



Council Offices, Almada Street
Hamilton, ML3 0AA

Friday, 27 September 2019

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, 08 October 2019

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.

Yours sincerely

Paul Manning
Depute Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Walter Brogan, Archie Buchanan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Ann Le Blond, Martin Lennon, Richard Lockhart, Kenny McCreary, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Collette Stevenson, Bert Thomson, Jim Wardhaugh

Substitutes

John Anderson, Janine Calikes, Gerry Convery, Margaret Cooper, Allan Falconer, Lynsey Hamilton, Ian Harrow, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 16

Minutes of the meeting of the Planning Committee held on 10 September 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

3 Application HM/16/0541 for Importation of Inert Waste to Restore Former Reservoir to Agricultural Land and Temporary Operation of Inert Construction Waste Recycling Facility at Wellbrae Reservoir, Muttonhole Road, Hamilton

17 - 38

Report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

4 Application P/19/1038 for Installation of New Access to Public Road and Access Track to Serve Proposed Restoration of Former Reservoir to Agricultural Land at Wellbrae Reservoir, Muttonhole Road, Hamilton

39 - 52

Report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

5 Application P/19/0662 for Change of Use from Agricultural Field to 3 Dog Running Fields, Erection of Boundary Fencing, Erection of 3 Shelters and Formation of 2 Car Parks (Retrospective) at Land 180 Metres South Southwest of Loanend Cottages, Loanend Road, Cambuslang

53 - 66

Report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

6 Application P/19/0970 for Installation of 13 Kilometres of Underground Electrical Cable, Erection of New Substation and Extension to Existing Substation with Associated Access, Infrastructure and Ancillary Works (Including Temporary Construction Compounds) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark

67 - 80

Report dated 17 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

7 Application P/19/1145 for Erection of 19 Wind Turbines, 180 Metres Maximum Height to Blade Tip, Access Tracks, Substation and Other Associated Infrastructure (Section 36C Application) at Kennoxhead Wind Farm, Glentaggart Road, Glespin, Lanark

81 - 118

Report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

8 Application P/18/1629 for Erection of 112 Houses and Associated Infrastructure Works (Approval of Matters Specified in Conditions 1 (a to r), 3, 4, 6 to 10 and 12 of Planning Permission in Principle EK/09/0218) at Land to the Southwest of East Kilbride, Largely Bounded by Eaglesham Road, Jackton Road and Newlands Road

119 - 136

Report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

9 Application P/19/1100 for Erection of 57 Residential Units (Including 12 Cottage Flats) with Associated Roads and Landscaping at Land 45 Metres South of 56 Ell Crescent, Cambuslang

137 - 154

Report dated 19 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

- 10 **Application P/19/0368 for Erection of 11 Houses, Associated Access Road and Ground and Retention Works at Land 140 Metres West of 165 Lanark Road, Crossford, Carluke** 155 - 164
Report dated 16 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 **Application P/19/1022 for Extension to Church to Form New Entrance at Moncrieff Parish Church, Maxwellton Road, East Kilbride** 165 - 174
Report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 **Application P/19/1045 for Erection of 19 Single Storey and Two Storey Detached Houses, Detached Garages, Associated Access Road, Infrastructure and Landscaping at Land East of Hyndford Road, Hyndford Bridge, Lanark** 175 - 190
Report dated 17 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 **Application HM/17/0089 for Formation of Roundabout, SUDs Pond and Associated Works at Land at Former Waterworks Site, Strathaven Road, Hamilton** 191 - 208
Report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 14 **Application HM/17/0090 for a Residential Development (37 Units) and Associated Drainage, Infrastructure and Landscape Works at Land at Former Waterworks Site, Strathaven Road, Hamilton** 209 - 228
Report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 15 **Application P/19/0628 for Erection of 13 Wind Turbines to a Maximum Height of 200 Metres to Blade Tip (Section 36 Consultation) at Douglas West Wind Farm, Middlemuir Road, Coalburn, Lanark** 229 - 268
Report dated 19 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 16 **Application P/19/1126 for Erection of 48 Houses (Including Cottage Flats) with Associated Roads, Parking and Landscaping at Land 350 Metres East of Kennedies Farm of Highstonehall Road, Hamilton** 269 - 284
Report dated 26 September 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

17 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 10 September 2019

Chair:

Councillor Isobel Dorman

Councillors Present:

Councillor Alex Allison, Councillor John Bradley, Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Stephanie Callaghan, Councillor Gerry Convery (*for Councillor Cowie*), Councillor Peter Craig (*for Councillor Ross*), Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Richard Lockhart, Councillor Kenny McCreary, Councillor Colin McGavigan (*for Councillor Le Blond*), Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Graham Scott, Councillor David Shearer, Councillor Collette Stevenson, Councillor Bert Thomson, Councillor Jim Wardhaugh

Councillors' Apologies:

Councillor Margaret Cowie, Councillor Ann Le Blond, Councillor Davie McLachlan, Councillor John Ross (ex officio)

Attending:

Community and Enterprise Resources

B Darroch, Area Manager, Planning and Building Standards Services (Hamilton); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters and Area Manager (Clydesdale), Planning and Building Standards Services; F Jack, Team Leader, Development Management Team, Roads and Transportation Services; T Meikle, Area Manager, Planning and Building Standards Services (Cambuslang/Rutherglen and East Kilbride)

Finance and Corporate Resources

P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services, K McLeod, Administration Assistant; K Moore, Legal Services Adviser; A Thompson, Media Officer

1 Declaration of Interests

The following interests were declared:-

Councillor(s)	Item(s)	Nature of Interest(s)
Horsham	Application P/18/1298 – Erection of Detached Kennel, Cattery and Office Building with Access, Parking, Entrance Wall and Associated Works (Retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven	Close family member made representations on the application
	Application P/18/1308 – Erection of a Timber Tool Shed and Child's Play House Within Curtilage of House (Retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven	

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 13 August 2019 were submitted for approval as a correct record.

The Committee decided: that the minutes be approved as a correct record.

3 Application P/18/1298 for Erection of Detached Kennel, Cattery and Office Building with Access, Parking, Entrance Wall and Associated Works (Retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven

Prior to consideration of planning application P/18/1298, members requested clarification in relation to guidance issued by the Standards Commission for Scotland on the process for local members who wished to address the Committee. In terms of Standing Order No 13, the Chair adjourned the meeting at 10.15am for a 5 minute period to allow the Head of Administration and Legal Services to attend and respond to members' questions. The meeting reconvened at 10.20am.

The Head of Administration and Legal Services responded to members' questions on the matter and advised of:-

- ◆ the provisions of the Councillors' Code of Conduct and associated Guidance in respect of representations by members to Committee
- ◆ the statutory position of the Code and associated Guidance

Having heard the Head of Administration and Legal Services, the Committee then proceeded to consider planning application P/18/1298.

A report dated 30 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1298 by A Simpson and S Bennett for the erection of a detached kennel, cattery and office building with access, parking, entrance wall and associated works (retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven.

The Committee heard Councillor Campbell, a local member, on his objection to the proposal.

There followed a full discussion during which officers responded to members' questions on various aspects of the application.

The Committee decided: that planning application P/18/1298 by A Simpson and S Bennett for the erection of a detached kennel, cattery and office building with access, parking, entrance wall and associated works (retrospective) at Brae Farm, A726 from Chapelton to Strathaven, Chapelton, Strathaven be refused for the reasons detailed in paragraphs 5(a) to 5(h) of the Executive Director's report.

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

Councillor Campbell, having made representations to the Committee on this application as a local member, then withdrew from the meeting during its consideration

Councillors Burns and Scott left the meeting following consideration of this item of business

4 Application P/18/1308 for Erection of a Timber Tool Shed and Child's Play House Within Curtilage of House (Retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1308 by A Simpson and S Bennett for the erection of a timber tool shed and child's play house within the curtilage of a house (retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven.

The Committee decided: that planning application P/18/1308 by A Simpson and S Bennett for the erection of a timber tool shed and child's play house within curtilage of a house (retrospective) at Brae Farm, A726 from Strathaven to Chapelton, Chapelton, Strathaven be granted subject to the conditions specified in the Executive Director's report.

5 Application P/18/1515 for Approval of Matters Specified in Conditions 1, 2, 5, 6, 7, 8, 10, 12 and 13 of Planning Permission in Principle HM/16/0174 in Relation to Site Layout, House Design, Road Layout and Pedestrian Links, Drainage and Phasing etc at Site of Former Stonehouse Hospital, Strathaven Road, Stonehouse

A report dated 30 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1515 by Persimmon Homes for approval of matters specified in Conditions 1, 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission in principle HM/16/0174 in relation to site layout, house design, road layout and pedestrian links, drainage and phasing etc at the site of the former Stonehouse Hospital, Strathaven Road, Stonehouse.

The Committee heard Councillor Campbell, a local member, on concerns relating to:-

- ◆ tree planting
- ◆ provision of a roundabout

The Committee decided: that planning application P/18/1515 by Persimmon Homes for approval of matters specified in Conditions 1, 2, 5, 6, 7, 8, 10, 12 and 13 of planning permission in principle HM/16/0174 in relation to site layout, house design, road layout and pedestrian links, drainage and phasing etc at the site of the former Stonehouse Hospital, Strathaven Road, Stonehouse be granted subject to the conditions specified in the Executive Director's report.

Councillor Campbell, having made representations to the Committee on this application as a local member, then withdrew from the meeting during its consideration

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

6 Application P/18/1409 - Section 42 Application to Vary Conditions 75, 79 and 83 of Planning Consent EK/06/0311 for Erection of 11 Wind Turbines and Associated Infrastructure Including Sub-Station, Access Tracks, Construction Compound and Borrow Pit at Bankend Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1409 by Wilson Renewables LLP for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Conditions 75, 79 and 83 of planning consent EK/06/0311 for the erection of 11 wind turbines and associated infrastructure including sub-station, access tracks, construction compound and borrow pit at Bankend Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven.

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 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/18/1409 for an application by Wilson Renewables LLP under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Conditions 75, 79 and 83 of planning consent EK/06/0311 for the erection of 11 wind turbines and associated infrastructure including sub-station, access tracks, construction compound and borrow pit at Bankend Rig Wind Farm, Waterhead Peelhill and Linbank Highway, Strathaven be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ provision of Community Benefit funds to the satisfaction of the Council
 - ◆ preparation and implementation of a television reception remedial procedure
 - ◆ preparation and implementation of a Habitat Management Plan to the satisfaction of the Council and Scottish Natural Heritage
 - ◆ provision of an Ecological Clerk of Works
 - ◆ the funding of a Planning Monitoring Officer to be appointed by the Council
 - ◆ access to the site being secured in Planning terms
 - ◆ control over turbine transportation and the repair of any damage to the roads
 - ◆ indemnification between the applicant and the Council as Roads authority outlining the indemnity insurance requirements of the turbine transportation period
 - ◆ the applicant meeting the Council's legal costs associated with the Planning Obligation and/or other legal agreements and the restoration guarantee quantum
- (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 26 January 2010 (Paragraph 3) and 7 July 2015 (Paragraph 15)]

7 Application P/19/0567 for Erection of 66 Houses and Associated Infrastructure and Landscaping at Site of Former Roadmeetings Hospital, Goremire Road, Carluke

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0567 by Persimmon Homes for the erection of 66 houses and associated infrastructure and landscaping at the site of the former Roadmeetings Hospital, Goremire Road, Carluke.

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 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application P/19/0567 by Persimmon Homes for the erection of 66 houses and associated infrastructure and landscaping at the site of the former Roadmeetings Hospital, Goremire Road, Carluke be granted subject to:-
- ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner(s) to ensure:-
 - ◆ appropriate financial contributions were made at appropriate times during development towards the provision of educational facilities and the upgrade of community facilities
 - ◆ on-site provision of 14 residential units, to be built by the developer and then transferred to the Council in a turnkey arrangement to form part of the housing stock
 - ◆ the applicants meeting the Council's legal costs associated with the 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)]

8 Application P/19/0267 for Erection of Extension to Side and Rear of Existing Class 2 Office Premises at 18 Glasgow Road, Uddingston

A report dated 20 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0267 by Beattie Communications for the erection of an extension to the side and rear of existing Class 2 office premises at 18 Glasgow Road, Uddingston.

The Committee decided: that planning application P/19/0267 by Beattie Communications for the erection of an extension to the side and rear of existing Class 2 office premises at 18 Glasgow Road, Uddingston be refused for the reasons detailed in the Executive Director's report.

9 Application P/18/1424 for Erection of 46 Houses, Associated Roads, Infrastructure, Amenity Areas and Landscaping (Approval of Matters Specified in Conditions in Relation to Planning Consent CL/15/0395) at The Pleasance, Byretown Road, Kirkfieldbank, Lanark

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1424 by GP Properties Limited for the erection of 46 houses, associated roads, infrastructure, amenity areas and landscaping (approval of matters specified in conditions in relation to planning consent CL/15/0395) at The Pleasance, Byretown Road, Kirkfieldbank, Lanark.

The Committee decided: that planning application P/18/1424 by GP Properties Limited for the erection of 46 houses, associated roads, infrastructure, amenity areas and landscaping (approval of matters specified in conditions in relation to planning consent CL/15/0395) at The Pleasance, Byretown Road, Kirkfieldbank, Lanark be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ the decision notice being withheld until a financial contribution of £69,000 had been paid by the applicant to allow the provision or upgrading of community facilities in Kirkfieldbank identified through consultation with the residents of Kirkfieldbank

[Reference: Minutes of 17 November 2015 (Paragraph 10)]

Councillor Brogan left the meeting following consideration of this item of business

10 Application CL/17/0325 for a Residential Development Including the Formation of a New Vehicle Access (Planning Permission in Principle) at Goremire Road/Old Lanark Road, Carluke

A report dated 20 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0325 by Green Shoots Land Limited for a residential development including the formation of a new vehicle access (planning permission in principle) at Goremire Road/Old Lanark Road, Carluke.

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 Planning Obligation and/or other agreement and the approved procedure would apply.

The Committee decided:

- (1) that planning application CL/17/0325 for residential development including the formation of a new vehicle access (planning permission in principle) at Goremore Road/Old Lanark Road, Carluke be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ prior conclusion of a Planning Obligation and/or other appropriate agreement between the Council, the applicant and the site owner(s) to ensure that appropriate financial contributions were made at appropriate times during development towards the provision of:-
 - ◆ educational facilities
 - ◆ an upgrade of community facilities
 - ◆ affordable housing
 - ◆ the applicants meeting the Council's legal costs associated with the 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 8 March 2016 (Paragraph 12)]

11 Application P/19/0166 for Change of Use From House to Residential Care Home for Children at 295 Lanark Road, Auchenheath, Lanark

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0166 by Inspire Scotland for the change of use from a house to a residential care home for children at 295 Lanark Road, Auchenheath, Lanark.

The Committee decided:

that planning application P/19/0166 by Inspire Scotland for the change of use from a house to a residential care home for children at 295 Lanark Road, Auchenheath, Lanark be granted subject to the conditions specified in the Executive Director's report.

12 Application P/18/1545 for Demolition of House and Erection of 11 Flats with Associated Parking and Landscaping at 41 Carlisle Road, Hamilton

A report dated 21 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1545 by Mr Perella for the demolition of a house and the erection of 11 flats with associated parking and landscaping at 41 Carlisle Road, Hamilton.

The Committee decided: that planning application P/18/1545 by Mr Perella for the demolition of a house and the erection of 11 flats with associated parking and landscaping at 41 Carlisle Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

13 Update on the Planning (Scotland) Act 2019

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the Planning (Scotland) Act 2019 which had received Royal Assent on 25 July 2019 and the implications for the Council of the additional duties required by the Act.

Details were given on the main outcomes of the Act and the likely implications for the Council in relation to:-

- ◆ the definition of a 'purpose of planning'
- ◆ development planning including:-
 - ◆ strategic development
 - ◆ National Planning Framework
 - ◆ Local Development Plans
- ◆ Local Place Plans
- ◆ open space strategies
- ◆ development management including:-
 - ◆ short term holiday lets
 - ◆ pre application consultation
 - ◆ repeat applications
 - ◆ noise sensitive developments
 - ◆ provision of toilet facilities
 - ◆ planning application fees
- ◆ infrastructure levy
- ◆ elected member training

The provisions of the Act were not yet in force and many of those provisions would be subject to further secondary legislation and associated Regulations and guidance. As a result, they would not be enacted until those had been published. Exact timescales for this were unknown, however, it was anticipated that this would take place over a period of approximately 2 years. Further reports to update members and seek approval for changes to processes and procedures required as a result of the Act would be submitted to future meetings of the Committee, as necessary.

The Committee decided:

- (1) that the report be noted; and

- (2) that it be noted that further reports would be submitted to the Committee when more detail was available following the introduction of secondary legislation and associated Regulations.

[Reference: Minutes of 13 February 2018 (Paragraph 12)]

14 BT Payphone Removal

A report dated 29 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on BT's proposals to remove 36 payphones throughout South Lanarkshire.

In July 2019, BT notified the Council of its proposal to remove 36 payphones from the network in South Lanarkshire. Prior to removal, BT was required to place a notice in each affected payphone advising of its proposed removal and allowing a period of 42 days for comments to be submitted to the Council's Planning Service. In addition, the Council was required to consult separately on the proposed removal of the payphones selected by BT. The Council had contacted all community councils providing details of the proposed payphone removals in their respective areas and had provided consultation through the Council's website. In addition, all elected members had been advised of the consultation process and had been given details of the payphones proposed for removal, together with the opportunity to make representations.

The Council could object to the removal of any payphone but was required to provide a reason for its objection. In coming to a view on whether to agree or object to the proposed removal of each payphone, the Council considered representations received, together with the outcome of a separate analysis undertaken on each payphone which included:-

- ◆ frequency of usage
- ◆ proximity of alternative payphones
- ◆ population profile
- ◆ housing tenure
- ◆ mobile coverage
- ◆ the need to make emergency calls

The analysis identified that a number of the payphones proposed for removal were located within some of the most poorly ranked areas in South Lanarkshire in terms of socio economic criteria. The full list of payphones proposed for removal was detailed in Appendix 1 to the report, together with the Council's view on whether it agreed or objected to the removal. The Council had objected to the removal of 29 payphones, the reasons for which were detailed in Appendix 1 to the report.

If approved, the Council would publish the decisions detailed in Appendix 1 in the form of a 'First Notification'. This would be sent to community councils and published on the Council's website. A further period of 1 month would be allowed for representations on the 'First Notification'. Following consideration of any additional comments, the Council would publish a 'Final Notification' setting out its final decisions and reasons. This required to be sent to BT by 28 October 2019 as well as to community councils and the Scottish Government's Department for Digital, Culture, Media and Sport.

The Committee decided:

- (1) that approval be given for the publication of a 'First Notification' stating the BT payphones which the Council agreed could be removed and those to which it objected, as detailed in Appendix 1 to the report; and

- (2) that the Head of Planning and Economic Development be authorised to consider any further representations received in response to consultation on the 'First Notification' of the Council's draft decisions and to prepare a 'Final Notification' setting out the Council's final decisions and reasons for publication and for submission to BT and the Scottish Government's Department for Digital, Culture, Media and Sport by 28 October 2019.

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

15 South Lanarkshire Council Tree Preservation Order No SL53 (2019) Blairbeth Terrace, Rutherglen

A report dated 7 August 2018 by the Executive Director (Community and Enterprise Resources) was submitted on South Lanarkshire Council Tree Preservation Order (TPO) No SL53 (2019) on a beech tree located opposite 4 Blairbeth Terrace, Rutherglen and a lime tree located at the entrance to Blairbeth Terrace at the corner with Blairbeth Road, as detailed on the plan attached to the Executive Director's report.

At its meeting on 11 June 2019, the Committee approved the promotion of a Provisional Tree Preservation Order (TPO) on those trees. The Provisional Order was required to ensure the future retention of the trees which were considered to contribute to the character, amenity and sense of place within the local area as well as providing an attractive setting for the B listed terrace. The site was identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area.

Following consultation, 2 letters objecting to the Order had been received from residents of Blairbeth Terrace. The grounds of objection were detailed in the report. It was considered, however, that they did not merit withdrawal, alteration or modification of the Tree Preservation Order.

The Committee decided: that the South Lanarkshire Council Tree Preservation Order No SL53 (2019) on a beech tree located opposite 4 Blairbeth Terrace, Rutherglen and a lime tree located at the entrance to Blairbeth Terrace at the corner with Blairbeth Road, as detailed on the plan attached to the Executive Director's report, be confirmed.

[Reference: Minutes of 11 June 2019 (Paragraph 7)]

16 Tree Preservation Order – Beechwood Avenue, Rutherglen

A report dated 22 August 2019 by the Executive Director (Community and Enterprise Resources) was submitted on the promotion of a Provisional Tree Preservation Order (TPO) on a group of mature beech trees located along the side of Beechwood Avenue, Rutherglen, near the junction with Calderwood Road, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that no inappropriate work was undertaken to the trees, which were considered to contribute to the character, amenity and sense of place of Beechwood Avenue, Stonelaw High School and the surrounding area.

At its meeting on 4 December 2018, the Committee had approved the promotion of a Tree Preservation Order on those trees. However, confirmation of the TPO had not been completed and approval was again requested to promote the Provisional TPO.

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 group of mature beech 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

[Reference: Minutes of 4 December 2018 (Paragraph 10)]

17 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	HM/16/0541
Planning proposal:	Importation of inert waste to restore former reservoir to agricultural land and the temporary operation of an inert construction waste recycling facility

1 Summary application information

Application type:	Detailed planning application
Applicant:	Advance Construction
Location:	Wellbrae Reservoir Muttonhole Road Hamilton ML3 8RT

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) The Planning Committee has delegated powers to determine this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal 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 Legal Agreement, 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 Legal Agreement.

3 Other information

- ◆ Applicant's Agent: Cirrus Environmental & Planning Consultancy Ltd
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 1 Spatial Strategy
 Policy 3 Green Belt and Rural Area
 Policy 4 Development Management and Placemaking
 Policy 15 Natural and Historic Environment
 Policy 16 Travel and Transport
 Policy 17 Water Environment and Flooding
 Policy 18 Waste

Supplementary Guidance

- 1: Sustainable Development and Climate Change
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment

Minerals Non Statutory Planning Guidance 2017

- Policy MIN 10 Aggregate Recycling

Proposed South Lanarkshire Local Development Plan 2 (2018)

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

◆ Representation(s):

- | | | |
|---|----|-------------------|
| ▶ | 15 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 3 | Comment Letters |

◆ **Consultation(s):**

Roads Development Management Team

SEPA West Region

SP Energy Network

Environmental Services

RT Flood Risk Management Section

Scottish Natural Heritage

West of Scotland Archaeology Service

The Coal Authority Planning and Local Authority Liaison Dept.

British Telecom

Countryside and Greenspace

Amey Highways Ltd

National Grid UK

Planning Application Report

1 Application Site

- 1.1 The site is the former Wellbrae Reservoir located between Muttonhole Road and Newhousemill Road located approximately 4km south west of Hamilton and 2.2km east of East Kilbride. The site boundary extends to 13.3 hectares and comprises the former, now drained, reservoir and agricultural land. The reservoir has been drained since before the 1970s and currently sits as a bowl shaped depression within the site. Remnants of the reservoir remain and there are areas of concrete and hard standing on site. The site reservoir area is now overgrown with grasses, shrubs and windblown small trees.
- 1.2 Originally, it was proposed to take direct access to the site from Muttonhole Road but this has since been amended with access now proposed from Newhousemill Road. A separate planning application, P/19/1038, has been lodged for this access, and a separate report is included on the agenda for consideration at today's Planning Committee.
- 1.3 The Earnock Burn and Cadzow Burn run through the site in an easterly direction. Blantyre Muir Site of Special Scientific Interest (SSSI) is located 1.4km to the west of the application site and Waukenwae Moss SSSI and Special Area of Conservation (SAC) are located 1.8km to the south of the site. The closest individual residential properties are Laigh Muirhouses, located 150m to the west of the application site, Muirmains, located 300m to the northeast of the application site and Stewartfield Farm, located 390m to the west of the application site.

2 Proposal(s)

- 2.1 Planning permission is sought for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. It is also proposed to sort the imported material once on site to allow recycling of construction aggregate to be exported for reuse within the construction industry. It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. It is expected that the restoration of the site in this manner would take up to 8 years. The proposed restoration is in 4 phases working from west to east through the reservoir. Once a phase is complete, it will be soiled and then seeded to allow it to be used for agriculture.
- 2.2 The inert material will be imported by lorry and the maximum number of vehicles proposed on any one day is 60. The vehicles will enter the site from the northwest via an internal haul road, cross a weighbridge and then offload within a proposed area of hardstanding for sorting for reusable material. The reusable material will then be exported via lorry with the remaining non-reusable material being used for the infilling of the reservoir. The material used for the restoration shall be handled by a digger and bulldozer. Only inert construction waste is proposed to be imported to the site and, separate to any planning permission, the applicant will

also require to obtain a Waste Management Licence from SEPA for the proposed operations.

- 2.3 Temporary landscape bunds are proposed within the site while the reservoir is being restored to screen the operations from view and to minimise any noise emissions. The hours of operation proposed are 7am to 6pm Monday to Friday and 7am to 1pm on a Saturday with no operations proposed outwith these times.

3 Background

3.1 National Policy

- 3.1.1 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. It 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 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.

- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). 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.

- 3.1.3 The proposals are for the management of inert, building waste either to be reused within the construction industry or to be recycled as infill material for the restoration of a former reservoir and, therefore, it is considered that the proposals meet the waste strategy set at a national level, through SPP and NPF3. It is, therefore, considered that, at a national level the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

3.2 Development Plan Status

- 3.2.1 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth. It has 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 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal.

- 3.2.2 Again, as with para 3.1.3 above, it is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against the GCVSDP.

3.2.3 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 1 Spatial Strategy
- Policy 3 Green Belt and Rural Area
- Policy 4 Development Management and Placemaking
- Policy 15 Natural and Historic Environment
- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

3.2.4 The following approved Supplementary Guidance and Non Statutory Planning 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
- Supplementary Guidance 9: Natural and Historic Environment
- Minerals Non Statutory Planning Guidance 2017

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.2.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

3.2.7 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

3.3 Planning Background

3.3.1 The reservoir was originally constructed circa the 1850s to serve Hamilton District but after the district's water supply was upgraded it became redundant and it has not been used for that purpose since before the 1970's. In the 1970's Strathclyde Regional Council used the site for the deposition of materials from work arising

from further upgrades of the surrounding water supply system. Following this, the site has lain vacant.

- 3.3.2 In 2009, planning permission (HM/09/0009) for the restoration of the former reservoir to provide rough grazing land with associated ecological improvements through the formation of earthworks by placement, processing and grading of imported materials was refused due to a lack of information on the proposal's impact in terms of noise and the road network as well as the lack of provision of a restoration bond. This application was submitted by a waste disposal company that has since entered administration (circa 2014) and the current applicant has purchased the site from the administrators.
- 3.3.3 As part of this current application, access to the site was proposed from Muttonhole Road. Following discussions with the Council's Roads Development Management Team and the carrying out of a road safety audit, access is now proposed via Newhousemill Road. As a result, a separate associated planning application (P/19/1038) was required for this new access into the site from Newhousemill Road (as it is outwith the current planning application boundary). This 'access' application requires to be assessed in conjunction with this 'main application'.
- 3.3.4 As the proposals constitute a major application, the applicant was required to carry out statutory pre-application consultation (PAC). The applicant has submitted a statement setting out the publicity that was carried out which included a public event at Hillhouse and Earnock Community Centre on 13 October 2016 and the responses that were received in response to the publicity.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – had concerns regarding the proposed access from Muttonhole Road. Following discussions and the subsequent submission of a stage 1 Road Safety Audit (RSA) with a new proposed access and haul road from Newhousemill Road, Roads and Transportation Services are now content with the proposals subject to the proposed new access being created in line with the RSA. Conditions should also be imposed to control access drainage, maintenance of visibility splays and a Construction Traffic Management Plan. A legal agreement is also required to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals. A condition for the installation of an automatic traffic counter on the access road is also required in relation to the financial contribution.

Response: Noted. A separate associated planning application has been submitted seeking consent for the new access (P/19/1038). As these applications are linked they require to be assessed in tandem to ensure the development can be effectively controlled. Conditions relating to the provisions of the RSA, access drainage, Construction Traffic Management Plan, visibility splays and traffic counters are, therefore, recommended for both applications. The legal agreement would also require to be attached to both planning applications.

- 4.2 Environmental Services** – have no objections subject to conditions relating to the implementation of the mitigation contained within the submitted Noise Impact Assessment and the provision of a dust management scheme.
Response: Noted. Conditions relating to the implementation of the mitigation recommended within the submitted Noise Impact Assessment and the provision of a dust management scheme are included within the recommendation.
- 4.3 SEPA** – originally objected on a lack of information relating to flood risk. Following the submission of a Flood Risk Assessment (FRA), SEPA have removed their objection and are content with the findings of the FRA. SEPA have requested that a condition is imposed on any permission requiring the submission of an infill strategy for the site in relation to the hydrology of the site and surrounding area.
Response: Noted. The applicant has discussed the required infill strategy with SEPA and note this would be a condition of any permission. This requirement forms part of the recommendation.
- 4.4 The Coal Authority** – note that part of the site is within a Coal Authority High Risk area and a Coal Risk Assessment (CRA) was submitted as part of the application. The Coal Authority is content with the findings of the CRA and has no objections or conditions to recommend.
Response: Noted.
- 4.5 SNH** - No comments to make.
Response: Noted.
- 4.6 WOSAS** – notes that in archaeological terms the reservoir was constructed in fairly recent times (1850s) and, therefore, it is unlikely that the site will hold any archaeology of significance. As such, WOSAS has no further comments or recommendations to make.
Response: Noted.
- 4.7 Roads and Transportation (Flood Risk Unit)** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.
Response: Noted. The required conditions form part of this recommendation.
- 4.8 SP Energy Networks** - have held discussions with the applicant and can confirm that the proposals do not affect any of their infrastructure. Therefore, they have no further comments to make.
Response: Noted.
- 4.9 Countryside and Greenspace** - No comments to make.
Response: Noted.
- 4.10** The following consultees had no comments to make on the proposed amendments:

British Telecom
Amey Highways Ltd
National Grid UK

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised under Schedule 3 – Nature or scale of development and for the non-notification of neighbours in the Hamilton Advertiser on 12 January 2017. Following this advertisement, 18 letters of representation have been received from 15 separate parties, including Councillor Graeme Horne and the Earnock Residents' Association with the following concerns:-

a) The suitability of the surrounding public road network for HGV Traffic.

Response: The proposals originally involved the formation of an access from Muttonhole Road. Following the carrying out of a Road Safety Audit (RSA), the proposed new access is proposed to be from Newhousemill Road. Roads and Transportation Services (Development Management) are content with the findings of the RSA and that the public road network is suitable for the proposed use. A separate planning application has been submitted and will be considered elsewhere on the agenda. If planning permission for the infilling and material recovery is approved, the Council would seek to enter into a legal agreement to ensure that the applicant contributed towards the extraordinary wear and tear on the local road network as a result of the proposed development.

b) Road Safety.

Response: As referenced in a) above, a Road Safety Audit has been carried out and Roads and Transportation are content with its findings in relation to the proposals. It is also noted that the concerns were raised in relation to an access being taken from Muttonhole Road. Following discussions with Roads and Transportation Services, it was considered, on road safety grounds, that an access from Newhousemill Road was more suitable for the traffic generated by these proposals and this is subject to a separate planning application.

c) The development has the potential to result in mud and debris being carried out onto the public road, causing road safety issues.

Response: Noted. If planning permission were granted, planning conditions would be imposed to ensure the applicant installed appropriate measures, such as wheel cleaning facilities, to ensure mud and debris is not carried out onto the public road.

d) Noise, dust and odour.

Response: A Noise Impact Assessment (NIA) was submitted as part of the planning application. Environmental Services were content with the potential noise levels that would be generated from the development and, subject to the mitigation proposed within the NIA (involving the creation of noise bunds), considered that the proposals would not have a detrimental impact upon the amenity of the area. A dust management scheme would be required to be approved and implemented as such for the lifetime of the operations proposed and a condition requiring this is attached to the recommendation below. The application is for the importation of inert, construction waste (aggregate, stone etc.) and there is no odour associated with this type of waste.

e) Potential contamination of surrounding water courses and water tables.

Response: A hydrological assessment and Flood Risk Assessment formed part of the planning submission. SEPA and the Council's Flooding Team both have no objections on hydrological grounds subject to the use of appropriate conditions relating to drainage.

f) The timing of the application being submitted during a holiday period.

Response: The timing of a planning submission is not a material consideration in the assessment of an application, however, the Council did not advertise the application until almost 2 weeks after the holiday period in order to make allowances for these holidays and accepted representations received after the statutory expiry date. The applicant did not object to the Council doing this.

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

6 Assessment and Conclusions

- 6.1.1 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 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Whilst not part of the development plan, the Non-statutory Planning Guidance on Minerals, 2017 also has policies that are a material consideration in the assessment of this application.

- 6.1.2 As noted in 3.2.2 above, the proposed changes are not of a strategic significance that requires any further assessment under the GCVSP. Also, as noted in 3.2.5 above, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In terms of assessment, LDP2 is only referenced below if there is a change in policy context from the adopted SLLDP.

6.2 Adopted South Lanarkshire Local Development Plan 2015

- 6.2.1 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.' The relevant, specific policies relating to this application are taken in turn below.
- 6.2.2 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 land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 'Green Belt and Rural Area'. Policy 3: states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. It

is considered that, whilst waste management would not normally be considered a rural industry, in this instance, as it relates to the restoration of a former reservoir, it is an acceptable use given the temporary nature of the works and that the site will be restored to agricultural land. It is, therefore, considered that the principle of the development meets with the relevant criteria of this policy without undermining the strategy of the Green Belt and Rural area. The proposals therefore comply with Policy 1 and 3 of the SLLDP subject to meeting other development management criteria as assessed below.

- 6.2.3 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 and, where possible, should include measures to enhance the environment. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.2.4 The application submission contained a noise impact assessment demonstrating that the proposals would not create noise levels that would be considered detrimental to any neighbouring receptor. The rural location of the site and the nature of the reservoir being a low lying bowl would mitigate any potential noise or visual impact of the proposals. Additional screening bunds are proposed to further minimise any noise or visual impact that could be created by the proposals. Environmental Services agree with the findings of the noise impact assessment subject to the mitigation measures (screening bunds) being implemented. In addition to providing noise screening, the bunds will be seeded to ensure they also screen the proposals from view and are not visually intrusive on the surrounding landscape. The restoration proposals to infill the reservoir bowl and create agricultural grazing land are considered to be suitable in the surrounding landscape context where agriculture is the prevalent use. The proposed restoration contours have been designed to fit in with the surrounding topography to ensure the completed scheme does not look artificial within the landscape. It is considered that, as with other projects of this nature, a restoration bond or other financial guarantee should be conditioned to any permission to ensure that the proposed restoration can be completed as approved. It is, therefore, considered that, subject to the recommended mitigation conditions attached to this report, the proposals accord with the development plan criteria in this instance.
- 6.2.5 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse effect on Category 2 sites or a significant adverse effect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.2.6 As noted in 1.4 above, the nearest designated sites are over 1.4km and 1.8km away from the application site and it is considered that the proposals would have no effect on their designations. An ecological survey was carried out and submitted as part of the planning application. No protected species were found on

site and, given the previous use of the site as a reservoir and then its use for inert waste disposal by Strathclyde Regional Council, the ecological value of the site was considered to be low. Following a review of the findings of the ecological surveys, SNH stated that they were content with the surveys and had no further comment on the proposals. It is, therefore, considered that, in relation to natural and ecological designations, including protected species, the proposals would not have any detrimental effect and accord with the relevant criteria of the development plan in this regard.

6.2.7 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'.

6.2.8 It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. A Transport Assessment was submitted based on this maximum importation rate. However, it should be noted the importation rate is based on the applicant being able to source this amount of inert construction material every year and it is considered unlikely that this would be sourced at this level every year. Notwithstanding, all assessments have been made based on this maximum capacity. The original proposals were to have an access coming off Muttonhole Road. Following discussions with Roads and Transportation Services, a local road survey and a Stage 1 Road Safety Audit being carried out, it was considered that the proposed access off Muttonhole Road was unsuitable in terms of road safety. The applicant then proposed taking access from the other side of the reservoir site, off Newhousemill Road with a 'ghost' right hand junction for vehicles turning into the site. The Road Safety Audit (RSA) for this arrangement identified this access as being suitable in road safety terms. Roads and Transportation Services agreed with the findings of the RSA and had no objections to the proposed Newhousemill Road access. As this access is outwith the current application site, a separate associated planning application (P/19/1038) has been submitted and an assessment of both applications has been carried out in tandem. It is considered appropriate for any transportation conditions required for either application to be replicated on each permission, if granted. It is also prudent to ensure that there is a condition on this 'main application' (HM/16/0541) prohibiting the use of any access onto Muttonhole Road. On this basis, it is, therefore, considered that, subject to conditions and planning permission being granted for the 'access application', the proposed infilling and re-use of construction aggregate proposals would not be to the detriment of road safety and would meet the relevant criteria of the development plan in this regard. A legal agreement is also proposed to ensure that the applicant provides financial compensation for any additional 'wear and tear' of the public road network associated with any vehicle movements linked to these proposals. This would require to be entered into before any decision notice could be issued.

6.2.9 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding and drainage. Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out

within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Policy SDCC3 Sustainable Drainage Systems states that any new development should be drained by an appropriately designed sustainable drainage system.

6.2.10 The application site is not on a known flood plain and SEPA have not raised any objection in relation to flooding following the submission of a Flood Risk Assessment. The Council's Flooding Team have no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. In terms of groundwater, SEPA are content that the infill proposals can be worked without creating any potential material infiltration of the water table and have requested an infill strategy to ensure that the full details of the progress of the infill are set out to ensure that there are no deviations to the proposals that could potentially affect groundwater. It is considered that, subject to the imposition of the aforementioned conditions, the proposals comply with the criteria of the development plan in this instance.

6.2.11 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. As referenced in paragraphs 6.2.1 and 6.2.2, the proposals are related to the restoration of a former reservoir and, therefore, are location dependent rather than being able to be located elsewhere. It is, therefore, considered that the location of the site is considered acceptable under these terms and, as such, is not in conflict with Policy 18.

6.2.12 Policies SDCC11 and SDCC12 provide further guidance in support of SLLDP Policy 18. SDCC12, in particular, sets buffer zones for specific types of waste management facilities. In this instance, it is considered that the closest type of waste management facility these proposals relate to in the SDCC12 criteria is for recycling which sets a minimum distance of a 100m from the site to any sensitive receptor. In this instance, the nearest sensitive receptor is 150m from the site boundary and, therefore, the buffer zone criterion is not breached in this instance.

6.2.13 It is, therefore, considered that the proposals accord with the relevant development plan criteria in this regard.

6.3 South Lanarkshire Non-statutory Planning Guidance on Minerals, 2017 (NSPGM).

6.3.1 As referenced in 6.1.1 above, whilst not part of the development plan, the NSPGM is a material consideration in the assessment of this application. The policies in the NSPGM specifically relate to minerals development, which these proposals are not, but there is also a specific NSPGM policy (MIN 10) that relates to aggregate recycling and re-use and is, therefore, relevant to these proposals.

6.3.2 MIN 10 states that the Council will support proposals for the recycling and re-use of, inter alia, mineral, demolition and construction material providing that the operations do not prejudice the reclamation or improvement of the site; there would be no significant adverse effect on local communities or the environment;

the site is not too remote from the source of the material and that the proposals will not have an adverse impact on the local road network.

- 6.3.3 As outlined in section 6.2 above, it is considered that the proposals to re-use construction aggregate from the inert waste brought into site would not prejudice the infill and restoration of the reservoir and there would be a 40% success rate in re-use of materials during the restoration phasing. The site is not considered too remote in terms of being near settlements where demolition and other construction projects would exist to provide material for the site works and, as demonstrated within section 6.2, it is considered that the proposals would also not be detrimental to local communities, the environment or the local road network.
- 6.3.4 It is, therefore, considered that the proposals would accord with Policy MIN 10 of the NSPGM.
- 6.3.5 Finally the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal also accords with the policies of the proposed plan.

6.4 Conclusion

- 6.4.1 In conclusion, it is considered that the proposed infill proposals are a positive enhancement on the landscape given that they would involve the reclamation of a former reservoir and create additional agricultural land with a suitable topography within the surrounding landscape. The on-site sorting and re-use of construction materials complies with national waste policy. Given the location of the site and the proposed screen bunding, it is considered that the operations will not have a detrimental impact upon the surrounding landscape nor affect the amenity of any sensitive receptors. Extensive survey work and discussions with the Council, as Roads Authority, has resulted in a suitable access arrangement being found that will not be to the detriment of road safety. It is, therefore, considered that the proposals, subject to the approval of the associated planning application P/19/1038, comply with the development plan and other material considerations and, as such, it is recommended that planning permission be granted subject to conditions and a legal agreement.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 3, 4, 15, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change and Policy MIN 10 of South Lanarkshire Council's Non-statutory Planning Guidance. Minerals 2017.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 16 September 2019

Previous references

- ◆ HM/09/0009
- ◆ P/19/1038

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert 12th January 2017

- ▶ Consultations
 - Roads Development Management Team
 - SEPA West Region 06.03.2017
and
01.12.2017
 - SP Energy Network 26.01.2017
 - Environmental Services 09.09.2019
 - RT Flood Risk Management Section 25.01.2017
 - Scottish Natural Heritage 21.12.2016
 - West Of Scotland Archaeology Service 22.12.2016
 - The Coal Authority Planning And Local Authority Liaison
Dept. 16.01.2017

- ▶ Representations Dated:
 - Mr & Mrs CK McGowan, 11 Dalton Hill, Earnock Estate,
Hamilton, ML3 9DQ 06.01.2017
 - Margaret Clark, 3 Swift Bank, Earnock, Hamilton, ML3 8PX 08.01.2017
 - Margaret Clark, 3 Swift Bank, Earnock, Hamilton, ML3 8PX 08.01.2017
 - Brian J Wilshire, 15 Dalmellington Court, Earnock, Hamilton,
ML3 9DA 09.01.2017
 - Norman and Helen Millard, 09.01.2017
 - Earnock Residents Association, 17 Durisdeer Drive,
Hamilton, ML3 8XB 09.01.2017

Ms Gwen Moir, 5 Dalry Gardens, Hamilton, ML3 9ES	09.01.2017
James Pollock,	09.01.2017
Brian J Willshire, 15 Dalmellington Court, Earnock, Hamilton, ML3	09.01.2017
Jim Pollock, 142 Wellhall Road, Hamilton, ML3 9XW	09.01.2017
Cllr Graeme Horne, Hamilton West And Earnock, Scottish National Party	10.01.2017
John Clark, 3 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Lynn Graham, 1 Aqua Avenue, Hamilton ML3 9BA	10.01.2017
Chris Bonnington, Earnock Builders	10.01.2017
K Nieson, 4 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Earnock Residents Association, Margaret Clark (Secretary), 3 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Isobel Ritchie, 5 Aqua Court, Hamilton, ML3 9BB	11.01.2017
Patricia and James Allan, 34 Dalton Hill, High Earnock, Hamilton, ML3 9DQ	25.01.2017

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: HM/16/0541

Conditions and reasons

01. That no vehicular access shall be taken from Muttonhole Road.

Reason: In the interests of road safety.

