to allow the creation of a new entrance with full length windows either side of the door. The existing main window will also be extended to make it full length, the fascia board will be extended across the full width of the building and the existing painted render will be replaced with a ceramic tile.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 None are directly applicable given the scale and nature of the proposal.

3.2 Local Plan Status

- 3.2.1 The South Lanarkshire Local Development Plan (SLLDP) identifies the site as being within a general urban settlement which is covered by Policy 6. Policy 6 states that all proposals should be assessed in terms of their potential impact upon the character and amenity of the area. Developments, particularly “bad neighbour” uses which by virtue of visual impact, noise, smell, air pollution, disturbance, traffic or public safety shall not be permitted if they are detrimental to the amenity of residents.
- 3.2.2 All development proposals are also affected by additional policies within the local plan. Policies 4 – Development Management and Placemaking seeks to ensure that any proposed development takes due cognisance of the local context and provides high quality design.
- 3.2.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.
- 3.2.4 This type of application can generally be dealt with under delegated powers, however as the applicant is close family relative of a member of the Council, this application requires to be referred to the Planning Committee.

3.3 Planning History

- 3.3.1 One previous application has been approved on the site in 2003 under HM/03/0451 for a single storey side extension to the shop.

4 Consultation(s)

- 4.1 Due to the scale and nature of the proposal no consultations were required in respect of this application.

5 Representation(s)

- 5.1 Statutory neighbour notification was carried out however no letters of representation have been received.

6 Assessment and Conclusions

- 6.1 The applicant seeks consent for the installation of a new shop front to an existing retail unit. The determining issues in consideration of this application are its compliance with local plan policy and, in particular, its impact on the amenity of the surrounding area.
- 6.2 The alterations proposed to the shop front are in keeping with the surrounding area and will most likely improve the appearance of the existing shop which will provide a positive lift to the general aesthetics of the local amenities.
- 6.3 In summary, it is considered that the proposal is acceptable in terms of local plan policy. On this basis it is, therefore, recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposed shop front will have no significant adverse impact on either residential or visual amenity and complies with Policies 4 and 6 of the South Lanarkshire Local Development Plan (adopted June 2015) and the associated Supplementary Guidance. There are no additional material considerations which would justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

22 February 2018

Previous References

- ◆ HM/03/0451

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 23 November 2017

- ▶ Consultations
None

- ▶ Representations
None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Mariona Doig, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3
6LB
Ext 3648 (Tel: 01698 453648)
E-mail: mariona.doig@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/17/0553

