



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 03 June 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, 11 June 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.

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

Yours sincerely

Lindsay Freeland
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Bradley, Archie Buchanan, Jackie Burns, Stephanie Callaghan, Margaret Cowie, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Alistair Fulton, 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, Peter Craig, Allan Falconer, Lynsey Hamilton, Catherine McClymont, Colin McGavigan, Mark McGeever, Richard Nelson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

3 - 8

Minutes of the meeting of the Planning Committee held on 14 May 2019 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- | | | |
|----------|---|----------|
| 3 | Application P/18/1666 for Conversion of Agricultural Building to Distillery, Including Erection of 2 Malt Silos and External Alterations, and Conversion of Stables Building to Bonded Warehouse at Ocathian Stables, Hayhill Road, Thorntonhall
Report dated 15 May 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 9 - 24 |
| 4 | Application P/18/1585 for Erection of House, Formation of Garden Terraces, Alteration to Vehicle Access and Installation of Garden Lighting Poles at Site of Former Crossford Inn, 99 Lanark Road, Crossford, Carluke
Report dated 23 May 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 25 - 38 |
| 5 | Application P/19/0135 for Creation of Fenced Allotment Site Comprising 12 Raised Beds and up to 70 Allotment Plots in Total, Including Associated Hardstanding, SUDS Pond, Landscaping and Composting Areas at Lammermoor Recreation Area, Kenilworth, East Kilbride
Report dated 14 May 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 39 - 56 |
| 6 | Application P/18/1875 for Erection of 14 Wind Turbines up to 200 Metres in Height to Blade Tip (Section 36 Application) at Hagshaw Hill Wind Farm, Douglas, Lanark
Report dated 23 May 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 57 - 98 |
| 7 | South Lanarkshire Council Tree Preservation Order - Blairbeth Terrace, Rutherglen
Report dated 30 May 2019 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 99 - 102 |

Urgent Business

8 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

2

Minutes of meeting held in the Council Chamber, Council Offices, Almada Street, Hamilton on 14 May 2019

Chair:

Councillor Isobel Dorman (Depute)

Councillors Present:

Councillor Alex Allison, Councillor John Anderson (*substitute for Councillor Shearer*), Councillor Walter Brogan, Councillor Archie Buchanan, Councillor Jackie Burns, Councillor Stephanie Callaghan, Councillor Margaret Cooper (*substitute for Councillor S Wardhaugh*), Councillor Peter Craig (*substitute for Councillor Fulton*), Councillor Maureen Devlin, Councillor Mary Donnelly, Councillor Fiona Dryburgh, Councillor Mark Horsham, Councillor Martin Lennon, Councillor Catherine McClymont (*substitute for Councillor Thomson*), Councillor Kenny McCreary, Councillor Colin McGavigan (*substitute for Councillor Le Blond*), Councillor Lynne Nailon, Councillor Carol Nugent, Councillor Collette Stevenson, Councillor Jim Wardhaugh, Councillor Jared Wark (*substitute for Councillor Lockhart*)

Councillors' Apologies:

Councillor John Bradley, Councillor Margaret Cowie, Councillor Alistair Fulton (Chair), Councillor Ann Le Blond, Councillor Richard Lockhart, Councillor John Ross (ex officio), Councillor Graham Scott, Councillor David Shearer, Councillor Bert Thomson, Councillor Sheena Wardhaugh

Attending:

Community and Enterprise Resources

L Campbell, Area Manager, Planning and Building Standards Services (Hamilton and Clydesdale); P Elliott, Head of Planning and Economic Development; T Finn, Headquarters Manager, 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; K McLeod, Administration Assistant; K Moore, Legal Services Adviser

1 Declaration of Interests

The following interest was declared:-

Councillor(s)
Dorman

Item(s)
Application P/19/0286 for Creation of a New Public Greenspace, Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Artwork, Junior Mountain Bike Track, Car Parking and Associated Works at Glen Esk Recreation Area, Glen Esk, East Kilbride

Nature of Interest(s)
Involvement in Contract Authorisation Process for the Proposed Works

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 26 March 2019 were submitted for approval as a correct record.

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

3 Application P/19/0392 for Erection of 28 Flats over Two Blocks with Associated Landscaping, Roads, Car Parking and Infrastructure (Amendment to Planning Consent EK/18/0001) at Peel Road, Thorntonhall, East Kilbride

A report dated 26 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0392 by Westpoint Homes Limited for the erection of 28 flats over two blocks with associated landscaping, roads, car parking and infrastructure (amendment to planning consent EK/18/0001) at Peel Road, Thorntonhall, East Kilbride.

The Committee decided: that planning application P/19/0392 by Westpoint Homes Limited for the erection of 28 flats over two blocks with associated landscaping, roads, car parking and infrastructure (amendment to planning consent EK/18/0001) at Peel Road, Thorntonhall, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

[Previous Reference: Minutes of 13 March 2018 (Paragraph 3)]

4 Application P/18/1861 – Section 42 Application to Vary Condition 1 of Planning Consent CL/12/0042 for the Erection of 15 Wind Turbines with a Maximum Height to Blade Tip of 131 Metres, Access Tracks, Temporary Construction Compounds, Sub-station and Associated Works to Increase the Maximum Height to Blade Tip of 11 of the 15 Turbines (Turbines 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15) to 149.9 Metres at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn

A report dated 18 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/18/1861 by Dalquhandy Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Condition 1 of planning consent CL/12/0042 for the erection of 15 wind turbines with a maximum height to blade tip of 131 metres, access tracks, temporary construction compounds, sub-station and associated works to increase the maximum height to blade tip of 11 of the 15 turbines (turbines 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15) to 149.9 metres at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn.

The Committee decided:

(1) that planning application P/18/1861 by Dalquhandy Wind Farm Limited for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary Condition 1 of planning consent CL/12/0042 for the erection of 15 wind turbines with a maximum height to blade tip of 131 metres, access tracks, temporary construction compounds, sub-station and associated works to increase the maximum height to blade tip of 11 of the 15 turbines (turbines 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15) to 149.9 metres at Dalquhandy Opencast Coal Site, Middlemuir Road, Coalburn be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ prior conclusion of Section 75 Planning Obligation and/or other agreement between the Council and the applicant to ensure:-
 - ◆ a contribution to the Council's Renewable Energy Fund
 - ◆ 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 meeting the Council's legal costs associated with the Section 75 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 27 January 2015 (Paragraph 12) and 7 July 2015 (Paragraph 15)]

5 Application P/19/0302 for Change of Use from Class 9 (Houses) to Children's Home (Class 8, Residential Institution) at Glengeith Farm, Dumfries Road, Elvanfoot

A report dated 18 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0302 by BDT Care Solutions Limited for the change of use from Class 9 (Houses) to a children's home (Class 8, Residential Institution) at Glengeith Farm, Dumfries Road, Elvanfoot.

Points raised in a further representation from C Trickey, an objector to the proposal, were referred to at the meeting and addressed by officers.

A request for a hearing had been received from the applicant and an objector to the proposal respectively, however, the application did not meet the criteria for a hearing.