02. Unless otherwise directed by conditions or legal agreements attached to this consent, all works will be carried out strictly in accordance with:-

Planning Supporting Statement - December 2016
Ecological Impact Assessment - Rory Whytock Ecology
Noise Impact Assessment - December 2016
Location Plan Drawing 5821-E-LOC-01
Proposed Scheme Layout Drawing 5821.GA.DO2
Phased Cross Sections Drawing 5821.SCE.D01
Stage 1 Road Safety Audit February 2019
Flood Risk Assessment December 2016
Coal Risk Assessment

03. That all operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures and buildings shall be removed and the site restored in accordance with the conditions of this permission no later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In order to define the terms of the consent.

04. The site shall not operate outwith the hours stated below without the prior written approval of the Council as Planning Authority, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00 am	7.00 am
Time of Closing	6.00 pm	1.00 pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing by the Council as Planning Authority.

05. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
 - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

- iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
- iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
- v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: In order to ensure satisfactory restoration

- 06. That before any material is imported into the site, an Infill Strategy shall be submitted for the written approval of the Council, as Planning Authority in conjunction with SEPA. Once approved, the Infill Strategy shall be implemented as such and maintained for the lifetime of the operations, hereby approved. For the avoidance of doubt the Infill Strategy will detail all infill on the site and demonstrate that the infill shall not be detrimental to the water environment and in particular the groundwater regime.

Reason: In the interests of Hydrology.

- 07. That no more than 300,000 tonnes of material shall be imported in any one year. For the avoidance of doubt the date of commencement shall constitute the start of the first year and each subsequent year shall recur from this date.

Reason: In order to control the importation rate.

- 08. That before any material is imported into the site a Stage 2 Road Safety Audit shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Stage 2 Road Safety Audit shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

- 09. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the

Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.

10. That before any work is carried out on site a Construction Traffic Management Plan shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Construction Traffic Management Plan shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

11. That all areas of new hardstanding shall be adequately drained in accordance with SuDS.

Reasons: In the interests of drainage.

12. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved 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. Monitoring results shall be readily available to Officers of the Council investigation adverse comments.

Reason: In the interests of amenity and air quality.

13. That wheel wash facilities shall be retained on site for the duration of the infill and restoration activities hereby approved. All HGV's departing the site shall pass through the wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

14. That the approved scheme for the mitigation of noise shown in the approved Noise Impact Assessment shall be implemented prior to the development being brought into use and where appropriate, shall be maintained in accordance with the approved scheme and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of amenity.

15. That the operator shall, if requested in writing by the Council, submit details for the approval of the Council of further measures to address the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented in full following the written approval of the Council, as Planning Authority, and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of road safety.

16. That before any work starts on site, 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.

Reason: In the interests of drainage

17. The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (March to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the written approval of the Council as Planning Authority.

Reason: In the interests of protected species.

18. That within 5 years of the date of this permission, a final, full restoration and aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.

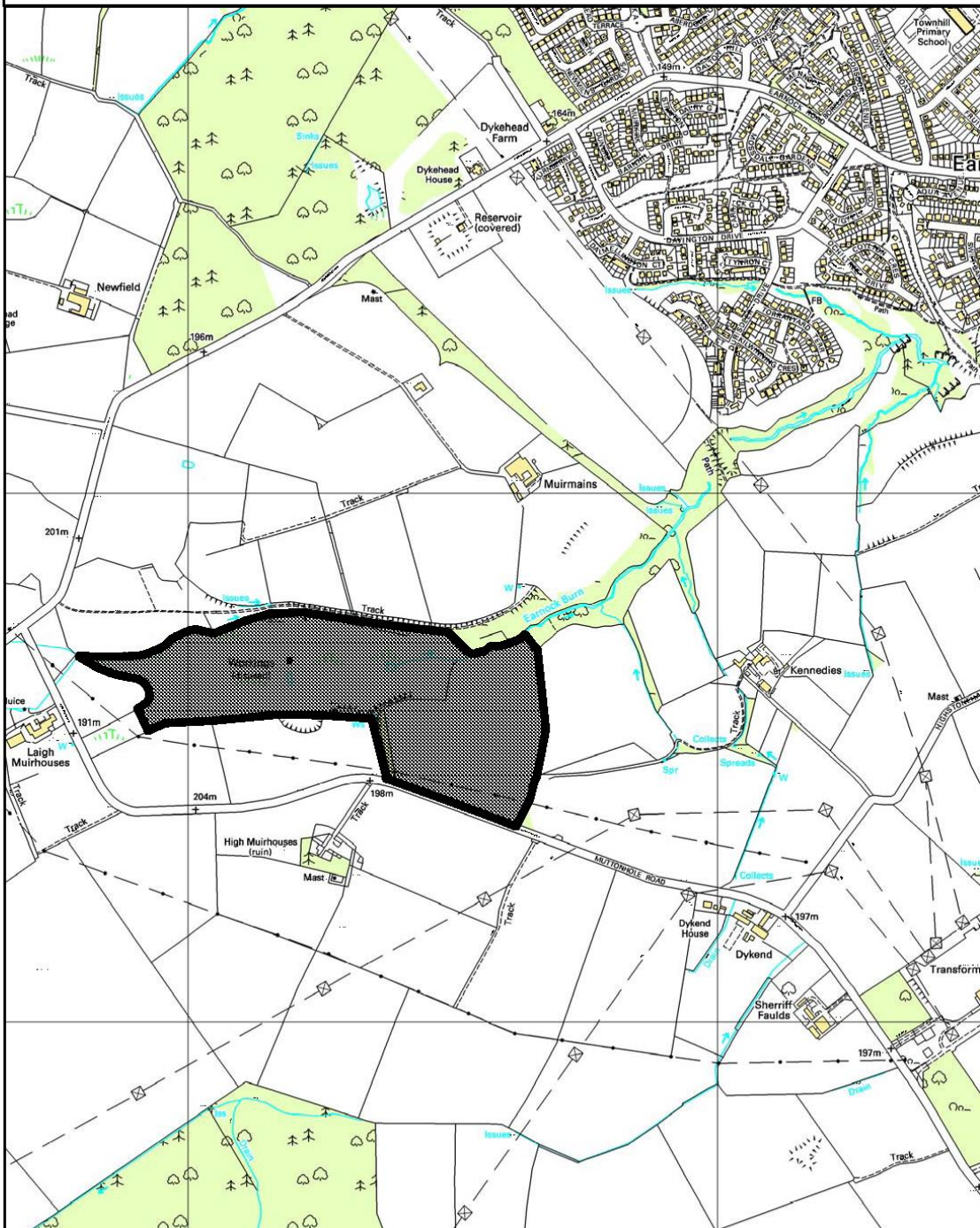
Reason: In order to define the terms of the consent.

19. That before any material is imported to the site, all screening bunds shall be formed as per the approved Noise Impact Assessment (December 2016) and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of controlling noise.

HM/16/0541

Wlbrae Reservoir, Muttonhole Road, Hamilton



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Scale:
1:10,000
Date:
09/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1038
Planning proposal:	Installation of new access to public road and access track to serve proposed restoration of former reservoir to agricultural land (relating to planning application HM/16/0541)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Advance Construction (Scotland) Limited
Location:	Wellbrae Reservoir Muttonhole Road Hamilton South Lanarkshire

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) The Planning Committee has delegated powers to determine this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal 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 Legal Agreement, 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 Legal Agreement.

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 1 Spatial Strategy
Policy 3 Green Belt and Rural Area
Policy 4 Development Management and Placemaking
Policy 15 Natural and Historic Environment
Policy 16 Travel and Transport
Policy 17 Water Environment and Flooding
Policy 18 Waste

Supplementary Guidance

- 1: Sustainable Development and Climate Change
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment

Proposed South Lanarkshire Local Development Plan 2 (2018)

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

◆ **Representation(s):**

- | | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

- Roads Development Management Team
- Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site is a 0.45 hectare strip of farmland running south off Newhousemill Road to the south of Hamilton and down into the former Wellbrae Reservoir. This land would provide vehicular access into the application site of planning application HM/16/0541 which has been lodged for the restoration of the reservoir. This application is the subject of a separate report on the agenda for consideration at today's Planning Committee.
- 1.2 Planning application HM/16/0541 seeks planning permission for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. The proposals also include the re-use, where possible, of any of the imported construction waste to be exported and re-used within the construction industry.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of an access and haulage route between Newhousemill Road and Wellbrae Reservoir site. As part of the planning assessment of application HM/16/0541, it was considered that the original access proposed off Muttonhole Road was unsuitable for the proposed operations. Following discussions with Roads and Transportation Services and the carrying out of a Road Safety Audit (RSA), the access arrangement is to create the new access off Newhousemill Road, the subject of this application. Newhousemill Road is outwith the application boundary of HM/16/0541 and therefore this planning application has been submitted for the proposed new access. The proposed haulage route will be the only access and egress point for the vehicles importing the inert material to be either re-used or form part of the reservoir infilling proposals.
- 2.2 As part of the infilling proposals, it is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. It is expected that the infill and subsequent restoration of the reservoir would take up to 8 years with the access and haul route being in situ for the duration of the works. The inert material would be imported by lorry and the maximum number of vehicles proposed on any one day is 60. The vehicles would enter the site via the proposed access and haulage route, cross a weighbridge and then offload within a proposed area of hardstanding for sorting of reusable material. The weighbridge and hardstanding area are outwith the boundary of this application and are located within the application site relating to HM/16/0541.

3 Background

3.1 National Policy

- 3.1.1 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. It 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 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). 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.
- 3.1.3 Given the proposed access and haulage route relate to proposals for the management of inert, building waste either to be reused within the construction industry or to be recycled as infill material for the restoration of a former reservoir it is, therefore, considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

3.2 Development Plan Status

- 3.2.1 The approved 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 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal.
- 3.2.2 Again, as with para 3.1.3 above, it is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against the GCVSDP.
- 3.2.3 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 1 Spatial Strategy
 - Policy 3 Green Belt and Rural Area
 - Policy 4 Development Management and Placemaking
 - Policy 15 Natural and Historic Environment

- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

3.2.4 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
- Supplementary Guidance 9: Natural and Historic Environment

3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

3.2.6 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

3.3 Planning Background

3.3.1 The reservoir was originally constructed circa the 1850s to serve the Hamilton District but after the district's water supply was upgraded it became redundant and it has not been used for that purpose since before the 1970's. In the 1970's Strathclyde Regional Council used the site for the deposition of materials from work arising from further upgrades of the surrounding water supply system. Following this, the site has lain vacant.

3.3.2 In 2009, planning permission (HM/09/0009) for the 'proposed restoration of former reservoir to provide rough grazing land with associated ecological improvements through the formation of earthworks by placement, processing and grading of imported materials' was refused due to a lack of information on the proposals' impact in terms of noise and the road network as well as the lack of provision of a restoration bond. This application was submitted by a waste disposal company that has since entered administration (circa 2014) and the current applicant has purchased the site from the administrators.

- 3.3.3 As referenced in section 1 and 2 above, this application relates to planning permission HM/16/0541 which seeks consent for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. It is also proposed, as part of this application, to sort the imported material once on site to allow recycling of construction aggregate to be exported for reuse within the construction industry. Planning application HM/16/0541 is, therefore, associated to this proposal and it also requires to be assessed in conjunction with the 'access' application.

4 Consultation(s)

- 4.1 **Roads Development Management Team** – had concerns regarding the original proposed access from Muttonhole Road for Planning Application HM/16/0541. Following discussions with the applicant and the subsequent submission of a stage 1 Road Safety Audit (RSA), a new proposed access and haul road from Newhousemill Road has been promoted. Roads and Transportation Services are content with the proposals subject to the proposed new access being created in line with the RSA. Conditions should also be imposed to control access drainage, maintenance of visibility splays and a Construction Traffic Management Plan. A legal agreement is also required to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals. A condition for the installation of an automatic traffic counter on the access road is also required in relation to the financial contribution.

Response: Noted. This application for the Newhousemill Road access has been submitted to meet Roads and Transportation Services requirements in order to provide an appropriate access for the proposed development relating to Planning Application HM/16/0541. On this basis, conditions relating to the provisions of the RSA, access drainage, a Construction Traffic Management Plan, visibility splays and traffic counters are recommended for both applications. The legal agreement would also require to be attached to both planning applications.

- 4.2 **Roads Flood Risk Management** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.

Response: Noted. The required conditions form part of this recommendation.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Hamilton Advertiser on 17th July 2019. No representations have been made in relation to this application.

6 Assessment and Conclusions

- 6.1.1 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 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

- 6.1.2 As noted in 3.2.2 above, the proposed changes are not of a strategic significance that requires any further assessment under the GCVSP. Also, as noted in 3.2.5 above, on 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In terms of assessment, LDP2 is only referenced below if there is a change in policy context from the adopted SLLDP.

6.2 Adopted South Lanarkshire Local Development Plan 2015

- 6.2.1 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.' The relevant, specific policies relating to this application are taken in turn below.
- 6.2.2 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 land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 'Green Belt and Rural Area'. Policy 3: states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. In this instance, the proposals relate to the restoration of a disused reservoir. Given the relationship of these proposals to HM/16/0541, the proposal is considered acceptable in this instance. The proposed development relates to the restoration of a former reservoir which will be restored to agricultural land. Furthermore, the works are temporary in nature. It is, therefore, considered that, subject to permission being granted for HM/16/0541, this application is acceptable as it would not undermine the Green Belt strategy and, as such, would meet the development plan criteria under these circumstances.
- 6.2.3 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The proposals are located within agricultural land and the topography of the haulage route descends into the reservoir site which would minimise its visual impact upon the surrounding landscape given it is not elevated. Whilst rural in nature, the surrounding area is urban fringe rural with a landscape that has public roads, farm access and other development throughout and is not a remote, undeveloped area. Therefore, it is considered that a new temporary, haulage route within the landscape would not create a significantly detrimental visual effect on the area. It is, therefore, considered that the proposals accord with the relevant development plan criteria in this regard.
- 6.2.4 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. The nearest designated sites are over 1.4km and 1.8km away from the application site and it is considered that the proposals

would have no effect on their designations. The proposed access and haulage route is through agricultural land that has been cultivated and, therefore, does not offer habitat of significant value. It is, therefore, considered that the proposals would not have an impact upon any natural or environmental assets and accord with the policy criteria.

- 6.2.5 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads.
- 6.2.6 Following a Road Safety Audit (RSA) and discussions with Roads and Transportation Services, it was acknowledged that the original proposed access off Muttonhole Road associated with HM/16/0541 was unsuitable for vehicles importing material to the site. This current application has been designed taking cognisance of the RSA and the discussions with Roads and Transportation Services, and, therefore, conforms to their guidelines subject to the conditions referenced in section 4 above being imposed, should planning permission be granted. It is, therefore, considered that the proposals conform within the criteria of Policy 16 of the SLLDP.
- 6.2.7 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development 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. South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use and maintenance of sustainable drainage of surface water for the access and haulage route and that the Council's documentation required under the terms of design criteria guidance is completed and submitted. It is, therefore, considered that, subject to conditions requiring the aforementioned criteria, the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.2.8 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. As referenced in paragraphs 6.2.1 and 6.2.2, the proposals relate to the restoration of a former reservoir and the proposals require to be assessed in tandem with planning application HM/16/0541. If HM/16/0541 is considered acceptable, then this application would also be acceptable. It is, therefore, considered that the location of the site is considered acceptable under these terms and, as such, is not in conflict with Policy 18.
- 6.2.9 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.2.10 In conclusion, the proposed development is considered acceptable and would not have an adverse impact on road safety or the amenity and rural character of the area. The proposed haulage road is required in association with proposals for restoration of a former reservoir and, subject to the imposition of the attached

conditions, the proposed access would not be detrimental to road safety or the environment. It is, therefore, recommended that planning permission is granted subject to a legal agreement to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 3, 4, 15, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 16 September 2019

Previous references

- ◆ HM/09/0009
- ◆ HM/16/0541

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert 17th July 2019

- ▶ Consultations
 - Roads Development Management Team 09.08.2019
 - Roads Flood Risk Management 14.08.2019

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB
Phone: 01698 455903
Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1038

Conditions and reasons

01. The access and haulage road, hereby approved, by this permission shall be removed and the site restored in accordance with the condition 2 of this permission no later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In order to define the terms of the consent.

02. That within 5 years of the date of this permission, a final, full restoration and aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.

Reason: In order to define the terms of the consent.

03. That before the access, hereby approved, is brought into use a Stage 2 Road Safety Audit shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Stage 2 Road Safety Audit shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

04. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.

05. That before any work is carried out on site a Construction Traffic Management Plan shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Construction Traffic Management Plan shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

06. That all areas of new hardstanding, including any works on the public road, shall be adequately drained in accordance with SuDS.

Reasons: In the interests of drainage.

07. That wheel wash facilities shall be retained on site for the duration of the infill and restoration activities hereby approved. All HGV's departing the site shall pass through the wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

08. That the visibility splays shown on drawing ACS-E-1000 shall be maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

9. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved 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. Monitoring results shall be readily available to Officers of the Council investigation adverse comments.

Reason: In the interests of amenity and air quality.

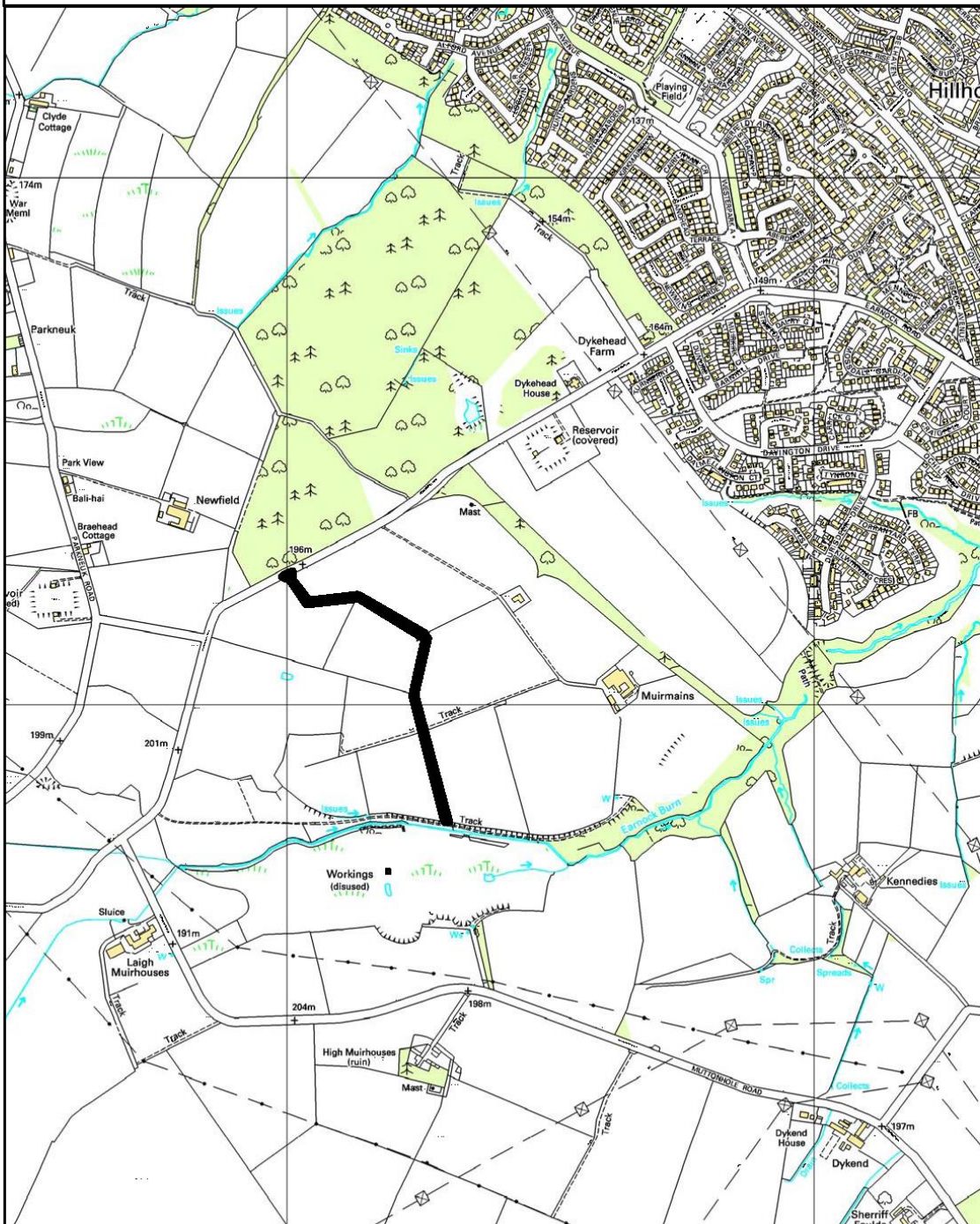
10. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
 - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
 - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
 - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: In order to ensure satisfactory restoration

P/19/1038

Wellbrae Reservoir, Muttonhole Road, Hamilton



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Scale:
1:10,000
Date:
09/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0662
Planning proposal:	Change of use from agricultural field to 3 dog running fields, erection boundary fencing, erection of 3 shelters and formation of 2 car parks

1 Summary application information

Application type:	Detailed planning application
Applicant:	Run Free Dog Fields Ltd
Location:	Land 180M SSW Off Loanend Cottages Loanend Road Cambuslang Glasgow South Lanarkshire

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) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent:
- ♦ Council Area/Ward: 14 Cambuslang East
- ♦ Policy Reference(s):

Policy reference:
South Lanarkshire Local Development Plan (2015)
 Policy 3 Green Belt and Rural Area
 Policy 4 Development Management and Placemaking

Supplementary Guidance; Green Belt and Rural Area

Policy GBRA1 Economy/business related developments

Proposed South Lanarkshire Local Development Plan 2

Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking

Proposed South Lanarkshire Local Development Plan 2 (Volume 2)

Policy GBRA2 Business Proposals within Green Belt and Rural Area

◆ **Representation(s):**

▶	17	Objection Letters
▶	18	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Halfway Community Council

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site relates to land off Loanend Road which lies approximately 2km to the south east of the boundary of Cambuslang. The site lies east/south east of a small group of properties known as Loanend Cottages and is within the rural area. The site sits with open fields although there are trees and shrub planting between the site and Loanend Cottages. The site is accessed by an established private road next to 11 Loanend Cottage. The site is leased to the applicant by Flemington Farm.

2 Proposal(s)

- 2.1 The applicant seeks retrospective detailed planning consent for the change of use of an agricultural field to a dog running business together with the erection of boundary fencing and three shelters and the formation of two carparks. The business comprises three enclosed dog running fields. The enclosed fields allow dog owners to let their dogs run free off the lead in a safe and secure environment. Bookings are made via the company's website and once the customer has paid the fee, they receive a security code to unlock their chosen field. Bookings are for a 30 minute slot and the maximum number of dogs per field at any one time is 8.
- 2.2 The fields range in size from 0.24 ha to 0.56ha and are each enclosed by boundary fencing ranging in height between 1.8m and 2.1m. Erected just inside the entrance to each field is a shelter measuring 2.4m x 1.8m in area and 2.0m in height. The shelters are clad in horizontal timber on three sides and have a metal sheet roof. The closest distance between the fields and houses is 55m with the other two fields 150m and 180m away. Two car parks have been created adjacent to the entrances to the fields.
- 2.3 Two of the fields have been in operation for over two years and did not generate any complaints to the Council. The third field was created in March this year which led to complaints to the Planning Service.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining the application, the Council must assess the proposed development against the policies contained both within the adopted South Lanarkshire Development Plan (SLLDP0 (2015) and associated supplementary guidance produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified as being within the rural area. Policy 3 (Green Belt and Rural Area) is applicable and states that development located in the countryside should demonstrate that there is a specific locational requirement and established need for a proposal within the countryside.
- 3.1.3 Policy 4 (Development Management and Place Making) of the SLLDP is also considered to be relevant and states that when assessing development proposals, the Council will ensure there will be no significant impact on the landscape

character, built heritage, habitats or species including Natura 2000 sites, biodiversity and Protected Species.

3.1.4 Policy GBRA1 (Economy/Business Related Developments) of the Green Belt and Rural Area Supplementary Guidance is also relevant to this proposal. The policy states business proposals should involve an appropriate use in the green belt and rural area. A specific locational requirement will need to be demonstrated. Proposals should have no adverse impact of biodiversity including Natura 2000 sites and protected species or features which make significant contribution to the cultural and historic landscape value of the area and respect the existing landscape.

3.1.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance Policies 4 5, and GBRA2 are relevant

3.2 Planning Background

3.2.1 There is no recent planning history pertaining to this site.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** : have no objections to the proposal. Advise that the sightlines at the point the private road meets Loanend Road are appropriate and that sufficient parking is proposed to serve the development.

Response: Noted

4.2 **Environmental Services** Have advised that a noise management plan should be submitted to show how the applicant would address any concerns about noise generated by the business. Officers have visited the site on a number of occasions to witness the type of activity. Overall, they have no concerns about the business operating between 8am and 8pm Monday to Friday but recommend hours of operation on a Saturday be limited to between 8am and 3pm with no activity at all on a Sunday.

Response: Noted. Appropriate conditions to limit the operating hours of the business and ensure the noise management plan is enforced would be added to any planning permission.

4.3 **Halfway Community Council:** Object to the application on the following grounds.

a) **Halfway Community Council have several procedural concerns. The Community Council were not contacted by Planning Service and advised of this retrospective application. The application was not on the weekly list of planning applications and neighbours were not notified. Key documentation is missing from the public portal.**

Response: Community Councils receive the weekly list of new planning applications which gives them the opportunity to ask to be consulted on individual proposals. Due to an administrative error, the application did not

appear on the relevant weekly list. Once the error came to light, the Community Council was formally consulted on the application and given an extended period of time to submit their comments. Only one property was required to be notified of the application, however, it was advertised in the local press. The correct documents are now available on the public portal.

- b) The Community Council have noted several inaccuracies in the developer's statements particularly in relation to complaints that residents have made and the distance between the fields and nearby houses.**

Response: Noted, however, the distances between the site and houses have been verified and are as described earlier in the report. The Councils Environmental Services and Roads and Transportation Services have confirmed that no complaints had been received to their offices regarding the business prior to March 2019.

- c) Local Concerns raised by residents living at Loanend Cottages. There is regular hysterical and out of control barking which goes on for hours. Residents have heard arguments between dog walkers. There is no control over who uses the site as the business is unmanned. People are accessing the car park after 10pm. Dog walkers are parking on Loanend Road. The level of litter has increased.**

Response: The Council's Environmental Services have advised they have visited the site on over 10 occasions to monitor the type of activity associated with the business. They noted that there is inevitably some noise associated with the business which tends to be when users of the field are unloading their vans/cars and again when the dogs go back into the vehicles at the end of the session, however, the barking noted was never excessive or prolonged at any of the visits. Noise from dog barking, whilst the dogs were in the fields, was infrequent and none of the barking witnessed at any time would breach any relevant standard in terms of the activity constituting a statutory noise nuisance. As part of the application, the applicant has been required to submit a Noise Management Plan which explains how dog numbers and use of the fields will be managed. The Noise Management Plan has been assessed by Environmental Services and, based on the mitigation described and what officers observed on site, they have recommended that the use of the fields be limited to between 8am and 8pm Monday to Friday, 8am and 3pm on a Saturday and at no time on a Sunday. The applicant cannot control who uses the car park after closing hours and any anti-social behaviour is a matter for the Police. Visits to the site have revealed it is mainly local residents who park on Loanend Road while is sufficient parking within the site. A sign has been erected to direct customers to the access road and car park. The applicant has provided a number of litter bins within the site.

- d) There are sometimes more than 8 dogs in a field as advertised.**

Response: The applicant has provided measures within the Noise Management Plan to deal with excess number of dogs in a field.

- e) Other material considerations. There has been no detailed noise assessment. The noise is significant and therefore anti-social. There is no acoustic fencing. The business is not appropriate for the greenbelt area. There has been flooding at the entrance on Loanend Road. The**

increase in traffic would adversely impact the local community. The business is too close to residential properties. None of his other sites are close to residential properties. The site is bigger than the other 6 sites the applicant operates. There is no video or audio surveillance in the site to manage the site better.

Response: The Council's Environmental Services have not requested a noise assessment. They have, however, visited the site over 10 times and have advised the barking does not constitute a statutory nuisance. Environmental Services have not requested any additional acoustic fencing in their consultation response. The Council's Road and Transportation Service have no objections to the application in terms of road safety. They have attended to the drain once in November 2018 and have advised the issues of the blocked drain could not be attributed to the business. The Planning Service cannot compel the applicant to install video or audio surveillance. The comments about the applicant's other sites (none of which are in South Lanarkshire) are noted, however, each application must be considered on its merits.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local paper due to the non-notification of neighbours and as a bad neighbour development. As a result 17 letters of objection (including a letter from James Kelly MSP) and 18 letters of support were received. The grounds of objection are summarised below:

- a) **The fields are open 7 days a week 7am to 9pm. The fields are being used by professional dog walkers. The maximum number of dogs per field is noted as being 8 on their website but the numbers can increase as dog walkers share slots as the site is uncontrolled, unmanned and unregulated.**

Response: Environmental Services have recommended amended hours of operation which will limit the use of the fields especially at the weekend. The applicant has submitted a Noise Management Plan to cover the management of the site. It has been assessed by Environmental Services and it is considered acceptable. A condition requiring it to be implemented would be attached to any consent granted.

- b) **The expansion of the business has increased the level of traffic. There is no line of sight. Vans are driving on the grass verge to enter and exit the site and have blocked the drains. Many vans regularly speed within a 30mph area. Many of the dog walkers park on Loanend Road.**

Response: The Council's Road and Transportation Services have no objections to the proposal. They have reported the last complaint received regarding flooding on Loanend Road was on the 29th November 2018. They have also advised the blockage cannot be attributed to the business. The applicant is not responsible for the driving standards of his customers. There are sufficient parking facilities within the site and a sign has been erected at the entrance to the access road directing customers to the car parks. No evidence has been submitted showing customers parking on

Loanend Road. In any event there are no parking restrictions on the public road.

- c) **The addition of the third field has exacerbated the problem. There is no barrier between the houses and this field.**

Response: It is noted the business operated for approx 2 years without complaint and it was only the creation of the third field that prompted complaints. Environmental Services have not requested any additional sound attenuation for the site.

- d) **There is hysterical barking which can go on for hours and you can hear people shouting, arguing and witness physical confrontations. We have reported the noise to the Council's Environmental Services.**

Response: This matter is addressed in section 5.1c above.

- e) **There are people using the car parks after closing hours.**

Response: The applicant cannot control who uses the car park after closing hours. Residents should call the Police if they are concerned about anti-social behaviour.

- f) **The amount of litter has increased since the start of the business.**

Response: There is no evidence to attribute increase in litter in a public place to the business. In any event, litter bins have been provided by the applicant.

- g) **The application claims the nearest property is 150m away when is actually nearest property is 57m away.**

Response: This is addressed in section 4.3b above.

- h) **There has been no noise assessment submitted.**

The Council's Environmental Services have not requested a noise assessment because there is no relevant standard to assess the noise against. However they have monitored the site and did not find that a statutory noise nuisance has occurred.

5.2 18 letters of support have been received. The issues are summarised below:

- a) **The fields are 100% safe and secure for dogs to run free. They provide customers with the reassurance that their dogs won't run away or be involved in an incident. Many parks may contain poisonous materials or glass.**

Response: Noted

- b) **The fields are in immaculate condition with bins being emptied regularly and poo bags always available with fresh running water.**

Response: Noted.

- c) **The owner has contacted us to advise us to watch our speed, be aware of noise pollution and to not park outside residential homes. It is impossible to drive fast with dogs in your care.**

Response: Noted

- d) **I have never witnessed out of control barking as most dogs are happy to be off their leads.**

Response: Noted

- e) **The field is used by many rescued dogs which require a safe environment to run freely. Many rescue dogs suffer from anxiety due to neglect, or some trauma in their lives and may find it difficult to socialise with other dogs. The closed running fields have given these dogs a new lease of life.**

Response: Noted.

- f) **There is a real sense of community amongst the field users.**

Response: Noted

- 5.3 These letters has been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks retrospective detailed planning consent for the change of use from agricultural field to three dog running fields, erection of boundary fencing and three shelters and formation of two car parks. The field is located at Flemington Farm off Loanend Road, Cambuslang and is within rural area. The determining issues in consideration of this application are its compliance with local development plan policy and, in particular, its impact on the amenity of the surrounding rural area and road safety

- 6.2 The application site is within the Green Belt. Policy 3 – Green Belt and rural area in the adopted South Lanarkshire Local Development Plan (SLLDP) (2015) states that the Green Belt functions mainly for agriculture, forestry, recreation and other appropriate uses. The associated supplementary guidance on Green Belt and the rural area produced in support of the SLLDP sets out what is considered to be an appropriate use and includes outdoor sport and recreation where the use requires a countryside location. The proposed use involves a recreational use in the form of a safe environment for dogs and their owners and, therefore, the proposal is considered to be acceptable in land use terms and accords with policy on development in the Green Belt.

- 6.3 Notwithstanding the above the proposals should also be appropriate in terms of other criteria and, in this case in particular, their impact on the amenity and character of the location and surrounding area and on road safety. Policy GBRA1 describes matters that need to be assessed. The relevant issues in this case include;

- A specific locational need
- Impact on biodiversity and the cultural/historic environment
- Respect the existing landscape form
- Retention of existing features such as trees and hedgerows
- Avoiding the introduction of suburban-style development
- Meet access, parking and servicing standards
- Respect the amenity of the area in terms of noise, lighting, overlooking and visual impact.

Policy 4 (Development Management and Place Making) of the SLLDP is also relevant and states that, when assessing development proposals, the Council will ensure there will be no significant impacts on the local community or on the landscape character, built heritage, habitats or species, including Natura 2000 sites, biodiversity and Protected Species.

- 6.4 By its nature, the proposed use requires a countryside location in order to provide the required open space to create the dog running fields while minimising the impact on residents. No trees or shrubs have been removed and indeed existing landscaping helps screen the site from nearby properties. There has been no impact on the wildlife or fauna nor on any designated cultural or natural heritage sites. Likewise, there has been no impact on surface water or drainage. The structures that are proposed are small scale in nature and do not adversely affect the rural character of the area. In addition they are not visible from public viewpoints. It is noted the fields with the removal of fence and shelters the land can be returned to agricultural land without difficulty. There is no lighting of the fields.
- 6.5 In terms of road safety, the access to the fields is via a private track road, which is rented along with the fields. The access road is 165m long and there are two passing places on it. The road is 3m wide, widening to 6m at the passing places. The speed limit on the public road approaching the site is 30mph. Roads and Transportation Services have advised they have no objections to the application and, in particular, are satisfied sufficient parking is available. Directional signage has been erected at the entrance to the private road.
- 6.6 The key issue is the effect of the business on the amenity of local residents in terms of the noise generated by dogs. Concerns have been raised regarding the number of dogs that are allowed in the fields and the noise levels associated with the business. Environmental Services have not requested a noise impact assessment to be submitted in this case. However, they have monitored the site over an extended period of time and have concluded, based on their observations, that a statutory noise nuisance has not occurred. Nevertheless, it is recognised that the intermittent barking of dogs can have a detrimental impact on residents especially during times when they would expect to experience a peaceful environment. As a result, Environmental Services have requested the applicant submit a Noise Management Plan which outlines the management policy for monitoring activity and addressing any adverse impact. This has been assessed and, overall, they are satisfied that the measures in the plan are appropriate. On this basis, Environmental Services offer no objection to the proposal. The proposal accords with Policy 3, 4 and GBRA1 of the South Lanarkshire Local Development Plan (2015).
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 2, 4, 5, 11 and DM1 in the proposed SLLDP2.

- 6.8 In response to publicity on the application, 17 letters of objection have been received which highlighted the concerns local residents have about the activity on their amenity and road safety. These matters have been the main consideration in determining whether the continuation of the business at this location is acceptable. Officers in Environmental Services and Roads and Transportation Services have closely assessed these impacts and, overall, have concluded that, subject to limits on the hours of operation and the implementation of the noise management plan, the retention of the business is acceptable.
- 6.9 In view of the above, it is considered that the proposals accord with planning policy and that retrospective planning permission be granted.

7 Reasons for Decision

- 7.1 The development complies with Policies 3 and 4 of the adopted South Lanarkshire Development Plan and Policy GBRA1 of the Supplementary Guidance 2: Green Belt and Rural Area and Policies 4, 5 and GBRA2 of the proposed South Lanarkshire Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 September 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 3 June 2019

- ▶ Consultations

Halfway Community Council	06.08.2019
Roads Development Management Team	18.06.2019
Environmental Services	20.06.2019

- ▶ Representations

	Dated:
Carol Patton, 10 Loanend Cottages, Cambuslang, G72 8YD	21.06.2019
Mrs Shona Glaister, 9 Loanend Cottages, Loanend Road, Cambuslang Glasgow, South Lanarkshire, G72 8YD	19.07.2019
Gillian Arnott, By Email	12.08.2019

Gordon Arnott, By Email	12.08.2019
Conor McGlinchey, Received Via Email	08.08.2019
Erin McGlinchey, Received Via Email	08.08.2019
Jack Patton, Received Via Email	08.08.2019
Christine Reid, 5 Loanend Cottages, Loanend Road, Cambuslang, Glasgow, South Lanarkshire, G72 8YD	08.08.2019
Adam Patton, By Email	08.08.2019
Mr Alan Hepworth, 4 Loanend Cottages, Loanend Road, Cambuslang Glasgow, South Lanarkshire, G72 8YD	11.08.2019
Harriet Leggatt, Received Via Email	03.09.2019
Jacqueline Bryson, Received Via Email	03.09.2019
Lauren Tarditi, Received Via Email	03.09.2019
Karen Morrissey, Received Via Email	03.09.2019
Peter McKeown, Received Via Email	03.09.2019
Roundabout Dog Care, Received Via Email	03.09.2019
Heather And Tobias Garrud, Received Via Email	03.09.2019
Isabel MacLellan, Received Via Email	03.09.2019
Amanda Sykes, Received Via Email	03.09.2019
Janet Findlay, Received Via Email	03.09.2019
Angela Lawrie, Received Via Email	03.09.2019
Claire Murphy, Received Via Email	03.09.2019
John O'Neill, Received Via Email	03.09.2019
Gillian Reddiex, Received Via Email	03.09.2019
Lynn Forsyth, Received Via Email	03.09.2019
Michael McMonagle, Received Via Email	03.09.2019
Ann-Marie Sharpe, Received Via Email	03.09.2019
Fiona Menzies, Received Via Email	03.09.2019

Lorraine Kinnen, Received Via Email	21.08.2019
James Kelly MSP	03.09.2019
David Patton, By Email	24.07.2019
Mrs Liisa Hepworth, 4 Loanend Cottages, Loanend Road, Cambuslang Glasgow, South Lanarkshire, G72 8YD	11.08.2019
Charlotte Patton, Received Via E-Mail	07.08.2019
Majella Purcell, By Email	15.08.2019
Patrick McGlinchey, Received Via E-mail	05.08.2019

Contact for further information

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

Mohammed Hussain, Planning Officer, Montrose House, 154 Montrose Crescent,
Hamilton, ML3 6LB
Phone: 01698 455269
Email: mohammed.hussain@southlanarkshire.gov.uk

Conditions and reasons

01. That the operating hours of the premises hereby granted consent shall be limited to,

Mondays to Fridays: Between 08:00 to 20:00 in April to September

Mondays to Fridays: Between 08:00 to 17:00 in October to March

Saturdays: Between 10:00 to 15:00

For the avoidance of doubt there shall be no business activity on Sundays or Bank Holidays

Reason: To safeguard the amenity of the area.

02. That the applicant shall adhere at all times to the Noise Management Plan submitted to the Council on 13 September 2019. The approved details shall be implemented in full throughout the period of the operation of the use hereby approved.

Reason: To ensure proper management of the site.

03. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 7, 8, 14, and 15 shall be undertaken without the express prior consent of the Council, as Planning Authority.

Reason: In the interests of retaining appropriate planning control of the site.

04. The operator of the premises shall keep a complete record of bookings at all times and for the avoidance of doubt these records shall be made available within two weeks of any request by the Council as Planning Authority.

Reason: In the interests of retaining appropriate planning control of the site.

05. The maximum number of dogs permitted in each field at any one time shall not exceed 8 dogs.

Reason: In the interests of retaining appropriate planning control of the site.

P/19/0662

Land 180m SSW off Loanend Cottage, Loanend Road, Cambuslang



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Scale:
1:10,000
Date:
11/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0970
Planning proposal:	Installation of 13km underground electrical cable, erection of new substation and extension to existing substation with associated access, infrastructure and ancillary works (including temporary construction compounds)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Brookfield Renewable UK Ltd
Location:	Kennoxhead Wind Farm Glentaggart Road Glespin Lanark South Lanarkshire

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) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Kate Wigley
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ 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 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding
Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change
 Policy SDCC2 – Flood Risk
 Policy SDCC3 – Sustainable Drainage Systems

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

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy
 Policy 2 Climate Change
 Policy 5 Development Management and Placemaking
 Policy 14 Natural and Historic Environment
 Policy 16 Water Environment and Flooding
 Policy 19 - Renewable Energy
 Policy DM1 New Development
 Policy SDCC2 Flood Risk
 Policy SDCC3 Sustainable Drainage Systems

♦ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

SEPA

WOSAS

SNH

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 3.1km south-west of Glespin and 6.5km south-west of Douglas. The application boundary is approximately 13km in length and its eastern boundary starts from the existing Mid Rigg access off the B7078 and then heads west, following the route of an old opencast coal conveyor to join the Glentaggart public road. The boundary then follows the full extent of this public road as it goes west past Glentaggart Farm until its termination. At the end of the public road, the application boundary continues north-west and ends within a forestry plantation adjacent to Wedder Hill.
- 1.2 The land cover within the application boundary comprises part of the upland river valley and rolling moorland with mature commercial forestry plantation present to the north/north west of the application site. In the wider area land cover comprises rolling moorland and commercial forestry with the restored Glentaggart Opencast located to the north. The application site boundary is largely 106m (approximately) in width apart from the eastern edge where the boundary widens to encompass land adjacent to the Mid Rigg access.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of approximately 13km of underground cabling to allow the transmission of electricity generated from 2 permitted wind farms (Kennoxhead and Penbreck). This application is to transmit the electricity generated to a substation which would then allow it to be exported to the national grid. The application also seeks consent to erect a substation and this would be located on the eastern edge of the application boundary adjacent to the existing Mid Rigg Wind Farm substation building and compound.
- 2.2 Planning permission has been granted previously for an access road that mirrors the east to west application site boundary (Ref: P/18/1145). It is the intention that the majority of the proposed cabling would be installed under the verge of the access track.