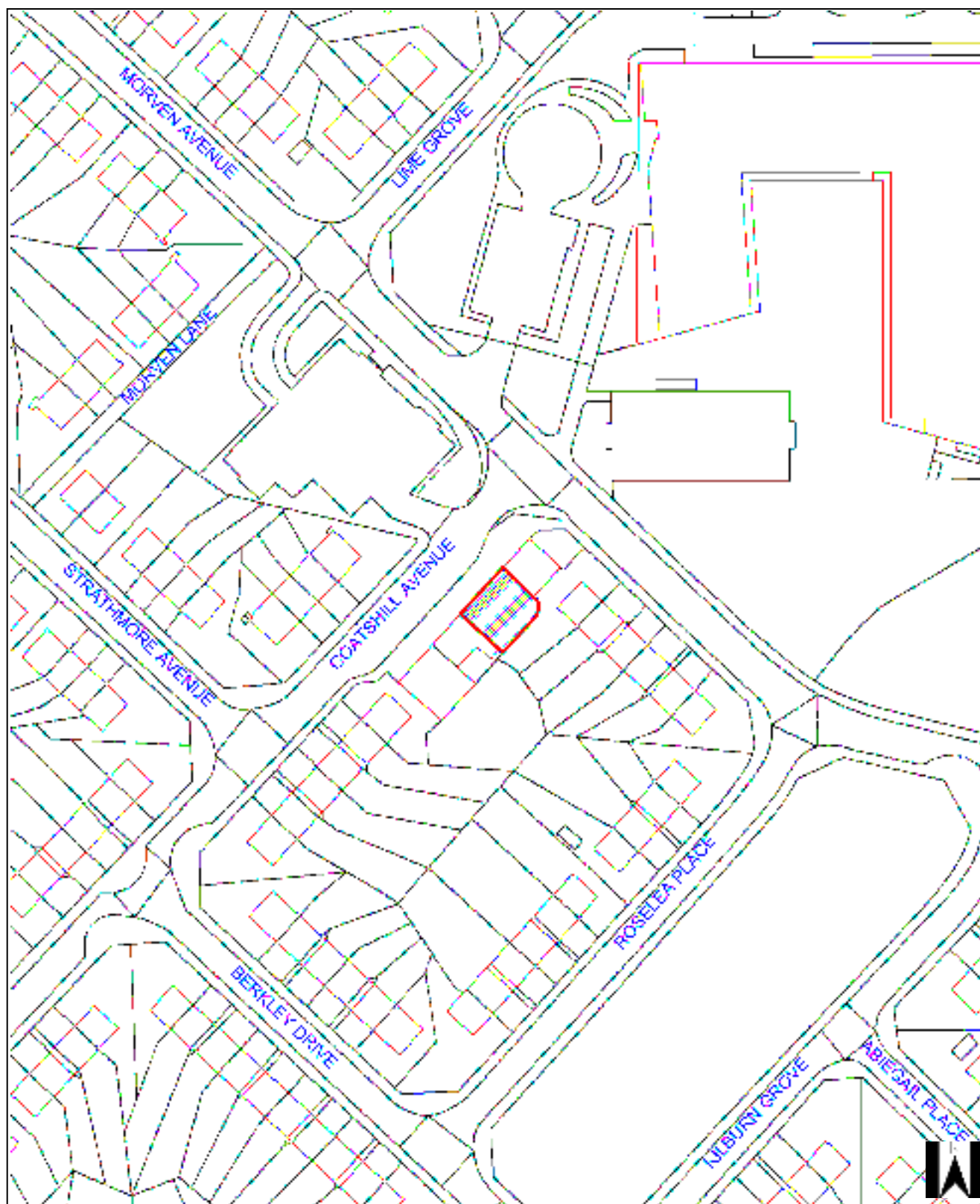
CONDITIONS

1 None

REASONS

1.1 Planning permission is granted unconditionally.

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Report

11

Report to: Planning Committee

Date of Meeting: 13 March 2018

Report by: Executive Director (Finance and Corporate Resources)
Executive Director(Community and Enterprise Resources)

Subject: Review of the Planning Application Decision Making Process Guidance

1 Purpose of Report

1.1 The purpose of the report is to:-

- Seek Committee approval for revisions to the Council's guidance on the Planning Application Decision Making Process.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendations;

- Approve the amendments to the Council's guidance on the Planning Application Decision Making Process set out in appendix 1 to this report, subject to the Head of Planning and Economic Development being authorised to modify the document to take account of drafting, presentational and technical matters prior to publication.

3 Background

3.1 The Council's Planning Application Decision Making Process Guidance sets out the procedure for dealing with planning applications at Committee. A review of the document was carried out by the Head of Administration and Legal Services and the Head of Planning and Economic Development Services following a decision by Committee in August 2017 to refuse an application contrary to officer recommendation. The decision was then the subject of an appeal to Scottish Ministers and it was concluded that there was insufficient clarity in the guidance to deal with these circumstances.

3.2 A report was presented to the Planning Committee on 21 November 2017 seeking approval for amendments to the guidance on dealing with these circumstances. The report set out proposed changes as well as other revisions covering issues such as requests by Members for an otherwise delegated application to be determined by Committee; the manner in which multiple objections from individuals are dealt with; and the status of objections received after a committee report had been finalised.