The Committee decided: that planning application P/19/0302 by BDT Care Solutions Limited for the change of use from Class 9 (Houses) to a children's home (Class 8, Residential Institution) at Glengeith Farm, Dumfries Road, Elvanfoot be granted subject to the conditions specified in the Executive Director's report.

6 Application P/19/0286 for Creation of a New Public Greenspace Including Native Planting and Habitat Creation, Footpaths, Boundary Treatment and Fencing, Artwork, Junior Mountain Bike Track, Car Parking and Associated Works at Glen Esk Recreation Area, Glen Esk, East Kilbride

A report dated 1 May 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0286 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, artwork, junior mountain bike track, car parking and associated works at Glen Esk Recreation Area, Glen Esk, East Kilbride.

The Committee decided:

that planning application P/19/0286 by South Lanarkshire Council for the creation of a new public greenspace including native planting and habitat creation, footpaths, boundary treatment and fencing, artwork, junior mountain bike track, car parking and associated works at Glen Esk Recreation Area, Glen Esk, East Kilbride be granted subject to the conditions specified in the Executive Director's report.

Councillor Dorman, having declared an interest in the above application, withdrew from the meeting during its consideration. Councillor Craig took the Chair for this item only

7 Application P/19/0270 for Construction of Log Cabin to Rear of House (Retrospective) at 57 Springfield Park Road, Rutherglen

A report dated 24 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0270 by A Bird for the construction of a log cabin to the rear of the house (retrospective) at 57 Springfield Park Road, Rutherglen.

Following discussion, Councillor Lennon, seconded by Councillor Cooper, moved that the application be granted but that conditions be imposed requiring the fencing to be increased in height to 2 metres and be maintained and retained and the glazing in the windows and door of the cabin to be replaced with an opaque finish and be maintained and retained. Councillor Nugent, seconded by Councillor Wark, moved as an amendment that the application be refused on the grounds that the proposal would have a significant adverse effect on the amenity and character of the area. On a vote being taken by a show of hands, 9 members voted for the amendment and 12 for the motion which was declared carried.

The Committee decided:

that planning application P/19/0270 by A Bird for the construction of a log cabin to the rear of the house (retrospective) at 57 Springfield Park Road, Rutherglen be granted subject to:-

- ◆ an amended Condition 1 as follows:-
"That within 2 months of the date of consent, the close boarded fence between the boundary of the application site and 55 Springfield Park Road shall be increased in height to 2 metres above ground level. Thereafter, the fence shall be retained and maintained to the satisfaction of the Council as Planning Authority"
- ◆ the following additional condition:-
"2 That within 2 months of the date of consent, the glazing in the windows and door of the log cabin hereby approved shall be replaced with an opaque finish. Thereafter, the opaque glazing shall be retained and maintained to the satisfaction of the Council as Planning Authority
Reason: to protect the privacy of the adjacent property and to prevent overlooking"

8 Application P/19/0315 for Change of Use of Existing Bank (Class 2) to Form Amusement Arcade (Sui Generis) at 5 Greenlees Road, Cambuslang

A report dated 26 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0315 by M Jawab for the change of use of an existing bank (Class 2) to form an amusement arcade (sui generis) at 5 Greenlees Road, Cambuslang.

The Committee decided: that planning application P/19/0315 by M Jawab for the change of use of an existing bank (Class 2) to form an amusement arcade (sui generis) at 5 Greenlees Road, Cambuslang be granted subject to the conditions specified in the Executive Director's report.

9 Application P/19/0214 for Installation of Battery Storage Facility Together with Associated Infrastructure (Section 36 Application) at Whitelee Wind Farm, East Kilbride

A report dated 18 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on planning application P/19/0214 by Scottish Power Renewables (UK) for the installation of a battery storage facility, together with associated infrastructure at Whitelee Wind Farm, East Kilbride.

The proposal had been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it added additional capacity to an existing wind farm with a generating capacity of over 50 megawatts (MW). As a result, the Council was a consultee to the application and not the consenting authority.

The application was considered acceptable on the basis that it:-

- ◆ accorded with the relevant policies in the Adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance
- ◆ accorded with National Policy
- ◆ would not have any significant adverse impact within the surrounding area
- ◆ would not have any adverse impact on the environment or road safety

The Committee decided:

- (1) that the Scottish Government be advised that the Council had no objection to the proposed installation of a battery storage facility at Whitelee Wind Farm, East Kilbride under Section 36 of the Electricity Act 1989 subject to conditions based on the conditions attached to the Executive Director's report; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions or agreements on the proposed conditions and planning obligations, if required, with the Scottish Government.

10 South Lanarkshire Council Tree Preservation Order No SL53 (2018) Blairbeth Terrace, Rutherglen

A report dated 26 April 2019 by the Executive Director (Community and Enterprise Resources) was submitted on South Lanarkshire Council Tree Preservation Order (TPO) No SL53 (2018) 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 25 September 2018, the Committee approved the promotion of a Provisional Tree Preservation Order (TPO) on both trees. However, following consultation, 4 letters objecting to the Order had been received from residents of Blairbeth Terrace. After discussion, it was proposed that consideration of Tree Preservation Order No SL53 (2018) be continued to clarify the position regarding ownership of the trees which were the subject of the TPO.

The Committee decided: that consideration of the South Lanarkshire Council Tree Preservation Order No SL53 (2018) 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, be continued to a future meeting of the Committee.

[Reference: Minutes of 25 September 2018 (Paragraph 6)]

11 Urgent Business

There were no items of urgent business.

Report

3

Report to:	Planning Committee
Date of Meeting:	11 June 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/1666
Planning proposal:	Conversion of agricultural building to distillery, including erection of two malt silos and external alterations and conversion of stables building to bonded warehouse

1 Summary application information

Application type: Detailed planning application

Applicant: Raer Scotch Whisky
Location: Ocathian Stables
Hayhill Road
Thorntonhall
G74 5AN

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: ICA Architects Ltd
- ♦ Council Area/Ward: 09 East Kilbride West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 3 – Green Belt and Rural Area
Policy 4 – Development Management and Place Making
Policy 17 - Water Environment and Flooding

Supplementary Guidance
Development Management, Place Making and Design

Green Belt and Rural Area

South Lanarkshire Local Development Plan 2 (Proposed Plan 2018)

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 16 - Water Environment and Flooding

Policy GBRA1 – Rural Design and Development

Policy GBRA2 – Business Proposals within Green Belt and Rural Area

Policy GBRA4 – Conversion and Re-Use of Existing Buildings

◆ **Representation(s):**

▶	19	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

SEPA West Region

Planning Application Report

1 Application Site

- 1.1 This planning application relates to a proposed change of use of two buildings on land north of Hayhill Road, Jackton, East Kilbride. The site lies immediately adjacent to the settlement boundary of East Kilbride, towards the south-west of the town and immediately adjacent to the property known as O'Cathian Farm which currently consists of two dwellings and associated residential curtilage. The application site currently consists of a stables building and three storage sheds associated with agricultural use, including access routes, hardstanding and agricultural land. The site is largely flat and is bounded to the north and west by a watercourse known as Gill Burn, agricultural land and to the east by O'Cathian Farm, including two residential properties. To the south of the site is agricultural land that lies with the boundary of the East Kilbride CGA, as defined in the adopted South Lanarkshire Local Development Plan (2015).
- 1.2 There are currently two vehicle access points to the site on Hayhill Road. The buildings subject to this application are relatively modern in appearance with the agricultural building comprising light coloured cladding and profiled sheeting to the walls and roof. The stables building has a white render finish to the walls, profiled sheeting to the roof and wooden shutters to the window openings. The application site covers an area of 1.93 hectares.