3 Background

3.1 National Policy

- 3.1.1 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. It 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".

3.1.2 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.” 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).

3.2 Development Plan Status

3.2.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The 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. Policy 10 Onshore Energy requires proposals to accord with local development plans.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 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 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

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 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy

- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 16 Water Environment and Flooding

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.3 **Planning Background**

- 3.3.1 Planning permission for Penbreck windfarm was originally granted in June 2014 (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) and associated infrastructure, including 4 borrow pits and new access track (hereon referred to as Penbreck WF). Planning permission was also granted (P/18/1145) for an access track to this wind farm following the same route as the proposed cabling associated with this planning application.
- 3.3.2 The Scottish Government Energy Consents Unit granted planning permission for a 19 turbine wind farm (hereon referred to as Kennoxhead WF) on neighbouring land to the east of Penbreck WF. This Government Consent included the same access track as referenced in 3.3.1 above that will serve Penbreck WF.
- 3.3.3 Whilst consented, neither wind farm has yet been constructed. The proposed cabling, the subject of this planning application, would be for the transmission of electricity generated from these wind farms.
- 3.3.4 Due to its size (being over 2 hectares), the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community. In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has, therefore, met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.5 The application, by nature of its scale and type, falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A request for an Environmental Impact Assessment (EIA) Screening Opinion was carried out for the proposals. Given the existing permission for the access track to serve Kennoxhead WF and Penbreck WF and as the proposed works mainly involve the installation of cable within the verge of that access track, it was considered that the proposals did not constitute an EIA development. As such an Environmental Report was not required as part of the planning submission. The planning submission does, however, include an Environmental Appraisal detailing the potential environmental effects of the proposals and proposed mitigation measures.

4 Consultation(s)

- 4.1 **SEPA** – have no objection to the proposals subject to the implementation of the mitigation measures detailed within the Environmental Appraisal that forms part of the planning application submission.

Response: Noted. All mitigation measures within the Environmental Appraisal form part of this recommendation and would be attached to any permission if granted.

- 4.2 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals. WOSAS notes that the route goes through areas where there is potential archaeological interest and, therefore, any works on fresh ground outwith the route of the existing approved access track may require archaeological works to be carried out. It is, therefore, recommended that a suitable archaeological condition is attached to any consent.

Response: Noted. The recommended archaeological condition forms part of this recommendation.

- 4.3 **Scottish Natural Heritage (SNH)** – no objection subject to the use of conditions requiring the mitigation methods set out within the environmental appraisal to be carried out in full.

Response: Noted. All mitigation measures within the Environmental Appraisal form part of this recommendation and would be attached to any permission, if granted.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Lanark Gazette on 24 July 2019. No representations have been made in relation to this application.

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 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.

- 6.3 National Planning Framework 3 (NPF3) sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It 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”. 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 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). It is considered that, given the proposals are to enable 2 wind farms to transmit the electricity they will generate, the proposals accord with National Policy.
- 6.4 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The 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. It is again noted that proposals are to allow for the transmission of electricity generated by 2 wind farms and, consequently, it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.
- 6.5 In terms of the adopted South Lanarkshire Local Development Plan, the site is located within the rural area where SLLDP Policy 3 ‘Green Belt and Rural Area’ states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. In this case, the proposals have

previously been deemed to be acceptable in principle as a result of both the Kennoxhead WF and Penbreck WF decisions. It is, therefore, considered the proposals can demonstrate a required need at this specific location.

- 6.6 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Given the proposed development is ancillary development for the electricity generated from 2 wind farms and, therefore, benefits carbon reduction, the proposed development is considered to be in accordance with the aims of this Policy.
- 6.7 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The cabling is to be underground and, therefore, will have no impact upon the landscape. The substation building is to be located adjacent to an existing substation building (serving Middle Muir Wind Farm) and, therefore, its visual impact will be negated as it will be viewed in relation to this existing development rather than being a standalone development on the landscape.
- 6.8 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within the application site. The Muirkirk and North Lowther Uplands Special Protection Area (SPA) is within 2.4km of the application site. This SPA is designated for breeding and wintering birds. The planning application included an Environmental Appraisal as part of the documents submitted which assessed the impact of the proposals on habitats, protected species and the SPA and concluded the proposals would not have any significant impact on habitats or wildlife subject to appropriate mitigation measures being employed. SNH agree with the Environmental Appraisal subject to all proposed mitigation measures being carried out. SNH state that the Red Moss Special Area of Conservation (SAC), whilst not within the application site, is located adjacent to it and within the drainage path of the substation and works near the Mid Rigg access. SNH note that the Kennoxhead WF proposals were subject to a condition to implement a Construction Environment Management Plan that would mitigate any issues the proposal's drainage could potentially have on Red Moss SAC, an active raised bog. SNH, therefore, advise that a similar CEMP should form part of any new consent. A CEMP condition forms part of the recommendation, should planning permission be granted. It is, therefore, considered that, subject to a CEMP and all mitigation measures with the Environmental Appraisal being implemented the proposals accord with this policy.
- 6.9 Whilst there are no nationally designated sites within the application boundary, as stated above, the proposals are located in very close proximity to the Red Moss Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Muirkirk and North Lowther Uplands Special Protection Area (SPA). Therefore, under the Habitats Regulations 2010, the Council has a duty as the determining authority to carry out an appropriate assessment of the proposals with specific regard to the impact the development may have on the qualifying interests of these sites.

- 6.10 The qualifying interests of the Muirkirk and North Lowther Uplands SPA are breeding and wintering hen harriers and breeding populations of merlin, peregrine, short-eared owl and golden plover. The applicant has provided data on the likely impacts of the development on the qualifying interests of the SPA as part of the planning submission and SNH are content with the information provided on the assessment of this impact. It is considered that the cabling proposals would not affect the integrity or qualifying interests of this SPA. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SPA. Red Moss SAC and SSSI is an active raised bog habitat and, therefore, an appropriate assessment is also required to be carried out where a development may have hydrological impacts on this active bog. The proposed substation and works near the Mid Rigg access shares drainage connectivity with Red Moss and the planning submission contains mitigation measures to ensure that the proposals do not impact upon the bog land. SNH are content with the proposed mitigation in relation to the Habitats Regulations. It is considered that the proposals would not affect the integrity or qualifying interests of this SAC if all the proposed mitigation within the planning submission is implemented. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SAC and SPA and that, subject to the implementation of a CEMP and all the mitigation measures contained within the planning submission, the proposals comply with the relevant criteria of the development plan in this instance.
- 6.11 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development 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. SEPA have no objections to the proposals and are content with the detail of the mitigation measures within the Environmental Appraisal. It is, therefore, considered that, subject to conditions requiring the mitigation measures within the Environmental Appraisal being carried out fully, the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.12 Policy 19: Renewable Energy states that 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 proposals are required to facilitate large scale renewable energy development (Penbreck WF and Kennoxhead WF) and are in line with the aims of Policy 19. The proposals are solely for the installation of cabling along an already approved access route and do not include any wind turbines. It is, therefore, considered there is no further need for the proposals to be assessed against the specific wind turbine criteria within this policy. The previous permission for the route also negates the need for any other assessment under the Policy 19 criteria.

- 6.13 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.14 In conclusion, the proposed development is considered acceptable and would not be detrimental to the environment. The route the cabling will follow is that for an existing consent for an access track to windfarms previously approved and its installation will ensure transmission of the electricity generated from these windfarms. It is, therefore, recommended that planning permission is granted subject to the imposition of the attached planning conditions.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment subject to the attached conditions. It complies with Policies 2, 3, 4, 15, 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 17 September 2019

Previous references

- ◆ CL/13/0042
- ◆ P/18/0072
- ◆ P/18/1145

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 24.07.2019

- ▶ Consultations

SEPA West Region	21.08.2019
WOSAS	31.07.2019
SNH	15.08.2019

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0970

Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Appraisal (June 2019), including all mitigation and monitoring measures contained within, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: For the avoidance of doubt and to specify the documents upon which the decision was made.

02. Construction Works

All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 1.00pm;

With no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the planning authority. The planning authority shall be informed in writing of emergency works within three working days of occurrence.

Reason: In the interests of controlling construction noise

03. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. For the avoidance of doubt the CEMP shall take account of all information, advice and mitigation measures provided within the approved Environmental Appraisal (June 2019), conditions attached to this permission and advice and actions contained within the consultation responses from SEPA (dated 21.8.2019) and SNH (dated 14.8.2019).

Reason: In the interests of protecting the environment

04. That no development hereby approved shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved

by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service. For the avoidance of doubt the archaeological works are only in relation to breaking new ground through track widening or other requirements and the existing access tracks and roads would not be included in any programme.

Reason: In the interests of archaeology.

P/19/0970

Kennoxhead Wind Farm, Glentagart Road, Glespin



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Scale:
1:55,000
Date:
09/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1145
Planning proposal:	Erection of 19 wind turbines (maximum height to tip 180m), access tracks, substation and other associated infrastructure (Section 36C application)

1 Summary application information

Application type: Variation of section 36 consent

Applicant: Brookfield Renewables
 Location: Kennoxhead Wind Farm
 Glentaggart Road
 Glespin
 Lanark
 South Lanarkshire

2 Recommendation(s)

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

- (1) That the Scottish Government is informed that South Lanarkshire Council has no objection to the proposed amendments (increased tip height) to the Kennoxhead Wind Farm application made under Section 36(C) of the Electricity Act 1989
- (2) Authorise the Head of Planning and Economic Development to undertake any discussions, further agreements of conditions and planning obligations if required, with the Scottish Government

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to deal with the notification
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:
 - Community Contribution Payments
 - The 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 will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 – Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 3 - Green Belt and Rural Area
 - Policy 4 - Development management and placemaking
 - Policy 15 - Natural and Historic Environment
 - Policy 17 - Water Environment and Flooding
 - Policy 19 - Renewable Energy

Supplementary Guidance

- 1: Sustainable Development and Climate Change
- 2: Green Belt and Rural Area
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment
- 10: Renewable Energy

Proposed South Lanarkshire Local Development Plan 2 (2018)

- Policy 1 – Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

- | | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

- Roads Development Management Team
- Environmental Services

WOSAS

Roads and Transportation (Flood Management)

Douglas Community Council

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 3.1km south-west of Glespin and 6.5km south-west of Douglas and occupies an area of 10.5km². The application boundary includes the proposed access route from the B7078 with the site itself located south of A70. The land cover within the application boundary comprises part of the upland river valley and rolling moorland with mature commercial forestry plantation present to the north/north west of the application site. In the wider area, land cover comprises rolling moorland and commercial forestry with the restored Glentaggart Open Cast Mine located to the north of the proposed development.
- 1.2 The site currently benefits from a Scottish Government consent under Section 36 of the Electricity Act 1989 for 19 turbines each 145m to tip with associated infrastructure including access tracks, transformer kiosks and turbine laydown areas. From here on this is referred to as the 'Original Consent'.

2 Proposal(s)

- 2.1 An application has been made to the Scottish Government to amend the Original Consent under Section 36(C) of the Electricity Act 1989. As with the Original Consent, the Scottish Government is the Consenting Authority with South Lanarkshire being a statutory consultee in this process. The amendments that are sought through this application are to increase the height of the turbines from 145m to tip to 180m to tip. The turbine foundation bases within the Original Consent have been assessed as being suitable for the larger turbine so the amendments do not require the re-location of any of the turbines or any significant alteration to the turbine foundation pads. The Original Consent also allowed for a 90m steel lattice anemometer mast and it is proposed to increase this mast to 113.5m as part of the proposals. Given this increase in height would only be required if the taller turbine proposals are acceptable and that the anemometer mast is a visually light, lattice structure that would not really be visible in the context of the wind turbines, it is considered that this height increase is acceptable and no further assessment is required for this part of the amendments.
- 2.2 The Original Consent has an electricity generation capacity of 64.6MW and the proposed changes to the turbines would increase this generating capacity by an additional 26.6MW with the amended scheme having a generating capacity of 91.2MW.
- 2.3 Any structures over 150m are required by the UK Air Navigation Order (2016) to be fitted with medium intensity aviation obstruction lighting and, therefore, whilst not needed as part of the Original Consent, aviation lighting would be required, and is proposed, for the amended turbines given their height.

3 Background

3.1 National Policy

3.1.1 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. It 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”.

3.1.2 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.” 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).

3.1.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard onshore wind energy and how renewable technology continues to evolve. Paragraph 25 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”.

3.1.4 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 approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The 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. Policy 10 Onshore Energy requires proposals to accord with local development plans.

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

- Policy 1 – Spatial Strategy
- Policy 2: Climate change

- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

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 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

Policy 2 Climate Change; Policy 4 Green Belt and Rural Area; Policy 5 Development Management and Placemaking; Policy 14 Natural and Historic Environment; Policy 16 Water Environment and Flooding and Policy 18 Renewable Energy

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

3.3 Planning Background

3.3.1 The Original Consent (South Lanarkshire Ref CL/13/0042) was granted consent by the Scottish Government in July 2015 and was for a wind farm comprising 19 turbines with a maximum height to tip of 145m. South Lanarkshire Council, as a Statutory Consultee to the application offered no objections to the Original Consent. The Original Consent was issued under Section 36 of the Electricity Act 1989 and also received deemed planning permission under Section 57 of the Town and Country Planning Act. The deemed planning permission contained 33 planning conditions including for the provision of a financial guarantee for the restoration and aftercare of the site, a Construction and Environmental Management Plan (CEMP), the setting up of a Habitat Management Group (HMG) for the site and the employment of an Ecological Clerk of Works (ECoW) for the construction and decommissioning of the site.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to replication of the Original Consent's Roads conditions (relating

to a Traffic Management Plan, Road Safety Audit and Access Management Plan) and replication of the legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

Response: Noted, if members agree with the recommendation not to object to the application, the formal response to the Scottish Government would include replication of the aforementioned conditions and legal agreement.

- 4.2 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the proposals subject to the replication of a condition to agree a level of archaeological investigation prior to any development commencing on site, in line with the Original Consent.

Response: Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of a programme of archaeological works.

- 4.3 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area.

Response: Noted and the recommended noise levels form part of the recommendation to the Scottish Government.

- 4.4 The following consultees had no comments to make on the proposals

Roads and Transportation Services (Flood Risk)
Countryside and Greenspace
Douglas Community Council

5 Representation(s)

- 5.1 Statutory advertisement of the application was undertaken by the applicant in July 2019. No letters of representation have been received following this advertisement.

6 Assessment and Conclusions

- 6.1 This application has been submitted to the Scottish Government under Section 36(C) of the Electricity Act 1989 as it is an amendment to a development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. 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 instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration.
- 6.2 As the proposals involve an amendment to an existing consent, there is no need to revisit the principle of the development or any facets of the Original Consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relate solely to the increase in the turbines height.

The main matters for the Council's consideration are therefore whether the increase in the turbines height would comply with National Policy and South Lanarkshire's Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, transportation of larger turbines, ecology and ornithology, residential amenity and communities.

- 6.3 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks 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).
- 6.4 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorizes distinct areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. 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. Visual impact, including the impact on settlements, is assessed at paragraphs 6.34 to 6.40. 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. 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, the principle of development being established by the Original Consent and for the reasons set out below, it is considered the proposed development accords with SPP.
- 6.5 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The 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. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.6 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015, the 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.' Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. Taking into account the proposed amendments would increase the generating capacity of the Original Consent by 26.6MW, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change subject to the assessment against other development management criteria as below.
- 6.7 Policy 3: Green Belt and Rural Area 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 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the development has already been deemed acceptable within the Rural Area given the site contains the Original Consent wind farm and the proposals are effectively an amendment to the Original Consent and, therefore, there are no further implications for the countryside strategy set out within the Development Plan.
- 6.8 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design

Supplementary Guidance under Policy DM1 – Design. The principle of a wind farm has already been established on the site and, therefore, the principle of a replacement wind farm is acceptable under this policy. The proposal's impact in terms of the local community, amenity, ecology and landscape and visual impact is assessed in detail and in relation to more specific policy criteria throughout the following assessment section below. It is, therefore, considered that the proposals comply with the broad principle of this policy subject to this further detailed assessment.

- 6.9 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It 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. The policy categorises each of the natural and historic environment designations within three distinct groups and these are assessed in turn below.
- 6.10 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development 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 proposed development is not located in an international or national designated site. Muirkirk and North Lowther Uplands Special Protection Area (SPA) and Muirkirk Uplands Site of Special Scientific Interest (SSSI) lie adjacent to the proposed development site, and Red Moss Special Area of Conservation (SAC) and the associated SSSI are the nearest designated sites. It is considered that an increase in turbine height would not have any additional impact upon the Red Moss SAC and SSSI as the qualifying interests relate to bog land and, therefore, there would be no further effects from the taller turbines than from the Original Consent. The Muirkirk and North Lowther site is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. The Original Consent took cognisance of the site's proximity to this SPA and SSSI and the setting up of a Habitat Management Group (HMG) was part of the mitigation measures to minimise the turbines potential impact upon the bird population within the neighbouring SPA. An HMG is included within the proposed mitigation measures for this application to ensure that the taller turbines are accounted for as part of the mitigation forth wind farms impact upon the SPA. In their response to the Scottish Government, SNH state that they are content with the proposed mitigation in relation to the SPA included within this application. It is, therefore, considered that subject to a condition requiring an HMG the proposals would comply with the policy criteria in this instance.
- 6.11 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 further policy and guidance provided in the SG on the Natural and Historic Environment.

- 6.12 The SG on 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:
- Policy NHE 2 Scheduled Monuments and their setting 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.
- 6.13 The Environmental Report submitted with the Section 36(C) application contains a cultural heritage assessment for the amended proposals in relation the Original Consent. There are no scheduled monuments, listed buildings, historic battlefields or Inventory Gardens and Designed Landscapes (GDL) within the application site. The cultural heritage assessment concluded that there would be no significant effect on the setting of any of these cultural heritage assets as a result of the increase in turbine height. Notwithstanding, it is noted that Historic Environment Scotland as a consultee to this application and will provide detailed comments to the Scottish Government on this matter.
- 6.14 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. As previously mentioned, there are 2 SSSIs close to the application site. Coalburn Moss SSSI which is designated for its raised bog and Muirkirk Uplands SSSI and North Lowther Uplands SSSI which are designated for their geological features and upland habitats as well as for populations of hen harriers and short-eared owls. It is considered that an increase in turbine height would have no impact upon the qualifying interests of these designations with the exception of the ornithological interests of the Muirkirk and North Lowther SSSIs. Impact on ornithology in relation to protected species is considered in para 6.10 above as the Muirkirk and North Lowther SPA encapsulates these SSSIs. It is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.
- 6.15 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 SLLDP Strategy Map, therefore Policy NHE 10 is not relevant. 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 any additional loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map, therefore, Policy NHE11 is not applicable.

- 6.16 This SG also contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. The impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.22 below. It is considered that the proposals would not significantly affect Category 2 designations.
- 6.17 In 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.
- 6.18 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.
- 6.19 As noted in 6.13 above, there are no listed buildings within the application site. Category B and C listed buildings were included in the cultural heritage assessment and, as previously noted, it was concluded that the proposed amendments would not have any impact upon any cultural heritage assets within a 20km radius of the site. In relation to unscheduled archaeological sites, WOSAS acknowledge that the Original Consent results in the site already having a permission in place for a wind farm and that an increase in turbine height is unlikely to further impact upon any unscheduled archaeological feature in the site area. WOSAS, therefore, have no objections to the proposals subject to the replication of a condition to agree a level of archaeological investigation prior to any development commencing on site, in line with the Original Consent. Subject to the Scottish Government attaching a suitable archaeological condition, it is considered that the proposals comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.
- 6.20 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 further guidance on SLAs and the wider landscape. There are 2 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and is approximately 5 to 7km to the north east of the site. The Leadhills and Lowther Hills SLA is located some 7.5km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the Environmental Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. The Leadhills and Hills SLA is considered not to experience significant effects due to a combination of distance and limited opportunities to view the proposed development from the area as a whole due to topography. In regard to the Douglas Valley SLA, it is considered that this SLA's designation relates to the broad, open valley floor and the proposals are located on the west side of the valley and in the rising slopes and hills of the southern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the proposed increase in turbine height and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.21 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 Renewable Energy Supplementary Guidance. The site is not considered to have any large peat deposits. It should be noted that both SEPA and SNH are separate consultees to this Section 36(C) application and as part of their responses to the Scottish Government, peat management would be included. It is, therefore, considered that in this instance, solely as a consultee, the Council shall defer to both these bodies in relation to peat management.
- 6.22 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. The SG on 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. The Environmental Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. The application area is not identified as being at the risk of flooding. It is considered that the proposals to increase the turbine height will have a limited impact upon the water environment. It should also be noted that SEPA as a separate consultee will provide further detailed advice on the water environment.
- 6.23 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). 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 SG10 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

6.24 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.

6.25 In terms of Group 2 Areas of significant protection, SPP and SG10 recognise 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

6.26 National and international designations, as well as other nationally important mapped environmental interests, have been previously assessed at paragraphs 6.9 to 6.20 and it is considered that, subject to conditions, there are no adverse effects on national and international designations. 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. There are no communities within 2km of the application site with the nearest, Glespin being over 3km from the site.

6.27 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. The principle of wind farm development on this site has been established by the Original Consent and, therefore, there is no further need to assess the wind farm on a spatial level (Group 3) but instead focus on the effects of the proposed increase in height of the turbines.

6.28 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Again, taking into account the principle of development has already been established through the Original Consent, only the relevant criteria, relating to the increased height of the turbines, from both policies is assessed below. Again, it should be noted that as a consultee to the application, not all the criteria are relevant to be assessed against as part of this response and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc., therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.

6.29 The relevant Table 7.1 criteria is taken in turn as follows;

6.30 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.9 to 6.12 and it is considered that there are no adverse effects on national and international designations.

6.31 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

The increase in turbine height would increase the renewable energy generated by the proposal and therefore they would have a greater contribution to renewable energy generation targets than the Original Consent.

6.32 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 criterion, in line with Policy NHE19 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. This consideration has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP above and it is considered that subject to replication of the Original Consent's conditions and the implementation of a HMG the proposed amendments accord 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.

6.33 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.

6.34 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. The assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.

6.35 As previously noted, this application is made under Section 36(C) of the Electricity Act and is therefore a request to amend a previously consented scheme. In essence the application is to increase the height of 19 turbines by 35m and therefore any assessment has to be based solely on this increase in height. A further visual impact to consider, however, is that any structure over 150m will require aviation lighting. The Original Consent did not require aviation lighting.

6.36 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and Rolling Moorland with Forestry, LCT subtype, as defined in the

South Lanarkshire Landscape Character Assessment 2010 (LCA). The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and rolling or undulating landform and the predominant lack of modern development as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The Original Consent (and, therefore, this application) is located within an area that is currently defined as to be of low sensitivity and low landscape value in relation to wind turbine development.

- 6.37 The application site is located within an area that is identified as having medium capacity for wind turbines at a scale of 150m to 200m within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150m may be appropriate. It identifies 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains more LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200m in rolling moorland. It states that, due to the modest scale of landforms in this LCT, taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that with turbine heights varying from 55m to 149.9m in height, the addition of larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.
- 6.38 It is considered that the scale of the rolling moorland LCT and the site's relative remoteness from communities could accommodate an increase in height of 35m within the wider landscape. Taken in the context of the existing impact of the Original Consent, the increase in turbine height would not have any additional significant, detrimental effect in terms of landscape impact or visual impact. This and the low sensitivity for wind farm development in the landscape, therefore, leads to the conclusion that the proposed increase in height would not have any additional adverse landscape or visual impact upon the area than that already approved. There are no communities within 3km of the site and, therefore, the increase in height of the turbines will not introduce any residential visual impact issues.
- 6.39 In terms of the required aviation lighting, this is required to identify the turbines from the air and the lights are, therefore, directed upwards which helps minimise their impact upon the surrounding landscape at night. An assessment of the lighting has been carried out as part of the application submission which notes that whilst visible within the landscape it is not considered to have a significantly adverse effect on the landscape or any communities or single, residential

properties. Environmental Services are content with the proposed lighting and do not have any issues with it in relation to residential amenity. Whilst the lights will be visible, they will only be seen when dark by residential receptors and primarily from external areas such as gardens, which tend not to be used when dark. This further limits the potential to have a detrimental visual impact. It is considered that the proposed aviation lighting will have a negligible effect on the surrounding landscape. Therefore, on balance, the overriding safety requirement for the lighting is greater than the negligible effect the lighting would have on the night time landscape.

6.40 Therefore, taking into account the above assessment, it is considered that in terms of landscape and visual effects the proposed amendments to the Original Consent are acceptable.

6.41 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

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. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraphs 6.34 to 6.40 above.

6.42 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the Environmental Report. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that appropriate conditions can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition Environmental Services recommend a suitable condition to be attached, if consent is granted, to address the required procedure in the event of there being a noise complaint from the proposed development. Shadow flicker was assessed as part of the Original Consent and, given the remote location, it has been assessed that the increase in blade height would still have no potential to create shadow flicker in relation to any residential property. It is, therefore, considered that there are no receptors affected by potential shadow flicker from the proposals.

6.43 Impacts on carbon rich soils and peat, using the carbon calculator.

The increase in turbine height would not lead to any additional loss of peat land.

6.44 Impact on Public Access.

The increase in turbine height would not inhibit public access as the tracks within the site would be unchanged.

6.45 Impacts on the historic environment.

This consideration has been assessed against SLLDP Policy 15 above.

6.46 Impacts on tourism and recreation.

It is considered that an increase in turbine height of this nature would have no further impact upon tourism or recreation within the local area.

6.47 Impact on road traffic and on trunk roads.

The Original Consent was subject to a legal agreement to account for the route of the turbine transportation to the site and account for any potential damage to public roads and structures created by the abnormal loads transporting the turbines to site. The increase in turbine height results in there still being a requirement for abnormal load transportation of turbines and, therefore, the requirement for a new legal agreement to address these issues is still relevant.

6.48 Decommissioning and restoration.

As with the Original Consent, there is a requirement for decommissioning and a restoration bond or other 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 and should be a condition of any consent, if issued, in line with the Original Consent.

6.49 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licences 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. SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Original Consent required environmental measures to be carried out, therefore, all previous conditions of this nature should be replicated on any new consent, if issued.

6.50 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with robust and appropriate mitigation measures.

6.51 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.52 below), the appointment of a Planning Monitoring Officer and for 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 will be required to be entered into if consent is granted.

6.52 Other considerations.

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.27 to 6.64. 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 that should consent for the proposed development be granted and implemented the applicant will provide a package of community benefit, for the lifetime of the development based on the electricity generated.

Again, whilst not a material consideration to the assessment of this application any increase in turbine height would result in an increase in the electricity generated and, therefore, an increase in community payments.

6.53 Conclusion

6.54 The application proposes amendments to a previous consent granted under Section 36 of the Electricity Act which, as a consultee, South Lanarkshire had no objections to. This consent established the principle of a wind farm development on the site. The amendments proposed relate to an increase in the turbine height by 35m going from the consented height of 145m to 180m and the key issue in providing a consultation response to the Scottish Government is whether the increase in turbine height is acceptable. A detailed assessment against development plan policy and supplementary guidance has been carried out and it is concluded that the increase in height would accord with the assessment criteria and would not have any significant, additional impact on the environment, landscape, residential amenity or road safety.

6.55 The Original Consent had several conditions attached to it to minimise the proposal's impact upon the natural and historic environment as well as the road network and residential amenity. Therefore, should South Lanarkshire Council have no objection to the amended proposals, it is recommended that this is on the basis that all these conditions and obligations are replicated on any new consent and that a legal agreement covering the issues detailed on the front page of this report is entered into.

7 Reason for Decision

7.1 The proposals to increase the turbine heights from 145m to tip to 180m to tip under Section 36(C) of the Electricity Act 1989 are considered acceptable. The increase in turbine height is considered not to have any significant, adverse impact in relation to the previous consented development and accords with National Policy and the relevant provisions of the development plan subject to the imposition of the recommended environmental conditions.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 16 September 2019

Previous references

♦ CL/13/0042

List of background papers

- ▶ Application form
 - ▶ Application plans
 - ▶ South Lanarkshire Local Development Plan 2015 (adopted)
 - ▶ Proposed South Lanarkshire Development Plan 2

 - ▶ Consultations
- Roads Development Management Team 16.09.2019

Environmental Services

12.09.2019

WOSAS

08.08.2019

Contact for further information

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

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Conditions and reasons

01. Except as otherwise required by the terms of the Section 36(C) consent and associated deemed planning permissions, the Development shall be undertaken in accordance with the Environmental Report (June 2019) and any associated appendices .

Reason: To ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The turbines shall be consistent with the candidate turbine or range assessed in the Environmental Report (June 2019), and the tip height shall not exceed 180 metres above ground level. The turbines, masts and associated apparatus shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

All wind turbine blades shall rotate in the same direction.

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: In order to define the terms of the consent.

03. No development shall commence until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason: To ensure that the environmental impacts of the substation and ancillary development forming part of the Development conform to the impacts assessed in the Environmental Statement and in the interests of the visual amenity of the area.

04. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan references 60247473-ENG-002.1 and 60247473-ENG-002.2. Wind turbines, buildings, masts, areas of hardstanding

and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA, SNH and Historic Scotland) micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned more than 5m higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on plan reference 60247473-ENG-002.1 of the original S36 consent
- b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the approved plans;
- c. No access track shall be moved more than 50m from the position shown on the approved plans;
- d. No micro-siting shall take place within areas of peat of greater depth than the original location;
- e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
- f. All micro-siting permissible under this condition (other than that approved in writing by the Planning Authority) must be approved in advance in writing by the Ecological Clerk of Works (ECoW).

No later than one month after the date of Final Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: To control environmental impacts while taking account of local ground conditions.

05. No development shall commence until a site specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;
- a. A detailed working method statement based on site survey information and ground investigations;
 - b. Details of the handling of any overburden (including peat, soil and rock);
 - c. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems from drying out;
 - d. A programme of implementation of the works described in the scheme; and
 - e. Full details of the reinstatement, restoration and aftercare of the borrow pits at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental

Statement accompanying the Application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pits at the end of the construction period.

06. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:

- a. Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- b. Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- c. Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- d. Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties;
- e. Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

07. No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall:

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments in the Environmental Statement and Additional Environmental Information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 20, and other plans approved in terms of condition 13. (The works required to be carried out in accordance with the plans referred to in this paragraph are hereafter referred to as "the ECoW works");
- b. Require the ECoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

- c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- d. Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of tree felling, construction activity and during any period of post construction restoration works approved in terms of condition 37.

No later than 18 months prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit to the Planning Authority for approval, in consultation with SNH and SEPA, details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

08. No development shall commence until a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, at least two months prior to the proposed commencement, and approved in writing by the Planning Authority in consultation with SNH and SEPA. Phase 1 Felling may progress subject to the provision and approval of details outlined in parts (a), (k), and (u) below.

The CEMP shall include (but shall not be limited to):

- a. a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and including forest waste), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- e. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site, including specific details relating to the Red Moss SAC/SSSI;
- g. soil storage and management;

- h. a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use, as well as details of an appropriate seed mix and reseedling/soil erosion control proposals;
- i. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources;
- j. details of compliance with the Planning Authority'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 4.
- k. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- l. sewage disposal and treatment;
- m. temporary site illumination;
- n. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- o. the method of construction of the crane pads;
- p. the method of construction of the turbine foundations;
- q. the method of working cable trenches;
- r. the method of construction and erection of the wind turbines and meteorological masts;
- s. details of watercourse crossings;
- t. post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- u. a felling and tree management plan, including restocking plan as described in the Additional Environmental Information (AEI) report from Chapters 13.15.27 to 13.15.44 (including Fig:13.8), plus an independent yearly monitoring survey and reporting plan for 10 years to ensure woodland re-establishment.
- v. a Construction Noise Management Plan detailing the processes and control measures to be implemented to mitigate impacts of construction activity which have the potential to give rise to excessive noise at nearby sensitive receptors, with specific reference to Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009).

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH and SEPA, and where there are forestry interests; in consultation with FCS.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the Application, or as otherwise agreed, are fully implemented.

09. The design, construction and maintenance of all infrastructure must ensure that the quality and quantity of the groundwater that feeds sensitive receptors (groundwater abstractions and Groundwater Dependant Terrestrial Ecosystems (GWDTE)) downstream from any infrastructure does not statistically significantly change and the development does not act as a preferential pathway to groundwater flow.
- a. The results of pre-construction ground investigation works with respect to groundwater presence, depths and distribution and subsequent detailed infrastructure and drainage design shall be provided to SEPA and the Planning Authority. Appropriate best practice construction techniques and drainage measures should be included. This will be used to help inform potential impacts to GWDTE. Any associated and agreed mitigation should also inform the site's CEMP. Should the information provided be deemed inadequate by either the Planning authority or SEPA, or the Planning Authority or SEPA identify there are significant risks to wetlands which are shown to have a groundwater contribution, then Parts (b) and (c) of this condition should be implemented.
 - b. On-going monitoring of the groundwater as set out in SEPA Technical Guidance Note 1: The Monitoring of Infrastructure with Excavations Less than 1m Deep within 100m of Sensitive Receptors (Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem) (Appendix 4 to SEPA Planning Guidance LUPS-31 Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem).
 - c. The monitoring results demonstrating whether the quality of groundwater and/or hydrological connectivity is being maintained must be presented to the Planning Authority in consultation with SEPA annually from the commencement of development in the required format. If monitoring identifies that the requirements are not being met, remedial action must be taken within 6 months in agreement with the Planning Authority in consultation with SEPA.

No excavations greater than 1m deep within 100m of sensitive receptors may take place unless agreed in writing with the Planning Authority in consultation with SEPA.

The monitoring programme must be agreed in advance, and implemented in full, unless otherwise agreed by SEPA and the Planning Authority.

Reason: To ensure the protection of Groundwater Dependent Terrestrial Ecosystems

- 10.
- a. No work shall be undertaken within a 20m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority;
 - b. Track layout shall minimise disruption to water courses;

- c. Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains;
- d. Silt traps shall be provided on all existing drainage routes affected by site works;
- e. Bridge crossings across watercourses should, where possible, be used instead of culvert designs where existing culverts do not already exist or require to be upgraded; and/or where CAR authorisation cannot be achieved for new culverts;
- f. Bridge crossings and culvert design shall be put forward and agreed in writing with the Planning Authority in consultation with SEPA;
- g. Any disturbance of watercourses shall be minimised utilising cofferdam temporary works;
- h. Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created;
- i. Cable trenches shall be plugged to prevent the creation of new drainage paths;
- j. The scheduling of works shall minimise disruption and working within wet weather;
- k. Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater;
- l. Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority;
- m. Backfilled trenches shall be re-vegetated;
- n. Temporary silt traps shall be constructed to treat runoff;
- o. Sulphate resistant concrete shall be used to prevent leaching of chemicals.

Reason: To ensure that all construction operations are carried out in a manner that minimises impacts on the water environment.

11. Construction work which is audible at any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays.

Reason: In the interests of local amenity.

12. No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP shall include:
 - a. The routing of all traffic associated with the Development on the local road network;

- b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
- c. Details of all signage and lining arrangements to be put in place;
- d. Provisions for emergency vehicle access;
- e. Identification of a nominated person to whom any road safety issues can be referred; and
- f. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.

Following approval of the TMP:

- g. The Company shall notify the Planning Authority in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The Company must consult with the Planning Authority and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out;
- h. The Company shall undertake all work associated with the approved TMP and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The Company shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Planning Authority in consultation with the Roads Authority;
- i. At least 3 months prior to the first delivery of an abnormal load the Company shall undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Planning Authority as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require be submitting to and approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

- 13. No development shall commence until a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on any public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, is submitted to and approved by the Planning Authority.

Reason: In the interests of road and public safety and to ensure that all loads access the site in a safe manner.

14. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority's Core Path and Wider Network and provide signage where the network identifies links. No works apart from Phase 1 Felling shall commence on site until such times as the AMP has been submitted and approved in writing by the Planning Authority.

Reason: In the interests of local amenity and public safety.

15. No development shall commence until a habitat management plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The habitat management plan shall set out proposed habitat management of the wind farm site during the period of Phase 1 Felling, construction, operation, decommissioning, restoration and aftercare of the site.

The habitat management plan shall include the following:

- a. Measures to help reduce potential collision risk to Muirkirk and North Lowther Uplands Special Protection Area/SSSI hen harriers and associated post-construction vantage point monitoring. Such measures shall include details of sward management in keyhole and other open areas within the Development site;
- b. Measures to establish, maintain, and monitor two habitat management units as outlined in the submitted AEI, specifically Management Unit A - Blanket Bog, and Management Unit B - Black Grouse Enhancement Area.

The approved habitat management plan must include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat management plan objectives. In particular, the approved habitat management plan must be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan and any updated approved habitat management plan shall be implemented in full.

Reason: In the interests of good land management and the protection of habitats.

16. The Company shall within one month following the date of Commissioning invite the Planning Authority, SNH and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the HMP and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority.

Reason: In the interests of good land management and the protection of habitats.

17. Not more than 3 months prior to commencement of development a pre-construction survey for otter, badger and water vole shall be submitted for the approval of the Planning Authority in consultation with SNH. Thereafter any required works must be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded, a licence must be obtained from SNH prior to works commencing if this is considered by SNH to be required.

No part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and a European Protected Species licence shall be obtained from SNH, if deemed necessary by them.

Construction and decommissioning work within 500m of black grouse leks, shall not be undertaken between 3am and 9am during the black grouse breeding season, March to July, unless otherwise agreed in writing by both the Planning Authority and SNH.

Reason: In the interests of safeguarding protected species.

18. No development shall commence until a deer management statement has been submitted to and approved in writing by the Planning Authority in consultation with SNH. The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration.

The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the management of deer.

19. With the exception of Phase 1 Felling, no development shall commence until the Planning Authority in consultation with the West of Scotland Archaeology Service has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be so preserved.

The approved programme of archaeological works shall thereafter be implemented in full and all recording and recovery of archaeological resources within the development site must be undertaken to the satisfaction of the Planning Authority in consultation with the West of Scotland Archaeology Service.

Reason: To ensure the protection or recording of archaeological features on the site.

20. No development shall commence until a woodland planting scheme to compensate for the removal of 30.6 hectares of existing woodland ("the Replanting Scheme") has been submitted for the written approval of the Planning Authority in consultation with Forestry Commission Scotland Conservator.

The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include-

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- g. proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis until all relevant consents necessary for implementation of the approved Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained, the Company shall submit an amended Replanting Scheme to the Planning Authority for approval in consultation with Forestry Commission Scotland. Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis until all relevant consents necessary for implementation of the approved amended Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with Forestry Commission Scotland Conservator.

Reason: To secure replanting to mitigate against effects of deforestation arising from the construction of the Development.

21. With the exception of Phase 1 Felling, prior to Commencement of Development, the Company shall appoint and pay for an independent and suitably qualified geotechnical engineer acceptable to the Planning Authority, the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority.

The Company shall undertake continuous monitoring of ground conditions during the construction and deforestation phases of the Development. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development. If a risk of peat failure is identified, the Company shall install such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer and shall monitor ground conditions. Any remediation work considered necessary by the geotechnical engineer shall be implemented by the Company to the satisfaction of the geotechnical engineer. Monitoring results shall be fed into risk analysis reports to be submitted to the Planning Authority on a quarterly basis during the construction and deforestation phases of the Development.

Reason: To minimise the risk of peat failure arising from the Development.

22. The development site shall not be illuminated by lighting unless:
- a. the Planning Authority has given prior written approval;
 - b. lighting is required during working hours which has been approved by the Planning Authority; or
 - c. an emergency requires the provision of lighting.

Reason: In the interests of minimising visual disturbance in the vicinity of the Development

23. **1.0 Operational Noise from Wind Farm ETSU-R-97**

In keeping with the data submitted the following noise limits shall be adhered to on selection of the actual Turbines to be used taking into account all wind farm developments currently within the planning system-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

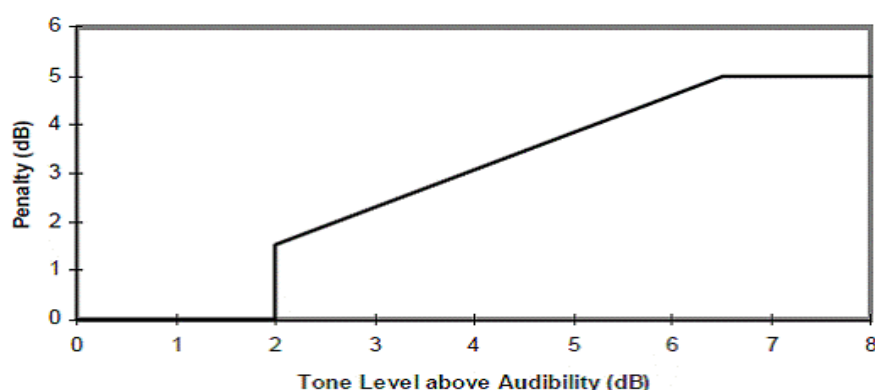
2.0 Validation Testing

Prior to electricity being exported the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with condition 1.0 above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation

measurements shall be mitigated for in order to comply with condition 38 above subject to agreement with the Planning Authority.

3.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.



4.0 Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

24. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor, unless agreed in advance with the Planning Authority.

Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

25. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

26. With the exception of Phase 1 Felling, no development shall commence until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the Development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

27. Where a complaint of deterioration in television signal is received by the Planning Authority or the Company, the Company shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the Development's wind turbines are deemed to be the cause of the deterioration of television signal the Company will implement, within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

Reason: To ensure local television services are sustained during the construction and operation of this development.