- 3.3 Following presentation of the report by officers and discussion by Members, it was agreed that consideration of the review of the guidance be continued to a future meeting of the Planning Committee in order to address comments made by Members. A further report was presented to the Planning Committee on 13 February 2018. After discussion, a decision was deferred again to allow research on the way in which other Planning Authorities deal with these matters and for further legal advice to be sought.
- 3.4 The main reason for the original review of the guidance was to put in place a comprehensive process for dealing with decisions made against officer recommendation. The Head of Administration and Legal Services has advised of the significance of having clear procedures in place for handling decisions made against officer recommendation as the Council is at risk of successful legal challenge if there is a lack of procedural guidance on this specific part of the decision making process.. It is considered Members will also benefit from clarity on their role and responsibility in these circumstances.
- 3.5 Dealing with instances where members go against officer recommendations can be broken down into two specific but related matters. Firstly, the procedure to be used at committee when a member moves a recommendation to make a decision contrary to recommendation and, secondly, the procedure for dealing with any subsequent appeal against that decision or drafting conditions/negotiating a related section 75 Obligation or other legal agreement.
- 3.6 Decisions made by committee contrary to officer recommendation are permissible and competent and this remains unchanged. However, the decision must comply with the Town and Country (Planning) Scotland Act 1997 and so, on reaching a decision, the committee must have regard to the provisions of the development plan as far as material to the application and to any other material considerations. The written decision notice which must be issued must include a statement of the sound and proper planning reasons for the decision based on the committee debate. Accordingly, if the committee overturns an officer recommendation, the minutes for the meeting must clearly identify the committee's planning reasons for its decision. Consideration of a planning application by an officer is carried out with impartiality. Planning officers are subject to the code of conduct of the Royal Town Planning Institute (their professional body) and can be subject of disciplinary action if they are seen to be acting contrary to the code of conduct. Officers are required to form a view on the merits of a planning application based on their judgement while demonstrating impartiality. As a result, an officer cannot become involved in drafting reasons for refusal or planning conditions attached to a planning permission nor in later discussions on any related legal agreement contrary to their professional recommendation. Whilst some Planning Authorities use another planning officer in their employ and unrelated to the case to deal with these matters, legal advice is that this is a conflict of interest and that it is not professionally appropriate for a planning officer to challenge the professional view of a fellow officer in these circumstances.
- 3.7 Section 7.3 of the guide currently states that the Member moving the amendment to the officer recommendation will be required to give their reasons for refusing the application or appropriate planning conditions to be attached to a grant of planning permission. Further, in the event of the refusal of an application contrary to officer recommendation, the Planning Service cannot handle any subsequent appeal. However, there is an absence of procedure once the decision is taken. As a result, it is proposed to update the guidance to reflect these circumstances.
- 3.8 Research of the way in which other Planning Authorities deal with these instances has shown that, in most cases, the members who move and second the amendment to

recommendation are required to provide the reasons for their decision. In cases where it is intended to refuse an application contrary to recommendation, it is critical that the reasons for refusal are valid, sustainable and defensible and based on planning grounds and the evidential evaluation of material considerations. Similarly, where it is intended to overturn a recommendation to refuse the relevant members are required to provide reasons for the decision, prepare conditions to be attached to the consent and, where appropriate, whether a legal agreement is required for example to ensure financial contributions are sought. It is usual practice in these cases for the meeting to be adjourned to ensure the motion is competent in planning and legal terms and for the members to frame reasons for refusal. The committee is then re-convened to allow a vote to be taken. It is proposed that the guidance be updated to reflect this procedure which is set out in more detail in appendix 1 of the report. The process is adopted in various forms by other Planning Authorities.