2 Proposal(s)

- 2.1 The application is to change the use of a stables building and an agricultural building to a distillery and bonded warehouse, including associated external alterations. The two buildings lie in close proximity to each other towards the eastern part of the site, with the agricultural building covering an area of approximately 800 square metres and the stables building an area of 400 square metres. The proposed distillery building lies to the rear of the proposed bonded warehouse when viewed from Hayhill Road. The proposed external alterations to the agricultural shed (to form the distillery) are the erection of two grain silos of approximately 12.2m in height and the removal of a lean-to extension and the erection of a replacement extension of smaller floor area. An additional door on both buildings (the distillery and bonded warehouse) is also proposed.
- 2.2 The applicant has submitted a Transportation Statement to support the application, which states that the distillery will employ 2 full time and 2 part time staff and will receive approximately 6 deliveries a month, including HGVs, as required. It is not proposed to alter the current access arrangements, with the main access being in the central part of the application site and a secondary access to the western boundary of the site. The applicant has advised that the proposed operations of the distillery are to be between 8am - 5pm Monday to Friday, 8am to 1pm Saturday, with no operations on Sunday. The applicant has advised that the maximum volume of liquid to be stored at the site is 270 tonnes.

3 Background

3.1 Local Plan Status

3.1.1 In land use terms, the site lies within the green belt where Policy 3 (Green belt and rural area) of the South Lanarkshire Local Development Plan 2015 applies. In addition, supplementary guidance 2 (Green Belt and Rural Area) is applicable in terms of setting out in more detail when development is likely to be acceptable. In addition to the above land use designation, Policy 4 (Development Management and Placemaking) and Policy 17 (Water Environment and Flooding) are relevant to the assessment of this proposal.

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 (SLLDP2) is now a material consideration. In this instance, the following policies are relevant:

- Policy 4 - Green Belt and Rural Area
- Policy 5 - Development Management and Placemaking
- Policy 16 - Water Environment and Flooding
- Policy GBRA1 – Rural Design and Development
- Policy GBRA2 – Business Proposals within Green Belt and Rural Area
- Policy GBRA4 – Conversion and Re-Use of Existing Buildings

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 create a sustainable, economically active rural area, which attracts investment and supports vibrant, growing communities. SPP introduces a presumption in favour of development that contributes to sustainable development. Further, the planning system should encourage rural development that supports prosperous and sustainable communities and businesses while protecting and enhancing environmental quality.

3.3 Planning Background

3.3.1 Planning application EK/03/0527 was granted on 7 April 2004 for the erection of an agricultural shed at the site.

4 Consultation(s)

4.1 **Roads and Transportation** – have no objections, subject to conditions relating to surfacing, construction of parking spaces and surface water trapping.

Response: Noted. Appropriate conditions can be applied to any consent issued.

4.2 **Environmental Services** – have no objections, subject to conditions on noise, waste control and ventilation. The noise condition would restrict the use of the

premises to between 8am and 5pm Monday to Friday, between 8am and 1pm on Saturday and no activity on Sunday.

Response: Noted. The applicant has confirmed that the above times will constitute the hours of operation of the distillery. Appropriate conditions can be applied to any consent issued.

- 4.3 **Roads and Transportation – 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. An appropriate condition can be attached to any consent issued.

- 4.4 **SEPA** – Initially objected to the application in relation to water supply, waste water drainage and lack of information on surface water drainage. Following submission of additional information by the applicant in relation to water abstraction from a borehole, the objection on water supply was removed but objections were maintained on waste water and surface water drainage. Further information was submitted by the applicant and following a further two letters of objection, in response to additional submissions, SEPA have offered no objections to the proposal.

Response: Noted.

- 4.5 **Jackton and Thorntonhall Community Council** – have advised that they have reservations concerning this application. It is noted that the transport statement submitted by the applicant states that vehicle movements would be lower than present. Nevertheless, there is a difference between the type of transport associated with agricultural and the movements associated with a distillery, i.e. larger vehicles on a narrow road. It is surprising that the distillery would be economically viable with only one delivery of grain per week. There is concern over security as a bonded warehouse is considered to be an attraction for criminal activity. Security requirements could generate additional traffic. Assurance is sought that Police Scotland has been consulted. Distilleries require large quantities of water. Assurance is sought the Scottish Water can provide the supply without detriment to surrounding properties and also that SEPA have considered and approved details for disposal of waste water, waste materials and other potential contaminants. Accidental spillages are required to be maintained within the site and prevented from reaching the water table. Concerns over noise, black mould and dust impacts. Appropriate mitigation should be put in place. Concerns over potential fire hazards. Appropriate measure should be put in place in consultation with Scottish Fire and Rescue Service. Concern that the bonded warehouse would not have sufficient capacity and, as a result, stock would need to be transported elsewhere.

Response: Roads and Transportation Services have confirmed that they have no objections to the proposed development, based on projected traffic movements, to include HGVs. The provision of appropriate security measures is considered to be the responsibility of the applicant in this case. It was not considered necessary to consult Police Scotland on the proposal. In relation to water use, it is noted that the applicant has advised that water supply arrangements for the distillery will be served from an existing borehole to the northwest of the application site. SEPA have not objected to this arrangement and have advised that it is the responsibility of the applicant to ensure the abstraction rates remain within the terms of the appropriate CAR authorisation. As stated at paragraph 4.4 above, following

submission of additional details, there are no objections from SEPA on waste, drainage or water supply arrangements. Environmental Services have considered the potential impacts of the proposal and have advised that there are no objections, subject to conditions restricting hours of operation, waste control and ventilation. In respect of potential fire hazards, it is noted that a building warrant is required for the proposed works to the buildings. A hazardous substance consent is not required for the proposal as the scale of alcohol stored would be less than the minimum threshold required for an application.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised for non-notification of neighbours, nature or scale of development and development contrary to the development plan. Twenty 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) **Concerns over potential impacts on wildlife, flora and fauna. Landscaping should be for the benefit of butterflies, moths and insects.**

Response: The proposal relates to a change of use of buildings and, as such, there is considered to be no direct impact on wildlife interests at the site.

- b) **The proposal is to construct an industrial unit on green belt land, used for agricultural purposes. This is not acceptable, especially as the plant is situated within a few hundred metres of existing or possible future housing. There are more suitable locations for this type of industrial use within East Kilbride.**

Response: The proposal is for change of use of existing buildings to form a distillery and a bonded warehouse, including internal and external alterations. The proposal is for a relatively small scale 'craft' distillery and as such, while it is acknowledged that the proposal will result in a change to activities at the site, the resulting impacts are not considered to be of such a significant scale that would make the proposal unacceptable in this location. A full assessment of the proposal is provided at section 6 below.