28. No development shall commence until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties, which are served by private water supplies, which lawfully exist or for which planning permission has been granted at the date of the section 36 consent and which may be affected by the Development. The method statement shall include water quality sampling methods and shall specify abstraction points, where identified as being required. The approved method statement shall thereafter be implemented in full.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.

29. If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and (ii) implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection.

30. With the exception of Phase 1 Felling, there shall be no Commencement of Development until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so:
- o the date of the expected commencement of each stage of construction;
 - o the height above ground level of the tallest structure forming part of the Development;
 - o the maximum extension height of any construction equipment; and
 - o the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

31. No turbines shall be erected until a scheme for aviation lighting has been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Civil Aviation Authority. Once approved, the scheme shall be fully implemented as approved and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of aviation safety.

32. The Development shall cease to generate electricity by no later than the date falling twenty five years from the date of Final Commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date on which the Development, hereby approved, ceases to generate electricity in accordance with this condition without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

With the exception of Phase 1 Felling, no development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and shall include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier) a detailed

decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f. soil storage and management;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k. details of watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

33. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent shall be submitted for the written approval of the Planning Authority. Such guarantee must:-

- a. be granted in favour of the Planning Authority;
- b. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

- c. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the Planning Authority at least one month prior to the commencement of development;
- d. contain provisions so that all the site restoration and aftercare liabilities as determined at least one month prior to the commencement of development shall be increased on each fifth anniversary of the date of the section 36 consent;
- e. come into effect on or one month before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

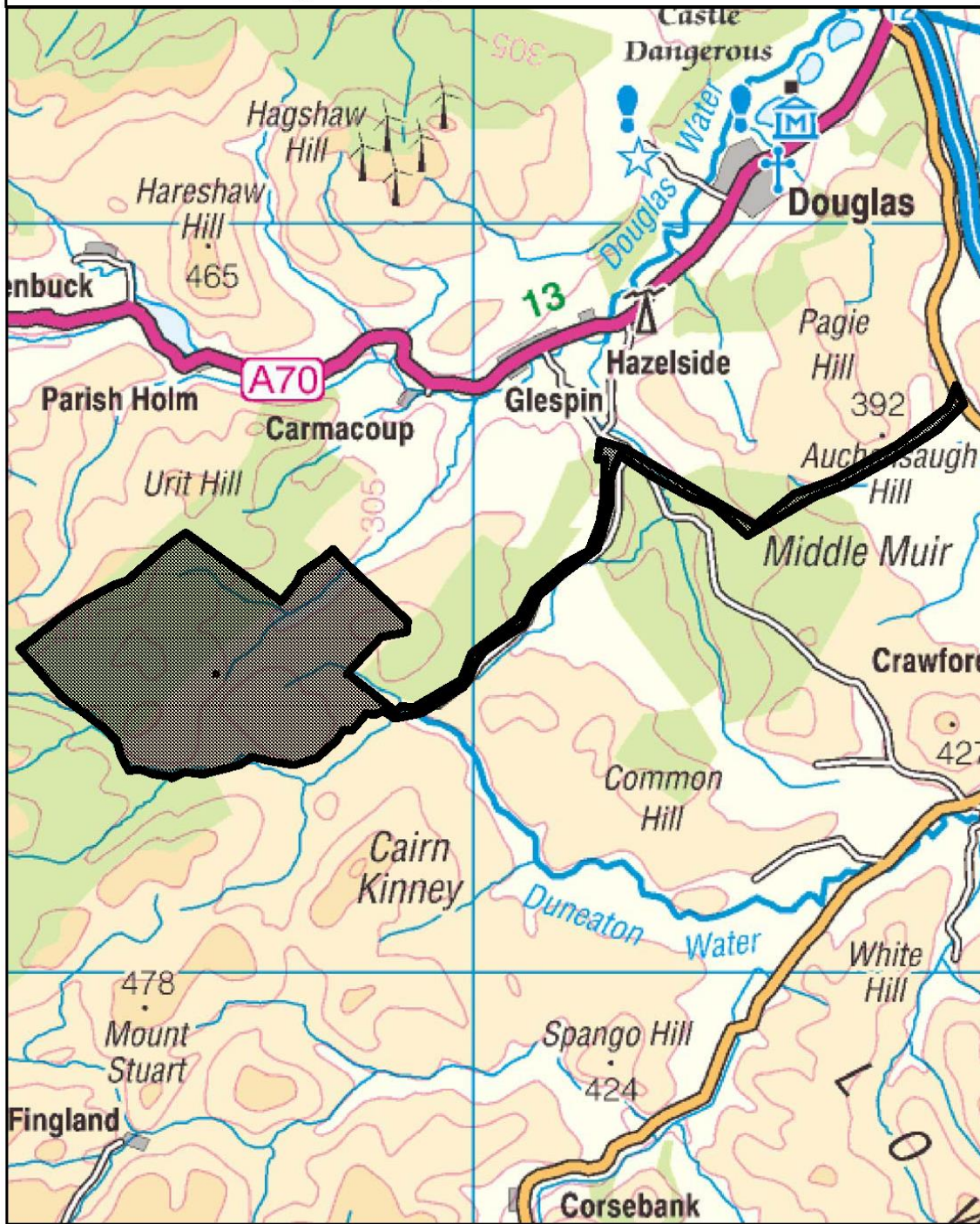
With the exception of Phase 1 felling, no development shall commence until (1) the written approval of the Planning Authority has been given to the terms of such guarantee and (2) the validly executed guarantee has been delivered to the Planning Authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company

P/19/1145

Kennoxhead Wind Farm, Glentagart Road, Glespin



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Scale:
1:70,000
Date:
10/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

8

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/1629
Planning proposal:	Erection of 112 houses and associated infrastructure works (approval of matters specified in conditions 1 (a to r), 3, 4, 6, 7, 8, 9, 10 and 12 of EK/09/0218).

1 Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	Abbey Developments (Jackton) Ltd/Bellway Homes Ltd Scotland
Location:	Land to South West of East Kilbride Largely Bounded By Eaglesham Road, Jackton Road and Newlands Road

2 Recommendation(s)

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

- (1) Grant matters specified in conditions (subject to conditions) based on conditions attached.

2.2 Other actions/notes

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

3 Other information

- ♦ Council Area/Ward: 06 East Kilbride South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 1 – Spatial Strategy
Policy 4 – Development Management and Place Making
Policy 5 - Community infrastructure assessment
Policy 12 – Housing land
Policy 13 – Affordable housing and housing

choice
Policy 14 – Green network and greenspace
Policy 17 - Water environment and flooding

Supplementary Guidance
Development Management, Place Making and Design
Green Network and Greenspaces
Affordable Housing
Community Infrastructure Assessment

South Lanarkshire Local Development Plan 2 (Proposed Plan 2018)

Policy 1 - Spatial Strategy
Policy 5 – Development Management and Placemaking
Policy 7- Community infrastructure assessment
Policy 11 – Housing
Policy 12 – Affordable housing
Policy 13 – Green Network and Greenspace
Policy 16 – Water Environment and Flooding
Policy SDCC2 – Flood Risk
Policy SDCC3 – Sustainable Drainage Systems
Policy DM1 – New Development Design

♦ **Representation(s):**

▶	8	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

SNH

WOSAS

Roads Flood Risk Management

Jackton and Thorntonhall Community Council

Roads Development Management Team

Environmental Services

Scottish Water

SEPA West Region

SP Energy Network

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 This planning application relates to a proposed residential development of 112 detached dwellings on land identified within the East Kilbride Community Growth Area (CGA). The site lies immediately west of Newlands Road on the southern edge of East Kilbride. The site lies on the eastern edge of the masterplan approved as part of planning permission in principle application EK/09/0218 for “mixed use development comprising residential, retail and education uses, and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work.” The site is primarily agricultural land, including some associated trees and hedgerows on field boundaries. The site has varied topography with the land generally sloping down towards a watercourse that lies close to the northern boundary of the site. The site is currently bounded to the south and east by Newlands Road and existing houses and to the south-west, north and north-east by agricultural land. The application site covers an area of 10.64 hectares.

2 Proposal(s)

- 2.1 The application is to discharge various conditions imposed on planning permission in principle application EK/09/0218 for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc. are submitted to and approved by the Planning Authority. The other conditions to be discharged specify in more detail what information requires to be submitted to deal with the relevant matters listed in condition 1. The proposal under consideration relates to the first residential development within the masterplan area associated with planning permission in principle EK/09/0218. The proposed layout has a single vehicle access point on Newlands Road and includes two pedestrian links to further phases of development within the CGA area, in line with the principles established in the masterplan. The proposal includes extensive landscaping, an area of open space, containing play provision and a suds pond to serve the development. The proposal has been designed in accordance with Designing Streets principles and includes a variety of surface materials, differentiating between parts of the proposed layout, and with dwellings fronting public areas and Newlands Road. The proposed houses are a mixture of 3, 4 and 5 bedroom properties, with external materials primarily of white/cream render, brown reconstituted stone and grey/red concrete tiles.

3. Background

3.1 Local Plan Status

- 3.1.1 In land use terms, the site is identified within the adopted South Lanarkshire Local Development Plan 2015 (LDP) as forming part of the designated East Kilbride Community Growth Area (Policy 1 Spatial Strategy) and is allocated as a Proposed Housing Site (Policy 12 Housing Land). Appendix 3 (Development priorities), relative to Policy 1, sets out the requirements for the CGA in more detail.

3.1.2 In addition to the above policy designation, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Plan, as follows:

- Policy 4 – Development Management and Place Making
- Policy 5 – Community infrastructure assessment
- Policy 12 – Housing land
- Policy 13 – Affordable housing
- Policy 14 – Green network and greenspace
- Policy 17 – Water environment and flooding

3.1.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

- Policy 1 - Spatial Strategy
- Policy 5 – Development Management and Placemaking
- Policy 7 – Community infrastructure assessment
- Policy 11 – Housing
- Policy 12 – Affordable housing
- Policy 13 – Green Network and Greenspace
- Policy 16 – Water Environment and Flooding
- Policy SDCC2 – Flood Risk
- Policy SDCC3 – Sustainable Drainage Systems
- Policy DM1 – New Development Design

3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. Further, the planning system should enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places.

3.3 **Planning Background**

3.3.1 Planning application EK/09/0218 was originally approved at the Planning Committee in December 2011, subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. A revised masterplan was submitted in October 2016 and subsequently approved at the Planning Committee in June 2018, subject to the conclusion of a legal agreement. This legal agreement has now been concluded and submitted for registration to allow planning permission EK/09/0218 to be issued.

4 Consultation(s)

- 4.1 **Roads Development Management Team** – following discussions with the applicant and submission of additional details, there are no objections, subject to compliance with conditions and roads construction consent requirements.
Response: Noted. Appropriate conditions and advisory notes can be added to any consent granted.
- 4.2 **Roads and Transportation Services Flood Risk Management** – have no objections, subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.
Response: Noted. Appropriate conditions can be attached to any consent granted.
- 4.3 **Environmental Services** – have no objections, subject to an advisory note restricting the construction times applicable to this site.
Response: Noted. An appropriate informative can be added to any planning permission issued.
- 4.4 **Countryside and Greenspace** – have advised that the planting schedule and specifications are acceptable.
Response: Noted.
- 4.5 **SEPA** – No objections but initially recommended against discharge of condition 1(q) relating to the submission of a construction method statement and environmental management plan. Following submission of additional information discharge of all conditions was recommended.
Response: Noted
- 4.6 **Scottish Water** – have no objections.
Response: Noted.
- 4.7 **SP Energy Networks** – have no objections, however, advise that Scottish Power have apparatus in the vicinity of the site.
Response: Noted.
- 4.8 **Scottish Natural Heritage** – following provision of additional information, have no objections.
Response: Noted
- 4.9 **West of Scotland Archaeology Service** – have no objections but have noted that a condition was imposed on EK/09/0218 requiring archaeological investigations.
Response: Noted. Condition 16 of EK/09/0218, which requires the submission and implementation of archaeological works is still applicable to this development.
- 4.10 **Jackton and Thorntonhall Community Council** – The vehicular access from Newlands Road is not in accordance with Masterplan Development Framework for the EK CGA. The proposal will generate significant extra traffic on Newlands Rd which is not designed to accommodate the increased volume. Until such time as the proposed primary road through the CGA is built, traffic could use Jackton Road as a rat run. Jackton Road is unsuitable for this. The proposal would add

pressure on local primary schools. There can be no certainty that the primary school planned within the CGA will be built.

Response: Noted. Roads and Transportation Services have assessed the impact of the proposed development on the local network and have no objections to the proposed development. The principle of a single access point on Newlands Road (to accommodate up to 126 vehicles) has been established by the CGA masterplan associated with EK/09/0218. The current through route between Newlands Road and Jackton Road is scheduled to be removed during the early phases of the CGA development. Education Resources have confirmed that the pupils generated by the proposed development can be accommodated in local schools until such time as the new primary school within the CGA is opened, which is currently planned to be August 2021.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised for non-notification of neighbours. Nine letters of representation have been received in respect of the proposed development. The grounds of objection and issues raised can be summarised as follows:

- a) **The proposal will result in a significant increase in traffic on Newlands Road to the detriment of road safety. Newlands Road is unsuitable to accommodate an increase in traffic of the volume expected. Newlands Roads is narrow, poorly lit and lacks a footpath on parts. The incline on the road means that Newlands Road can be cut off in the winter. On-street parking on Newlands Road would increase.**

Response: Roads and Transportation Services have assessed the impact of the projected additional vehicles generated by the development on the surrounding road network and Newlands Road in particular. While it is acknowledged that there will be an increase in traffic, Roads and Transportation Services are satisfied that the local network can accommodate the additional traffic, without an adverse impact on public safety. The proposals include widening and upgrading of Newlands Road, including formation of a continuous footway to ensure that the impacts of the additional traffic can be mitigated successfully.

- b) **The additional traffic would significantly increase traffic noise levels on Newlands Road.**

Response: Environmental Services were consulted on the proposal and did not object to the proposals, subject to an advisory note on construction noise. The principle of a residential development in this area has been established by the CGA masterplan, which includes a vehicle access onto Newlands Road. It is considered that the additional traffic will not result in a significant loss of amenity for the existing residents on Newlands Road.

- c) **Concerns over potential impacts on wildlife, flora and fauna. Landscaping should be for the benefit of butterflies, moths and insects. There are bats and other wildlife on the site and adjacent areas.**

Response: A habitat and greenspace management plan, including a tree survey and ecology report, was submitted to support the application. Scottish Natural Heritage were also consulted on the proposals and,

following submission of further information, offered no objections to the proposals. It is considered that the proposed development adequately addresses all relevant ecological impacts.

- d) **Concern over impact of the proposed development on privacy of adjacent occupiers on Newlands Road. The depth of proposed gardens is small and the density is significantly higher than existing. Proposed houses are in very close proximity to an existing dwelling on Newlands Road. Car lights will result in disturbance. The altered position for plots 8 and 9 on the revised plan does not adequately address amenity/privacy concerns.**

Response: The application has been assessed with regard to privacy impacts. In this regard, it is noted that the proposed properties to the rear of the existing properties on Newlands Road are at a lower level and have rear gardens depths which are in compliance with the Council's Residential Design Guide. It is further noted that the window to window distances are significantly in excess of the minimum level of 20m stipulated in the Residential Design Guide. Following discussions with the Planning Service, the proposed layout has been altered slightly to ensure that there is sufficient separation from boundaries and to reduce the potential for any loss of amenity. The proposed density of the development is considered to be acceptable for this location and in line with design principles established within the CGA masterplan. Taking the above into account, it is considered that the proposed development will not result in any significant loss of amenity for adjacent occupiers in Newlands Road.

- e) **The development could devalue the existing properties on Newlands Road.**

Response: This is not a material planning consideration.

- f) **Concerns over potential loss of a hedge adjacent to an existing property on Newland Road. In addition, concern that proposed works to create footways encroaches onto land owned by residents on Newlands Road.**

Response: The applicant has provided a revised landscaping drawing which clarifies the retention of an existing hedge adjacent to the rear boundaries of plots 1, 9 and 10. Any planning approval does not override any adjacent residents' legal rights as land owner. The applicant has confirmed that the proposed footway works can be carried out under land controlled by the applicant.

- g) **Based on other developments by this builder, the design, appearance and materials used do not reflect well in the surrounding area.**

Response: The proposed house styles and materials are considered to be appropriate for this locality, which includes a mixture of house types and external materials.

- h) **The proposal will result in increased odours and pollution from car fumes and construction work.**

Response: The principle of the CGA residential development, including vehicle access from Newlands Road, has been established by planning

permission in principle application EK/09/0218. No objections have been received from Environmental Services in respect of odours.

- i) **The increased traffic affects many residents on Newlands Road, which may not have been notified. It is recommended that notification letters are sent to all residents on Newlands Road.**

Response: The application was advertised in the East Kilbride News, in addition to the notification in writing of all neighbours within 20m of the site boundary.

- j) **The dust management plan submitted appears to be insufficient.**

Response: The submitted document has been assessed by Environmental Services and is considered to be acceptable.

- k) **There appear to be no safe crossing points for Newlands Road.**

Response: A planning condition has been imposed requiring the installation of a crossing point, to be agreed in advance by Roads and Transportation Services.

- l) **The proposed CGA link road should be scheduled appropriately to ensure that traffic use is minimised on Newlands Road.**

Response: The intention is that the primary road through the CGA (planning permission EK/17/0305) will be built in phases, with the work commencing at an early stage at the Newlands Road end of the site. The submitted phasing information for planning in principle application EK/09/0218 indicates that the primary road (through road connecting Lindsayfield Road to Eaglesham Road) will be fully completed by August 2021.

- m) **Concern that access to an adjacent property for measurement purposes was gained under false pretences.**

Response: This is not a matter that is relevant to the assessment of this planning application.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks consent for the erection of 112 detached houses and associated roads, landscaping and engineering works. The site benefits from planning permission in principle (EK/09/0218). The principle of the development (including access from Newlands Road) has, therefore, already been established and this assessment relates to the details of the housing layout and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with local plan policy.

- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within a community growth area (as defined by

Policy 1 – Spatial Strategy). The site is also allocated as proposed housing land (Policy 12 – Housing land) to reflect the designation of the CGA. It is, therefore, noted that the principle of housing development of this site is supported by Policies 1 and 12 of the LDP. In respect of Policy 5 (Community infrastructure assessment), it is noted that the legal agreement associated with planning permission EK/09/0218 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, road and transportation, affordable housing and community facilities. The proposed development under consideration does not include any on-site affordable housing provision, however, as stated above, the provision of affordable housing associated with the CGA has been dealt with holistically as part of the approved masterplan and legal agreement associated with EK/09/0218. This approach has been agreed with Housing Services and, as such, the proposal is considered to be in accordance with Policy 13 (Affordable housing and housing choice) of the LDP. It is considered that the submitted layout (in the context of the wider masterplan and identified developer contribution requirements) has addressed the amenity, play provision and community facility requirements identified within the Council's Residential Design Guide. The educational and roads and transportation related requirements associated with this proposal have also been assessed on a cumulative basis, across the CGA as a whole, as part of planning permission EK/09/0218. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policy 5 of the LDP.

- 6.3 In terms of the detail of the proposal, Policy 4 of the LDP states that all planning applications should take fully into account the local context and built form. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. Further guidance on design matters is contained in the Council's Residential Design Guide (2011). In terms of the submitted layout, it is noted that the proposal is for 112 detached houses, with a single access point from Newlands Road, at the eastern boundary of the site. The proposed house styles, external materials, size and development layout are considered to be acceptable and, additionally, it is noted that the development will fit in adequately with surrounding residential developments in this part of East Kilbride. It is noted that the proposals incorporate appropriate design features, including variation of surface materials, a permeable layout and junction treatment to slow traffic. In general, the layout has been designed to provide attractive streets and to ensure that public areas and connections are overlooked by dwellings to encourage pedestrian movement.
- 6.4 With respect to potential amenity impacts, it is noted that, due to the site topography, retaining walls are proposed to several of the gardens within the central and northern part of the site. Following discussions with the applicant, the height and position of some of these engineering features have been revised to ensure that future residents will have a satisfactory standard of amenity and useable garden space. With respect to potential impacts on neighbouring residents, it is noted that the majority of the residential properties to the east, on Newlands Road, are at an elevated position relative to the site and have long rear gardens (in excess of 20m). Following discussion with the Planning Service, the layout has been adjusted slightly to ensure that the proposed rear boundaries are in compliance with the Council's Residential Design Guide and sufficient separation from boundaries is maintained. Given the above, it is considered that

there will be no significant loss of amenity in terms of privacy or overshadowing for existing residents on Newlands Road. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policy 4 of the LDP. In terms of flood risk and impact on the water environment (Policy 17 of the LDP), it is noted that the proposal includes sustainable drainage features, while supporting information shows that there would not be a flood risk. In this regard, it is noted that no objections have been received from the Council's Flood Risk Management team or SEPA.

- 6.5 The application site also lies partially in an area designated as green network, where Policy 14 (Green network and greenspace) of the LDP applies. This policy seeks to safeguard the local green network and identify opportunities for enhancement and/or extension to contribute towards objectives including promoting active travel, placemaking and supporting biodiversity. In this regard, it is noted that the majority of the proposed development will be on agricultural grazing land, with tree loss minimised primarily to field boundaries. It is noted that over 700 square metres of amenity and play space (including play equipment) is proposed within the site, in addition to a pedestrian link (to the north) to a large area of open space which forms an integral part of the approved CGA masterplan. A landscaping plan has also been submitted, detailing tree and shrub planting within the site. Given the above, it is considered that the proposal will not result in a significant change to quality or volume of green network on the site and that access to a connected green network will be available for residents, in compliance with Policy 14 of the LDP.
- 6.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with the relevant policies detailed in section 3.1.3 above.
- 6.7 In summary, it is noted that the principle of residential development of this site is supported by development plan policies and the existing planning permission in principle consent at the site. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is in compliance with Policies 1, 4, 5, 12, 13, 14 and 17 of the adopted South Lanarkshire Local Development Plan, as detailed above. It is, therefore, recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 4, 5, 12, 13, 14 and 17 of the South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance and the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 September 2019

Previous references

- ◆ EK/09/0218

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - SNH 28.03.2019
 - WOSAS 03.12.2018
 - Roads and Transportation Flood Risk Management 03.05.2019
 - Jackton And Thorntonhall Community Council 22.01.2019
 - Roads Development Management Team 08.05.2019
 - Environmental Services 20.12.2018
 - Scottish Water 03.12.2018
 - SEPA West Region 24.12.2018
 - & 21.03.2019
 - SP Energy Network 10.12.2018
 - Countryside And Greenspace 28.11.2018

- ▶ Representations Dated:
 - Neil N Macleod, 61 Newlands Road, East Kilbride, Glasgow, South Lanarkshire, G75 8WW 19.12.2018
 - Peter Lennon, 68 Newlands Road, East Kilbride, Glasgow, South Lanarkshire, G75 8WW 20.12.2018
 - Brendan, Jennifer, Stephen, James, Sam And Mylo Robson, 54 Newlands Road, East Kilbride, G75 8WW 07.01.2019

Peter And Joanne Duncan, 63 Newlands Road, East Kilbride, G75 8WW	19.12.2018
Mr W Black, 2 Coniston, East Kilbride, Glasgow, South Lanarkshire, G75 8JR	12.12.2018 12.12.2018
J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	18.12.2018
Sandro P Sarti, 19 James Shepherd Grove, Kings Lea, Newlands, East Kilbride, G75 8WT	10.01.2019
Helen Black, 2 Coniston, Newlandsmuir, East Kilbride, G75 8JR	20.12.2018
Pete Duncan, 63 Newlands Road, East Kilbride	02.05.2019

Contact for further information

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

Alan Pepler, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone:

Email: alan.pepler@southlanarkshire.gov.uk

Conditions and reasons

01. That no development shall commence until drainage and flood risk details to include signed appendices 1 to 5 shall be submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: 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.

02. That notwithstanding the approved plans and prior to the commencement of development, details of how the SUD's area is to be maintained shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the maintenance access road shall be a minimum of 3m wide. A turning area is also required, therefore a tracking drawing to demonstrate vehicle accessing/exiting the maintenance area is also required.

Reason: To ensure that satisfactory maintenance facilities are provided, in the interests of safety.

03. That prior to the commencement of development, detailed specifications (including any required temporary fencing) for the remote footpath links adjacent to plots 30 and 83 shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that adequate pedestrian connections are provided.

04. That unless otherwise agreed in writing with the Planning Authority, the footpath links referred to in condition 3 above shall be completed prior to the occupation of the 10th last dwellinghouse on the site.

Reason: To ensure that adequate pedestrian connections are provided.

05. That notwithstanding the plans hereby approved and prior to the commencement of development, a plan shall be submitted to and approved in writing detailing the required visibility splays measured from the road channel as follows: 2.4m by 43m at all road junctions; and 2m by 20m at all driveways (if traffic calming features are provided) or 2.5m by 35m if traffic calming features are not provided. 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.

Reason: In the interests of traffic and public safety.

06. The first 2 metres of driveways must be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the driveway and entering the carriageway.

Reason: In the interests of public safety.

07. That notwithstanding the plans hereby approved and unless otherwise agreed in writing with the Planning Authority, prior to the start of development tracking drawings shall be submitted to and approved in writing by the Planning Authority to demonstrate that a HGV type refuge vehicle can access/exit the site. Any required changes shall thereafter be agreed and implemented as required.

Reason: In the interests of public safety and to ensure adequate access arrangement are available.

08. That notwithstanding the plans hereby approved and unless otherwise agreed in writing with the Planning Authority, prior to the start of development, a plan detailing the provision of a pedestrian crossing point on Newlands Roads shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the crossing point shall thereafter be provided prior to the occupation of the 50th dwellinghouse on the site.

Reason: In the interests of pedestrian safety.

09. That unless otherwise agreed in writing with the Planning Authority, all construction traffic shall access the site solely from Newlands Road, via Greenhills Road.

Reason: In the interests of traffic safety and to ensure that disturbance to local residents is minimised.

10. That the public road adjacent to the site shall be kept clear of mud or other deposited material at all times. If the carrying of material onto the public highway becomes evident then appropriate wheel cleaning facilities shall be installed within a timescale agreed, in writing, with the Planning Authority.

Reason: To prevent deleterious material being carried onto the highway.

11. That notwithstanding the plans hereby approved and prior to the start of development, a drawing showing development phasing and the location of the proposed construction compound, including the provision of a turning area and appropriate parking levels for construction traffic shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that sufficient facilities are in place to minimise disturbance during construction.

12. That prior to the occupation of any dwellinghouse hereby approved, detailed specifications of the proposed play equipment within the site shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure that adequate play facilities are provided within the site.

13. That unless otherwise agreed in writing with the Planning Authority, the play area and associated equipment adjacent to plots 56 to 59 shall be provided prior to the occupation of the 10th last dwellinghouse on the site.

Reason: To ensure that the approved play facilities are provided within an appropriate timescale.

14. That prior to the commencement of development, a pre-start otter survey shall be submitted to and approved in writing by the Planning Authority. Should evidence of protected species be found, no works shall begin until the Planning Authority receives written confirmation that a license has been obtained from the Scottish Government to deal with the presence of protected species within the site.

Reason: To ensure that all bats on site are protected and suitable mitigation measures are put in place.

15. That prior to the commencement of development, a phasing programme (including technical specifications as required) of the proposed works to Newlands Road (as required by drawings 16259-SK-07 Rev E & 16259-SK-23) shall be submitted to and approved in writing by the Planning Authority.

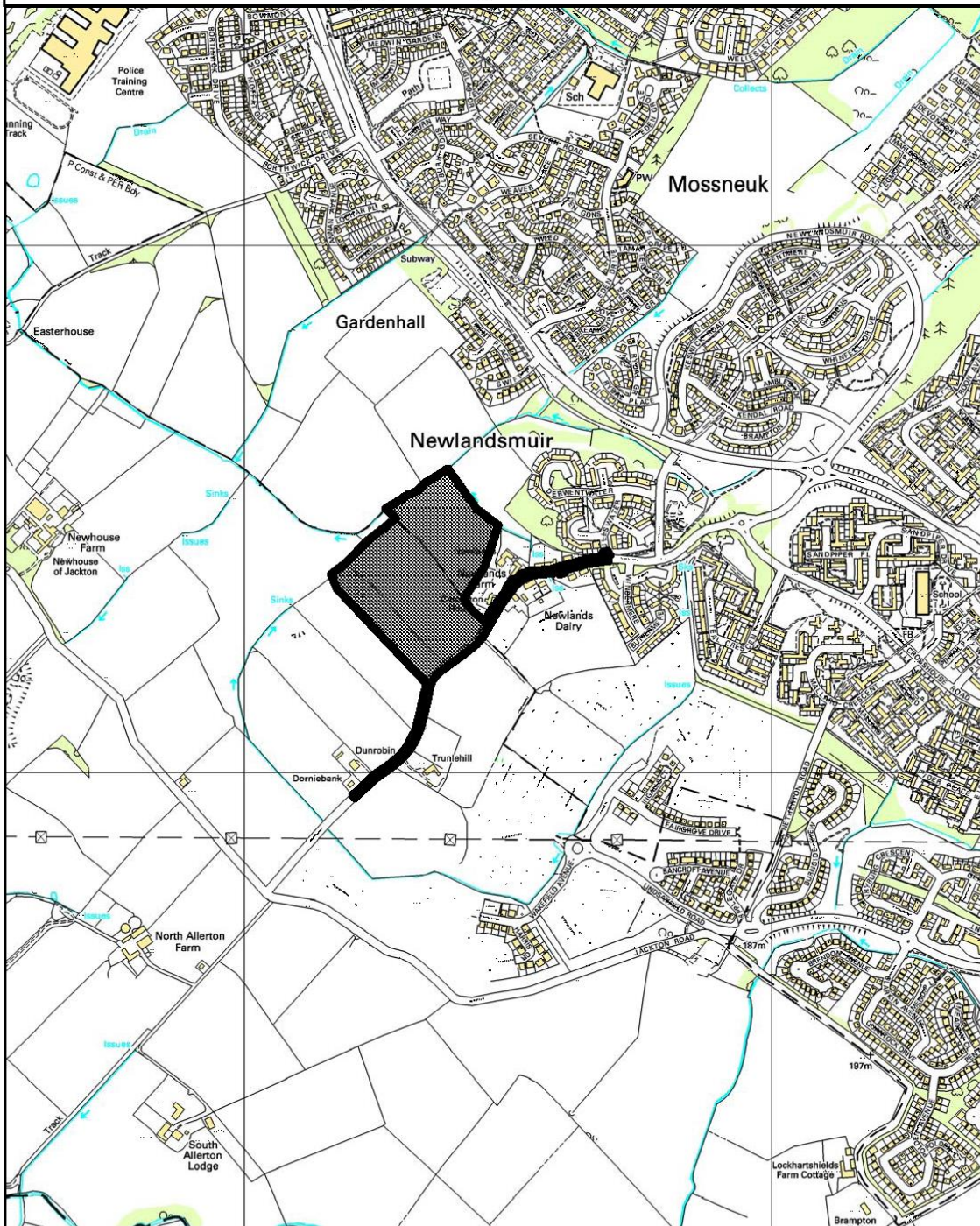
Reason: In the interests of traffic safety.

16. That notwithstanding the plans hereby approved, all dwellings within the development shall have the appropriate level of off-street parking, as follows: for 4 bedroom properties or more 3 parking spaces and properties with 3 bedrooms or less 2 parking spaces. The driveway dimensions should be detailed as per the National Roads Development Guide at 3m x 12m for double length, 6m x 6m for double width, and for three spaces it would be a combination of these. These dimensions exclude pedestrian access. To allow a garage to count as a space it will have to meet the minimum dimensions as per the National Roads Development Guide, an internal minimum size of 3m x 7m.

Reason: In the interests of public safety and to ensure adequate car parking is provided.

P/18/1629

Land to South West of East Kilbride Largely Bounded by Eaglesham Road, Jackton Road



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Scale:
1:10,000
Date:
15/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

9

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1100
Planning proposal:	Erection of 57 residential dwellings (including 12 cottage flats) with associated roads and landscaping

1 Summary application information

Application type:	Detailed planning application
Applicant:	Persimmon Homes and South Lanarkshire Council
Location:	Land 45M South Of 56 Ell Crescent Ell Crescent Cambuslang Glasgow South Lanarkshire

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) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent:
- ♦ Council Area/Ward: 13 Cambuslang West
- ♦ Policy Reference(s): South Lanarkshire Local Development Plan:
Policy 1 Spatial strategy
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 14 Green network and green space

Policy 16 Travel and transport
Policy 17 Water environment and flooding

Supplementary Guidance 1: Sustainable development and climate change

Policy SDCC2 Flood risk
Policy SDCC3 Sustainable drainage systems
Policy SDCC4 Water supply
Policy SDCC5 Foul drainage and sewerage

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 Design
Policy DM13 Development within general urban area/settlement

Proposed South Lanarkshire Local Development Plan 2

Policy 1 Spatial Strategy
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy 12 Affordable Housing

◆ **Representation(s):**

▶	10	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Estates Services - Housing and Technical Resources

SEPA Flooding

Housing Planning Consultations

Countryside and Greenspace

Educ Res School Modernisation Team

Halfway Community Council

Planning Application Report

1 Application Site

- 1.1 This application site relates to an area of open grassland which is located to the south of Gilbertfield Road in Cambuslang. The site is an area designated for social housing as part of the previously approved residential development by Persimmon Homes and covers an area of approximately 1.67ha. To the west is established residential development at East Greenlees and to the rear is open farmland. Further to the south is Gilbertfield Farm and beyond, Gilbertfield Castle.

2 Proposal(s)

- 2.1 The applicants (Persimmon Homes/SLC Housing and Technical Resources) propose the erection of a residential development of 57 dwellings consisting a mix of 12 cottage flats and terraced and semi-detached dwelling. The application relates to the on-site affordable housing element as required by the Section 75 legal agreement of the previously approved housing development granted to Persimmon in 2017.
- 2.2 The development will be accessed from Gilbertfield Road via the main access which currently serves Ell Crescent. There is an existing SUDs basin for the site which is located in the north-west corner of the overall site. The site will tie in with new footpath links being provided throughout the site. As part of the proposal, the houses will be constructed by Persimmon Homes on behalf of SLC Housing under a 'turn-key' arrangement. This will ensure that the site is tenure blind and not easily distinguishable from the rest of the houses being constructed.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (2014) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.2 Planning History

- 3.2.1 As outlined above, the site represents the on-site affordable housing element of the previously approved development for Persimmon Homes (CR/15/0239) as required by the relevant Section 75 legal agreement. This was a detailed application and was approved in October 2017.

3.3 Local Development Plan

- 3.3.1 In determining this planning application the Council must assess the proposed development against the policies contained within both the adopted South Lanarkshire Local Development Plan (2015) and Supplementary Guidance (SG) produced in support of the SLLDP.

- 3.3.2 In land use terms, the application site is identified within the adopted SLLDP, as being within both a general residential area (Policy 6) and as forming part of the Council's housing land supply (Policy 12). Policy 6 requires that new proposals should not adversely impact on the amenity and character of such areas. In terms of those sites identified as part of the Council's housing land supply (Policy 12), their development for residential purposes is supported (subject to compliance with normal development management criteria), as this will assist the Council in meeting its housing needs.
- 3.3.3 With regard to normal development management criteria, a number of other policies within the adopted SLLDP are considered appropriate to the determination of this application, namely Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding.
- 3.3.4 These principle policies are supported by its specific policy guidance provided through approved Supplementary Guidance on the following topics:
- Development Management, Place Making and Design SG 3
Policy DM 1 – Design and Policy DM13 – Development within General Urban Area/Settlement),
 - Affordable Housing and Housing Choice SG 7
 - Natural and Historic Environment SG 9
Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species
 - Community Infrastructure Assessment
 - Sustainable Development and Climate Change SG 1
Policy SDCC 2 - Flood Risk, Policy SDCC 3 - Sustainable Drainage Systems, Policy SDCC 4 - Water Supply and Policy SDCC 5 - Foul Drainage and Sewerage.
 - Green Networks and Greenspaces SG 8
- The aim of these policies and guidance is to seek well designed development which is located in appropriate locations, appropriately serviced and result in no significant adverse impact.
- 3.3.5 In addition, the Council has prepared a Residential Design Guide. The aim of the associated policies and guidance is to seek well designed development which is located in appropriate locations and is appropriately serviced. An assessment of the proposal against these specific policies is contained in Section 6 of this report.
- 3.3.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1, 3, 5, 11 and 12 are all relevant.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Risk Management Section)** - have no objections subject to conditions in relation to the implementation of a Sustainable Drainage Design designed and independently checked in accordance with the Council's SUDS Design Criteria Guidance. In terms of flood risk, a Flood Risk/Drainage assessment (FRA) was requested. All above ground maintenance of the SUDs features shall be factored for maintenance in perpetuity.
Response: Conditions have been added in this respect.
- 4.2 **Scottish Water** – no objections.
Response: Noted. A condition will be attached to ensure adequate provision of water and sewerage infrastructure.
- 4.3 **S.E.P.A. Flooding** – No objections.
Response: Noted. The maintenance of the SUDs infrastructure will be carried out by both the Council and the applicant. A condition has been attached to ensure all works and maintenance are carried out appropriately.
- 4.4 **Roads and Transportation Services (Development Management)** – no objections to the proposals subject to conditions relating to construction traffic management. The proposal will be subject to a further Roads Construction Consent.
Response: Noted. A number of conditions will be attached to any consent granted in respect of these issues. Contributions will also be sought through the associated legal agreement.
- 4.5 **Environmental Services** – no objections subject to conditions relating to noise and contaminated land strategy.
Response: Noted. These conditions have been attached.
- 4.6 **Housing Resources** – the site is identified in the Council's Strategic Housing Investment Plan and is prioritised for Scottish Government grant funding for social rented housing in 2020/21.
Response: Noted.
- 4.7 **Countryside and Greenspace** – no objections to the proposed development subject to appropriate footpath provision.
Response: Noted. This requirement has been conditioned
- 4.8 **Halfway Community Council** – no response to date.
Response: Noted.

5 Representation(s)

- 5.1 Following neighbour notification and the application being advertised in the Rutherglen Reformer in respect of Non-notification of Neighbours, 10 letters of objection and 2 letters of comment have been received. The points raised are summarised below:

Representations

- a) **The development will cause conflict between construction traffic and existing residents, particularly with children. Construction will also lead to increased noise.**

Response: Whilst construction is an accepted part of any development, a condition has been attached to ensure appropriate traffic and construction management. In addition, all construction work will require to be contained within agreed hours to avoid any potential noise issues. An associated Traffic Management Plan will require to be agreed prior to work commencing. This will include staff parking details together with the site compound operation and wheel washing facilities.

- b) **Concerns over drainage and flooding issues in relation to the proposed development and the implications. There have been a number of incidents during construction of the existing houses, particularly to the rear of the site. This was not a common occurrence previously. There is already a stress on the existing watercourse. The applicants have confirmed that no new drainage will be installed.**

Response: Roads and Transportation Services (Flood Risk Management) and SEPA have assessed the proposal and have no objection to the proposed development subject to a number of conditions in relation to the proposed SUDs scheme. The site will have drainage infrastructure designed to deal with the water and will, thereafter, be appropriately maintained. Any on-going issues will be dealt with as and when they arise as has been the case so far. This drainage scheme was designed when the original application was submitted.

- c) **The developers have fixed the internet providers so that no property can change to an alternative supplier.**

Reason: Internet provision is currently not a material planning consideration and is a matter between householders and Persimmon.

- d) **The proposed development would have an adverse impact in terms of traffic and road safety. There is a history of traffic congestion and traffic accidents and the proposal will make this worse.**

Response: Roads and Transportation Services have assessed the proposal and have no objection subject to a number of conditions. In addition, the developer has already made a number of off-site improvements to assist with traffic movement and access to public transport. These include improved cycle infrastructure, increased pedestrian infrastructure (with street lighting), money towards park and ride facilities and bus infrastructure. In addition, traffic calming will be installed to slow down any additional traffic.

- e) **The scale of the proposed development and the slope of the land will result in the overlooking, privacy and views to the south. The 'social housing' should have been mixed throughout the site and not concentrated in this one area. Residents of Ell Crescent were told by the developer that the 'social housing' would have its own access and would be fenced off from the private houses.**

Response: The development meets with all the requirements set out in the Residential Design Guide. The distance between new dwellings to existing dwellings, and the position and orientation of dwellings is such that there is not considered to be any unacceptable impacts in terms of overlooking, privacy and loss of light. The site is relatively level with the houses which sit directly to the front (north). The application site was retained as part of the previously approved layout of 386 houses. The area for affordable housing was clearly marked on the approved drawings which also showed the access point. In addition, the overall site was zoned for housing in the adopted local development plan. Such plans do not require distinction between a 'social' housing site and a 'private' site. Development was always proposed for this area of the site whether the houses are 'affordable' or not. The design is in keeping with the existing site to the north which will mean that there will be little or no differentiation. Whilst a right to a view is not a material planning consideration, as detailed above, we are satisfied that the proposed layout is acceptable in relation to the existing properties.

- f) **The development will place an enormous strain on community facilities which are already struggling to cope. There are an insufficient number of GP surgeries and dental surgeries to cope with demand. How does this promote inclusive growth and connectivity? In addition, schools and nurseries are over sub-scribed.**

Response: In accordance with Policy 5, and as part of the larger development, Persimmon Homes are making financial contributions towards education and community facilities. In addition, off-site road works will be undertaken by the developer. The NHS are consulted as part of the local development plan process which designated the site for housing. The proposal provides much needed affordable housing and the layout shows the proposed units well integrated within this locality.

Education Resources have confirmed that the catchment schools for this development are not operating at full physical capacity and have scope for additional pupils. This development, including the social housing proposed, was taken account of in planning for nursery and school places. As part of the overall development, Persimmon are contributing £1.279m towards additional education infrastructure.

The Scottish Government's programme is to increase child care provision to 1140 hours and at South Lanarkshire Council we are currently working in partnership with the Scottish Government to provide additional nursery places in Cambuslang to accommodate this new provision. This is being undertaken by a variety of options including two new build nurseries in Cambuslang, increasing registrations in existing nurseries and expanding hours of operation at a number of existing nurseries. Given this, local primary and nursery places will be available.

- g) **The affordable housing should be constructed on Auld Kirk Road or the old Cairns Primary site.**

Response: SLC Housing is already being proposed on Auld Kirk Road. The application has always been proposed and was clearly shown on the approved drawings.

- h) **Who will maintain the open space around the new properties? The private properties have to pay money to a factor.**

Response: The site will be maintained by the Council in conjunction with the factor.