- 3.9 In cases where an appeal is lodged against the refusal of an application contrary to recommendation, it is standard practice that the planning officer will not take part in this process for the reasons set out in 3.6 above. The recommendation in the earlier reports was for the Committee to nominate at least one Member to act as instructing client to the Head of Administration and Legal Services and, if appropriate, to delegate authority to the Head of Administration and Legal Services to instruct such external legal and technical advisors as may be required to deal with the appeal. However it is now proposed that following the making of the decision it will be understood that the Chair of the Committee will instruct the Director of Community and Enterprise Resources to give a direction to Head of Administration and Legal Services to carry out all necessary procedures including instructing external advisors where appropriate.
- 3.10 Similarly, where a decision to grant planning permission is taken contrary to officer recommendation to refuse the application, it will be understood that delegated authority is given to the Head of Administration and Legal Services to prepare an agreement in terms of Section 75 of the 1997 Act where Committee considers that planning obligations are required and any other statutory agreement that may be required.
- 3.11 Finally the procedures as approved will apply to decisions taken at the Planning Committee and the relevant Area Committees. In all cases the decision notice must be signed by the Head of Administration and Legal Services before being issued.

4. Next Steps and Timescale

- 4.1 Following Committee approval, it is intended that the revised guide will be published on the Council's website and form the basis for the Council's approach to the matters described above.

5. Employee Implications

- 5.1 There are no employee implications.

6. Financial Implications

- 6.1 There are no budgetary implications at this stage. Any publishing costs can be met from existing revenue budgets.

7. Other Implications

- 7.1 The Council is at risk of successful legal challenge if there is a lack of procedural guidance on this specific part of the decision making process
- 7.2 There are no implications for sustainability in terms of the information contained in this report.

8. Equality Impact Assessment and Consultation Arrangements

8.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required. There is also no requirement to undertake any consultation in terms of the information contained in this report.

Paul Manning, Executive Director (Finance and Corporate Resources)

Michael McGlynn, Executive Director (Community and Enterprise Resources)

6 March 2018

Link(s) to Council Values/Objectives/Ambitions

- Work with Communities and Partners to Promote High Quality, Thriving and Sustainable Communities
- Accountable, Effective, Efficient and Transparent

Previous References

- Report to the Executive Committee on 10 June 2009 – Planning etc (Scotland) Act 2006
- Report to the Planning Committee on 21 November 2017 – Review of the Planning Application Decision Making Process Guidance
- Report to the Planning Committee on 13 February 2017 – Review of the Planning Application Decision Making Process Guidance

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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E-mail: karen.moore@southlanarkshire.gov.uk

Tony Finn, Planning and Building Standards Area Manager, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Ext: 5105 (Tel 01698 455105)

Email: tony.finn@southlanarkshire.gov.uk

Appendix 1

Addendum Planning Application Decision Making Process

Page 13

- Delete sub- paragraph 7.3(h) and add the following sub-paragraphs in its place:-

7.3(h) The decision on the application must be issued in writing and must narrate the reasons for the decision with reference to the material considerations which were taken into account in reaching the decision. If a Committee Member moves an amendment against the recommendation of the Planning Officer and is seconded, the Committee may suspend formal proceedings, with any members of the press and public asked to leave, to prepare the written reasons (described above) and, as appropriate, either the reasons for refusal, or the planning conditions for inclusion in the amendment. In the case of an amendment to grant planning permission against officer recommendation, the Committee may also consider whether a related planning agreement is required and, if so, include provision to delegate authority to the Head of Administration and Legal Services to prepare an agreement in terms of Section 75 of the 1997 Act and any other such statutory agreement as may be required. Thereafter, the Committee will recommence formal proceedings, to vote on these matters, with the press and public invited to re-enter the room. The outcome will be recorded as the Committee's decision.

7.3 (i) If an officer's recommendation is not accepted, the officer cannot handle any subsequent planning appeal or be involved in discussions on any planning conditions or related planning agreements and so the planning Decision Notice will be signed by the Head of Administration and Legal Services and, thereafter, Legal Services will deal with any appeal or other statutory agreements.

7.3(j) Where a decision to refuse planning permission is taken, contrary to officer recommendation to grant consent, the Chair of the Committee will instruct the Executive Director (Community and Enterprise Resources), in the event of an appeal, to direct the Head of Administration and Legal Services to instruct such external legal and technical advisors as may be required to deal with the appeal.

7.3(k) For the avoidance of doubt, the Committee procedure set out in this section of the guide will apply to the Planning Committee or the respective Area Committee at which the application is reported.