- c) **Concerns over potential environmental impacts, such as noise from plant and equipment, air quality, dust, odours and mould. The proposal should be assessed under SEPA 2010 odour guidance.**

Response: Environmental Services and SEPA have been consulted on the application and offered no objections, following provision of additional information by the applicant. It is considered that the relatively small scale nature of the distillery is such that there will not be any significant environmental impacts resulting from the proposals. Environmental Services have requested the imposition of conditions relating to noise, waste control and ventilation. Following any planning approval, the operation of the site will be subject to monitoring, where required, to ensure compliance with the relevant planning conditions and associated regulations.

- d) **Clarification of the water supply for the distillery is required.**

Response: The applicant has advised that water supply arrangements for the distillery will be served from an existing borehole to the northwest of the application site. SEPA have not objected to this arrangement and have advised that it is the responsibility of the applicant to ensure the abstraction rates remain within the terms of the appropriate CAR authorisation.

e) Concerns over the processes of waste storage and collection.

Response: Following submission of additional details, there are no objections from SEPA on waste treatment operations. Environmental Services have requested imposition of a condition relating to the submission and approval of waste operation details.

f) There is an underestimate of vehicle movements relating to deliveries and removal of materials from site. A complete assessment of vehicle movements is required, taking into account the width of Hayhill Road, which is used as a recreational route. Safety concerns over HGVs using Hayhill Road, the junction with Eaglesham Road and vehicles accessing the site view Thornton View. The local infrastructure is not suitable for this proposal.

Response: Roads and Transportation Services have been consulted on the proposals and have no objections, subject to the imposition of conditions. It is acknowledged that Hayhill Road is largely single lane in width, however the projected volume of vehicle movements associated with the development is considered to be compatible with this road.

g) Concern over whether the proposed plans will adequately accommodate the requirements of the distillery operations, especially in relation to building and safety regulations.

Response: The applicant will require to obtain a building warrant prior to operating the distillery. The associated fire and safety regulations also require compliance with the established standards.

h) Measures to prevent pollution and fire hazards from spillages is required. No details provided of method of heating steam boiler.

Response: The applicant is required to comply with the relevant environmental protection and pollution regulations relating to the water environment. SEPA have advised the applicant of the requirement to comply with the relevant regulations. The applicant has confirmed that the boiler will be heated by oil.

i) I am disappointed that local residents were not made aware of the plans by the Council and the notice was only posted on the website with a two week window.

Response: Neighbour notification of the application and advertisement in the local press was carried out in accordance with established legislation and procedures.

j) Concerns over the potential security implications of having a bonded warehouse in this location and attraction for theft.

Response: It is the responsibility of the applicant to ensure that appropriate security measures are in place for the site operations.

- k) **Concerns over impacts on the landscape.**
Response: The proposal has been assessed with regard to visual impacts. In this regard, it is noted that proposed alterations to the existing buildings are minimal, with the installation of two malt silos the primary visual change at the site. In this regard, it is considered that, taking into account the surrounding buildings and the fact that silos are often visible in farm settings, the visual impact of the proposal is acceptable.
- l) **Alarmed by the delivery of silos at the site without consultation and prior to the planning application being decided.**
Response: The Planning Service has contacted the applicant to advise that any site operations should not be carried out prior to obtaining the appropriate consents and that any works carried out are at the applicant's risk.
- m) **Jackton has had several building projects over the last 3-5 years resulting in noise, disturbance and loss of wildlife habitats. The proposal will continue these impacts.**
Response: Noted. This planning application requires to be determined on its individual merits, taking into account the relevant development plan policies and any other material considerations, including disturbance during construction. In this case, the proposal is considered acceptable, subject to the imposition of appropriate conditions.
- n) **Concerns over potential detrimental impact on house values in the local area.**
Response: Impact on property values is not a material planning consideration.
- o) **Concern over potential for whisky fungus which is the discolouration or blackening of buildings in the vicinity of distilleries. There is no evidence that this has been considered.**
Response: Environmental Service, have considered all potential environmental impacts associated with the development and concluded that, due to the scale of the distillery, there are no objections, subject to the imposition of appropriate conditions.
- p) **It is unusual that the applicant has not provided an environmental statement to support the application. It is not clear whether a screening opinion has been carried out.**
Response: The Planning Service has undertaken a screening opinion in respect of the relevant Environmental Impact Assessment Regulations, which concluded that, due to the scale of the proposed operations, an Environmental Impact Assessment was not required to support the planning application.
- q) **The proposal does not comply with the green belt policy in the Local Development Plan.**
Response: It is acknowledged that the proposal does not fully comply with green belt policy, however, as detailed in section 6 below, it is considered that there are sufficient material considerations in this instance to recommend approval.

- r) **There are no details of the volume of ethanol to be stored at the site. In this regard, the proposal should be assessed with regard to Health and Safety COMAH regulations.**

Response: The Planning Service has sought advice from the Health and Safety Executive in respect of the storage of hazardous substances. In this regard, due to the scale of ethanol storage proposed (270 tonnes) a hazardous substance application was not required.

- 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 change of use of an existing agricultural building and stables to distillery and bonded warehouse, including external alterations. 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 and if there are other material considerations which are relevant to the consideration of this application.

- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (LDP) identifies the site, in land use terms, as being within the green belt where Policy 3 (Green Belt and Rural Area) applies. Policy 3 states that the green belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map, other than in the following circumstances:

1. Where it is demonstrated that there is a specific locational requirement and established need for the proposal.
2. The proposal involves the redevelopment of derelict or redundant land and buildings where significant environmental improvement can be shown.
3. The proposal is for conversion of traditional buildings and those of a local vernacular.
4. The proposal is for limited development within clearly identifiable infill, gap sites and existing building groups.
5. The proposal is for extension of existing premises or uses providing it is of a suitable scale and design. Any new built form should be ancillary to the main use.

- 6.3 In respect of circumstances 1 to 5 above, while the proposal does not clearly fall within any of these categories, the development primarily relates to conversion of existing buildings and, as such, it is noted that the additional built development within the green belt is limited to grain silos, which are considered to be features with an agricultural appearance.

- 6.4 Policy GBRA1 (Economy/Business Related Development) of Supplementary Guidance 2: Green Belt and Rural Area is also of relevance in this case. This

policy states that within the green belt and the rural area, the Council will initially seek to direct economy and business related proposals to industrial areas within existing settlements, or within smaller village envelopes where acceptable environmental standards can be met. The Council will, however, seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale. For new businesses and those seeking to relocate or extend into sites within the green belt and rural area, the preference is to re-use and convert redundant buildings. This policy also refers to various types of appropriate uses in the countryside (appendix 2 of the Supplementary Guidance 2), which includes business development such as low amenity light industry uses. Therefore, in respect of Policy GBRA1, it is noted that the proposal will result in additional employment in the rural area and will re-use and convert existing buildings, in compliance with the general principles of this policy.