- i) **There is a pathway between Phase 1 and the proposed Affordable Housing area. This will encourage people to walk through the landscaping buffer at Murdoch Avenue as a shortcut between Gilbertfield Road and East Greenlees Road. What measures will be implemented to prevent this from happening.**

Response: Boundary fencing will be erected around the site prior to the occupation of the first house and this will prevent any pedestrian access to or from Murdoch Avenue as outlined in the consent for CR/15/0239. This will be re-enforced by a planning condition.

- j) **There is an absence of a footpath between the overall site and Cambuslang Park which was part of the original proposals. This will prevent residents from using the park as intended. This is also the case with a pedestrian junction at Vicarland Road.**

Response: The original footpath was intended for Cairns Road, however, this has not been possible to construct. As an alternative, the developers and Council are currently working on an alternative proposal to link the site with Cambuslang Park.

- k) **The applicant has incorrectly stated that no trees are within the site. There are a number on the southern boundary.**

Response: Whilst there are trees within the overall site, none of them will be affected by this development.

- l) **The proposal will result in an additional 113 units than was previously intimated in the 2015 application. This is from the 54 previously noted in the Committee report and the 57 now proposed.**

Response: 57 units are proposed as part of the original proposal. These units are not on top of the 54 previously identified in the previous application. As a result, only 3 additional units are proposed. As the development includes flats and terraces, there is little additional land being taken up from what was previously envisaged. I am, therefore, satisfied that the proposal can meet the aims of the residential design guide and maintain residential amenity.

- m) **The Council has failed in its statutory duty in not notifying enough properties within the vicinity of the development.**

Response: Due to a mapping error, not all properties were correctly notified originally. When this error was noted, all additional properties were notified. In addition, the application was advertised in the Rutherglen Reformer for non-notification of neighbours. As a result of these measures, the Council has fulfilled its statutory duty,

- n) **The traffic calming measures already installed on Gilbertfield Road and Cairns Road are inadequate.**

Response: The traffic calming measures which have now been installed are as requested by Roads and Transportation Services as part of the original proposal. The Traffic calming has been designed with the total number of properties from both this application and the previous one.

- o) **Residents are also concerned about the potential increase to crime within the estate if this proposal goes ahead. Families have spent hundreds of thousands of pounds on these houses, and do not want their children to feel unsafe playing the street by increased traffic, or new residents to the social houses who may have criminal convictions, drug and alcohol issues or other social problems. This is a private estate and South Lanarkshire Council should welcome the investment we have brought to the area, and take our concerns into consideration. The residents of the private housing were not given their say about the possibility of the affordable housing site.**

Response: The site was identified for social housing as part of this larger development and was clearly identified on the drawings when the planning application was granted in 2017. The design and layout of the site has been considered to ensure maximum correlation with the existing houses. All relevant properties within 20 metres have been notified. This process allows for public comment on the planning application.

- p) **The proposed layout will cause confusion for drivers etc as it will not tie in with the existing scheme of numbering on Ell Crescent.**

Response: This matter will be dealt with when the development is completed. Housing Technical Resources will allocate the appropriate addresses and site the appropriate signage.

Letters of comment

- a) **Do not object to the proposal but comment that developments such as Newton CGA, Greenlees Road and East Whitlawburn do not have affordable housing provision.**

Response: Although there are no areas of social rented housing in the early phases of Newton, affordable housing is considered on a phase by phase basis with each new application. East Whitlawburn is primarily a new development for social rented housing and in line with the Council's Housing Service's requirements at the time, the Greenlees Road development attracted an off-site financial contribution towards affordable housing. The money received from that development will be spent on other affordable within the Cambuslang/Rutherglen area.

- b) **Understand that the development was always going to happen, however care should be taken by construction vehicles and hours of construction should be limited.**

Response: Noted. A condition has been attached requiring the submission of a Traffic Management Plan (TMP). This will require the agreement of the developer and Roads and Transportation Services.

5.2 These letters of representation have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicants propose the erection of a residential development of 57 dwellinghouses associated landscaping and access on land to the south of Ell Crescent, Cambuslang as part of a previously residential development granted in

2017. The main determining issues in assessing this proposal are whether it accords with local plan policy, its impact on amenity and road safety matters.

- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3 Scottish Planning Policy (2014) highlights that development proposals which accord with up-to-date plans should be considered acceptable in principle. The application site has been in the development plan (South Lanarkshire Local Plan 2009 and South Lanarkshire Local Development Plan 2015) as a housing site and, therefore, raises no issues in this regard. It is, therefore, considered that the proposal is in accordance with both development plan policy and national policy.
- 6.4 With regard to the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG), the application site, as stated above, is identified as being both a proposed housing site (Policy 12) and located within a general residential area where Policy 6 applies. The site was previously identified as a Residential Masterplan area to provide mixed tenure housing adjacent to Cairns. This site is essentially the social housing element of the previously approved development. Initially, SLC Housing were to construct the properties themselves, however, the houses will now be constructed by Persimmon on their behalf. This will ensure that the development will be delivered quicker than anticipated and will provide a tenure blind development, thereby ensuring the houses blend in with those already constructed.
- 6.5 The issues considered relevant from a development management perspective, are set out within Section 3.3 above. Principally, these policies seek to ensure that any development within an area which is predominantly residential in character does not adversely impact on the amenity of such areas and that any such proposal can be adequately served by appropriate services. The overall design and layout are considered to provide a high quality residential area which complies with the relevant planning policies. I am, therefore, satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. The layout complies with the Council's approved Residential Design Guide in terms of window to window distances, plot size and permeability.
- 6.6 Given the site's location, it is considered that the site can be appropriately serviced in terms of water and sewerage as it forms part of a larger development which already has an established drainage scheme for both surface and foul water. No objections have been received from consultees in this regard. The site has been assessed by SEPA and the Council's Flood Risk Management Team who are satisfied subject to a number of conditions in relation to the proposed SUDs scheme, the level of treatment proposed and maintenance. In addition, the development will require to comply with the Council's sustainable drainage criteria and associated requirements. This can be achieved through the use of appropriately worded conditions. The proposal is, therefore, acceptable when assessed against Policy 17 - Water Environment and Flooding of the SLLDP and Policies SDCC 2 - Flood Risk and SDCC 3 - Sustainable Drainage Systems of the Sustainable Development and Climate Change SG (December 2014).

- 6.7 With regard to road safety, Policy 16 - Travel and Transport - requires all new development proposals to consider the resulting impacts of traffic growth. The site has been fully assessed by Roads and Transportation Services who have offered no objections, subject to conditions. Through the overall development, Persimmon are undertaking a number of off-site improvements such as the provision of new footpaths, street lighting, signalised crossing points, new bus stops and funding towards potential park and ride facilities, all of which have been agreed with Roads and Transportation Services. The proposal can, therefore, be considered acceptable in transportation terms.
- 6.8 The Council's adopted policy on Community Infrastructure Assessment (Policy 5) advises that a financial contribution from the developer will be sought where it is considered that a development requires capital or other works or facilities to enable the development to proceed. As part of the overall development, contributions are being made to educational and community facilities. In addition, the current application is ultimately being delivered through this agreement. The proposal, therefore, complies with both Policy 5 and the relevant affordable housing policy - Policy 13.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 – Spatial Strategy, 3 – General Urban Area Settlement, 5 – Development Management and Placemaking, 11 – Housing and 12 – Affordable Housing are all relevant and all have similar aims to those in the existing plan. I am, therefore, satisfied that the proposal also complies with these policies.
- 6.10 10 letters of representation and 2 letters of comment have been received which have been addressed in Section 5 above. The requirements of the statutory consultees can be addressed through the use of conditions, where appropriate.
- 6.11 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. Therefore, I am satisfied that the proposal fully complies with the South Lanarkshire Local Development Plan and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with the provisions of the adopted South Lanarkshire Local Development Plan (adopted 2015) namely (Policies 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 6 - General Urban Area /Settlements, 12 - Housing Land, 13 - affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, 16 - Travel and Transport and 17 - Water Environment and Flooding). In addition, the proposal accords with the relevant Development Plan Supplementary Guidance. In addition, the proposal

also complies with policies 1 – Spatial Strategy, 3 – General Urban Area Settlement, 5 – Development Management and Placemaking, 11 – Housing and 12 – Affordable Housing in the Proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 19 September 2019

Previous references

- ◆ CR/15/0239

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Consultations

Roads Development Management Team	19.09.2019
Environmental Services	19.09.2019
Roads Flood Risk Management	19.08.2019
Scottish Water	06.08.2019
SEPA Flooding	09.08.2019
Housing Planning Consultations	20.08.2019
Educ Res School Modernisation Team	07.08.2019
- ▶ Representations

Miss Emma McClintock, 25 Ell Crescent, Cambuslang, G72 8ZJ	Dated: 19.08.2019
Amber Tyrrell, Received Via Email	29.08.2019
Mr Stuart Roach, 5 Upper Ell Gate, Cambuslang, Glasgow, South Lanarkshire, G72 8ZL	30.08.2019
Mr And Mrs Hendry, 29 Ell Crescent, Cambuslang, Glasgow, South Lanarkshire, G72 8ZJ	15.08.2019
Myra Mackie And Christopher Namyslak, 31 Ell Crescent, Cambuslang, Glasgow, South Lanarkshire, G72 8ZJ	30.08.2019
Emma & Craig Borland, 25 Ell Crescent, Cambuslang, G72 8ZJ	20.08.2019

Jordan Muir, 56 Ell Crescent, Cambuslang, Glasgow, South Lanarkshire, G72 8ZJ	03.09.2019
Mr & Mrs R Reid, 54 Ell Crescent, Cambuslang, G72 8ZJ	12.08.2019
Mr May And Mrs Fleming, 2 Upper Ell Gate, Cambuslang, G72 8ZL	21.08.2019
Mr And Mrs Paterson, 46 Murdoch Avenue, Cambuslang, Glasgow, South Lanarkshire, G72 8WP	15.08.2019
Mr And Mrs J Louis Obike, 31 Ell Crescent, Cambuslang, G72 8ZJ	02.09.2019
Jordan Muir, Received Via Email	07.08.2019

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

Phone: 01698 455048

Email: iain.morton@southlanarkshire.gov.uk

Conditions and reasons

01. 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.

Reason: To ensure the appropriate provision of landscaping within the site.

02. That the landscaping scheme required by condition 1 above 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 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.

Reason: In the interests of the visual amenity of the area.

03. 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.

Reason: 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.

04. That all proposed footpaths should be of a bound surface and a minimum of 1.8m wide to allow shared use.

Response: In the interests of public safety.

05. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

07. 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 6 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

08. That before any of the dwellinghouses hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: 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.

09. 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.

Reason: To safeguard the residential amenity of the area.

10. That all new residents within the approved site shall be issued by the developer with a Residential Travel Pack.

Reason: In the interests of public safety

11. That the applicant shall provide a Traffic Management Plan (TMP), including details of the site compound, site parking and wheel washing facilities. The TMP should restrict all site work (incl. vehicle movements) from operating within the school opening and closing times. No work shall commence until the TMP has been approved in writing by the Council as Planning Authority.

Reason: In the interests of road and public safety.

12. (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.

Reason: To ensure the site is free of contamination and suitable for development.

13. That internal noise levels with windows closed must not exceed 35 dB daytime (07:00 – 23:00) and 30 dB night-time (23:00 – 07:00). The external noise levels must not exceed 55 dB daytime in any garden areas, when measured as $L_{Aeq,T}$.

Reason: In the interests of amenity

14. That within 6 weeks of each phase being completed, the business operator shall undertake compliance and validation measurements using an independent consultant to demonstrate compliance with the above condition. This shall demonstrate that the projections as detailed within the Noise Impact Assessments are reliable and meet with the relevant condition.

Reason: In the interests of amenity

15. That if the proposed mitigation measures, as detailed in the corresponding report from the applicant i.e. provision of an acoustic barrier and validation test demonstrating the effectiveness of the barrier, fail to meet the conditions stated in point 1, further mitigation will require to be undertaken to ensure the stated levels are achieved.

Reason: In the interests of amenity

16. That at the reasonable request of the Planning Authority and following a complaint to it relating to noise, the developer shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise at the property to which the complaint related.

Where an assessment of any noise, in the opinion of the Planning Authority acting reasonably, is found to be in breach of the noise limits set out in World Health Organisation Guidelines for Community Noise (1999) and/or BS 8233:2014 the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the planning authority for prior approval.

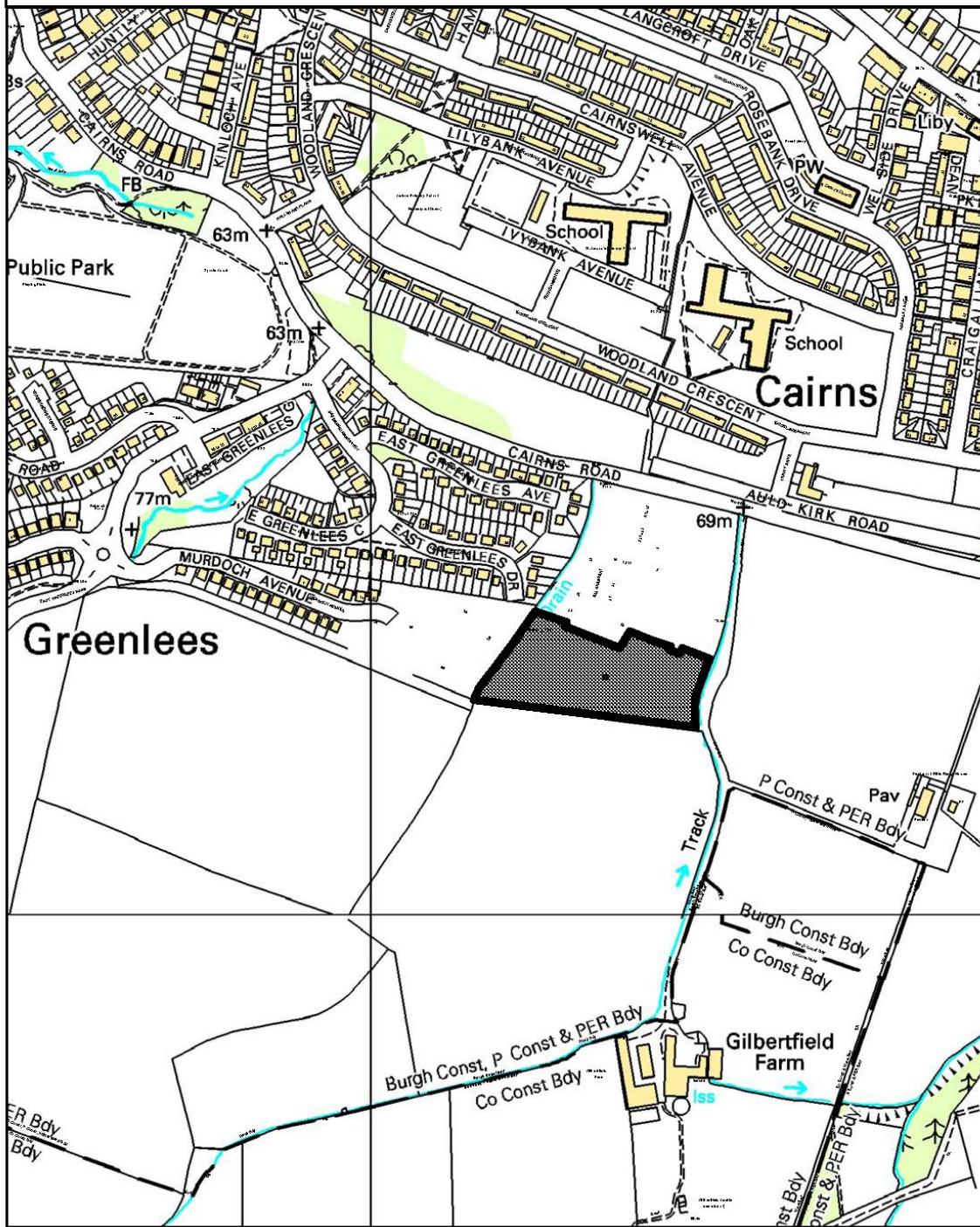
Reason: In the interests of amenity

17. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: In the interests of amenity

P/19/1100

Land 45m South of 56 Ell Crescent, Cambuslang



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0368
Planning proposal:	Erection of 11 no. dwellinghouses, associated access road, ground and retention works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr A Woods
Location:	Land 140M West Of 165 Lanark Road Lanark Road Crossford Carluke South Lanarkshire

2 Recommendation(s)

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

- (1) Refuse detailed planning consent – based on the reasons attached

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: DTA Chartered Architects
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan:**
Policy 3 - Green belt and rural area
Policy 4 - Development management and placemaking
Policy 15 - Natural and historic environment
Supplementary Guidance 9: Natural and Historic Environment
Policy – NHE16 Landscape
Policy NHE14 – Woodland

Proposed SLLDP2:

Policy 4 - Green Belt and Rural Area
 Policy 5 - Development Management and Placemaking
 Policy 14 - Natural and Historic Environment
 Policy NHE9 – Protected Species
 Policy NHE13 – Forestry and Woodland
 Policy NHE16 - Landscape
 Policy GBRA1 - Rural Design and Development

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Arboricultural Services

Biodiversity Officer

WOSAS

Roads Development Management Team

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site is located on ground immediately to the south of Silverbirch Garden Centre, on Lanark Road (A72) and is approximately 675m beyond the settlement edge of Crossford. The site is bound by the A72 to the east, and is surrounded to the west and south by undeveloped ground. A newly erected primary school with associated car parking is located on the opposite side of the A72. The application site consists of established woodland. The ground level slopes downward from west to east so that it sits at a higher level than the A72.

2 Proposal(s)

- 2.1 The applicant seeks detailed consent for the erection of 11 dwellinghouses on the site comprising 4 house types, three of which would provide accommodation over 3 levels, and a fourth which would be two storey in height but including attic accommodation. The site would be accessed from the A72 via an existing private road which is currently shared with the Silver Birch Garden centre. This would be improved to an adoptable standard and, thereafter, connect to a single road with turning head which would serve the dwellings within the site. Five of the dwellinghouses have single storey detached garages in addition to their car parking spaces.
- 2.2 The applicant has submitted existing and proposed cross-sections with details of ground levels and proposed ground retention.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within the rural area and Special Landscape Area as identified in both the adopted South Lanarkshire Local Development Plan (SLLDP) and the Proposed South Lanarkshire Local Development Plan 2 (SLLDP 2). The relevant policies applicable to the assessment of the proposal are as follows: Policies 3, 4, 15, NH14 and NHE 16 of the adopted South Lanarkshire Local Development Plan, and Policies 4, 5, 14, NHE 9, NHE13, NHE16 and GBRA1 of the Proposed SLLDP 2.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications.
- 3.1.3 The Council's Rural Design Guide provides detailed advice on appropriate residential development within the rural area, covering issues such as siting and design.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) advises that within the rural area, the aim is not to see small settlements increase in size to the extent that they lose their identity, nor

to suburbanise the Scottish countryside or to erode the high quality of its environment. Rather, it is to ensure that planning policy regimes are put in place to accommodate selective, modest growth. Most development should be foreseen, agreed and programmed to reflect the local circumstances.

3.3 **Planning Background**

3.3.1 None relevant.

4 **Consultation(s)**

- 4.1 **WOSAS** – Advise that there may be potential for archaeological remains within the site. In view of this, should consent be granted, then a condition should be added which requires the developer to implement a programme of archaeological works, and, thereafter, all works shall accord with the agreed programme.

Response: Noted. Should consent be granted, then a suitable condition will be attached.

- 4.2 **Roads and Transportation Services** – Have no objection to the proposal subject to some alterations to the layout. Should consent be granted, then suitable conditions should be attached to ensure that the shared access road with Silverbirch Garden Centre is brought up to adoptable standard and proposed for public adoption. The applicant should be made aware that a road construction consent and road bond will be required.

Response: Noted. Should consent be granted, then suitable conditions and informatives will be attached to advise the applicant of the above.

- 4.3 **Roads and Transportation Services Flood Risk Management** – Have no objection to the proposal. Should consent be granted, then suitable conditions should be attached to ensure that the applicant provides Appendices 1-5 of the Council's drainage design guidance. This will include a flood risk assessment and the provision of SUDS.

Response: Noted. Should consent be granted, then suitable conditions will be attached.

- 4.4 **Arboricultural Services** – The applicant has not submitted a tree survey or arboricultural impact assessment.

Response: Noted. The applicant was made aware of the need to submit a tree survey and arboricultural impact assessment.

- 4.5 **Biodiversity Officer** - Due to the size of the site, its connectivity with surrounding woodlands and the level of tree/shrub cover, a protected species survey is required. The applicant has not submitted a protected species survey.

Response: Noted. The applicant was made aware of the need to submit a protected species survey.

5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Lanark Gazette for non-notification of neighbours, and as development contrary to the development plan. No letters of objection were received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed consent for the erection of 11 dwellinghouses and the creation of an associated access road and ground works on land located to the south of Silverbirch Garden Centre, located off of the A72 to the south of Crossford. The determining issues in assessing this application are its compliance with Government guidance and the development plan, road safety, and its impact on protected species and the designated Special Landscape Area.
- 6.2 In terms of both adopted and proposed Local Development Plan policy, the site is identified as being located within the rural area. Policy 3 – Green Belt and Rural Area of the adopted South Lanarkshire Local Development Plan states that the rural area functions are primarily for agriculture, forestry, recreation and other specific uses appropriate to the countryside. Development which does not require a countryside location is expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances:
- i. Where it is demonstrated that there is a specific locational requirement and established need for a proposal.
 - ii. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
 - iii. The proposal is for conversion of traditional buildings and those of a local vernacular.
 - iv. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
 - v. The proposal is for the extension of existing premises or a use providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.
- 6.3 The site is within the rural area where there is a general presumption against inappropriate development. Housing proposals should accord with the criteria outlined above. In this case, the physical characteristics, topography and location of the site is such that the site cannot be viewed as a gap site or consolidation of an existing building group, and there is no visual cohesion to neighbouring development, including the Silver Birch Garden Centre and Crossford Primary School. This application does not constitute a redevelopment of previously developed land. The applicant has provided no supporting statement of justification for the development within the rural area. In consideration of the above, the proposal is contrary to Policy 3
- 6.4 Policy 15 – Natural and Historic Environment of the adopted SLLDP advises that development which will have an adverse effect on protected species will not be permitted unless it can be justified in accordance with the relevant protected species legislation. The applicant has not submitted a protected species survey and has, therefore, failed to show there would not be an adverse effect on badgers and bats. The proposal is, therefore, contrary to Policy 15.
- 6.5 The application site is within the Middle Clyde Valley Special Landscape Area. Policy NHE16 – Landscape of the adopted SLLP states that proposals within

Special Landscape Areas will only be permitted if they satisfy the requirements of Policy 3, and can be accommodated without significantly and adversely affecting the landscape character, scenic interest for which the area is designated. Proposals should maintain and enhance landscape character and be considerate to the pattern of woodlands, trees and hedgerows. The pattern, scale and design of any proposal should respect its landscape character. It has already been concluded that the proposals do not accord with Policy 3. The proposed development would remove the existing woodland and, in doing so, would have a notable adverse impact on the important visual amenity that the site contributes towards the Special Landscape Area along the A72 Clyde Valley tourist route. In addition, the woodland would be replaced with a prominent and suburban style of residential development which would erode the character of the rural area and landscaping setting in this part of the special Landscape Area. The proposal is, therefore, contrary to Policy NHE16.

- 6.6 Policy NHE14 – Woodland of the adopted SLLP advises that, where developments will create a loss of fragmentation of long established woodland, such development will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits and;
- Measures can be taken to conserve the nature conservation interest through planning conditions; and/or
 - The conservation interest loss can be compensated for by habitat creation or site enhancement elsewhere by planning agreements or conditions.

Furthermore, development proposal should protect existing woodlands from significant adverse impact and, where such an area will be affected, the applicant should submit a full tree survey with written justification for any losses. In this case, the trees on the site form part of the wider woodland setting of the Clyde Valley. Removal of the trees would have a detrimental effect on the character of the area. The applicant has not submitted supporting information providing a survey of the trees within the site, or justification for the removal of the woodland. The proposal is contrary to Policy 14.

- 6.7 In relation to the development's impact on the local context, Policy 4 states that development proposals should not have significant adverse impacts on, and should include measures to enhance the environment. The siting of the proposed dwellings on the elevated and sloping site would impact upon the local landscape character. The applicant's supporting information showing the existing and proposed ground levels, along with an indicative streetscape, clearly highlights the visual prominence of the houses, the retention works and sporadically located detached garages. The cumulative impact of these features would be the creation of a highly suburbanised development which is out of character and of inappropriate scale, siting and design, with the surrounding area and the Special Landscape Area in which it is located. While landscape planting could provide a degree of mitigation, the topography and other site constraints would mean that the ground retaining works and the excessive scale of the proposed houses which includes three storey buildings would be notably visible from the A72 and could not be disguised or sufficiently mitigated to address the adverse visual harm. The result is an unacceptable adverse impact on the quality and integrity of the high quality landscape corridor, to which the site currently contributes positively. The proposal is contrary to Policy 4.

- 6.8 The Council's Rural Design Guide, and Policy GBRA1 of the Proposed SLLDP2 advise on what is expected in terms of the design of residential development within the rural area. In this case, the proposed houses are not of an acceptable scale, design and massing, as the area is categorised by low rise buildings of traditional vernacular architecture. The policies advise that high quality and innovative contemporary design may be acceptable, however, the proposed houses do not meet this criteria and instead constitute modern suburban design which is more suited to development within a settlement location. The proposal is contrary to the Council's Design Guide and Policy GBRA1 of the Proposed SLLDP2.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. The relevant Policies are 4, 5, 14, NHE9, NHE13, NHE16 and GBRA1.
- 6.10 In consideration of the above assessment, it is concluded that the proposal is contrary to policies within the adopted local development plan. It is, therefore, recommended that planning consent be refused.

7 Reasons for Decision

- 7.1 The principle of the proposed residential development within the rural area is not acceptable because there is no specific locational requirement or need for the development, and there is no justification for a departure which meets the criteria set out in the adopted local development plan. The scale, design and siting of the houses and associated garages and ground works is incongruous to the character of the local rural character and would remove an area of woodland which contributes positively to the Special Landscape Area. The applicant has not provided sufficient supporting documents including a tree survey, arboricultural impact assessment, and protected species study.
- 7.2 The proposal is contrary to Policies 3, 4, 15, NH14 and NHE 16 of the adopted South Lanarkshire Local Development Plan, and Policies 4, 5, 14, NHE9, NHE13, NHE16 and GBRA1 of the Proposed SLLDP 2. The proposal is contrary to the Council's rural Design Guide.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 16 September 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 25 April 2019
- ▶ Lanark Gazette advertisement 8 May 2019

- ▶ Consultations

Arboricultural Services	01.05.2019
WOSAS	28.05.2019
Roads Development Management Team	24.05.2019
Roads Flood Risk Management	20.05.2019
Biodiversity Officer	01.05.2019

Contact for further information

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

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455170

Email: pamela.mcmorran@southlanarkshire.gov.uk

Detailed planning application

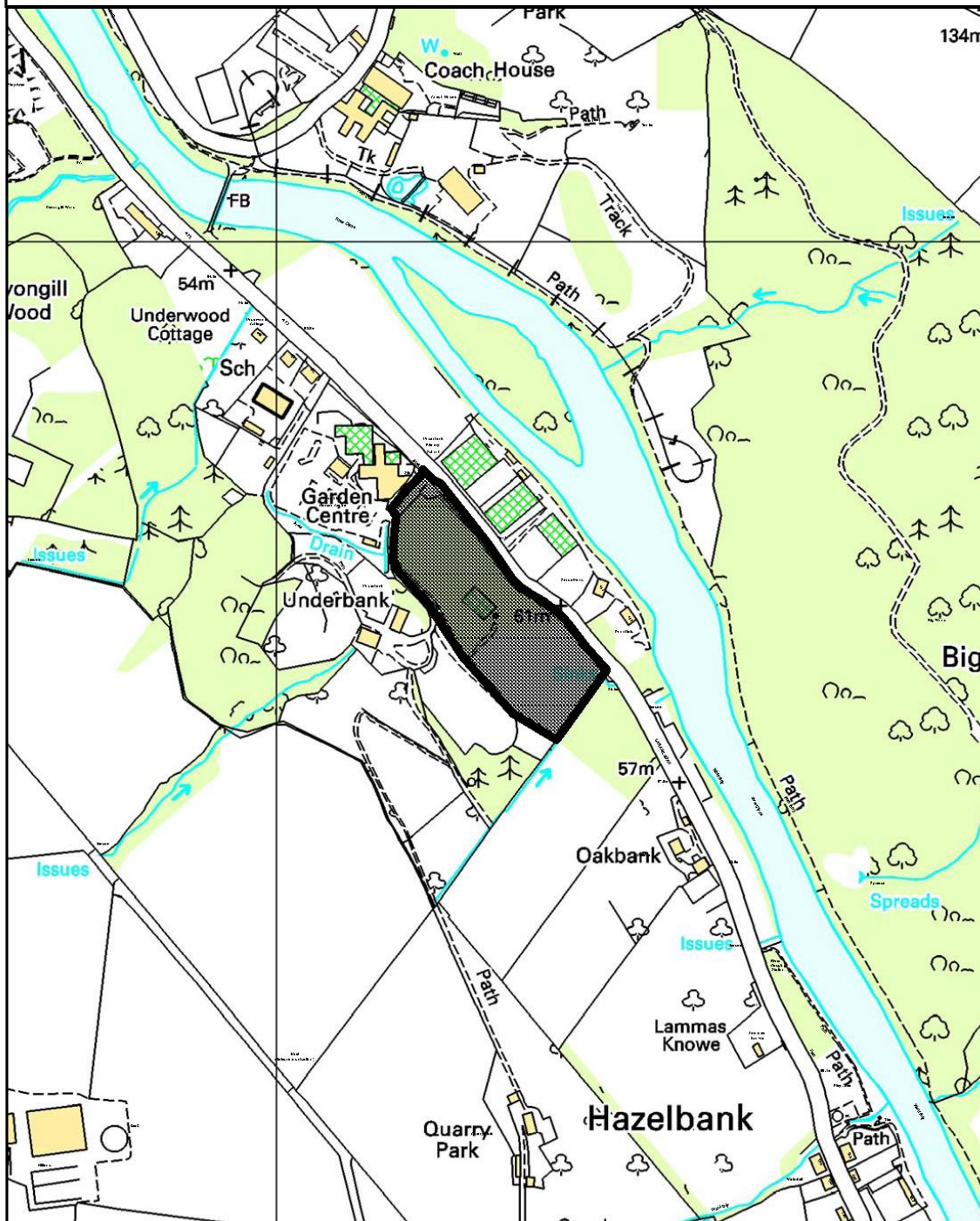
Paper apart – Application number: P/19/0368

Reasons for refusal

01. The proposed residential development is contrary to Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan (adopted 2015) and Policy 4 of the Proposed South Lanarkshire Local Development Plan 2 as it would constitute an unacceptable form of development in the countryside where there is no specific locational requirement or need, it does not involve the redevelopment of previously developed land, does not relate to a clearly identifiable infill, gap site or the consolidation of an existing building group.
02. The proposal is contrary to the Council's Rural Design Guide, Policy 4 of the South Lanarkshire Local Development Plan (adopted 2015) and Policies 5 and GBRA1 of the Proposed South Lanarkshire Local Development Plan 2 as the scale, massing, siting and design of the proposed dwellings do not conform to the scale and character of the architectural style and prevalence of low rise buildings distinct to this part of the rural area.
03. The proposal is contrary to Policies 15 and NHE16 of the adopted South Lanarkshire Local Development Plan and Policies 14 and NHE16 of the Proposed South Lanarkshire Local Development Plan 2 in that the proposal, if approved, would adversely impact the integrity and visual amenity of the Special Landscape Area to an unacceptable degree.
04. The applicant has failed to supply sufficient information to allow proper consideration of the proposal in terms of the impact of the proposed development on protected species and the existing woodland within the site, in accordance with the requirements of Policies 15 and NHE14 of the adopted South Lanarkshire Local Development Plan, and Policies 14, NHE9 and NHE13 of the Proposed South Lanarkshire Local Development Plan 2.

P/19/0368

Land 140m West of 165 Lanark Road, Lanark Road, Crossford



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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1022
Planning proposal:	Extension to church to form new entrance.

1 Summary application information

Application type: Detailed planning application

Applicant: Moncrieff Parish Church
 Location: Moncrieff Parish Church
 Maxwellton Road
 East Kilbride
 G74 3JJ

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) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Angus Design Associates
- ♦ Council Area/Ward: 10 East Kilbride East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 Policy 4 - Development management and placemaking
 Policy 6 – General urban area/settlements

Proposed South Lanarkshire Local Development Plan 2 (2018)
 Policy 3 - General urban areas/settlements
 Policy 5 – Development management and placemaking

◆ **Representation(s):**

▶	14	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site is Moncrieff Parish Church, Maxwellton Road, East Kilbride. The site is situated adjacent to the junction where Maxwellton Road meets Calderwood Road and is within an established residential area. The site consists of the existing church buildings and its associated car park. Vehicular access to the site is off Aikman Place.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the extension to the church to form a new entrance. This would comprise of a single storey extension of approximately 85 square metres in floor space located to the front of the building facing onto Maxwellton Road and finished in brick with a stand and seam roof to compliment the existing building. It is noted that the proposal would also include the installation of pathways at the front of the site to improve pedestrian accessibility.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the settlement boundary and, as such, Policy 4 - Development management and placemaking and Policy 6 - General urban area/settlements are relevant. These policies require development within residential areas to take account of the local context and built form and should be compatible with adjacent buildings in terms of scale, massing, design with no significant adverse impact in the local environment.
- 3.1.2 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 3 - General urban areas/settlements and Policy 5 – Development management and placemaking.

3.2 Relevant Government Advice/Policy

- 3.2.1 None relevant.

3.3 Planning Background

- 3.3.1 None relevant.

4 Consultation(s)

- 4.1 **Roads and Transportation Services** – no objections to the proposal as it does not affect the existing parking provision or propose any changes to the existing vehicular access.
Response: Noted.
- 4.2 **Environmental Services** – no objections to the proposal subject to the attachment of advisory notes in relation to noise.

Response: Noted, should permission be granted, appropriate advisory notes can be attached.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken by the Council and the proposal was also advertised in the local press as not all neighbouring properties could be identified. 16 letters of representation were received (14 objections and 2 letters of comment), the points of which are summarised below:

- a) **The proposed extension will have a negative impact on the current parking levels at Melville Park as it will result in additional vehicles using local streets for parking exacerbating an existing problem. This will also reduce road safety at Melville Park as its only access is onto the current busy junction with Maxwellton Road/Calderwood Road.**

Response: The Council's Roads and Transportation Services were consulted as part of this proposal and have raised no objections or safety concerns as the proposal does not interfere with the existing car parking or alter the existing access. It is noted that throughout the construction period there is likely to be a level of disruption due to displaced vehicles, however, this would be for a limited period only.

- b) **Increased parking in local streets will bring additional noise and disturbance to local residents.**

Response: The proposal is to form a new entrance extension at the church and as noted above, there are no proposed changes to the existing car park. As noted above, it is inevitable there will be disruption during the construction period however this would be for that period only. As such this is not considered to be a valid reason for refusal of the application.

- c) **How will the proposal affect Aikman Place for residential access and parking in general and throughout the construction period?**

Response: The application does not propose any alterations to the access off Aikman Place or parking within the site. However, should planning permission be granted for the development, a suitable condition would be attached to ensure that, throughout the construction period, the access at Aikman Place is kept free from obstruction for local residents.

- d) **Maximum protection should be given to all flora and fauna.**

Response: Whilst no protected species surveys were necessary in this instance, it is noted that it is the responsibility of the developer to ensure the appropriate actions are taken should any protected species be found on site.

5.2 These 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 for the erection of an extension to form a new entrance at Moncrieff Parish Church, East Kilbride. The determining issues in the assessment of this application are compliance with local plan policy, its impact on the amenity of the adjacent properties and any road safety matters.

- 6.2 As noted above, Policy 4 – Development Management states that all development proposals will require to take account of, and be integrated with, the local context and built form. Development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment. Policy 6 – General Urban Area/Settlements is also relevant and states that within residential areas, development will not be permitted if it is detrimental to the amenity of residents in terms of visual impact, noise, smell, air pollution, disturbance, traffic or public safety.
- 6.3 In this case, it is considered that the overall scale, mass and design of the proposed extension is acceptable and will have no adverse impact on the adjacent residential properties. In addition, the proposed finishes are sympathetic to the existing church building and surrounding residential properties, however, a condition would be attached to any permission granted for full samples to be submitted prior to works commencing on site. It is noted that the erection of the extension and associated pathway improvement works within the site will require the removal of a tree. Whilst this is regrettable, it is necessary to facilitate the proposal.
- 6.4 The Council's Roads and Transportation Services were consulted on this proposal and raised no objections as the proposal does not affect the existing access or parking. The Council's Environmental Services also raised no objection subject to the attachment of advisory notes in relation to noise. Any consent granted can include appropriate advisory notes.
- 6.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 3 and 5 in the Proposed Plan.
- 6.6 As detailed above, the statutory neighbour notification was carried out and the application advertised in the local press as not all neighbouring properties could be identified. As such, fourteen letters of objection and two letters of comments were received, the points of which are summarised in section 5 above. However, following consideration of the points raised, it is not considered they merit refusal of the application.
- 6.7 In conclusion, it is considered that the proposal complies with the relevant local plan policies and guidance and I, therefore, recommend planning permission is granted subject to the attached conditions.

7 Reasons for Decision

- 7.1 The proposed development complies with Policies 4 and 6 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3 and 5 of the Proposed South Lanarkshire Local Development Plan 2 (2018).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 September 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - Roads Development Management Team 05.08.2019
 - Environmental Services 22.07.2019

- ▶ Representations Dated:
 - Owner/Occupier, 31 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - Owner/Occupier, 13 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - Jocelin Harrison, 51 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - V MacGregor, 49 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - Owner/Occupier, 9 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - Owner/Occupier, 55 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - M McNeill, 9 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - John Young, 3 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019
 - Owner/Occupier, 11 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP 31.07.2019

Owner/Occupier, 63 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP	31.07.2019
Owner/Occupier, 61 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP	31.07.2019
B Gillies, 85 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP	31.07.2019
C Sutherland, 91 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP	31.07.2019
Rebecca McNeill, 9 Melville Park, East Kilbride, Glasgow, South Lanarkshire, G74 3BP	31.07.2019
Mrs Orr, By Email	31.07.2019
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	02.08.2019

Contact for further information

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

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3
6LB
Phone: 01698 455046
Email: julie.pepper@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/1022

Conditions and reasons

01. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.

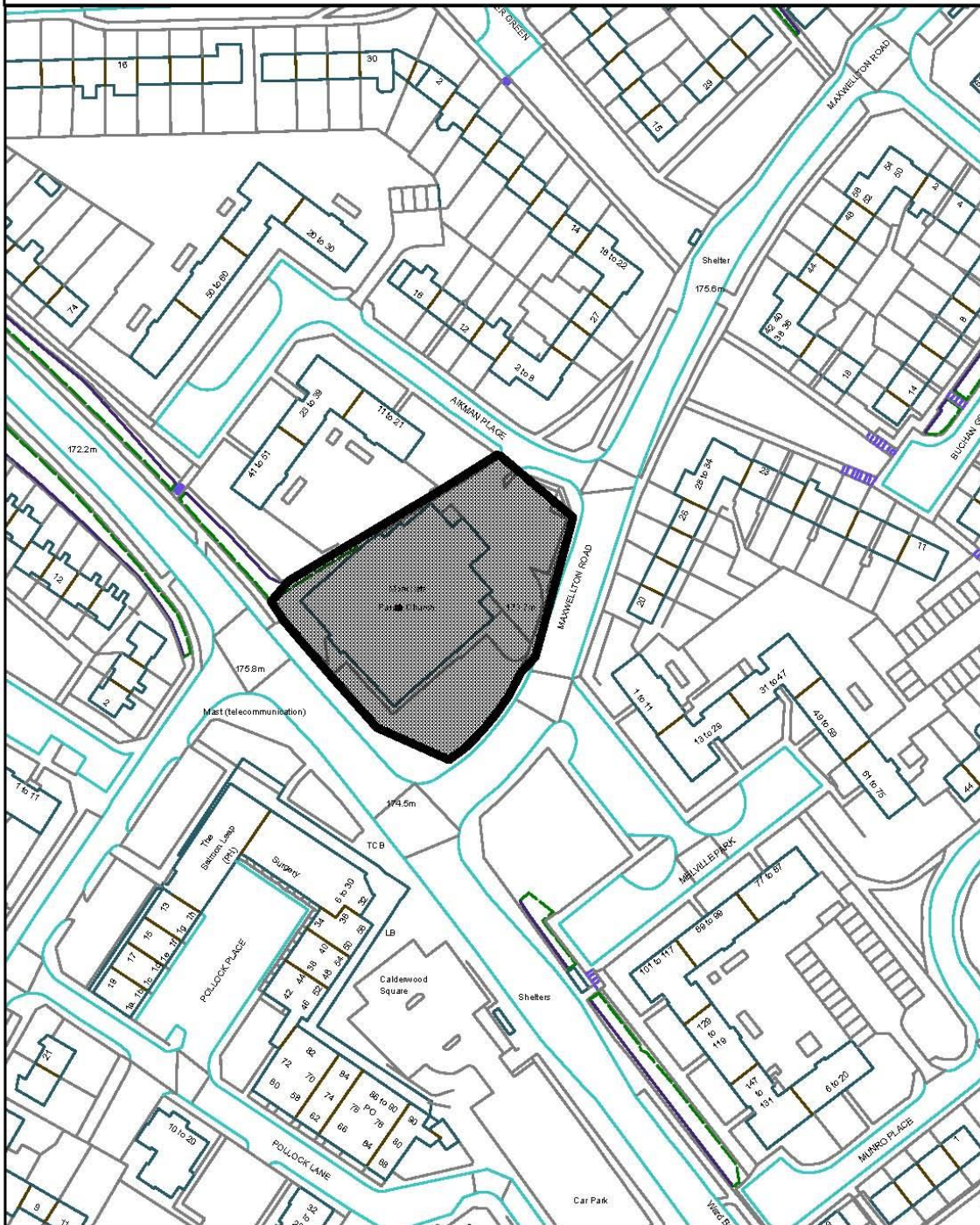
Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That throughout the construction period, the access road into the residential properties at Aikman Place should be kept free of obstruction at all times.

Reason: In the interests of public safety.