- 6.5 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 relating to matters including the water environment and air quality. Policy 17 (Water Environment and Flooding) of the LDP states that any development proposals which will have a significant adverse impact on the water environment will not be permitted. In this regard, it is noted that several representations have been received in respect of potential environmental impacts relating primarily to potential pollution, safety risks, noise and air quality/dust. Environmental Services and SEPA have been consulted on the proposal and offered no objections following submission of additional information by the applicant. In respect of potential traffic impacts, it is noted that the applicant has provided a transport statement to support the application, which has provided information on anticipated traffic movements. Roads and Transportation have assessed the information provided and have offered no objections, subject to conditions. In relation to the use of Hayhill Road, from the information provided, it is considered that the scale of vehicle movements resulting from the distillery will not be significantly greater than the movements resulting from the stables and agricultural building.
- 6.6 Given the above, it is considered that there will be no significant loss of amenity for local residents and that any potential environmental impacts can be controlled by the imposition of appropriate planning conditions. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policies 4 and 17 of the LDP. It is further noted that compliance with SEPA regulations in respect of pollution, waste arrangements and water abstraction will be required.
- 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 proposals accords with Policies 5, 16 and DM1 of SLLDP2.

- 6.8 In summary, although the proposed development does not fully comply with Local Development Plan policy, specifically in relation to Policy 3 of the adopted South Lanarkshire Local Plan (2015) and Policy 4 of the Proposed South Lanarkshire Local Development Plan 2, it is considered that, in this instance, there are sufficient material considerations to support the proposal.
- 6.9 The proposal was advertised as Development Contrary to the Development Plan in the East Kilbride News. The proposal has been fully assessed and it is recommended that planning permission is granted contrary to the adopted Local Development Plan (2015) and Proposed Local Development Plan 2 for the following reasons:
1. The proposal involves the re-use of existing buildings for a business use that will generate employment in the countryside, in compliance with policy GBRA2 of the adopted South Lanarkshire Local Development Plan 2015
 2. The proposal is acceptable in terms of design, amenity, environmental and safety impacts. It, therefore, complies with Policies 4 and 17 of the South Lanarkshire Local Development Plan (2015) and Policies 5, 16 and GBRA1 of the Proposed South Lanarkshire Local Development Plan 2.
 3. The proposal will not have a detrimental impact on the integrity or landscape character of the green belt.

7 Reasons for Decision

- 7.1 For the reasons stated in paragraph 6.9, above.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 15 May 2019

Previous references

- ◆ EK/03/0527

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 21.02.2019
 - Environmental Services 29.03.2019
 - Roads Flood Risk Management 07.01.2019
 - SEPA West Region 30.04.2019

► Representations	Dated:
J E Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	18.12.2018
George Gibson, High Barn, 3 Braehead Road, Thorntonhall, Glasgow, G74 5AQ	28.01.2019
Gillian Durham, 9 Suntroy Lane, Jackton, East Kilbride, G75 8WL	22.03.2019
Susan Fletcher, 43 Okein Drive, Jackton, G75 8RJ	13.03.2019
Mr Clark Crosbie, 38 Suntroy Grove, East Kilbride, G75 8SR	21.03.2019
Susie, Received Via E-mail	21.03.2019
	26.03.2019
Paul Meighan, Received Via E-mail	26.03.2019
Barbara Hobbs, Received Via E-mail	26.03.2019
Gary Palmer, 5 Callaghan Crescent, Jackton, East Kilbride, G74 5PS	26.03.2019
Quinn Joanne,	26.03.2019
Ali Asma,	26.03.2019
Sue Fletcher,	26.03.2019
Mrs Vicki Agnew, Received Via Email	26.03.2019
Diane Senior, Received Via Email	26.03.2019
Andy Purba, Received Via Email	26.03.2019
John McTamney, Received Via Email	26.03.2019
Mrs Helen Pasquale, 41 Okein Drive, East Kilbride, Glasgow, South Lanarkshire, G75 8RJ	21.03.2019
Asma Ali, 37 Suntroy Grove, Jackton, G75 8SR	26.03.2019
Sharron Morran, Tigh Grianach, Hayhill Road, Thorntonhall, G74 5AN	26.03.2019
Joe Allan, 94 Franklin Place, East Kilbride, Glasgow, South Lanarkshire, G75 8LS	11.04.2019

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 unless otherwise agreed in writing with the Planning Authority, no development shall commence until drainage and flood risk details to include signed appendices 1, 3 and 5 shall be submitted to and approved in writing by the Planning Authority. The development shall not be brought into operation 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. The surface water drainage strategy should include appropriate measures to contain or treat surface water in the event of spillage of materials, including distilled spirit and any liquid wastes stored on site, prior to discharge to the water environment.

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. The use of the premises, including deliveries by commercial vehicles (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:
Mondays to Fridays: Between 8am and 5pm
Saturdays: Between 8am and 1pm
Sundays: No activity.

Reason: In the interests of amenity and in order to minimise disturbance for local residents.

03. All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises. The ventilation system shall: Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.

Reason: For the avoidance of doubt and to ensure that local residents are protected from adverse environmental impacts.

04. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

05. That prior to the distillery being brought into use, the first 6m of the site access road at access point 2 (as shown in the submitted Transport Statement), measured from the edge of the carriageway, shall be of hardstanding to prevent loose material being carried on to the public road. The access must also be trapped and drained to prevent water running onto the public road.

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

06. That before the development hereby approved is completed or brought into use, a revised plan shall be submitted to and approved in writing by the Planning Authority detailing the provision of 4 no. parking spaces (2.9m x 5.8m modules) within the site. These spaces shall thereafter be constructed prior to the distillery operations commencing and maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

07. 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.

P/18/1666

O'Cathian Stables, Hayhill Road, Thortonhall



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:5,000
Date:
20/05/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	11 June 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/1585
Planning proposal:	Erection of dwellinghouse, formation of garden terraces, alteration to vehicle access and installation of garden lighting poles.

1 Summary application information

Application type:	Detailed planning application
Applicant:	M Loia
Location:	Site of the Crossford Inn 99 Lanark Road Crossford ML8 5RA

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: Alex Cullen And Co
- ♦ Council Area/Ward: 01 Clydesdale West
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 4 Development management and placemaking
Policy 6 General urban area/settlements
Policy 15 Protection of the Natural & Built Environment
Supplementary Guidance 3: Development Management, Placemaking and Design
Policy DM7 Demolition and redevelopment for residential use
Proposed SLDP2
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy DM7 Demolition and Redevelopment for Residential Use

◆ **Representation(s):**

▶	1	Petition (72 Signatures)
▶	19	Objection Letters
▶	1	Support Letter
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

SEPA West Region

Planning Application Report

1 Application Site

- 1.1 The application site is part of the land formerly occupied by the Crossford Inn on Lanark Road, Crossford. The site represents approximately 70% of the former pub site, with the remainder of the site which fronts the road and the former car park for the pub being retained for a future development project.
- 1.2 The development site for the new house sits back off the main road and occupies the gap between existing residential properties on either side, namely 1 Braidwood Road and 95 Lanark Road. The site bounds the river Clyde and the applicant has formed new terraces between the rear elevation and the river edge to maximise the usable garden ground available. The site is surrounded by a mixture of house types ranging from single storey cottages to two storey detached properties.