P/19/1022

Moncrieff Parish Church, Maxwellton Road, East Kilbride, G74 3JJ



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Scale:
1:1,250
Date:
17/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

12

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1045
Planning proposal:	Erection of 19 single storey and two storey detached dwellings, detached garages, associated access road, infrastructure and landscaping.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Hyndford Dev Co Limited
Location:	East Of Hyndford Road Hyndford Bridge Lanark ML11 8SQ

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) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Derek Scott Planning
- ♦ Council Area/Ward: 02 Clydesdale North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 2 Climate change
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking
Policy 12 Housing land
Policy 16 Travel and Transport
Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM1 Design
Policy DM13 Development within general urban area/settlement

Proposed SLDP2

Policy 2 Climate change

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Policy 11 Housing

Policy DM1 New Development Design

◆ **Representation(s):**

▶	2	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Scottish Water

WOSAS

SEPA West Region

Countryside And Greenspace

SNH

Planning Application Report

1 Application Site

- 1.1 The application site is located on the eastern side of Lanark Road (A73) within the small settlement of Hyndford Bridge. It extends to 1.85 hectares and is irregular in shape and comprises agricultural land. The site also includes an existing private access road that serves Charleston Farm. Topographically, the site is relatively flat with the land sloping from north to south towards Lanark Road and west to east towards the River Clyde. There are two mature trees at the entrance to the site that will require to be removed. The site is bounded to the east by the bank of the river Clyde, to the south by existing housing, to the west by Hyndford Road with housing opposite and to the north by the farm access and agricultural fields.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the erection of 19 detached dwellings with a mix of single and two storey incorporating a range of styles and sizes. The proposal also includes associated roads, footpaths, formal open space, an equipped play area, landscaping and a SUDS basin.
- 2.2 The proposal involves the arrangement of dwellings around a single internal looped access road taking access off Lanark Road as its junction with the existing farm access road. In addition, there will be a footpath link into the site from Hyndford Road linking with a new footpath to be installed along the whole site frontage. The road widths and finishes will be varied with the majority of the internal access road having shared pedestrian/vehicular surfaces. An integrated Sustainable Urban Drainage System will link into a SUDS pond, located at a natural low point at the north east end of the site. Trees, hedgerows, shrubs, wildflower meadows and grassland will be established throughout in informal and formal amenity space providing a green network within the urban fabric. A natural themed play area and formal open space area will be located in the heart of the development with access from the wider settlement being provided with a footpath link off Hyndford Road. The existing footpath link from Hyndford Road to the Clyde along the farm access to Charleston Farm to the north of the site will be unimpeded by the proposed development.
- 2.3 As supporting documents, the applicant has submitted a Design and Access Statement, Planning Statement, Ecology Survey, Badger Report Archaeology Assessment, Water Flow and Drainage layouts and a Ground Investigation Report.

3 Background

3.1 Local Plan Status

- 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 Hyndford where Policies 6, General Urban Area/Settlement and 12, Housing Land apply respectively. The remainder of the site is outwith the area allocated for residential use and within the Rural Area where Policy 3: Green Belt and Rural

Area applies. In addition, Policies 2: Climate Change, 4: Development Management and Place Making, and 16: Travel and Transport are relevant as is the Supplementary Guidance on Development Management, Place Making and Design; Affordable Housing and Housing Choice; Sustainable Development and Climate Change; Green Belt and Rural Area and Community Infrastructure Assessment. The Council's Residential Development Guide should also be taken into consideration.

- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 2 'Climate Change', 4 'Green Belt and Rural Area', 5 'Development Management and Placemaking', 11 'Housing, and DM1 New Development Design are relevant.

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 within the Rural Area, the planning system should:

- in all rural and island areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

3.3 **Planning Background**

- 3.3.1 There have been no relevant planning applications in the past five years. The majority of the site has been allocated as a housing site in the South Lanarkshire Local Development Plan (adopted in 2015) and the proposed South Lanarkshire Local Development Plan 2.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services Development Management Team** – have raised no objections subject to conditions relating to a number of matters including visibility, traffic calming, footpath provision, parking and surfacing.
Response: Noted. These matters can addressed by condition if planning permission is granted.

- 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). They have advised that the outfall position for the SUDS appears to be in the flood envelope
Response: Noted. Should consent be granted, conditions can be attached to cover these matters.
- 4.3 **SNH** – made no comment on the proposed development and directed the Council to its standing advice for development of this scale. Having reviewed the ecological information submitted with the application, it is considered that, provided the development is carried out in accordance with the mitigation measures for badgers outlined in the Ecological Report and the correct procedures are followed in terms of birds, then protected species are unlikely to be affected by the development.
Response: Noted. Recommended mitigation measures can be covered by condition.
- 4.4 **Countryside and Greenspace** – having reviewed the landscaping they advised these proposals are acceptable.
Response: Noted
- 4.5 **Scottish Water** – have no objections to the development and advise that the site will be served by Coulter Water Treatment Works.
Response: Noted.
- 4.6 **West of Scotland Archaeology Service** – having reviewed the information submitted in support of the application they advise that the development of the site raises no substantive archaeological issues and, therefore, no archaeology works are required.
Response: Noted
- 4.7 **SEPA** – have advised they have no objection to the proposed development in terms of flood risk. They acknowledge that the developer intends the use of a private sewage treatment facility and, therefore, advise that this, in principle, is satisfactory subject to the scheme getting authorisation from SEPA in accordance with the terms of The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended)(CAR).
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 as Development Contrary to the Development Plan and for the non-notification of neighbours, 2 letters of objection have been received. The issues raised are summarised below:
- a) **The loss of habitat for birds, bats, and the numerous other creatures who use the area.**
Response: Ecological Surveys have been undertaken which concludes that the development will not have an adverse impact upon protected species or other wildlife. SNH have made no comment on the application.

- b) **The severe disruption which will be caused in the building of the project. Previous works to power lines caused weeks of tailbacks on Hyndford Road due to temporary traffic lights/increased bridge traffic. One can only imagine the disruption caused by this extent of development, in terms of traffic generation (the road is already clogged with lorries and the Hyndford Bridge itself already causes tailbacks at peak times), exhaust fumes, noise pollution and massive driver inconvenience.**
Response: The Roads Service have not raised any issues in terms of construction traffic nor is envisaged that the development of the application site will have any impact on the traffic on trunk road from which the site is accessed. A condition requiring the submission of a Traffic Management Plan is also proposed.
- c) **The fear that the development would stall and we would be left looking at a building site for an indeterminate amount of time. This is endemic in Lanark, as seen by the nearby Barracks site and the Auction Ring development at the other end of Hyndford Road. Would we receive an absolute guarantee that the project would be completed in a reasonable time scale?**
Response: There can be no guarantee on the timescales to complete a development under the planning legislation once development has started.
- d) **Loss of privacy - one residents' bedroom window opens directly onto the site. Can they be assured that no-one will be in a position to directly see into that bedroom? In addition, the erection of two storey dwellings will lead to overlooking affecting residential amenity.**
Response: Due to the distances between the proposed dwellings and the existing houses in the settlement of Hyndford, the development complies with privacy standards and, in particular, for window to window distances between the proposed and existing dwellings in the Residential Design Guide.
- e) **Road safety - the access point for the development lies very close to a filter road accessing Hyndford Road. It is a very tight give way and having three streams of traffic (Hyndford Road, the slip road and the proposed site entrance) in such close proximity compromises road safety, especially for cars exiting the site and turning right into the oncoming traffic. The speed of traffic on the road with regard to turning traffic from the development. Hyndford Road from the bridge is a very busy and a heavily trafficked through route especially with HGVs it is felt this whole stretch of road would need to be traffic calmed to mitigate against accidents.**
Response: The Roads Service have not raised any issues in terms of road safety and the improved junction to serve the new development is considered acceptable.
- f) **The local infrastructure. Currently Hyndford Bridge is criss-crossed with many overhead power lines, a situation which has led to accidents in the past. Added to this are numerous cables buried underground and a somewhat scattershot sewage/water system. Will guarantees be given that the new development will incorporate and**

improve upon the existing infrastructure or will another distinct system be created? The scale of the proposal will need a holistic approach with the relevant bodies (inc. Scottish Water re. drainage concerns - any overflow would run directly into my property). I would like assurances this will happen for the good of the whole community, not just new residents.

Response: The installation of new infrastructure is controlled by the relevant bodies for each such as Scottish Power, BT, Scottish Water, SEPA etc. A separate drainage system is proposed which will have an outfall to the Clyde and this will have to comply with the standards required by SEPA and Building Standards. All other infrastructure connections will be done in consultation with the relevant bodies directly outwith the planning system and, therefore, the coordination of these is not possible through the planning system.

- g) **There is sufficient brownfield land in this Housing Market Area to avoid using Greenfield sites for example land adjacent to Winston Barracks lying to the east of the roundabout between Hyndford Bridge and Lanark.**

Response: The majority of the application site is now identified in the adopted local development plan as a new housing site and is, therefore, considered acceptable in planning policy terms. The fact that there are other sites available does not affect the assessment of this application on its own merits.

- h) **The scale of the development as noted in the supporting planning statement notes the Hamlet comprises approximately 27 houses therefore this single development will swamp the Hamlet increasing its size by 70%.**

Response: As stated above, the majority of the site is identified as housing land. The scale of the increase, in terms of residential development, is considered appropriate for the settlement. In terms of settlement increase, the hamlet is in the most case, linear along Hyndford Road with a combined development road frontage of approximately 380m. The proposed development has a road frontage of 120m which is approximately an increase of 30% when viewed from Hyndford Road.

- i) **5 of the proposed houses are within the Rural Area and not part of the settlement and there can be no urgent land supply reason for justifying additional units being considered, bearing the huge proposed increase in the size of the community being proposed.**

Response: The development of the proposed layout has, in part, been driven by the road safety concerns of opening a new access onto the A73 within the site frontage identified in the Local Development Plan. As a result, the access to the site is via the existing farm access that would be upgraded to adoptable standard. The access would be outwith the site identified for housing as would the intervening land. The proposals include the erection of 5 houses within this area. This, in turn, has developed into the proposed layout to utilise the land created by the access arrangement. The increase in size of the application site is considered acceptable in this case and will use an existing natural defensible settlement edge in the form of the farm access.

- j) **We do not accept the argument put forward that unit numbers require to be maximised to make the entire site viable from an economic perspective. The zoned, site would therefore appear to be an ineffective site in principle and should be considered in the future for dezoning.**

Response: There are many supporting arguments put forward by the applicant for the proposed development. The merits of the application have been considered in full and the proposals are considered acceptable in terms of their scale, form, land use, visual amenity etc. The viability of the site has not been considered in the assessment.

- k) **The site is not in a sustainable location for this scale of development with no local facilities.**

Response: The site is 1.2 miles from the town of Lanark and in easy commuting distance to access all the facilities the town the size of Lanark has to offer. The nearest bus stop is only 60m south of the proposed footpath access from the site and there is a regular bus service to and from Lanark including a bus stance at the train station giving public transport access to the whole of the country. The proposed layout includes a play area and informal open space.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the erection of 19 dwellinghouses and associated infrastructure in the settlement of Hyndford Bridge just outside Lanark. 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 application site comprises agricultural land with the majority of the site being located within the settlement boundary of Hyndford Bridge in the adopted South Lanarkshire Local Development Plan. It is identified as part of the housing land supply through Policy 12: Housing Land. As such, residential development on this portion of the site 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.
- 6.3 A smaller portion of the site which would include the access road, five of the proposed houses, the SUDS treatment basin and the structural planting fall outwith the settlement boundary where Policy 3 Green Belt and Rural Area applies. Policy 3 states that, in the Green Belt, limited expansion of an existing settlement boundary may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and where a defensible settlement boundary is maintained. In terms of the overall application site, proportionately the extent of physical development represents a minor extension of the settlement boundary. In addition,

the land occupied by the 5 houses represents only 14% of the total site area. It is, therefore, considered that there would not be any additional impact upon the character of the area as a result of this addition to the settlement boundary. A strong landscape buffer belt will be established along the north east edge providing the necessary defensible boundary in conjunction with the access road to the north. Therefore, the proposal complies with Policy 3.

- 6.4 Policies 4: Development Management and Place Making and 6: General Urban Area/Settlements 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 submitted layout accords with the principles of the Designing Street policy as a result of the permeability of the site and the creation of safe links to adjacent areas. The proposed detailed house designs are of an acceptable quality and are of an appropriate scale and mass that is similar to the existing dwellings in the locality. Although largely complying with the Council's Residential Development Guide in terms of plot ratio, garden sizes, window to window distances and parking provision, in many instances, throughout the layout, the gable to gable distance on a couple of the plots is less than the recommended minimum 4 metres. However, variation in building lines, house design, house scale and gable spacing creates character and avoids a monotonous streetscene. The overall quality of the proposed development and the impact on the residential amenity and character of the area will not be compromised on this basis and, as such, this variance is acceptable. In view of this, the proposals are considered to be in compliance with Policies 4 and 6 and associated Supplementary Guidance.
- 6.5 With regard to road safety, Policy 16: Travel and Transport requires all new development proposals to consider the resulting impacts of traffic growth. Connection to walking, cycling and public transport networks are included in the design layout which provide a viable alternative to car travel. In addition, existing and proposed walking and cycling routes will be safeguarded. The proposals are also considered to conform to the Local Transport Strategy, Core Path Plan and the Council Guidelines for Development Roads. In addition, there are no objections to the development in terms of traffic, the site access road or the internal layout from the Roads Service.
- 6.6 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. A Strategic Impact Assessment of the site was carried out at the time of the adopted Local Development Plan (which included the site as housing land for the first time). The proposed development is consistent with the criteria relevant to this type of development at this location being sustainably located in terms of access to public transport and services 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.

- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 2, 4, 5, 11 and DM1 in the proposed SLLDP2.
- 6.8 Two letters of objection have been received which raise concerns about road safety, impact on amenity and the character of the area and the effect on protected species. These issues are addressed in section 5 above and are not considered to warrant refusal of the application. In view of all of the above, and taking into account the current local development plan context and the supporting information submitted with the application, the proposal represents an appropriate form and co-ordinated approach to development of the application site. 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.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on residential or visual amenity and raises no road safety concerns. The development complies with Policies 2, 3, 4, 12 and 16 of the adopted South Lanarkshire Local Development Plan together with the relevant Supplementary Guidance. In addition, the development is consistent with the policies in the proposed SLLDP2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 17 September 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Consultations

Roads Development Management Team

Roads Flood Risk Management	19.08.2019
Scottish Water	12.07.2019
WOSAS	29.07.2019
SEPA West Region	22.07.2019
Countryside And Greenspace	10.07.2019
SNH	10.07.2019

► Representations	Dated:
David Watson, By Email	24.07.2019
Gordon And Carol MacCallum, 23 Northland Drive, Glasgow, G14 9EB	29.08.2019

Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 455116

Email: steven.boertien@southlanarkshire.gov.uk

Conditions and reasons

01. That all trees to be retained on the edge of the site both within the application site or in surrounding land shall be fully protected during the period of construction and prior to any work commencing on the site, written details including plans specifying the nature of such measures shall be submitted to and approved by the Council as Planning Authority prior to any works starting on site.

Reason: To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations.

02. That the landscaping scheme hereby approved 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 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.

Reason: In the interests of the visual amenity of the area.

03. That no development shall commence until further 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 a flood risk assessment report and all 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.

Reason: 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.

04. That no development shall commence on site until the applicant provides written confirmation from Scottish Water and or SEPA as appropriate to the Council as Planning Authority that the site can be satisfactorily served by a water supply and sewerage scheme designed in accordance with their standards.

Reason: To ensure the provision of a satisfactory sewerage system

05. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 2011, no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road with the exception of a 800mm high wall or fence and before the development starts, samples of the pallet of materials to be used shall be submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the residential amenity of the area.

07. 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.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

08. That before each dwelling hereby approved is completed or brought into use, the private vehicular access/driveways as shown on the approved plans shall be provided and shall be hard surfaced across its full width to prevent deleterious material being carried onto the road. Each driveway and garden areas of the dwellings shall have adequate drainage installed as to prevent water from entering the shared road/pavement surface.

Reason: To prevent deleterious material or water from being carried onto the shared road/pavement.

09. That no electricity transforming or switching equipment, gas governor or sewage pumping station shall be erected on any part of the site without the prior written consent of the Council as Planning Authority.

Reason: In order to retain effective planning control.

10. That before development starts on site the developer shall submit a site and traffic management plan to the Council as planning authority for approval and development shall not start until written approval has been given.

Reason: to ensure that appropriate management and site compounds are put in place to minimise disturbance to the main commuter road and residents surrounding the site.

11. That during site works and construction, wheel washing facilities shall be installed at the entrance/exit to the site, in order that all vehicles leaving the site are kept clear and free of debris. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.

Reason: In the interests of traffic and public safety.

12. The developer must ensure at all times that no construction vehicles or staff vehicles are parked on Hyndford Road or the surrounding public roads to the satisfaction of the Council as Planning Authority.

Reason: In the interests of traffic and public safety.

13. That no piling works shall be undertaken on site until a method statement has been submitted to and approved in writing by the Council as Planning Authority. This statement shall include an assessment of the impact of the piling on surrounding properties, taking into account the guidance contained in BS 6472: 1992 'Evaluation of human exposure to vibration in buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

Reason: To ensure the impact of noise and vibration is minimised in accordance with BS 6472: 1992

14. That each driveway should have a visibility splay of 2 x 20m and pedestrian visibility splays of 2.4m x 2.4m, (measured from the heel kerb of the footway). Within these splays nothing over 900mm in height, including trees and shrubs are permitted within the splay area.

Reason: In the interests of traffic and public safety.

15. That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 120 metres measured from the road channel shall be provided on both sides of the new vehicular access road into the development off Hyndford Road 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.

Reason: In the interests of traffic and public safety.

16. That no dwellinghouse shall be occupied until the access roads and footpaths leading from the existing public road have been constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

17. That prior to the completion or occupation of the 16th dwellinghouse within the development hereby approved, all of the works required for the provision of the open space and play area as shown on the approved plans shall be completed, and thereafter, that area shall not be used for any purpose other than as open space and a play area.

Reason: To ensure the provision of adequate play facilities within the site.

18. That before development starts on site an updated badger survey shall be undertaken and any mitigation identified in the report shall be fully implemented before and during the construction of the development, with any temporary fencing or barriers removed following the completion of the development. No tree felling or

trees works shall be carried out between the months of March and October unless a nesting bird survey is carried out prior to any works being carried out. In addition all trees to be removed shall be surveyed by a qualified ecologist for the presence of bats prior to the works being carried out.

Reason: In order to protect European Protected Species and nesting birds.

19. That notwithstanding condition 2 above, that prior to development starting on site an additional landscaping scheme shall be submitted for approval by the Council as Planning Authority for the area of land on the river bank around the outfalls of the drainage systems. The approved scheme shall thereafter be implemented following the completion of the drainage installation works and prior to the 10th house being occupied.

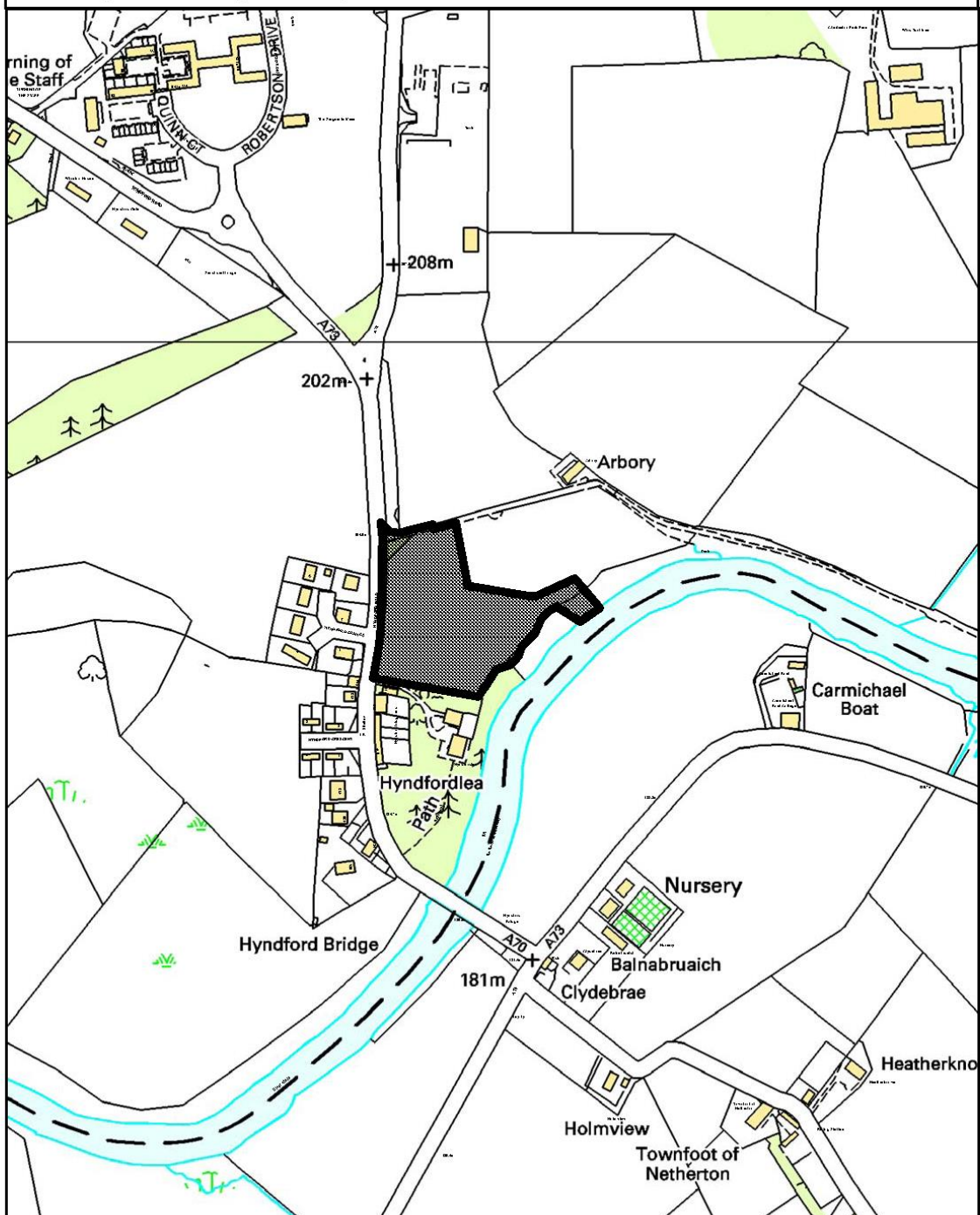
Reason: To ensure an appropriate landscaping scheme is approved and implemented to protect the visual amenity and return the riverbank to an acceptable condition following the engineering works to install the drainage infrastructure.

20. The parking spaces/driveways must be hard surfaced, trapped and sealed to prevent any deleterious material or water from leaving the driveway and entering the carriageway.

Reason: In the interests of traffic and public safety

P/19/1045

East of Hyndford Road, Hyndford Bridge, Lanark



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Scale:
1:5,000
Date:
11/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0089
Planning Proposal:	Formation of roundabout, SUDs pond and associated works.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Robertson Homes and Paterson Partners
- Location : Land at former waterworks site
Strathaven Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Permission - Subject to Conditions (based on the conditions attached).

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 Planning Obligation to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, namely Roads Infrastructure, Education Provision, Community Facilities and Affordable Housing.

Should this Planning Obligation not be concluded within 6 months of the date of the Committee the proposed development shall be refused as being contrary:-

- i. to the requirements of Policy 5 of the South Lanarkshire Local Development Plan as these works, which are required to ensure the

educational/transport/community impacts of the development are addressed could not be undertaken.

and

- ii. as being contrary to the requirements of Policy 13 of the South Lanarkshire Local Development Plan as the contribution required to meet the affordable housing needs across South Lanarkshire would not be provided.

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.

3 Other Information

- ◆ Applicant's Agent: EMA Architects and Design
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**
 - Policy 1 - Spatial Strategy
 - Policy 4 - Development Management and Place Making
 - Policy 5 - Community Infrastructure Assessment
 - Policy 12 - Housing Land
 - Policy 14 - Green Network and Greenspace
 - Policy 15 - Natural and Historic Environment
 - Policy 17 - Water Environment and Flooding**South Lanarkshire Local Development Plan: Supplementary Guidance (2015)**
 - Green Network and Green Spaces SG**
 - Natural and Historic Environment SG**
 - Policy NHE18 - Walking, Cycling and Riding Routes
 - Policy NHE 19 - Protected Species
 - Sustainable Development and Climate Change SG**
 - Policy SDCC1 – Vacant, Derelict and Contaminated Land
 - Policy SDCC2 - Flood Risk
 - Policy SDCC3 - Sustainable Drainage Systems**South Lanarkshire Local Development Plan (Proposed)**
 - Policy 1 - Spatial Strategy

Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Place Making
Policy 7 - Community Infrastructure Assessment
Policy 11 - Housing Land
Policy 13 - Green Network and Greenspace
Policy 14 - Natural and Historic Environment
Policy SDCC1 - Vacant, Derelict and Contaminated Land
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems
Policy NHE 9 - Protected Species
Policy NHE18 - Walking, Cycling and Riding Routes

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads (Development Management Team)

Roads (Flood Risk Management)

Environmental Services

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 This application relates to land within, and adjoining, a former waterworks facility on Strathaven Road to the south of Hamilton. The remaining land associated with the former waterworks facility is the subject of a separate application for residential development (as noted within Section 2 below). The surrounding land is currently agricultural in character, however a residential property, known as Hillcrest, sits immediately to the north of the site.
- 1.2 It is noted that the application site and land immediately adjoining the site are designated as part of the Hamilton Community Growth Area (CGA) within both the adopted South Lanarkshire Local Development Plan (SLLDP) and the emerging South Lanarkshire Local Development Plan 2 (SLLDP2).

2 Proposal(s)

- 2.1 This application seeks planning permission for two separate elements associated with the delivery of the proposed residential development (application ref. HM/17/0090) on the former waterworks site, as follows:
 - i) The provision of a new roundabout on Strathaven Road to the southern end of the application site; and
 - ii) The provision of a Sustainable Urban Drainage System (SUDs) located to the north of the site, adjacent to Strathaven Road.
- 2.2 It should be noted that the initial development proposal for 49 residential units, was a joint application by Barratt Homes and Paterson Partners. However, Barratt withdrew their interest and the site's development proposal was taken on by Robertson Homes, jointly with Paterson Partners in September 2018. The general layout of both proposals were similar in terms of road layout and roundabout proposals. The application is supported by various technical documents including a Noise Impact Assessment, Transport Assessment and an updated Site Investigation Report.

3 Background

3.1 Local Plan Policy

- 3.1.1 In determining planning applications, the Council must assess the proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.

3.1.2 In terms of the SLLDP, the application site is designated as being a Community Growth Area for Hamilton (Policy 1 - Spatial Strategy) and as forming part of the Council's housing land supply (Policy 12). Residential uses are supported within such sites, subject to compliance with normal development management criteria.

3.1.3 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 14 - Green Network and Greenspaces, Policy 15 - Natural and Historic Environment, and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Green Network and Greenspaces SG
- Natural and Historic Environment SG
Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species
- Sustainable Development and Climate Change SG
- Policies SDCC1 – Vacant, Derelict and Contaminated Land, SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, and SDCC 4 - Water Supply

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 - Spatial Strategy, 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM15 - Water Supply, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes are considered of relevance.

3.1.4 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-

to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations.

3.3 **Planning Background**

- 3.3.1 The site's use as a waterworks facility ceased many years ago, since then it has remained undeveloped. However, the site was the subject of a number of previous applications for residential use, the most recent being application HM/09/0438 which proposed a development of 26 properties within the site. The proposed access to the site was to be via a newly formed roundabout. This application was presented to the Planning Committee in 2011 with a recommendation for approval, however, it was also recommended that consent be withheld until the conclusion of an associated legal agreement. Committee agreed with these recommendations. The legal agreement was required to address the payment of financial contributions associated with the delivery of the wider CGA. This agreement was never concluded and, therefore, no formal decision has been issued.
- 3.3.2 As stated above, the application site forms part of the designated Hamilton CGA (Planning in Principle application HM/10/0052). The application was approved in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area.
- 3.3.3 A number of detailed residential applications have been approved and works have commenced on site to deliver these proposals, at Meikle Earnock Road and Highstonehall Road (application no(s). HM/16/0022, HM/16/0486, HM/17/0047, HM/17/0424 and HM/18/0014).

4 **Consultation(s)**

- 4.1 **Roads (Development Management Team)** – have advised that they offer no objections to the application, subject to conditions relative to design details, staff parking facilities, wheel washing facilities etc.
Response:- Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.
- 4.2 **Roads (Flood Risk Management)** – have not yet responded.
Response:- Whilst noting that no formal response has been received it has been confirmed that discussions are ongoing, between the applicant and the Flood Risk Management Team, regarding any potential impact from the proposal. As a result of these discussions, it has been advised that the requirement for a Flood Risk Assessment, which should include an assessment of the existing culvert to the north of the application site, can be conditioned in this instance. Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.3 **Environmental Services** – have advised that they have no objections to the proposal subject to conditions and/or informatives relative to any remedial works being undertaken in accordance with the recommendations of the submitted Ground Investigation Report, dust control and noise.

Response:- Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.4 **Countryside and Greenspace Services** - have offered no objections to the proposal subject to the submission, and approval of a landscape masterplan for all open space/greenspace and SUDs within the site. They have also recommended the use of structural planting around the perimeter of the site and the provision of a footpath link and traffic island across Strathaven Road.

Response:- Again, appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued. It is noted that the site will be integrated to existing networks through the provision of crossing points, footpath links and bus stops adjacent to the proposed SUDs pond and roundabout.

5 Representation(s)

- 5.1 Statutory Neighbour Notification was undertaken and the proposals advertised in the local press. One letter of representation was received in response to these processes. The grounds of objection can be summarised as follows:

- 5.2 The grounds of objection, which relate to the overall residential development and associated works, can be summarised as follows:

a) **Concerns over the potential for water overflow affecting their property.**

Response: The applicant has advised that it is intended that the weir overflow within the basin will direct any surface water in the event of a blockage onto Strathaven Road where it will be conveyed into existing gullies. This approach is acceptable to Roads and Transportation Services. On this basis, there should be no impact on the neighbouring property in this regard.

b) **Concerns over the lack of information available in terms of the construction of the SUDs pond and the potential detrimental effect structurally on their property, given the close proximity.**

Response: It is advised that additional information has been provided by the applicants and made available to the neighbour. This highlighted that the SUDS strategy for the development is in accordance with the requirements of Ciria C753 SUDS manual, with roads runoff and roofs and driveway treatment within the detention basin.

In terms of potential damage to the adjacent property, the applicant confirmed that a full dilapidation survey of the surrounding areas will be

undertaken by their consultant prior to any site start. This assessment can include an external structural assessment of the existing cottage.

- c) **Concerns over the impact of the overall development on amenity and privacy, given the existing rural setting, and in particular as a result of the noise and disruption that will be generated by the construction of this development over a lengthy period of time.**

Response: It is accepted that there will be some degree of noise and disturbance associated with a development of this nature, particularly given its current setting. However, any such noise and disturbance can be controlled, through appropriate on-site management, to minimise any impact on the neighbouring property. Any significant issues or concerns in this regard can, however, be addressed through Environmental Health Legislation.

- d) **Impact of the development, in terms of light pollution, on the rural environment, particularly in terms of additional street lighting.**

Response: Again, given the nature of the proposed development there is likely to be some impact, given the existing nature of the area, in this regard. However, as previously noted, the site is identified for housing purposes and the current proposal will assist in the delivery of this part of the Hamilton CGA. Additional lighting will be required as part of the development and it is not considered that it will have an unacceptable impact on the surrounding area.

- e) **Concerns over road safety at this location as a result of the increase of traffic that will be generated by the development.**

Response: It is noted that Roads and Transportation Services have offered no objections and the application and the proposal can be considered acceptable in this regard.

- 5.3 This letter has been copied and is available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 Planning permission is sought for the provision of a new roundabout on Strathaven Road and a Sustainable Urban Drainage System (SUDs) within part of the former waterworks facility site, adjacent to Strathaven Road. These works will serve a residential development proposed within the adjoining former waterworks site. The residential element of the overall proposal is the subject of a separate planning application (application ref. HM/17/0090) which is also being presented to this Committee.
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the development plan

unless material considerations indicate otherwise. The determining issues in consideration of this application, therefore, are its compliance with national and local plan policy, and other applicable guidance, its impact on amenity and on the local road network. Furthermore, Scottish Planning Policy highlights that where a proposal accords with up-to-date development plans, it should be considered acceptable in principle.

- 6.3 In general terms, the overall development is identified within the adopted local plan as being suitable for residential development through its designation as part of the Community Growth Area for Hamilton. The provision of the proposed elements to support residential use of the site, therefore, raises no issues from a land use perspective and can be considered to accord with national planning policy.
- 6.4 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being within the Hamilton Community Growth Area (Policy 1) and forming part of the Council's housing land supply (Policy 12). It is considered that the works proposed will assist in the delivery of housing within the site and, therefore, accords with the aims of these policies. In terms of Policy 4 – Development Management and Placemaking, which seeks to ensure the integration of new development with the local context, the proposal raises no issues.
- 6.5 It is noted that the application site is affected by a Green Network (Policy 14) designation within the adopted SLLDP. However, any loss associated with the implementation of the proposed works is not considered to have a significant impact on the overall designation due to potential for the integration, and enhancement, of the network through any proposed landscaping works, both within the current proposals and any future development within the area. The proposal, therefore, raises no issues in terms of Policy 14 and its supporting guidance.
- 6.6 The proposed works have been assessed in terms of flood risk and drainage will be developed in accordance with the principles of sustainable urban drainage and is considered acceptable, subject to conditions. On this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC 2 - Flood Risk and SDCC 3 - Sustainable Drainage Systems of the SLLDP and supplementary guidance.
- 6.7 The current proposal encroaches onto land which has lain vacant for a number of years. The overall site is included within the Council's Vacant and Derelict Land Register and its redevelopment supports the aims of Policy SDCC1 – Vacant, Derelict and Contaminated Land, which advises that the Council will work with relevant agencies and private sector interests in the remediation and development of such sites. Whilst the site is classified as being vacant, derelict and contaminated and has lain undeveloped for a number of years, it is considered appropriate to require the undertaking of an assessment of the site, by an appropriately qualified person, in terms of any potential impact on wildlife species

and habitats. On this basis, the proposal is unlikely to raise any issues in terms of Policies 15 - Natural and Historic Environment and NHE19 - Protected Species.

- 6.8 In terms of Policy NHE18 - Walking, Cycling and Riding Routes, the proposal raises no issues. It is noted that the site will be integrated into existing networks through the provision of crossing points, footpath links and bus stops adjacent to the proposed SUDs pond and roundabout.
- 6.9 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposals accord with Policies 1 - Spatial Strategy, 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM15 - Water Supply, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes in the Proposed plan.
- 6.10 In terms of the representation received, the matters raised in respect of the development are not of sufficient weight or merit to warrant the refusal of the proposal, in this instance. In relation to road safety, it is noted that Roads and Transportation Services have offered no objections to the application proposals, subject to conditions, and it can, therefore, be considered acceptable in road safety and transportation terms. The requirements of the remaining statutory consultees can be addressed through the use of conditions and/or informatives, where appropriate to do so.
- 6.11 In summary, it is considered that the proposal conforms to both national and local plan policy and that the proposal raises no significant environmental, infrastructure or road safety issues. Furthermore, the proposed works will allow the delivery of this part of the Hamilton CGA, which has been identified for residential purposes for approximately 10 years, and assist the Council in meeting its housing needs.
- 6.12 On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed. However, the consent should not be issued until the conclusion of the associated planning obligation under Section 75 of the Planning Act, or other appropriate arrangement agreed.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 - Spatial Strategy, 4 -

Development Management and Placemaking, 5 - Community Infrastructure Assessment, 12 - Housing Land, 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, 17 - Water Environment and Flooding Policy, NHE18 - Walking, Cycling and Riding Routes, NHE 19 - Protected Species, SDCC1 – Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems and SDCC4 - Water Supply).

Furthermore, the proposal accords with the requirements of the policies and guidance with the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 - Spatial Strategy, 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM15 - Water Supply, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 September 2019

Previous References

- ◆ HM/09/0348
- ◆ HM/10/0052

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ South Lanarkshire Local Development Plan 2 (proposed)
- ▶ Newspaper Advertisement dated 15.04.2019

▶ Consultations

Roads (Development Management Team)	18/09/2019
Environmental Services	20/09/2019
Countryside & Greenspace	02/04/2019

► **Representations**

Representation from : Mrs. Yvonne Connell via email, DATED 05/09/2019

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/17/0089

CONDITIONS

- 1 That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, revised details for the proposed roundabout shall be submitted to, and agreed by the Council as Planning and Roads Authority. The revised scheme shall include the following
 - A completed SLC Roundabout Design Checklist.
 - Increased forward visibility on approach the roundabout, particularly from the south (refer to DMRB).
 - The splitters islands on each arm of the roundabout should be widened to 2.5m, to allow for uncontrolled pedestrian crossing points with dropped kerbs and tactile paving.
 - Removal of the proposed refuge island shown south of the roundabout.
 - Relocation of the attenuation feature to within the grassed areas within the proposed housing site, to enable safe maintenance of the filter trench.
 -

Reason - In the interest of road safety.

- 2 That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, the location of proposed bus stop locations shall be agreed with the Council as Planning and Roads Authority. Thereafter the agreed scheme shall be fully implemented, prior to the occupation of any dwellinghouse within the adjacent residential development, proposed through application no.: HM/17/0090.

Reason - In the interest of public safety.

- 3 The applicant must meet the costs of promoting and if successful, implementing a Traffic Regulation Order to extend the existing 30 mile per hour limit on the A723 to the southern boundary (or other appropriate location as identified by Roads & Transportation Services) of the development. The implementation should include new gateway signing/features and speed limit countdown signage and road markings.

Reason - In the interest of public safety.

- 4 That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, a traffic management plan shall be submitted detailing, staff parking, wheel washing facilities, routing of traffic and phasing of the works. The submitted traffic management plan shall include provisions for the following:

- That any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.
- Ensure the road network immediately adjacent to the site is kept clear of mud and debris, the applicant must ensure a road brush motor is made available throughout.
- The provision of adequate wheel washing facilities to be in operation at all times during any earth moving operations.
- That a “clean zone” should be maintained between the end of the wheel wash facility and the public road.
- A plan showing a turning area within the site, to enable vehicles to access and exit the site in forward gears.
- A plan showing the location and number of spaces for site staff / operatives.

The agreed traffic management plan will fully operational prior to any works commencing on site, thereafter implemented in accordance with the agreed scheme.

Reason - In the interest of road and public safety.

- 5 That the developer is responsible for any alterations required to statutory undertaker's apparatus.

Reason - In the interest of public safety.

- 6 That during the construction period, all roads within the delivery route will be maintained by the applicant, or repaired by the Council's Roads & Transportation Services and recharged accordingly.

Reason - In the interest of road and public safety.

- 7 That the open space/landscaping, as relates to the development hereby approved, as detailed on drawing DWA 95.48.01A shall be laid out simultaneously with the development and shall be completed, and thereafter be maintained and replaced where necessary, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

- 8 That:-

(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.

Reason: In the interests of public safety.

- 9 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.

Reason - To minimise the risk of nuisance from dust to nearby occupants.

- 10 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.

Reason - These details have not been submitted or approved.

- 11 That a continuous 2 metre wide footway shall be provided along the eastern side of Strathaven Road, fronting the adjacent residential development site. Prior to works commencing on site, details of which should be submitted to and agreed by the Council as both Roads and Planning Authority and thereafter implemented to the satisfaction of the Council's Roads Services.

Within any submitted scheme appropriate crossing points, incorporating dropped kerbs, should be provided on the proposed and existing footways and bus stops, incorporating shelters, should also be provided in both directions.

Reason - In the interest of road and public safety.

- 12 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, in consultation with Roads (Flood Risk Management Team).

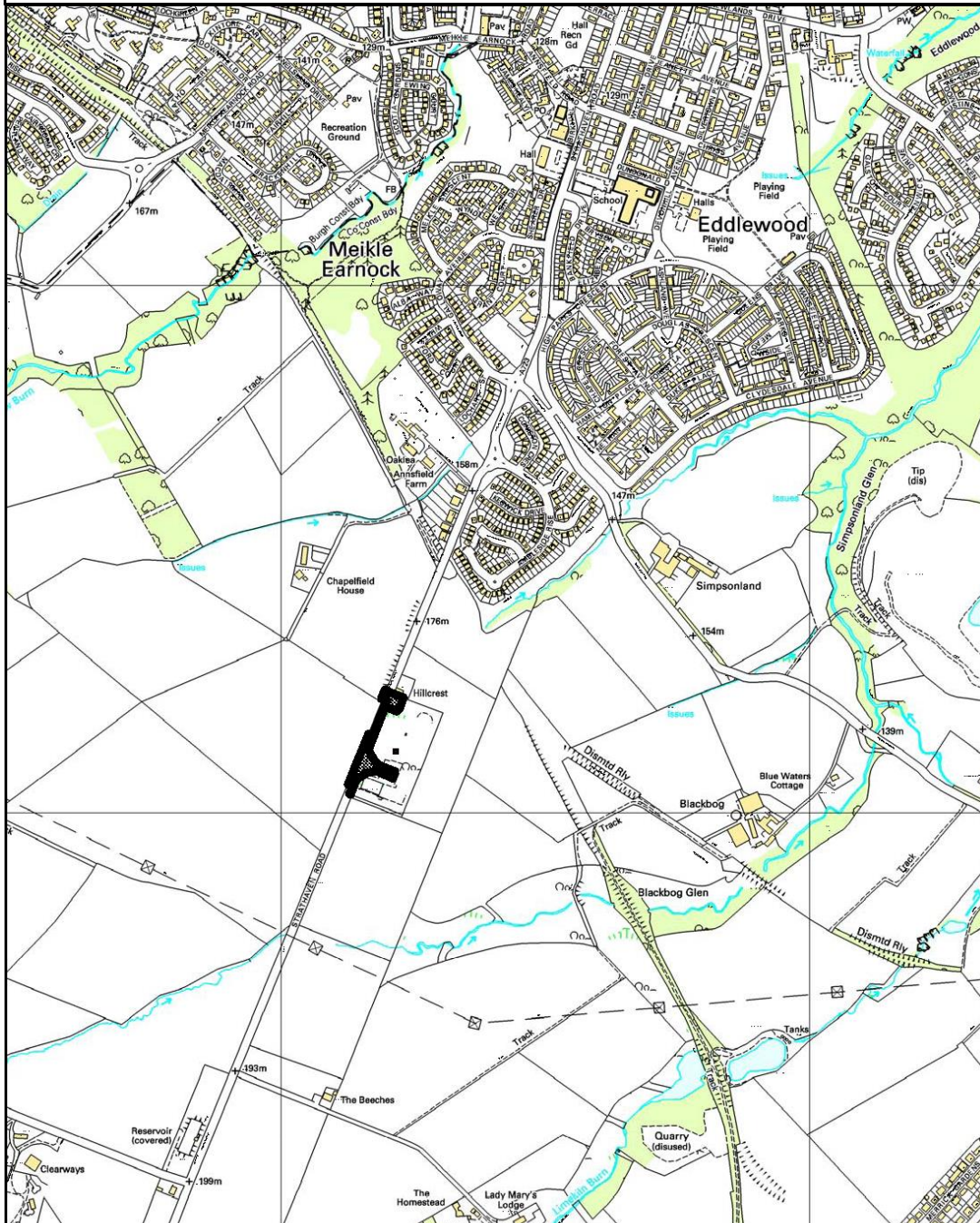
The proposed drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage

Design Criteria and requirements and be supported by a Flood Risk Assessment, which should include an assessment of the existing culvert to the north of the application site. Thereafter all works will be carried out in accordance with the agreed scheme to the satisfaction of the Council as Planning Authority, Roads (Flood Risk Management Team).

Reason - To ensure the provision of a satisfactory land drainage system.

HM/17/0089

Strathaven Road, Hamilton



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Scale:
1:10,000
Date:
12/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application No	HM/17/0090
Planning Proposal:	Residential development (37 units) and associated drainage, infrastructure and landscape works

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Robertson Homes and Paterson Partners
- Location : Land at former waterworks site
Strathaven Road
Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Permission - Subject to Conditions (based on the conditions attached)

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 Planning Obligation to ensure the submission of an equitable financial contribution, on an agreed pro-rata basis, in relation to infrastructure and other costs associated with the Hamilton Community Growth Area, namely Roads Infrastructure, Education Provision, Community Facilities and Affordable Housing.

Should this Planning Obligation not be concluded within 6 months of the date of the Committee the proposed development shall be refused as being contrary:-

- i. to the requirements of Policy 5 of the South Lanarkshire Local Development Plan as these works, which are required to ensure the educational/transport/community impacts of the development are addressed could not be undertaken.

and

- ii. as being contrary to the requirements of Policy 13 of the South Lanarkshire Local Development Plan as the contribution required to meet the affordable housing needs across South Lanarkshire would not be provided.

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.

3 Other Information

- ◆ Applicant's Agent: EMA Architects and Design
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (2015)**
 - Policy 1 - Spatial Strategy
 - Policy 4 - Development Management and Placemaking
 - Policy 5 - Community Infrastructure Assessment
 - Policy 12 - Housing Land
 - Policy 13 - Affordable Housing and Housing Choice
 - Policy 14 - Green Network and Greenspace
 - Policy 15 - Natural and Historic Environment
 - Policy 17 - Water Environment and Flooding**South Lanarkshire Local Development Plan: Supplementary Guidance (2015)**
 - Development Management, Placemaking and Design SG**
 - Policy DM1 - Design
 - Residential Design Guide SG**
 - Green Network and Green Spaces SG**
 - Affordable Housing SG**
 - Natural and Historic Environment SG**
 - Policy NHE18 - Walking, Cycling and Riding Routes
 - Policy NHE 19 - Protected Species
 - Sustainable Development and Climate**

Change SG

Policy SDCC1 – Vacant, Derelict and Contaminated Land
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems
Policy SDCC4 - Water Supply
Policy SDCC5 - Foul Drainage and Sewerage

South Lanarkshire Local Development Plan (Proposed)

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Place Making
Policy 7 - Community Infrastructure Assessment
Policy 11 - Housing Land
Policy 12 - Affordable Housing and Housing Choice
Policy 13 - Green Network and Greenspace
Policy 14 - Natural and Historic Environment
Policy SDCC1 - Vacant, Derelict and Contaminated Land
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems
Policy DM1 - Design
Policy DM15 - Water Supply
Policy DM16 - Foul Drainage and Sewerage
Policy NHE 9 - Protected Species
Policy NHE18 - Walking, Cycling and Riding Routes

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

Roads (Development Management Team)

Roads (Flood Risk Management)

Environmental Services

Countryside and Greenspace

Planning Application Report

1 Application Site

- 1.1 This application relates to the site of a former waterworks facility on Strathaven Road to the south of Hamilton. The site is largely rectangular in shape and sits at the brow of the hill, creating a prominent skyline. The land surrounding the application site is currently agricultural in character, however, a residential property, known as Hillcrest, sits immediately to the north of the site.
- 1.2 It is noted that the application site and parts of the adjoining land are identified as being part of the Hamilton Community Growth Area (CGA) within both the adopted South Lanarkshire Local Development Plan (SLLDP) and the emerging South Lanarkshire Local Development Plan 2 (SLLDP2). These further areas will, therefore, be the subject of future residential development proposals as part of the Hamilton CGA. In this regard, it is noted that “Planning in Principle” was granted in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act, for the development of parts of the designated Hamilton CGA (Application no. HM/10/0052). In addition, a number of detailed submissions for residential development have been approved and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road.

2 Proposal(s)

- 2.1 Permission is sought for the erection of a residential development, comprising 37 detached units, associated car parking and the provision of amenity space. The proposed housing would be accommodated around a looped road layout, which has been designed to accommodate linkages into the adjoining land to ensure the future development of these areas as part of the CGA.
- 2.3 In terms of design, the proposed residential properties will be of a modern appearance and comprise detached, two and two and a half storey properties.
- 2.4 A separate application for the provision of a new roundabout access and Sustainable Urban Drainage System to serve the development is the subject of a separate planning application which is also being presented at this Committee (application ref. HM/17/0089).
- 2.5 A Noise Impact Assessment, Transport Assessment and an updated Site Investigation Report has been submitted in support of the application.

3 Background

3.1 Local Plan Policy

3.1.1 In determining planning applications, the Council must assess the proposals against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.

3.1.2 In terms of the SLLDP, the application site is designated as being a Community Growth Area for Hamilton (Policy 1 - Spatial Strategy) and as forming part of the Council's housing land supply (Policy 12). Residential uses are supported within such sites, subject to compliance with normal development management criteria.

3.1.3 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking, Policy 5 - Community Infrastructure Assessment, Policy 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspaces, Policy 15 - Natural and Historic Environment, and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Development Management, Place Making and Design SG
Policy DM 1 - Design
- Affordable Housing SG
- Green Network and Greenspaces SG
- Natural and Historic Environment SG
Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species
- Sustainable Development and Climate Change SG
- Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage
- Residential Design Guide SG

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 - Spatial Strategy, 2 - Climate Change, 3

- General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM1 - Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes are relevant

3.1.5 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations.

3.3 **Planning Background**

3.3.1 The site's use as a waterworks facility ceased many years ago and, since then, it has remained undeveloped. However, the site was the subject of a number of previous applications for residential use, the most recent being application HM/09/0438. This application proposed a development of 26 properties within the site. The proposed access to the site was to be via a roundabout, as per the current proposals. This application was presented to the Planning Committee in 2011 with a recommendation for approval, however, it was also recommended that consent be withheld until the conclusion of an associated legal agreement. Committee agreed with these recommendations. The legal agreement was required to address the submission of financial contributions associated with the delivery of the wider CGA. This agreement was never concluded and, therefore, no formal decision has been issued.

3.3.2 As stated above, the application site forms part of the designated Hamilton CGA (Planning in Principle application HM/10/0052) which was approved in May 2017, following the conclusion of the associated planning obligation under Section 75 of the Planning Act., in relation to infrastructure and other costs associated with the Hamilton Community Growth Area.

3.3.3 It is noted that a number of detailed residential developments have been approved within Hamilton CGA and works have commenced on site to deliver these proposals at Meikle Earnock Road and Highstonehall Road (application no(s). HM/16/0022, HM/16/0486, HM/17/0047, HM/17/0424 and HM/18/0014).

4 Consultation(s)

- 4.1 **Roads (Development Management Team)** – have advised that they offer no objections to the application, subject to conditions relative to design details, staff parking facilities, wheel washing facilities etc.

Response:- Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.2 **Roads (Flood Risk Management)** – have not yet responded.

Response:- Whilst noting that no formal response has been received it is has been confirmed that discussions are ongoing, between the applicant and the Flood Risk Management Team, regarding any potential impact from the proposal. As a result of these discussion it has been advised that the requirement for a Flood Risk Assessment, which should include an assessment of the existing culvert to the north of the application site, can be conditioned in this instance. Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.3 **Environmental Services** – have advised that they have no objections to the proposal subject to conditions and/or informatives relative to any remedial works being undertaken in accordance with the recommendations of the submitted Ground Investigation Report, dust control and noise.

Response:- Appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued.

- 4.4 **Countryside and Greenspace Services** - have offered no objections to the proposal subject to the submission, and approval of a landscape masterplan for all open space/greenspace and SUDs within the site. They have also recommended the use of structural planting around the perimeter of the site and the provision of a footpath link and traffic island across Strathaven Road.

Response:- Again, appropriately worded conditions and/or informatives can be added, where appropriate, to any consent issued. It is noted that the site will be integrated to existing networks through the provision of crossing points, footpath links and bus stops adjacent to the proposed SUDs pond and roundabout.

5 Representation(s)

- 5.1 Statutory Neighbour Notification was undertaken and the proposals advertised in the local press. One letter of representation was received in response to these processes. The grounds of objection can be summarised as follows:

- 5.2 The grounds of objection, which relate to the overall residential development and associated works, can be summarised as follows:

a) **Concerns over the potential for water overflow affecting their property.**

Response: The applicant has advised that it is intended that the weir overflow within the basin will direct any surface water in the event of a blockage onto Strathaven Road where it will be conveyed into existing gullies. This approach is acceptable to Roads and Transportation Services. On this basis, there should be no impact on the neighbouring property in this regard.

- b) **Concerns over the lack of information available in terms of the construction of the SUDs pond and the potential detrimental effect structurally on their property, given the close proximity.**

Response: It is advised that additional information has been provided by the applicants and made available to the neighbour. This highlighted that the SUDS strategy for the development is in accordance with the requirements of Ciria C753 SUDS manual, with roads runoff and roofs and driveway treatment within the detention basin.

In terms of potential damage to the adjacent property, the applicants have confirmed that a full dilapidation survey of the surrounding areas will be undertaken by their consultant prior to any site start. This assessment can include an external structural assessment of the existing cottage.

- c) **Concerns over the impact of the overall development on amenity and privacy, given the existing rural setting, and in particular as a result of the noise and disruption that will be generated by the construction of this development over a lengthy period of time.**

Response: It is accepted that there will be some degree of noise and disturbance associated with a development of this nature. However, any such noise and disturbance can be controlled, through appropriate on-site management, to minimise any impact on the neighbouring property. Any significant issues or concerns in this regard can, however, be addressed through Environmental Health Legislation.

- d) **Impact of the development, in terms of light pollution, on the rural environment, particularly in terms of addition street lighting.**

Response: Again, given the nature of the proposed development there is likely to be some impact, given the existing nature of the area, in this regard. However, as previously noted, the site is identified for housing purposes and the current proposal will assist in the delivery of this part of the Hamilton CGA. Lighting will be required as part of this development and it is not considered that there will be an unacceptable impact on the environment as a result of light pollution.

- e) **Concerns over road safety at this location as a result of the increase of traffic that will be generated by the development.**

Response: It is noted that Roads and Transportation Services have offered no objections and the application and the proposal can be considered acceptable in this regard.

- 5.3 This letter has been copied and is available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 Permission is sought for the erection of a residential development, comprising 37 units, associated car parking and amenity space on the site of a former waterworks facility on the edge of Hamilton.
- 6.2 An associated application for the provision of a new roundabout access and Sustainable Urban Drainage System (SUDs) to serve the development is the subject of a separate planning application presented separately to this Committee for consideration (Application no. HM/17/0089).
- 6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. The determining issues in consideration of this application, therefore, are its compliance with national and local plan policy, and other applicable guidance, its impact on amenity and on the local road network. Furthermore, Scottish Planning Policy highlights that, where a proposal accords with an up-to-date development plan, it should be considered acceptable in principle.
- 6.3 The application site is identified within the adopted local plan as being suitable for residential development through its designation as a part of the Community Growth Area for Hamilton. Scottish Planning Policy highlights that where a proposal accords with an up-to-date development plan, it should be considered acceptable in principle. The site is identified within the adopted local plan as being suitable for residential development through its designation as a part of the Community Growth Area for Hamilton. The proposed development, therefore, raises no issues from a land use perspective and can be considered to accord with national planning policy.
- 6.4 The adopted South Lanarkshire Local Development Plan (2015) (SLLDP) identifies the application site as being within the Hamilton Community Growth Area (Policy 1) and forming part of the Council's housing land supply (Policy 12). It is considered that the proposals take account of wider visions that the Council has in respect of the Hamilton Community Growth Area and retains the ability to integrate well with the future development of the land surrounding the site, which forms part of the wider scheme. The principle of developing this site for housing is long established and, therefore, acceptable, subject to compliance with normal development management criteria.

- 6.5 It is noted that parts of the application site are also designated as being a Green Network/Priority Greenspace (Policy 14) within the adopted SLLDP. However, any loss is not considered to have a significant impact on this designation due to potential for the integration, and enhancement, of the network through the proposed landscaping works, both within the current proposals and any future development within the area. The proposal, therefore, raises no issues in terms of Policy 14 and its supporting guidance.
- 6.6 The matters considered appropriate, in terms of development management criterion, are set out within Section 3.2.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in manner which takes account of appropriate guidance and the area within which it is located.
- 6.7 Having considered the design and layout of the development, it is considered that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance. The proposed development meets the main standards set out in the Council's Residential Design Guide, which provides additional advice and sets out the criteria against which new housing development should be assessed, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. In addition, it is noted that the proposed dwellings are of a similar scale and style to those being developed elsewhere within the Hamilton CGA. The proposal, therefore, raises no concerns in terms of Policies 4 - Development Management and Place Making and DM1 – Design. The layout, design and density of the development are considered to be acceptable.
- 6.8 The site has been assessed in terms of flood risk and drainage will be developed in accordance with the principles of sustainable urban drainage and is considered acceptable. In addition, foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council's Flood Risk Management guidance. On this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage of the SLLDP and supplementary guidance.
- 6.9 The application involves the redevelopment of a previously developed site which has lain vacant for a number of years. The site is included within the Council's Vacant and Derelict Land Register and its redevelopment supports the aims of Policy SDCC1 – Vacant, Derelict and Contaminated Land, which advises that the Council will work with relevant agencies and private sector interests in the remediation and development of such sites. Whilst the site is classified as being vacant, derelict and contaminated and has lain undeveloped for a number of years, it is considered appropriate to require the undertaking of an assessment of the site,

by an appropriately qualified person, in terms of any potential impact on wildlife species and habitats. On this basis, the proposal raises no issues in terms of Policies 15 - Natural and Historic Environment and NHE19 - Protected Species.

- 6.10 In terms of Policy NHE18 - Walking, Cycling and Riding Routes, the proposal raises no issues. It is noted that the site will be integrated into existing networks through the provision of crossing points, footpath links and bus stops adjacent to the proposed SUDs pond and roundabout.
- 6.11 In addition to meeting the requirements to provide finance towards the provision of off-site road works, such as bus shelters and traffic regulation orders and signage necessitated by the development, there is a further requirement to provide a contribution towards wider requirements associated with the site's designation as part of the Hamilton West Community Growth Area. This is consistent with the requirements of Policy 5 - Community Infrastructure Assessment and these matters would be the subject of a Section 75 Legal Obligation. With regard to the provision of affordable housing, in accordance with Policy 13 - Affordable Housing and Housing Choice and the Affordable Housing SG, land has been allocated within the wider HCGA area and, therefore, there is no requirement within the current application site for such provision. However, a financial contribution would be required to assist in the provision of off-site accommodation. This will form part of the Planning Obligation which is the subject of ongoing discussion with the relevant parties. Planning permission would not be issued until the obligation, or other appropriate arrangement, has been concluded.
- 6.12 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal accords with Policies 1 - Spatial Strategy, 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM1 – Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes in the Proposed plan.
- 6.13 In relation to road safety, it is noted that Roads and Transportation Services have offered no objections, subject to conditions, to the proposed development and it can, therefore, be considered acceptable in road safety and transportation terms. In terms of impact on the amenity of the area, it is considered that the proposed

development has been designed in such a manner that it will not be detrimental to the amenity or privacy of the area or the property immediately adjoining the site.

- 6.14 In terms of the representations received, the matters raised in respect of the development are insufficient to warrant the refusal of the proposal. The requirements of the remaining statutory consultees can be addressed through the use of conditions and/or informatives, where appropriate to do so.
- 6.15 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental, infrastructure or road safety issues. Furthermore, the proposed works will contribute to the delivery of this part of the Hamilton CGA, which has been identified for residential purposes for approximately 10 years, and assist the Council in meeting its housing needs.
- 6.16 On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed. However, the issue of consent should be withheld until the conclusion of the associated planning obligation under Section 75 of the Planning Act.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 - Spatial Strategy, 4 - Development Management and Placemaking, 5 - Community Infrastructure Assessment, 12 - Housing Land, 13 - Affordable Housing and Housing Choice, 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, 17 - Water Environment and Flooding Policy, DM1 – Design NHE18 - Walking, Cycling and Riding Routes, NHE 19 - Protected Species, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Water Supply and SDCC5 - Foul Drainage and Sewerage).

Furthermore, the proposal accords with the requirements of the policies and guidance with the proposed South Lanarkshire Local Development Plan 2 (namely Policies 1 - Spatial Strategy, 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM1 – Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 September 2019

Previous References

- ◆ HM/09/0348
- ◆ HM/10/0052

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted)
- ▶ South Lanarkshire Local Development Plan – Supplementary Guidance
- ▶ South Lanarkshire Local Development Plan 2 (proposed)
- ▶ Newspaper Advertisement dated 15.04.2019

▶ **Consultations**

Roads (Development Management Team)	18/09/2019
Environmental Services	20/09/2019
Countryside & Greenspace	02/02/2019

▶ **Representations**

Representation from : Mrs. Yvonne Connell via email, DATED 05/09/2019

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 That access to the development should be via a new roundabout on the A723 the details of which shall be submitted to, and agreed by, the Council's Roads & Transportation Services prior to any works commencing on site, or as otherwise agreed by the Council

Reason - In the interest of road and public safety.

- 2 That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, the location of proposed bus stop locations shall be agreed with the Council as Planning and Roads Authority. Thereafter the agreed scheme shall be fully implemented, prior to the occupation of any dwellinghouse hereby approved.

Reason - In the interest of public safety.

- 3 The applicant must meet the costs of promoting and if successful, implementing a Traffic Regulation Order to extend the existing 30mile per hour limit on the A723 to the southern boundary (or other appropriate location as identified by Roads & Transportation Services) of the development. The implementation should include new gateway signing/features and speed limit countdown signage and road markings.

Reason - In the interest of public safety.

- 4 That prior to any works commencing on site, or as otherwise agreed in writing with the Council as Planning Authority, a traffic management plan shall be submitted detailing, staff parking, wheel washing facilities, routing of traffic and phasing of the works. The submitted traffic management plan shall include provisions for the following:

- That any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.
- Ensure the road network immediately adjacent to the site is kept clear of mud and debris, the applicant must ensure a road brush motor is made available throughout.
- The provision of adequate wheel washing facilities to be in operation at all times during any earth moving operations.
- That a "clean zone" should be maintained between the end of the wheel wash facility and the public road.
- A plan showing a turning area within the site, to enable vehicles to access and exit the site in forward gears.

- A plan showing the location and number of spaces for site staff / operatives.

The agreed traffic management plan will fully operational prior to any works commencing on site, thereafter implemented in accordance with the agreed scheme.

Reason - In the interest of road and public safety.

- 5 That the developer is responsible for any alterations required to statutory undertaker's apparatus.

Reason - In the interest of public safety.

- 6 That during the construction period, all roads within the delivery route will be maintained by the applicant, or repaired by the Council's Roads & Transportation Services and recharged accordingly.

Reason - In the interest of road and public safety.

- 7 That the open space/landscaping, as relates to the development hereby approved, as detailed on drawing DWA 95.48.01A shall be laid out simultaneously with the development and shall be completed, and thereafter be maintained and replaced where necessary, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity.

- 8 That:-

(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.

Reason: In the interests of public safety.

- 9 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.

Reason - To minimise the risk of nuisance from dust to nearby occupants.

- 10 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.

Reason - These details have not been submitted or approved.

- 11 That a continuous 2 metre wide footway should be provided across the full frontage of the development site with Strathaven Road. Prior to works commencing on site, details of which should be submitted to and agreed by the Council as both Roads and Planning Authority and thereafter implemented to the satisfaction of the Council's Roads Services.

Within any submitted scheme appropriate crossing points, incorporating dropped kerbs, should be provided on the proposed and existing footways and bus stops, incorporating shelters, should also be provided in both directions.

Reason - In the interest of road and public safety.

- 12 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, in consultation with Roads (Flood Risk Management Team).

The proposed 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 and be supported by a Flood Risk Assessment, which should include an assessment of the existing culvert to the north of the application site. Thereafter all works will be carried out in accordance with the agreed scheme to the satisfaction of the Council as Planning Authority, Roads (Flood Risk Management Team).

Reason - To ensure the provision of a satisfactory land drainage system..

- 13 That the approved landscaping scheme 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 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.

Reason - In the interests of amenity.

- 14 That before any work commences on the site detail of a proposed equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this 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.

To ensure the provision of adequate play facilities within the site and in order to retain effective planning control

- 15 That prior to the completion, or occupation, of the last dwellinghouses within the development all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 15 above, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason - In order to retain effective planning control

- 16 That before any work commences on site, a maintenance and management scheme shall be submitted to and approved by the Council as Planning Authority and it shall include proposals for the continuing care, maintenance and protection of: -
- (a) The proposed footpaths;
 - (b) The proposed parking areas;
 - (c) The proposed external lighting provided for the area(s);
 - (d) The proposed play areas;
 - (e) The proposed grassed, planted and landscaped areas;
 - (f) The proposed fences to be erected along the boundaries of the site.

Reason - To safeguard the amenity of the area.

- 17 That prior to the occupation of any dwellinghouse, hereby approved, the maintenance and management scheme approved under the terms of Condition 16 above shall be in operation.

Reason - To safeguard the amenity of the area.

- 18 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take

place without the prior written approval of the Council as Planning Authority.

Reason - In the interests of amenity and in order to retain effective planning control.

- 19 That before any of the dwellinghouses situated on the site upon which a fence, approved under the terms of Condition 10 above, 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 this consent, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason - In order to retain effective planning control.

- 20 That before development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Unless otherwise agreed with the Council as Planning and Roads Authority, a road width of 5.5 metres, with 2 metre grass verges, shall be provided throughout the development. A revised, dimensioned drawing shall be submitted to the Council as Planning Authority for approval prior to any works commencing on site.

Reason - In the interest of public safety.

- 21 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.

Reason - To ensure the provision of a satisfactory sewerage system.

- 22 That all private vehicular driveways are provided to the following standards, unless otherwise agreed by the Council as Planning and Roads Authority:

- i) Driveways should be accessed via a drop kerb.
- ii) Parking space should be 6 metres by 3 metres. (For a garage to count as a parking space it must be 3 metres (including the entrance) by 7 metres
- iv) The first 2.0m of this should be of bound or block construction to ensure that loose material is not deposited on to the road.
- v) All driveways should be perpendicular to the road with 45 degree splays on either side (over verges).
- vi) The minimum gradient of the driveways should be 1:10.
- vii) All surface water should be contained, controlled and discharged within the confines of the driveway so that there is no discharge of water onto the

footway/road and compliant with SEPA and Scottish Water requirements.

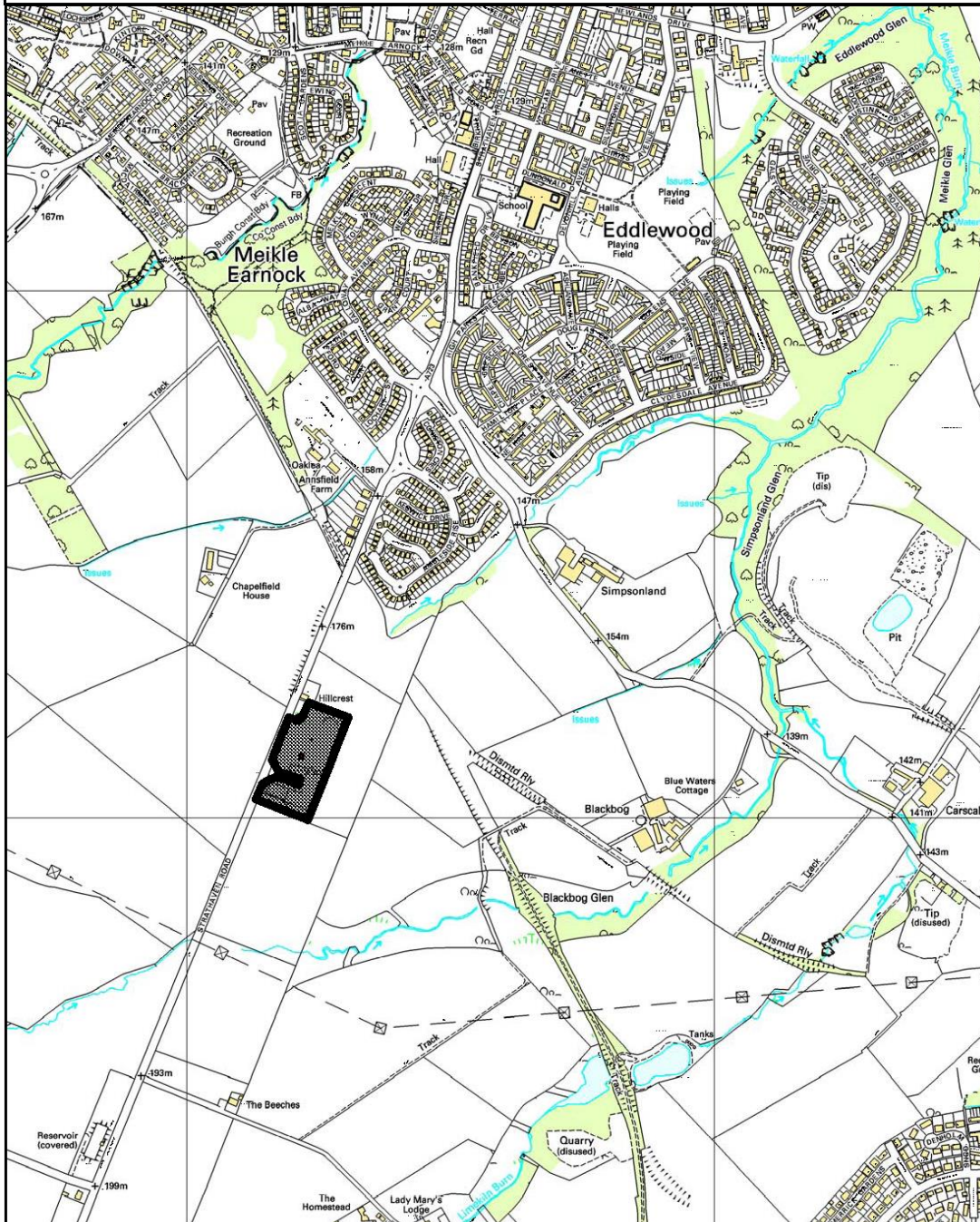
Reason - To ensure the provision of adequate parking facilities to serve the development.

- 23 That prior to the occupation of any dwellinghouse hereby approved, unless otherwise agreed in writing with the Council as Planning Authority, the link to future development land to the north of the site, as shown on drawing SRH-ARC-004 rev H, shall be fully constructed to the site boundary and to the standards and specification of Roads and Transportation Services, so as not to create a possible ransom strip.

Reason - To ensure the future potential for the development of the adjacent land which forms part of the Hamilton Community Growth Area, as designated within the adopted South Lanark shire Local Development Plan.

HM/17/0090

Strathaven Road, Hamilton



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Scale:
1:10,000
Date:
12/08/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

15

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0628
Planning proposal:	Section 36 consultation for the erection of 13 wind turbines (up to 200m in height) and associated infrastructure

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Douglas West Extension Ltd
Location:	Douglas West Wind Farm Middlemuir Road Coalburn Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) That the Scottish Government is informed that South Lanarkshire Council has no objection to the proposed erection of 13 wind turbines (up to 200m in height) and associated infrastructure under Section 36 of the Electricity Act 1989
- (2) Authorise the Head of Planning and Economic Development to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:
 - Community Contribution Payments
 - The 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 will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

3 Other information

- ◆ Applicant's Agent: 3R Energy Solutions Ltd
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ 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 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding
Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Supplementary Guidance 2: Green Belt and Rural Area

Supplementary Guidance 3: Development Management, Placemaking and Design

Supplementary Guidance 9: Natural and Historic Environment

Supplementary Guidance 10: Renewable Energy

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 5 Development Management and Placemaking
Policy 13 Green network and greenspace
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy 18 Renewable Energy

DM1 New Development
SDCC2 Flood Risk
SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

WOSAS

Countryside and Greenspace

Douglas Community Council

Coalburn CC

Lesmahagow Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is an approx. 372.6ha area of land mainly comprising the eastern edge of Cumberhead Forest, near Coalburn. The majority of the site comprises the forest with a thin ribbon extending east through the restored Poneil opencast coal mine, past the John Dewar complex to the public road that abuts the M74 motorway. A further thin strip runs south of the forest, following an existing timber haulage route that joins Station Road at Douglas West Farm.
- 1.2 The application site is located approximately 1.56km to the south of Coalburn and 2.68km to the north west of Douglas. The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015). The application site is located within an area where there are several wind farms, either in operation, under construction or consented. To the south west are Hagshaw Hill (operational) and Hagshaw Hill Extension wind farms (both operational). To the west is Cumberhead Wind Farm (consented) and then Galawhistle Wind Farm (operational). To the north is the Dalquhandy Wind Farm (consented) and then Nutberry Wind Farm (operational) further north and west, then to the east is the Douglas West Wind Farm (consented). Due to Hagshaw Hill Wind Farm reaching the end of its operational lifespan there is also a 'repowering' application to replace the original turbines with modern turbines. This 'repowering' application is still pending consideration with the Scottish Government but the Planning Committee agreed to submit a consultation response of 'no objection' to the application at the August meeting (Planning Ref: P/18/1875). The application site is effectively a 'gap' site within this wind farm context.
- 1.3 Vehicular access to the site is proposed from an existing private access road which extends from the public road network at the roundabout at Junction 11 of the M74 and runs past the John Dewar bonded warehouse site and continues up into the existing wind farm and joining Station Road, Douglas West to the south of the site.

2 Proposal(s)

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 13 wind turbines (up to 200m in height to blade tip) and associated infrastructure with a 30 year operating lifespan. The proposals comprise the following components:-
- Thirteen, 200m tall (to blade tip) wind turbines and their foundations
 - Crane hardstanding areas adjacent to each turbine
 - On site access tracks between turbines
 - Substation
 - Welfare Facilities and Maintenance Room
 - On site energy/ battery storage facility (approx. capacity of 20MW)
- 2.2 The installed turbine generation capacity of the proposals would be 78MW with an additional potential on-site battery storage capacity of 20MW. It should be noted that battery technology has greatly increased over a very short period in recent times and is expected to continue to evolve rapidly. Whilst currently the average

achievable battery storage capacity is 5MW it is hoped that, given the long term nature (30 years) of these proposals, if successful, battery storage of 20MW is achievable.

- 2.3 As the proposals relate to a wind farm with an electrical generating capacity of over 50MW the application is made under Section 36 of the Electricity Act, 1989. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process.

3 Background

3.1 National Policy

- 3.1.1 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. It 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".
- 3.1.2 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." 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).
- 3.1.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 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".
- 3.1.4 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 approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The 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. Policy 10 Onshore Energy requires proposals to accord with 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 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

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 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

3.3 Planning Background

3.3.1 There is no relevant planning history on the site itself, but as stated previously in 1.8 above, there are several wind farms, either operational or consented surrounding the site. The following is a summary of these developments:

- Hagshaw Wind Farm (operational) 26 turbines at 55m to hub (although as noted in 1.2 there is a current 'repowering' application to replace these turbines with 14 turbines at 200m to tip height)
- Hagshaw Hill Extension (operational) 20 turbines at 80m to tip height
- Galawhistle Wind Farm (operational) 22 turbines, 18 at 110.2m to tip and 4 at 121.2m to tip
- Nutberry Wind Farm (operational) 6 turbines at 125m to tip height
- Cumberhead Wind Farm (consented) 11 turbines at 126.5m to tip height (there is currently a planning application pending consideration to increase the number of turbines to 14 at a height of 149.9m to tip height (12 turbines) and 180m to tip height (2 turbines))
- Dalquhandy Wind Farm (consented) 15 turbines at 126.5m to tip height (there is currently a permission to increase 11 of the turbines to 149.9m subject to the conclusion of a legal agreement)
- Douglas West (consented) 13 turbines at 149.9m to tip height

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring a traffic management plan that includes, but is not limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. Also require a Section 96 legal agreement to ensure all HGV traffic to the site shall use Junction 11 of the M74 as stated within the application submission and to provide an undertaking by the applicant to either repair any damage attributable to construction traffic or contribute towards the maintenance of the public road network involved in the construction route.

Response: Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of conditions requiring the further approval of a traffic management plan and a S96 Legal Agreement.

4.2 **Roads and Transportation Services (Flood Prevention)** - no objections subject to design criteria certificates relating to drainage are being submitted.

Response: Noted and the relevant certificates form part of the CEMP condition requirements.

4.3 **Countryside and Greenspace** –Consider that a Habitat Management Group (HMG) would still be useful to enhance biodiversity throughout the site.

Response: Noted. It is considered that the setting up of an HMG should be recommended to the Scottish Government to try and maximise any habitat creation possible.

4.4 **West of Scotland Archaeology Service (WOSAS)** –Agree with the archaeological findings within the EIA Report subject to a walkover survey to identify the extent of damage to archaeological heritage that the commercial forestry plantation has done to inform whether further archaeological works are required.

Response: Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of archaeological works.

- 4.5 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area.

Response: Noted and the recommend noise levels form part of the recommendation to the Scottish Government.

- 4.6 The following consultees had no comments to make on the proposals

Coalburn Community Council
Douglas Community Council
Lesmahagow Community Council

5 Representation(s)

- 5.1 Statutory advertisement of the application was undertaken by the applicant in May 2019.
- 5.2 No letters of representation have been received following this advertisement.

6 Assessment and Conclusions

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. 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 instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration in this instance.
- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.
- 6.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard onshore wind energy and how renewable technology continues to evolve. Paragraph 25 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".
- 6.4 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).

- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises distinct areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. 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. Visual impact, including the impact on settlements, is assessed at paragraphs 6.45 to 6.47. 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 6.6 onwards of this report. 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 and for the reasons set out in sections 6.6 onwards, it is considered the proposed development accords with SPP.
- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The 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 majority of 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. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse

effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.7 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015, the 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.' Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by 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, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. Taking into account the proposed wind farm proposals would generate renewable energy and have a generating capacity of some 78MW and propose additional storage capacity through battery storage, in line with Governments targets on renewable energy generation, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.
- 6.8 Policy 3: Green Belt and Rural Area 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 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the development is deemed acceptable within the Rural Area given the proposals relate to renewable energy generation and therefore there are no further implications for the countryside strategy set out within the Development Plan.
- 6.9 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The land immediately surrounding the application site contains various operational and consented wind farms and it is, therefore, considered that a wind farm development would still be in keeping with the context of the landscape and is therefore acceptable under this policy. The proposals' impact in terms of the local community, amenity, ecology and landscape and visual impact are assessed in detail and in relation to more specific policy criteria throughout the following assessment section below. It is, therefore, considered that the proposals comply with the broad principle of this policy subject to this further detailed assessment.
- 6.10 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It 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. The policy categorises each of the natural and historic

environment designations within three distinct groups and are assessed in turn below.

- 6.11 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development 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 any SPA or SACs with only the Coalburn Moss SAC being located within a 5km radius of the application site. This SAC is designated for its unique bog mass and vegetation and it is considered that the proposals would not have any effect on this designation. The nearest SPA to the site is the Muirkirk and North Lowther SPA which is located over 5km away. This SPA is designated for its population of hen harriers, merlin, peregrine, golden plover and short-eared owls. It is considered that this distance from the SPA means it is unlikely that the proposals would have a direct impact upon the SPA or habitats within the SPA. This is a view shared by SNH in their consultation response to the Scottish Government.
- 6.12 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 further policy and guidance provided in the SG on the Natural and Historic Environment.
- 6.13 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:
- Policy NHE 2 Scheduled Monuments and their setting 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.
- 6.14 There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. There are two Scheduled Monuments within 5km of the proposed development site of the proposed development, namely St Brides Church, Douglas and Glenbuck Ironworks. There are also 2, category A listed buildings within the 5km radius, being the St Bride's Chapel, Douglas, and the Monument to James, Earl of Angus, Douglas. Historic Environment Scotland are also a consultee to this application and will be providing further detailed comments to the Scottish Government in relation to the proposals

impact in relation to national, historic assets. It is considered that the location of the turbines to the north of the landscape with rising land behind would only result in the turbines being viewed in the background of these assets and not lead to a view where they would be seen in the foreground and therefore have a direct visual impact on their setting. It is, therefore, considered that the proposals accord with the relevant policy criteria in this instance.

- 6.15 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 3 SSSIs within 5km of the application site. Coalburn Moss SSSI lies approximately 3.5km north east of the application site and is designated for its raised bog. Muirkirk Uplands SSSI which is designated for its geological features and upland habitats as well as for populations of hen harriers and short-eared owls and lies some 4km to the west of the site. Miller's Wood SSSI is located approximately 2.7km to the south west of the site and is designated due to its upland birch woodland. It is considered that the proposed 13 turbines even at a height of 200m (to tip height) would have no impact upon the qualifying interests of these designations of these SSSIs. It is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.
- 6.16 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 SLLDP Strategy Map, therefore Policy NHE 10 is not relevant. 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, therefore Policy NHE11 is not applicable.
- 6.17 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. The impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.23 below. It is considered that the proposals would not significantly affect Category 2 designations.
- 6.18 In 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.

- 6.19 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.
- 6.20 As noted in 6.12 above, there are no listed buildings within the application site. Whilst not in the application site, there are 15 Category B and 18 Category C Listed buildings within the 5km radius of the site. The Douglas Conservation Area is also within 5km of the site. It is considered that the Conservation Area and the majority of the listed buildings are located within the urban area of Douglas and will therefore be shielded from view of the turbines. With regard to the remaining listed buildings, it is considered that they, like the category A listed buildings, are located in front of the proposals in terms of primary views and, therefore, this and their distance from the turbines would limit any potential impact upon their setting. In relation to unscheduled archaeological sites, the cultural heritage assessment states that due to the commercial forestry operations onsite it is unlikely that any areas of archaeological interest would remain. WOSAS acknowledge the findings of the cultural heritage assessment and agree that the commercial forestry that has been planted is likely to have removed most archaeological potential from the site. They do, however, state that they feel there are areas of the site which may still yield potential archaeological interest and therefore request that an archaeological walkover survey of the site should be a condition of any consent if issued. This would allow opportunities for archaeological investigation on the site and at worst would at least provide an archaeological record of the loss of archaeological potential of the site through the foresting. WOSAS, therefore, have no objections to the proposals subject to the use of this condition prior to any development commencing on site. Subject to the Scottish Government attaching a suitable archaeological condition, it is considered that the proposals comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.
- 6.21 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 further guidance on SLAs and the wider landscape. There are 4 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and the application site boundary falls along the northern edge of this SLA. Further afield are the Middle Clyde Valley SLA, the Upper Clyde Valley and Tinto SLA and the Leadhills and Lowther Hills SLA all located between 5 and 10km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Of the four SLAs, three are considered not to experience significant effects due to a combination of

distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. In regard to the remaining SLA (Douglas Valley SLA), it is considered that this SLA's designation relates to the broad, open valley floor whilst the proposals are located on the northern edge of the valley and in the rising slopes and hills of the northern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the wind farm developments and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.22 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 Renewable Energy Supplementary Guidance. The site is not considered to have any large peat deposits. It should be noted that both SEPA and SNH are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be included. It is, therefore, considered that in this instance, solely as a consultee, the Council shall defer to both these bodies in relation to peat management.
- 6.23 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. The SG on 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. The EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a construction environmental management plan (CEMP) to ensure no oils or other potential pollutants during the construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. It should also be noted that SEPA will, separately be providing further detailed advice on the water environment.
- 6.24 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. The Council has now published its approved SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals of SG10, which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.

6.25 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 SG10 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.

Group 2 Areas of significant protection; SPP and SG10 recognise 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

6.26 National and international designations have been previously assessed at paragraphs 6.12 to 6.21 and it is considered that, subject to conditions, there are no adverse effects on national and international designations. 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 no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact on local settlements. 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 is one settlement within 2km of the application site, which is Coalburn and the impact of the proposals on Coalburn are assessed further below. The ES contains a Landscape and Visual Impact Assessment (LVIA) at Section 6. The visual impact of the proposal is assessed at paragraphs 6.45 to 6.47 below.

6.27 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) 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 SG10 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.

- 6.28 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore, the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.29 to 6.66 below. On the basis of the assessment below, it is considered that, subject to conditions and mitigation measures being implemented, the proposals comply with Policies RE1, RE2 and Group 3 of the Spatial Framework as set out in SPP. As previously stated, as a consultee to the application not all the criteria are relevant to be assessed against as part of this response and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.
- 6.29 The relevant Table 7.1 criteria is taken in turn as follows;
- 6.30 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.12 to 6.21 and it is considered that there are no adverse effects on national and international designations.
- 6.31 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
This has previously been assessed in paragraphs 6.22 and 6.26.
- 6.32 Community separation for consideration of visual impact.
This is examined in detail in paragraphs 6.45 to 6.47 below.
- 6.33 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts through construction and operation including community benefit payments which are based on electricity generated if the wind farm becomes operational.
- 6.34 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.
It is considered that the generating capacity of the proposed wind farm (78MW) with a potential additional battery storage of 20MW represents a significant renewable energy project which would contribute to Scotland's renewable energy targets.
- 6.35 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 criterion, in line with Policy NHE19 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. Protected species surveys have been carried out on the site

and are contained within Chapters 7 and 8 of the EIA Report. The EIA Report states that the development would not have a significant impact upon protected species and habitats. The majority of the habitat is commercial forestry and is, therefore, considered to be of low conservation value. It is considered that whilst the habitat within the application site is relatively poor in ecological terms, there are always potential habitat enhancement measures that can be implemented as part of the scheme. It is, therefore, considered that there should be further consideration given to habitat management and enhancement. It is, therefore, proposed that any response of no objection to the Scottish Government should recommend that a Habitat Management Plan (HMP) and Habitat Management Group (HMG) would be a requirement of any consent if issued.