2 Proposal(s)

- 2.1 The applicant has applied to erect a contemporarily designed house which makes the most of its location overlooking the Clyde. The proposed single storey house is of contemporary design with a mixture of flat roof and traditional pitched roof with a slate finish. The pitched roof has a small element of first floor accommodation in the form of a mezzanine over the main living space utilising the space in the roof. The building would use a steel and glazed finish on the pitched roof section with large glazed walling panels to the front and rear elevations. The remainder of the building is flat roofed and would be clad in white stone cladding to give a contemporary sleek finish with grey aluminium windows and door.
- 2.2 The site would take access from Lanark Road with the entry point being adjusted slightly so it is set further back from the gable elevation of 101 Lanark road, thereby improving the access arrangement which operated when the public house was trading.
- 2.3 The proposal incorporates the creation of garden terraces with steps down to the river, alterations to the existing grass banking and the installation of feature lighting on the middle terrace. That part of the application is, therefore, retrospective as the work has already been completed.

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 of Crossford, therefore, Policy 6 Development Management and Placemaking and Policy 4 Development Management and Placemaking are relevant. Policy 6 states that within the urban areas and settlements identified on the proposals map, residential developments may be acceptable provided they do not have a significant adverse effect on the amenity and character of the area. Policy 4 states that development proposals will be required to take account of and be integrated with the local context and built form and should have no significant adverse impacts on the local community. Supplementary guidance on Development Management, Placemaking and Design

and Natural and Historic Environment is also relevant to the assessment of this application.

- 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 3 General Urban Areas, 5 Development Management and Placemaking and DM7 Demolition and Redevelopment for Residential Use are considered to be of relevance to the application.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (SPP) provides advice on national planning policy issues. The SPP states that the planning system should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

3.3 Planning Background

- 3.3.1 The site was part of the land formerly occupied by the Crossford Inn which was demolished in 2018 following the submission of a prior approval application P/18/0804 for demolition of the vacant public house and associated flatted dwelling.

4 Consultation(s)

- 4.1 **SEPA** - In their initial response, SEPA objected to the planning application on the grounds of lack of information. The applicant then employed an environmental consultant to liaise with SEPA and to provide additional information as required. Following the submission of further information to SEPA in relation to the terracing of the banking, SEPA have now advised that they have no objections to the application.

Response: Noted

- 4.2 **Roads and Transportation Services (Development Management)** - Offered no objections to the proposed development subject to conditions relating to provision of appropriate visibility splays and car parking provision.

Response: Noted: Conditions to cover the points raised will be added to the consent notice if planning approval is granted.

5 Representation(s)

- 5.1 Following statutory neighbour notification, 1 petition with 72 signatures, 19 letters of objection and 1 letter of support have been received. The points raised are summarised as follows:

- a) **The proposed development design is out of keeping with the street scape and the buildings in the surrounding area as the street frontage on Lanark Road is mainly traditional local sandstone buildings and therefore the proposed dwelling does not contribute positively to the character of the area. It is considered that the proposal does not**

reinforce the sense of place, demonstrate an understanding of local building materials or design aesthetic nor does it enhance the environment and is therefore contrary to Policy 4 of the adopted local plan.

Response: Although the preamble section within the adopted local plan giving background and the rationale behind Policy 4: Development Management and Placemaking does use phrases such as “establish a sense of place and identity, contribute positively towards the existing character of an area” and “contribute to a sense of place and have an understanding of local building traditions and materials”, these are taken out of context of the wider text of this section of the local plan as the remainder of the text from which these statements have been lifted refers to placemaking, design and layout of new developments including community growth areas, development framework sites and residential masterplan sites and states that the outcome should be the creation of valued/appreciated places people can identify with, which can integrate the activities and services used by their community and where people will want to live, work, visit and enjoy.

These statements and outcomes, therefore, refer to larger developments, either residential, commercial or mixed use, and do not necessarily relate to small scale infill development sites for single houses. However, Policy 4 does state 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 as well as address the six qualities of placemaking”. This is an overarching policy and points towards other policies within the local plan that relate to specific development types and scales. The policy states that “where appropriate” development “should include measures to enhance the environment”; again, this is considered to apply to larger scale developments. There is no requirement to deliver environment improvements on this small single house site within the existing settlement boundary.

The policies relevant to the scale of development being assessed at this location are Policy 6: General urban area/settlements and DM7: Demolition and redevelopment for residential use. Policy 6 states that, within the urban areas, residential developments may be acceptable provided they do not have a significant adverse effect on the amenity and character of the area. Policy DM 7 states that residential redevelopment proposals involving demolition of existing properties will require to comply with the specific criteria on scale and design, visual character, overlooking, overshadowing, access and parking. Section 6 of this report covers the policy requirements appropriate for this application and fully assesses the proposed development against these policies.

- b) It is of some concern that the application includes the formation of garden terraces and installation of garden lighting poles, work which has already been done.**

Response: The Planning Service was aware that some ground works had been carried out on the site and at that time the land owner was advised

that the terracing and lighting required planning consent. The applicant advised that he intended to submit a planning application for a dwelling house for the site and was finalising the house design with his architect. He further advised that he would include the terracing and lighting columns in the application so they could be considered by the Planning Service at the same time. The planning system allows for development that has been carried out to be applied for in retrospect and the applicant was advised that any works carried out and any further works carried out before consent was granted would be at his own risk and with no guarantee of approval.

- c) **There is a concern that the current application does not include the whole of the land that was associated with the now demolished public house. What are the plans for the remainder of the land, formerly the car park for the public house? Surely it can't remain a car park and needs a change of use?**

Response: The applicant has only applied for part of the site occupied by the former public house and has left a portion of the site directly fronting onto Lanark Road for a future project. Following the demolition of the public house on this site, the land has effectively become a gap site within the settlement boundary of Crossford and, therefore, the land is available for development that is compatible with Policy 6: 'General urban area/settlements' of the adopted local plan. This policy advises that, as well as residential development other development of an ancillary nature such as guest houses, children's nurseries, medical facilities, community uses etc. may be acceptable. We do not require to know what the applicant is planning to use the remainder of the site for in order to make a decision on this application as the site being assessed stands alone and is not dependent on the adjoining land to make it viable. If and when an application is submitted for the remainder of the site, it will be assessed independently and on its own merits against the policies of the adopted local plan at that time.

- d) **Over the past six months the objector's life has been made unbearable by the building work on this site. The public house building was demolished over a weekend last June with little regard for the safety of residents in the area. There was no input from the highways agency in regard to traffic control and high viz jackets were nowhere to be seen, nor were masks. The noise and dust was unbelievable.**

Response: None of the issues raised in these comments are relevant to the assessment of the planning application. The issues experienced by the neighbour should have been reported to the appropriate Council departments at the time i.e, Environmental Services in terms of noise and air pollution and the Roads Service if there were concerns for road safety.