6.36 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.

6.37 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Landscape impact is in essence an assessment of whether a landscape and its character is susceptible to development or not. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is therefore, in essence, a development's impact in relation to how it impacts upon receptors. The landscape and visual assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.

6.38 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and Rolling Moorland with Forestry, LCT subtype, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). All the turbines are wholly located within the Rolling Moorland with Forestry LCT subtype with only the access tracks falling within the Rolling Moorland Landscape. The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and the rolling or undulating landform, the predominant lack of modern development, as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic in relation to its distinction from Rolling Moorland is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.

6.39 With regard the access tracks it is considered that the one leading from Station Road follows an existing timber route and, therefore, would have no further significant landscape or visual impact. The other access track in part follows the

former Poneil/Dalquhandy coal haulage route that is still in place on the landscape. Several of the surrounding wind farms have permission to utilise this track for their construction and, therefore, it is considered that these proposals would not have any additional landscape or visual impact. It is further considered that the large, rolling and undulating landscape is of a scale that the 2 access tracks would not physically change its nature or cause a detrimental visual impact. With regard the infrastructure associated with the turbines (sub-station, battery storage building etc.), it is again considered that their small scale in relation to the large scale of the landscape would minimise their impact and due to their location they would also be screened from most views by the existing forestry. It is therefore considered that no further assessment of these tracks and the associated infrastructure is required and, therefore, the remaining assessment relates solely to the wind turbines.

- 6.40 As noted previously, the immediate landscape surrounding the application site has several operational and consented wind farms. The landscape and visual impact assessment, therefore does not concentrate solely on the proposals impact upon the landscape but also its cumulative impact in relation to other existing and consented wind farms.
- 6.41 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the EIA Report (Chapter 6 Landscape and Visual). The LVIA concludes that, as with any commercial scale wind farm, the proposals would result in a series of landscape and visual effects but that the landscape has the capacity to accommodate the effects identified, especially taking into account the proposed wind farm in the context of similar and consented proposals in the immediate area that are due to be built on similar timescales as these proposals. The consented but as yet unbuilt wind farms (including sizes) referred to are:-
- Douglas West Wind Farm – 13 turbines at 149.9m to tip
 - Cumberhead Wind Farm - 11 turbines at 126.5 to tip
 - Dalquhandy Wind Farm – 15 turbines 11 at 131m to tip
- 6.42 It should be noted that both the Cumberhead and Dalquhandy proposals have live planning applications to amend the height of their turbines. Cumberhead proposes to increase the number of turbines from 11 to 14 and increase the height to 149.9m for 12 turbines and 180m for 2 turbines. These proposals are currently pending consideration. Dalquhandy has applied to increase 11 of their 15 turbines to 149.9m and Committee approval was given in May to grant consent subject to the completion of a legal agreement. There is also a proposal of 14 turbines at 200m to tip height to replace the original Hagshaw Hill Wind Farm. South Lanarkshire Council has submitted a response of no objection to the Scottish Government in relation to these proposals. It should also be noted that SNH have also not objected to these proposals.
- 6.43 The application site is located within an area that is identified as having medium capacity for wind turbines at a scale of 150m to 200m within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150m may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document

and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains further more LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200m in rolling moorland. It states that due to the modest scale of landforms in this LCT taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that with turbine heights varying from 55m to 149.9m in height, the addition of larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.

- 6.44 In terms of the landscape capacity of the area, as previously noted, the application site is effectively a gap within an area characterised by wind farm development. The rolling nature of the landscape also provides a background and backcloth in which to frame turbines within the application site. In landscape terms, in a landscape of this scale and taking account of the heights and topography of the surrounding wind farms, the erection of 13 turbines at 200m to tip height would not appear incongruous within this landscape which is characterised by wind farms as they are within the centre of this landscape rather than being outliers and would be read as part of a larger wind farm in the context of the surrounding existing development. It is also considered that the turbines would rise out of the existing forestry which would initially soften their appearance on the landscape. Whilst the current forestry is not permanent as it will mature and be felled, it is unlikely that there would ever be a different use for the land except as forestry and, therefore, another cycle of trees would be planted which would again start to provide this softening effect over the long term.
- 6.45 In terms of the required aviation lighting, this lighting is required to identify the turbines from the air and the lights are therefore directed upwards which helps minimise their impact upon the surrounding landscape at night. An assessment of the lighting has been carried out as part of the application submission which notes that whilst visible within the landscape it is not considered to have a significantly adverse effect on the landscape or any communities or single, residential properties. Environmental Services are content with the proposed lighting and do not have any issues with it in relation to residential amenity. Whilst the lights will be visible, they will only be seen when dark by residential receptors and primarily from external areas such as gardens, which tend not to be used when dark which again limits the potential to have a detrimental visual impact. The landscape is not designated as being a 'dark sky' and the John Dewar complex has night time lighting that is visible within the wider area and therefore this, together with the lighting required by other turbines results in a night time sky that has existing illumination in the area. It is considered that the proposed aviation lighting will have a negligible effect on the surrounding landscape. Therefore, on balance, the overriding safety requirement for the lighting is greater than the negligible effect the lighting would have on the night time landscape.
- 6.46 In terms of other cumulative visual impacts, it is considered that the design of the proposals and the scale of the turbines would minimise them looking out of place in relation to the other turbine proposals in the area and, again it's considered that they would be read as part of a larger scheme on the landscape.

- 6.47 The visual impact including cumulative visual impact of the proposals is also assessed in the LVIA which also contains a Residential Visual Amenity Study (RVAS). The RVAS identified 4 individual properties within 2km of the application site and 8 groups of properties within 2km of the boundary. The nearest individual property to the site is Station House being 1.38km from the site. The groups of properties were located in the communities of Braehead, West Toun and Coalburn. The nearest of these properties is Middlemuir Place/ Belvedere Place in Coalburn. The RVAS was carried out at all 4 individual properties and the 8 groups of properties and it was concluded that whilst there would be visual impact, it was not of the significance to render any property to be considered 'an unattractive place to live' but instead noted that their outlook would change by the addition of turbines. It is considered that the distance from the turbines to the properties, whilst not being 2km still helps minimise the visual impact of the turbines as does the rolling topography and forestry that softens the turbines impact on the landscape. The turbines would be located within other wind farm development and would therefore not involve the introduction of this form of development on the visual landscape. The spacing of the turbines also ensures that they do not form a visual barrier together which does not result in a closed, almost barrier visual form. It is, therefore, considered that the distance between communities is acceptable in this instance and that whilst the turbines would have a visual impact it is one that is not of a significance to be considered detrimental to the visual amenity of the area.
- 6.48 The impact of the proposed development on residential amenity is considered below.
- 6.49 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.
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. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.45 to 6.47 above.
- 6.50 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is assessed at section 15 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. The results of the flicker analysis showed there was potential for one receptor to encounter shadow flicker (Station House) of approximately 3 hours in any one year which is well below any threshold for concerns relating to shadow flicker. This receptor is a property owned by the applicant and they have stated that it will remain unoccupied for the lifetime of the wind farm, if consented.

It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.51 Impacts on carbon rich soils and peat, using the carbon calculator.

This consideration set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed in paragraphs 6.22 and 6.26.

6.52 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with 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. The EIA Report states that developing a public access strategy for the site to allow recreational access through the site is one of the environmental commitments of the scheme. The proposals do not affect any core paths or right of ways during construction or operation. It is, therefore, considered that the proposals are acceptable in relation to public access.

6.53 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 6.13 to 6.14 and 6.19 to 6.20. On the basis of the above assessment, it is considered that the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

6.54 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 13. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located approximately 11km from the application site. It is considered that the overall effect of the proposals on these attractions would not be significant. There are a number of walking routes within the area however it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation. Having taken account of and considered the above, it is concluded that overall the effects on tourism or recreation, would not be significant and subject to conditions the proposed development accords with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

6.55 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 12 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the existing wind farm site. Roads and Transportation Services have no objections to the proposals subject to conditions requiring a traffic management plan that includes, but is not limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. They also require a Section 96 legal agreement to

ensure all HGV traffic to the site shall use Junction 11 of the M74 as stated within the application submission and to provide an undertaking by the applicant to either repair any damage attributable to construction traffic or contribute towards the maintenance of the public road network involved in the construction route. On the basis of the above, it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy subject to the recommendation of these conditions and requirement of a legal agreement to the Scottish Government.

6.56 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 6.23 above. On the basis of the above assessment, it is considered that the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

6.57 Decommissioning and 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 EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. It is, therefore, considered as part of any response to the Scottish Government that, if consent is granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements. 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.

6.58 Opportunities for energy storage.

The proposed development contains on site battery storage of up to 20MW as part of the scheme which would allow for energy generation by the wind farm even when the grid has no capacity.

6.59 Site decommissioning and restoration bond.

As noted at paragraph 6.57 above, the Council consider that it should be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should 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.

6.60 Forestry and woodland removal.

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. The majority of the site is a commercial forest that therefore has only a certain lifespan until being felled. To accommodate the turbines and their bases approximately 32.25ha of forestry will require to be felled prematurely but compensatory planting of 35.08ha is proposed

as part of the scheme. It is considered that the nature of the forestry being commercial, aligned with the proposed compensatory planting, the proposals are acceptable in this instance.

6.61 Impact on Prime Agricultural Land.

As noted in paragraph 6.16 there is no Prime Agricultural Land within the application site.

6.62 Borrow pits.

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. Paragraph 243 of SPP states that borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries and that if they are acceptable they should be restored following the construction period of the wind farm. Borrow pits are proposed for the construction of the wind farm. In this instance, the remoteness of the application site does add an economic and environmental cost to the project in terms of lorry distances. It is, therefore, considered that borrow pits would be acceptable in this instance. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.63 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licences 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. As noted in para 23 above, SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Council will, however, be responding requesting that a condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) which includes a site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan be attached to the consent, if granted.

6.64 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures (Chapter 17). The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 18 'Schedule of Environmental Commitments' of the EIA Report that was submitted as part of the application.

6.65 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.67 below), a Planning Monitoring Officer and for control over turbine transportation, and the repair of any damage to roads and other infrastructure arising from extraordinary wear and tear

associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted.

6.66 Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6 of this report, an Environmental Impact Assessment Report accompanied the Section 36 application submission.

6.67 Other considerations.

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.29 to 6.66. 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 that, should consent for the proposed development be granted and implemented, the applicant will provide a package of community benefit, equivalent to £5,000 per MW per annum for the lifetime of the development. This equates to approximately £11 million over the course of the lifetime of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

6.68 Conclusion

6.69 The proposals are for the erection of thirteen wind turbines at a height of 200m to tip and associated infrastructure including battery storage. The proposals have an electricity generating capacity of over 50MW and therefore the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application.

6.70 Due to the surrounding wind farm developments, either operational or consented, within the immediate area the application site is effectively a 'gap' site within a larger wind farm area. The proposed turbines are considered suitable in terms of scale and siting and that if constructed they would be read as part of a larger wind farm group on the landscape. The design and layout of the turbines and the separation distance and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission.

7 Reasons for Decision

7.1 The proposed 13, two hundred metres to tip height turbines and associated infrastructure are considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government

subject to the imposition of the attached, recommended environmental and transportation conditions.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 19 September 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated

- ▶ Consultations
 - Roads Development Management Team 04.06.2019
 - Environmental Services 16.09.2019
 - Roads Flood Risk Management 06.06.2019
 - WOSAS 24.06.2019
 - Countryside and Greenspace 02.07.2019

Contact for further information

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

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ML3 6LB

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Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

01. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report including all Appendices, date April 2019, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

Reason: to ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. All wind turbine blades shall rotate in the same direction.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

03. No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

Reason: in the interests of the visual amenity of the area.

04. Prior to the commencement of works in respect of each or any of;
- control building;
 - substation;
 - battery storage building;
 - associated compounds;
 - any construction compound boundary fencing;
 - external lighting; and
 - parking areas.

Final details of the external appearance, dimensions, and surface materials of the relevant element shall be submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas approved shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development,

hereby approved, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

05. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 1.3 (Site Layout Plan) within the Environmental Impact Assessment Report, dated April 2019. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:
- (a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service
 - (b) if the micro-sited position is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. Unless otherwise agreed in writing by the Council, as Planning Authority the said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:
 - bring a turbine any closer to an uninvolved property than is already approved
 - bring a turbine outwith the planning application boundary
 - breach the 50m water buffer zones
 - take place within areas of peat of greater depth than the original location.

Reason: to control environmental impacts while taking account of local ground conditions.

06. Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

Reason: In order to retain effective planning control

07. No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- (a) a detailed working method statement based on site survey information and ground investigations;
 - (b) details of the handling of any overburden (including peat, soil and rock);
 - (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
 - (d) a programme of implementation of the works described in the scheme; and

- (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.

08. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any one month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties; and
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

- 10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;
- 10.00- 12.00 Saturdays.

For the avoidance of doubt, in any instance where a charge is set and it is expedient under HSE regulations to carry out the blast outwith these times the Council shall be alerted via email or telephone no later than 2 hours after the blast.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

09. No development shall commence unless and until the terms of appointment by the Company of an independent and suitably qualified environmental consultant as

Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
- (b) require to set out the frequency of PMO visits to site;
- (c) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the planning permission and the conditions attached to it.

10. No development shall commence unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority (in consultation with SNH and SEPA). The terms of appointment shall:

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;
- (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (e) Advising the Company on adequate protection of nature conservation interests on the site; and
- (f) Directing the micro-siting and placement of the turbines and infrastructure.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction and restoration phases.

11. No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA.

The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

12. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated December 2018. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
 - b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
 - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
 - d) Track design approach
 - e) Maps of tracks indicating double and single tracks and position of passing places.
 - f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
 - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
 - h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
 - i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
 - j) A management plan for minimising the emission of dust from the construction and operation of the development.
 - k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
 - l) 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 4.
 - m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the

future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.

- n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.
- o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- r) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.
- s) Timing and extent of any necessary re-instatement.
- t) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- u) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc. shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc. shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- x) a site waste management plan

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

13. All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

Monday to Friday	7.00am to 7.00pm,
Saturday	7.00am to 1.00pm;

With no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

Subject to condition 12, any noise solely attributable to construction noise (where borrow pits are not operational) should not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

Reason: In the interests of local amenity.

14. Prior to commencement of development works the Company shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services and include, but not be limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

The approved TMP shall be implemented in full, unless and until otherwise agreed in advance in writing with the Planning Authority.

Reason: In the interests of road safety.

15. At least 3 months prior to the delivery of abnormal loads the Company will undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to

and approved by the Council as Roads Authority, and recommendations shall thereafter be implemented in accordance with the approved programme.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

16. Prior to commencement of development the developer shall submit a detailed Access Management Plan (AMP) for the written approval of the Planning Authority, and thereafter adhere to and implement the AMP within the timescales set out. The AMP shall be produced in consultation with the Council's Countryside and Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

17. No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority in consultation with SNH.
The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.

The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with SNH.

The HMP shall set out details of the implementation of a Habitat Management Group.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

Reason: In the interests of good land management and the protection of habitats.

18. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and SNH and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.

- b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
- c) The agreed proposals identified in the HMP will be fully implemented
- d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

19. No development shall commence unless and until a deer management statement has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. The deer management statement shall set out proposed long term management of deer using the site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration. The approved deer management statement (as amended from time to time) shall be implemented in full.

Reason: In the interests of deer management.

20. No development shall commence unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, including archaeological walkover survey which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Council, as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council, as Planning Authority in agreement with the Wets of Scotland Archaeology Service. The approved programme of archaeological works shall be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

21. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

22. No development shall commence unless and until a method statement and monitoring plan has been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt this shall:-
- detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development.
 - include water quality sampling methods and shall specify abstraction points.

- be implemented in full.

And monitoring results shall be submitted to the Planning Authority on a quarterly basis or on request during the approved programme of monitoring.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies this may be affected by the Development.

23. Unless otherwise agreed in writing by the Planning Authority, if one or more wind turbines fails to generate electricity for a continuous period of twelve months a scheme setting out how the relevant wind turbine(s) and associated infrastructure will be removed from the site and the ground restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.

The approved scheme shall be implemented within six months of the date of its approval, to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine(s) are removed from Site, in the interests of safety, amenity and environmental protection.

24. No development shall commence unless and until the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, and evidence has been provided to the Planning Authority that this has been done:

- (a) the date of the expected commencement of each stage of construction;
- (b) the height above ground level of the tallest structure forming part of the Development;
- (c) the maximum extension height of any construction equipment; and
- (d) the position of the wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

25. No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.

No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.

The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.

The Development shall be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety and visual amenity.

26. No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with SNH and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration

and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

27. The wind turbines shall be decommissioned and cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Commissioning without the prior written approval of the Scottish Ministers in consultation with the Planning Authority.

No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 28), shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures for sewage disposal and treatment;
- (i) temporary site illumination;
- (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings; and
- (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

28. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
 - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
 - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
 - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

No work shall begin at the site with the exception of Phase 1 felling until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

29. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within The Douglas West Wind Farm Extension, Environmental Impact Assessment Report, April 2019, the following noise limits shall be adhered to-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB,

whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

2.0 Validation Testing

Prior to electricity being exported the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with condition 1.0 above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation measurements shall be mitigated for in order to comply with condition 38 above subject to agreement with the Planning Authority.

3.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

4.0 Investigation of Complaints

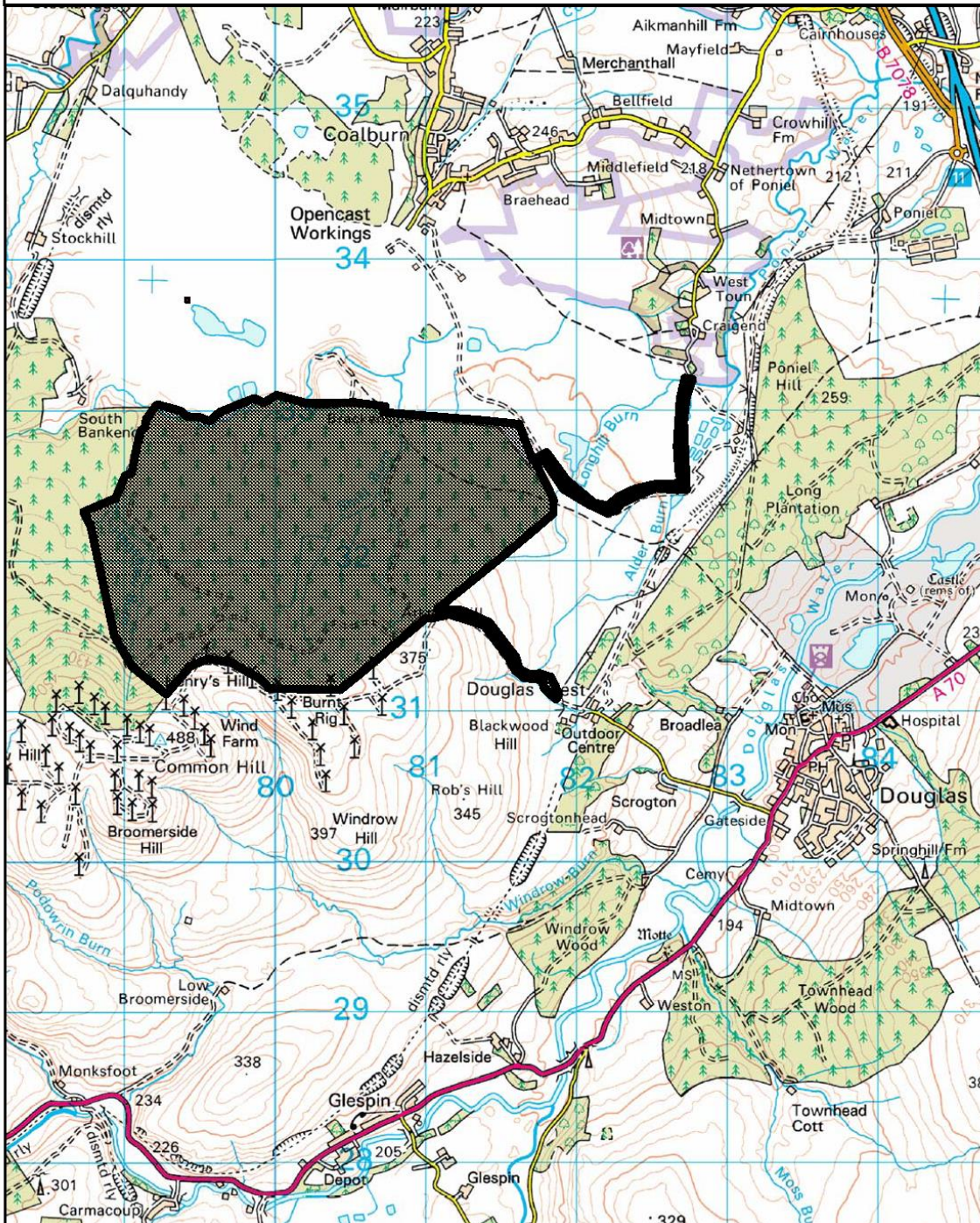
At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of

any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority.

P/19/0628

Douglas West Wind Farm, Middlemuir Road, Coalburn



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Scale:
1:35,000
Date:
11/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

Report to:	Planning Committee
Date of Meeting:	8 October 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application No	P/19/1126
Planning Proposal:	Erection of 48 dwellinghouses (including cottage flats) with associated roads, parking and landscaping.

1 Summary Application Information

- Application Type : Detailed planning application
- Applicant : South Lanarkshire Council/HUB
- Location : Land 350M East Of Kennedies Farm of Highstonehall Road Hamilton

2 Recommendation(s)

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

- (1) Grant Detailed Permission - Subject to Conditions (based on the conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Miller Homes
- ◆ Council Area/Ward: 18 Hamilton West and Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
 Policy 1 - Spatial Strategy
 Policy 4 - Development Management and Place Making
 Policy 12 - Housing Land
 Policy 13 - Affordable Housing and Housing Choice
 Policy 14 - Green Network and Greenspace
 Policy 15 - Natural and Historic Environment

Policy 17 - Water Environment and Flooding

**South Lanarkshire Local Development Plan:
Supplementary Guidance**

**Development Management, Place Making
and Design SG**

Policy DM1 - Design

Residential Design Guide SG

Green Network and Green Spaces SG

Affordable Housing SG

Natural and Historic Environment SG

Policy NHE18 - Walking, Cycling and Riding
Routes

Policy NHE 19 - Protected Species

**Sustainable Development and Climate
Change SG**

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy SDCC4 - Water Supply

Policy SDCC5 - Foul Drainage and Sewerage

**South Lanarkshire Local Development Plan
2**

Policy 1 - Spatial Strategy

Policy 2 - Climate Change

Policy 5 - Development Management and Place
Making

Policy 7 - Community Infrastructure
Assessment

Policy 11 - Housing Land

Policy 12 - Affordable Housing and Housing
Choice

Policy 13 - Green Network and Greenspace

Policy 14 - Natural and Historic Environment

Policy 16 - Water Environment and Flooding

Policy SDCC1 - Vacant, Derelict and
Contaminated Land

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

Policy DM1 - New Development Design

Policy DM15 - Water Supply

Policy DM16 - Foul Drainage and Sewerage
Policy NHE 9 - Protected Species
Policy NHE18 - Walking, Cycling and Riding
Routes

◆ Representation(s):

- ◆ 0 Objection Letters
- ◆ 0 Support Letters
- ◆ 0 Comments Letter

◆ Consultation(s):

Roads (Development Management Team)

Roads (Flood Risk Management)

Environmental Services

Community Resources (Play Provision)

Housing Services (HQ)

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The land to the north of Highstonehall Road, Hamilton is currently being developed, by both Miller Homes and Avant Homes, as part of the Hamilton Community Growth Area (CGA) proposals. As part of the “Planning Permission in Principle” submission, and associated S75 Obligation (Application no. HM/10/0052) three sites for the delivery of affordable housing units were identified. The current application site was identified within the approved “Matters Specified in Conditions” application (Application no. HM/16/0486) for this purpose.
- 1.2 The site is currently an area of undeveloped land which is bound to the north and east by land being developed for residential purposes, by Avant Homes and Miller Homes respectively.
- 1.3 The land to the south and west is currently agricultural in character. However, it is noted that the land to the south is also designated within the South Lanarkshire Local Development Plan as forming part of the Hamilton CGA and is likely, therefore, to be the subject of future residential development.
- 1.4 Access to the site will be via the new spine road serving the adjacent residential development close to its junction with Highstonehall Road.

2 Proposal(s)

- 2.1 This detailed planning application seeks permission to erect 48 affordable housing units within the site. The development will provide 1, 2 and 3 bed units in the form of semi-detached, terraced and flatted properties. The properties will all be two storey, finished in render and facing brick. The roofs will be finished in concrete roof tiles and incorporate solar panels into their design. The development layout will be a looped cul-de-sac arrangement with vehicular access onto the spine road serving the adjacent development. Additional pedestrian footpath links will be located to the north-west and south-west corners of the site linking into future footpath provision within the wider CGA development.
- 2.2 An Affordable Housing Statement has been submitted in support of the application. This highlights that the S75 Obligation requires the provision of 3 Affordable Housing sites across the Hamilton CGA with a total of 150 units (50 units each) being provided on-site. However, it is advised that, whilst the application site could accommodate 50 units, the scheme submitted has been designed to meet the requirements of the Council.

3 Background

3.1 Local Plan Policy

3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.

3.1.2 In terms of the SLLDP, the application site is designated as being a Community Growth Area for Hamilton (Policy 1 – Spatial Strategy) and as forming part of the Council's housing land supply (Policy 12). Residential uses are supported within such sites, subject to compliance with normal development management criteria.

3.1.3 A number of other policies within the adopted SLLDP are also considered appropriate to the determination of this application, namely, Policy 4 - Development Management and Placemaking, Policy 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspaces, Policy 15 - Natural and Historic Environment, and Policy 17 - Water Environment and Flooding. These policies are supported by Supplementary Guidance, which forms part of the Development Plan for South Lanarkshire, including:

- Development Management, Place Making and Design SG
Policy DM 1 – Design.
- Affordable Housing SG
- Green Network and Greenspaces
- Natural and Historic Environment SG
Policy NHE18 - Walking, Cycling and Riding Routes and Policy NHE19 - Protected Species.
- Sustainable Development and Climate Change SG
- Policies SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage.
- Residential Design Guide

The aim of these policies and guidance is to seek well designed developments which are located in appropriate locations, appropriately serviced and result in no adverse impact.

3.1.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 1 - Spatial Strategy, 2 - Climate Change, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 13

- Green Network and Greenspace, 14 - Natural and Historic Environment, 16 - Water Environment and Flooding SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM1 - Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes are relevant

3.1.5 The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Scottish Planning Policy (SPP) highlights that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision-making and advises that proposals that accord with up-to-date plans should be considered acceptable in principle. In terms of residential development, SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements.

3.3 **Planning Background**

3.3.1 As previously stated, the application site forms part of the designated Hamilton CGA. An application was submitted in 2010 which sought "Planning Permission in Principle" (Application no. HM/10/0052, approved May 2017) for the delivery of a large part of the designated Hamilton CGA. The associated S75 Obligation identified the need to provide three sites for the provision of on-site affordable housing; comprising a total of 150 units. A subsequent application, for the approval of Matters Specified in the Conditions attached to HM/10/0052 (application no. HM/16/0486, approved May 2017), by Miller Homes and Avant Homes, identified the current application site for the delivery of one of these sites.

4 **Consultation(s)**

4.1 **Roads (Development Management Team)** – have advised that they have no objections to the proposal subject to conditions relative to the provision of wheel washing facilities and the provision of a turning facility within the site.

Response: Appropriately worded conditions can be incorporated into any consent granted to address any outstanding matters raised.

4.2 **Roads (Flood Risk Management)** – whilst offering no objections to the proposal, they have advised that the development should accord with the Council's SUDs Design Criteria Guidance.

Response: Appropriately worded conditions and informatives can be incorporated into any consent granted to address the matters raised.

- 4.3 **Environmental Services** – have no objections to the proposal subject to the inclusion of conditions and/or informatives relative to dust control, noise and contamination.

Response: Appropriately worded informatives can be attached to any consent granted to address the matters raised.

- 4.4 **Community (Play Provision)** – sought clarification on the requirement for developer contributions associated with impact of the proposed development.

Response: Community Service were advised that the contributions associated with the delivery of the Hamilton CGA were established through the conclusion of the legal obligation associated with application HM/10/0052 and, as such, there were no further contributions required in connection with this current application.

- 4.5 **Housing Services (HQ)** – have offered no objections to the proposal. They have further confirmed that the site is identified in the Council's Strategic Housing Investment Plan and is prioritised for Scottish Government grant funding for social rented housing in 2019/2020.

Response: Noted.

- 4.6 **Scottish Water** – offered no objections to the proposal.

Response: Noted.

5 Representation(s)

- 5.1 The application was advertised in the Hamilton Advertiser in terms of the Non-notification of Neighbours. No letters of representation were received in response.

6 Assessment and Conclusions

- 6.1 This application seeks permission for a residential development of 48 units on land designated as part of the Hamilton CGA. The development, if approved, will assist in the delivery of part of the affordable housing requirements for the CGA.

- 6.2 In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, planning applications have to be determined in accordance with the development plan unless other material considerations indicate otherwise. Scottish Planning Policy also highlights that where a proposal accords with up-to-date development plans, it should be considered acceptable in principle. The proposed use, therefore, raises no issues from a land use perspective and can be considered to accord with national planning policy.

- 6.3 The determining issues, therefore, in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.

- 6.4 The site is identified within the adopted South Lanarkshire Local Development Plan, as being suitable for residential development through its designation as a part of the Community Growth Area for Hamilton. Furthermore, applications for “Planning Permission in Principle (PIP)” (Application no. HM/10/0052) and approval of “Matters Specified in the Conditions attached to HM/10/0052” (application no. HM/16/0486) for the development of this area of the CGA were approved in May 2017. The above PIP application was the subject of an Obligation, under Section 75 of the Planning Act, which required the provision of 150 affordable housing units within the overall CGA. The subsequent MSC application identified the current application site for affordable housing purposes. The principle of the use for housing, therefore, accords with Policies 1- Spatial Strategy and 12 - Housing Land of the adopted SLLDP. In addition, the proposal will assist in meeting the Council’s affordable housing needs in accordance with Policy 13 - Affordable Housing and Housing Choice of SLLDP and guidance within the approved Affordable Housing SG. The proposal is, therefore, acceptable, subject to compliance with normal development management criteria.
- 6.5 The matters considered appropriate, in terms of this criterion, are set out within Section 3.1.3 above. Principally, the stated policies and guidance seek to ensure that any development does not adversely impact on the amenity of such areas, can be adequately serviced and has been designed in a manner which takes cognisance of appropriate guidance and the area within which it is located. Having considered the design and layout of the development, I am satisfied that the scheme is capable of being developed, subject to conditions, without conflict with the general requirements of the applicable policies and guidance.
- 6.6 In terms of the detailed design of the development, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council’s Residential Design Guide, particularly in relation to road layout, house to plot ratios, rear garden depths, open space and car parking provision. It is considered that the proposed development is of a high quality design incorporating a suitably high standard of materials. The proposed development, therefore, accords with Policies 4 - Development Management and Place Making and Policy DM1 – Design of the SLLDP and supplementary guidance.
- 6.7 The proposals for the development of the wider area as part of the Hamilton CGA were assessed, and considered acceptable, in terms of flood risk, and drainage will be developed in accordance with the principles of sustainable urban drainage. The current application site formed part of the overall assessment for the wider CGA with regards to drainage and flood risk. In addition, foul drainage will be treated in accordance with the specification and requirements of both Scottish Water and the Council’s Flood Risk Management guidance. On this basis, it is considered that the proposal accords with Policies 17 - Water Environment and Flooding, SDCC 2 - Flood Risk, SDCC 3 - Sustainable Drainage Systems, SDCC 4 - Water Supply and SDCC 5 - Foul Drainage and Sewerage of the SLLDP and supplementary guidance.

- 6.8 It is noted that parts of the application site are also designated as being a Green Network/Priority Greenspace (Policy 14) within the adopted SLLDP. The proposed development will be connected to the footpath network serving the CGA through the provision of appropriate links within its layout. In addition, the proposal will result in the development of a site which is currently undeveloped and given the nature of the proposed development, it is inevitable that there is likely to be some level of impact to wildlife habitats. However, these matters were assessed as part of the wider development proposals and it was considered that any loss would not have a significant impact on the overall designated green network/greenspace through the protection and enhancement of the network through the wider proposed landscaping works. In terms of any potential impact on protected species, it is considered, in this instance, that a condition should be attached to any consent with a requirement that further assessment is undertaken prior to development commencing on site. Subject to this requirement, it is considered that the proposal would raise no issues in terms of Policy 14 - Green Network and Greenspace, Policy 15 - Natural and Historic Environment of the SLLDP and its supporting guidance (Policies NHE18 - Walking, Cycling and Riding Routes and NHE 19 - Protected Species).
- 6.9 No specific concerns, subject to conditions, have been raised by the various consultees and any requirements can be addressed through the use of conditions, where appropriate to do so. No third party representations were received in respect of the development.
- 6.12 In summary, it is considered that the application conforms to both national and local plan policy and that the proposal raises no significant environmental, infrastructure or road safety issues. The proposal will deliver a development which is of a high quality design and assists the Council in meeting its affordable housing needs.
- 6.13 On the basis of the above assessment, it is recommended that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal accords with the policies of the South Lanarkshire Local Development Plan and Supplementary Guidance (namely Policies 1 - Spatial Strategy, 4 - Development Management and Placemaking, 12 - Housing Land, 13 - Affordable Housing and Housing Choice, 14 - Green Network and Greenspace, 15 - Natural and Historic Environment, 17 - Water Environment and Flooding, DM1 – Design NHE18 - Walking, Cycling and Riding Routes, NHE 19 - Protected Species, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, SDCC4 - Water Supply and SDCC5 - Foul Drainage and Sewerage).

Furthermore, the proposal accords with the requirements of the policies and guidance within the proposed South Lanarkshire Local Development Plan 2

(namely Policies 1 - Spatial Strategy, 2 - Climate Change, 3 - General Urban Areas, 5 - Development Management and Place Making, 7 - Community Infrastructure Assessment, 11 - Housing Land, 12 - Affordable Housing and Housing Choice, 13 - Green Network and Greenspace, 14 - Natural and Historic Environment, 16 - Water Environment and Flooding, SDCC1 - Vacant, Derelict and Contaminated Land, SDCC2 - Flood Risk, SDCC3 - Sustainable Drainage Systems, DM1 – Design, DM15 - Water Supply, DM16 - Foul Drainage and Sewerage, NHE 9 - Protected Species and NHE18 - Walking, Cycling and Riding Routes).

There are no other material considerations that would justify the refusal of consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

26 September 2019

Previous References

- ◆ HM/10/0052
- ◆ HM/16/0486

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (2015)(adopted)
- ▶ South Lanarkshire Local Development Plan - Supplementary Guidance
- ▶ South Lanark shire Local Development Plan2 - Proposed
- ▶ Newspaper Advertisement dated 15.08.2019

- ▶ Consultations

Roads (Development Management Team)	11/09/2019
Roads (Flood Risk Management)	16/08/2016
Environmental Services	09/08/2019
Community Resources (Play Provision)	20/08/2019
Housing Services (HQ)	16/08/2019
Scottish Water	06/08/2019

- ▶ Representations

None

Contact for Further Information

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

James Watters, Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Ext 4970 (Tel: 01698 454970)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 That, unless otherwise agreed with the Council as Planning Authority, the landscaping and open space schemes (as detailed on drawing 95.48.01 Revision A) 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.

Reason - In the interests of amenity.

- 2 That, unless otherwise agreed with the Council as Planning Authority, before any work commences on site, a maintenance and management scheme shall be submitted to and approved by the Council as Planning Authority for the continuing care, maintenance and protection of the proposed remote footpaths shown on the approved plans.

Reason - To safeguard the amenity of the area.

- 3 That prior to the completion of the development hereby approved, unless otherwise agreed with the Council as Planning Authority, the maintenance and management scheme approved under the terms of Condition 5 above shall be in operation.

Reason - To safeguard the amenity of the area.

- 4 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 shall be erected and thereafter maintained to the satisfaction of the Council.

Reason - In order to retain effective planning control.

- 5 That prior to development commencing on site, unless otherwise agreed with the Council as Planning Authority, 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.

Reason - To minimise the risk of nuisance from dust to nearby occupants.

- 6 That before the development hereby approved is completed or brought into use, unless otherwise agreed with the Council as Planning Authority, the entire access road and footpath network, including un-adopted remote footpaths, serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.

That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason - To ensure satisfactory vehicular and pedestrian access facilities to the site.

- 7 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.

Reason - To ensure the provision of a satisfactory sewerage system.

- 8 That before the development hereby approved is completed or brought into use, unless otherwise agreed with the Council as Planning Authority, 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. All turning facilities shall be designed in accordance with the National Roads Development Guide incorporating South Lanarkshire Council Supplementary Guidance.

Reason - In the interest of public safety.

- 9 That prior to any works commencing on site, unless otherwise agreed in writing with the Council as Planning Authority, a traffic management plan shall be submitted detailing, staff parking, wheel washing facilities, routing of traffic and phasing of the works. The submitted traffic management plan shall include provisions for the following:

- That any detritus material carried from the site on to the public road network to be cleared by the applicant on a daily basis.
- Ensure the road network immediately adjacent to the site is kept clear of mud and debris, the applicant must ensure a road brush

motor is made available throughout.

- The provision of adequate wheel washing facilities to be in operation at all times during any earth moving operations.
- That a “clean zone” should be maintained between the end of the wheel wash facility and the public road.
- A plan showing a turning area within the site, to enable vehicles to access and exit the site in forward gears.
- A plan showing the location and number of spaces for site staff / operatives.

The agreed traffic management plan will fully operational prior to any works commencing on site, thereafter implemented in accordance with the agreed scheme.

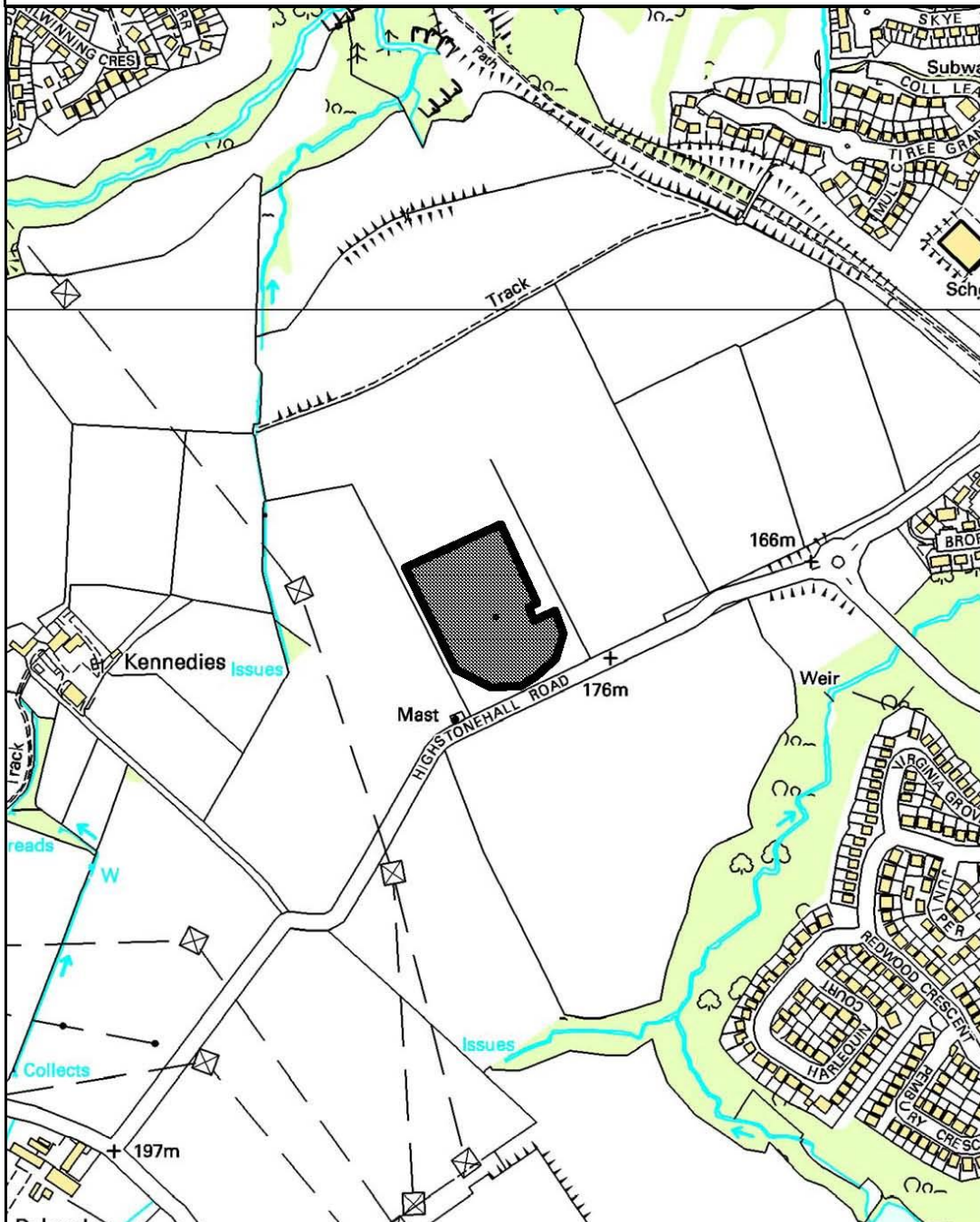
Reason - In the interest of road and public safety.

- 10 Prior to the commencement of development on site, unless otherwise agreed in writing with the Council as Planning Authority, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The Sustainable Urban Drainage System shall thereafter be formed and maintained on site in accordance with the approved details.

Reason: To ensure that no contaminated material leaves the site untreated in order to protect public health, the water environment and to ensure that the site is fit for its intended use.

P/19/1126

Land 350m East of Kennedies Farm, Highstonehall Road, Hamilton



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Scale:
1:5,000
Date:
18/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