- e) **The proposed dwelling is in close proximity to a B listed property and due to its design will have a detrimental effect on its character.**

Response: The listed building next to the site is the tollhouse for the adjoining listed Crossford Bridge. The proposed dwelling would be set back from the river bank so it sits behind the rear elevation of the listed building and, therefore, all four elevations of the listed building would be viewed without interruption and none of the views from habitable rooms within the

listed building to the river or the wider countryside would be affected by the proposed dwelling. The proposed house would be set off the boundary with the listed property by 3m and offset from the listed building itself by 6.5m. The street elevation of the proposed house read in conjunction with the listed building is single storey with a pitched slated roof, with the scale and massing being subservient to the listed structure. It is, therefore, considered that there would be no detrimental effect on the character of the listed building.

- f) **The proposed dwelling due to its scale and location will be detrimental to the residential amenity of the objector's house due to overlooking, overshadowing and a loss of privacy. In addition the proposed lighting and garden design do not fit in with the surrounding area to its detriment.**

Response: The new dwelling is single storey and, with the pitched roof section sloping away from the boundary on one side of the site and being flat roofed on the other, there is no significant overshadowing of the neighbouring properties. There are no first floor windows facing the side boundaries that would create overlooking. There are two windows at ground floor level on one side elevation, however, these are serving the master bedroom en-suite and dressing room and look onto an existing boundary with mature screening. In addition, the proposed ground levels would not noticeably increase the level of overlooking into the neighbouring properties. It is, therefore, considered that the proposed development does not significantly affect the amenity of the neighbouring properties.

- g) **The traditional street frontage of Crossford will be disrupted by a building that is out of character due to its appearance when compared with the existing properties proximate to the site.**

Response: The proposed dwelling being some 18 metres off Lanark Road will not have a significant impact on the streetscape of Crossford. In addition, due to its scale and design it does not dominate or overpower the adjoining residential units and has no negative impact on the surrounding environment.

- h) **A petition containing 72 signatures** was received; the petition outlined why the proposed development was unacceptable due to the proposed materials.

Response: The proposed dwelling is proposed to be built with a mixture of contemporary and traditional building materials in keeping with the contemporary design of the proposed house and the existing buildings surrounding the site. It is considered that the type and quality of the proposed materials are acceptable for this location and will not be detrimental to the visual amenity of the area.

- i) **One letter of support** was received that commended the applicant on his house design and his frustration at what he feels is a lack of ambition and resistance towards good modern designed houses in general.

Response: The points raised in support of the application have been noted.

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

6 Assessment and Conclusions

- 6.1 The main determining issue for consideration in the assessment of this application is how the proposal relates to relevant policies contained within the adopted local plan for the area. More specifically, the proposal can be assessed firstly in terms of whether the principle of the development is likely to be acceptable in both land use terms and in the context of its proximity to a listed building and the site characteristics and, if so, whether the detail of the proposal is acceptable in terms of visual and residential amenity.
- 6.2 In terms of the adopted South Lanarkshire Local Development Plan, the site is identified as being in the existing urban area within the settlement of Crossford, therefore, the principle of residential development of the site is considered acceptable in land use terms. The proposal can be assessed against Policy 4: Development Management, Placemaking and Design. This policy states that all proposals should take fully into account the local context and built form and that development should be compatible in terms of scale, massing and the external materials of adjacent buildings and the surrounding streetscape. Proposals should also seek to incorporate quality external materials. Appropriate access and parking standards also require to be provided and criteria require to be met on lighting, outlook, refuse collection and garden ground.
- 6.3 Policies 6: General urban area/settlements and DM7 are also relevant in this instance. These state that new housing development will have to be of a design, scale and materials appropriate to the site and its surroundings, be sympathetic to the scale / mass / height and materials of adjacent buildings and should conform to the approved South Lanarkshire Council Residential Design Guide. The residential design guide sets out a number of criteria such as plot ratios, garden sizes, window to window distances and parking and access standards. Policy 15: Protection of the Natural and Built Environment states that the Council will oppose any proposals which would have an adverse impact on the natural and built environment and safeguard listed buildings.
- 6.4 Roads and Transportation Services have confirmed that the proposed development is acceptable and that the altered access to the site will not raise any road safety issues. Similarly, adequate parking has been provided and I am of the opinion that issues of privacy loss would not arise due to the proposed layout and house design.
- 6.5 It is considered that the proposed house is of an appropriate scale and massing for the site and would not have a significantly adverse effect on the amenity of neighbouring residential properties or on the character of the area. Furthermore, it is proposed to be finished in a pallet of good quality materials that are sympathetic to the adjacent buildings. In addition, the location of the new house within the plot is sufficiently off-set from the adjoining listed building and is of a scale considered not to affect its character. I am therefore satisfied that the proposal complies with Policies 4, 6, 15 and DM7 of the adopted local plan together with the Residential Design Guide.

- 6.6 Following consultation, SEPA had originally objected to the application over concerns in relation to the applicant having carried out ground raising development within the flood plain and its potential to cause flooding outwith the site. The applicant has subsequently provided additional information to SEPA in relation to this matter which has demonstrated that there are no flooding concerns with the development as proposed, therefore, SEPA have now removed their objection.
- 6.7 In terms of the proposed local development plan, the aims are similar to those of the adopted plan and as such I am satisfied the proposal complies with this document. There is nothing raised by any objectors or consultees that would justify the refusal of planning consent. A number of conditions have been applied to ensure adequate provision of parking, that access meets appropriate standards and the use of suitable materials. These material choices will require to be agreed prior to any development commencing.
- 6.8 I am, therefore, satisfied that the proposal can meet the aims of all the relevant policies of the adopted local development plan. In addition, the proposal also complies with the relevant policies in the proposed local development plan.

7 Reasons for Decision

- 7.1 The proposed use of the site for residential and the scale, location and design of the new dwelling is considered to be suitable for this site at this location within the settlement boundary. It is considered that it would not adversely impact upon the residential amenity or the visual character of the surrounding area. The proposal, therefore, complies with policies 4, 6, 15 and DM 7 of the adopted South Lanarkshire Local Development Plan and policies 3, 5 and DM7 of the proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 23 May 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 23 November 2018
- ▶ Consultations

Roads Development Management Team	28.03.2019
SEPA West Region	08.03.2019 & 20.05/2019

► Representations	Dated:
Mrs Helen Brown, 1 Braidwood Road, Crossford, Carluke, South Lanarkshire, ML8 5RD	19.12.2018
John And Mae Fraioli, 95 Lanark Road, Crossford, Carluke, South Lanarkshire, ML8 5RA	19.12.2018
George Bryson, 91 Lanark Road, Crossford, Carluke, ML8 5A	18.12.2018
Neil Pringle, Received Via Email	07.01.2019
Alan And Alison White, 3 Holm Road, Crossford, ML8 5RG	17.12.2018
W Egan, 80 Lanark Road, Crossford, ML8 5RS	19.12.2018
Alice Morrow, 81 Lanark Road, Crossford, ML8 5RE	19.12.2018
Robert Morrow, 81 Lanark Road, Crossford, ML8 5RE	19.12.2018
Jonathan Gibson, 100 Lanark Road, Crossford, ML8 5RA	19.12.2018
C Symington, 82 Lanark Road, Crossford, ML8 5RA	19.12.2018
Robert Symington, 82 Lanark Road, Crossford, ML8 5RA	19.12.2018
T A Stodart, 136 Lanark Road, Crossford, ML8 5QQ	19.12.2018
P Stodart, 136 Lanark Road, Crossford, ML8 5QQ	19.12.2018
David Sweeney, Bridge Cottage, 4 Braidwood Road, Crossford, ML8 5RD	19.12.2018
Terri Stark, 83 Lanark Road, Crossford, ML8 5RE	19.12.2018
John Stark, 83 Lanark Road, Crossford, ML8 5RE	19.12.2018
George Boyd, Bridge Cottage, 4 Braidwood Road, Crossford, ML8 5RD	19.12.2018
Allison White, 3 Holm Road, Crossford, ML8 5RG	19.12.2018
Alan White, 3 Holm Road, Crossford, ML8 5RG	19.12.2018
Mr John Hinshelwood, Holmlea, Braidwood Road, Crossford , Carluke, ML8 5NH	07.03.2019

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 the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used 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. That before the dwellinghouse hereby approved is completed or brought into use, 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.

Reason: In the interests of traffic and public safety.

03. That before the development hereby approved is completed or brought into use, 3 no. parking spaces (2.9m x 5.8m modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

04. That before the dwellinghouse hereby approved is brought into use, a dropped kerb access to the site shall be constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

06. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

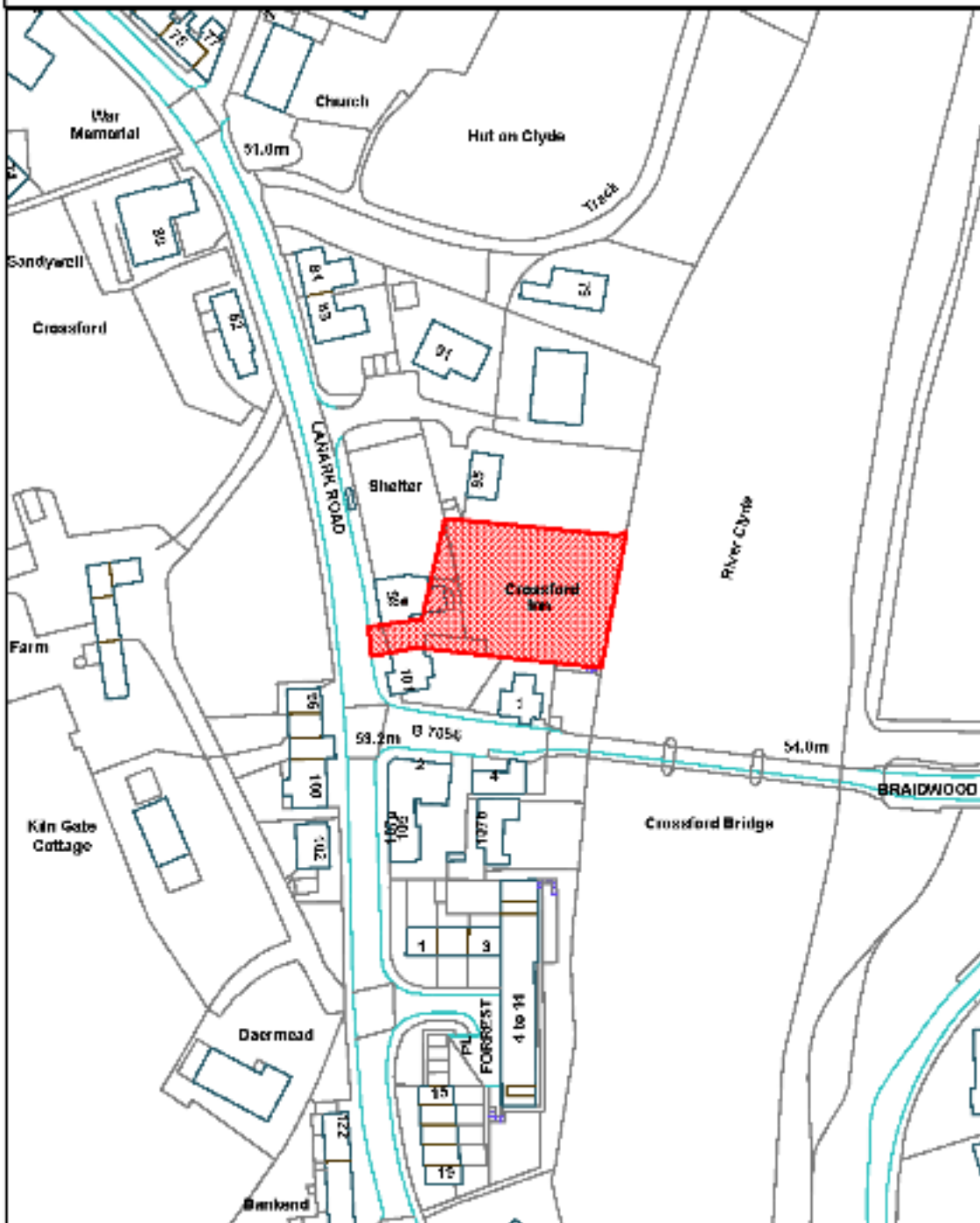
Reason: In the interests of traffic and public safety.

07. A pedestrian visibility splay of 2.4m x 2.4m, measured from the heel of the footway, shall be provided and maintained at the vehicle entrance of the site with nothing above 900mm being placed, erected or grown within the sightlines.

Reason: In the interests of public safety.

P/18/1585

Crosford Inn, 98 Lanark Road, Crosford



This map was prepared by the South Lanarkshire Council Planning and Economic Development Department. It is a technical drawing and should not be used for any other purpose. It is the responsibility of the user to ensure that the map is used for the correct purpose. The map is not a legal document and should not be used for any legal purpose. The map is not a legal document and should not be used for any legal purpose.



Scale:
1:1,000
Date:
28/05/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	11 June 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0135
Planning proposal:	Creation of fenced allotment site comprising 12 raised beds and up to 70 allotment plots in total, including associated hardstanding, suds pond, landscaping and composting areas.

1 Summary application information

Application type:	Detailed planning application
Applicant:	South Lanarkshire Council
Location:	Lammermoor Recreation Area Kenilworth East Kilbride 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: 10 East Kilbride East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 – Climate change
Policy 4 – Development Management and Place Making
Policy 14 – Green Network and Greenspace
Policy 15 – Natural and Historic Environment
Policy 17 - Water Environment and Flooding

[Supplementary Guidance](#)

**South Lanarkshire Local Development Plan 2
(Proposed Plan 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 Environments
Policy 16 - Water Environment and Flooding
Policy SDCC2 – Flood Risk
Policy NHE12 – Water Environment and
Biodiversity

♦ **Representation(s):**

▶	68	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

CER Simon Pilpel

Planning Application Report

1 Application Site

- 1.1 This planning application relates to the development of land within an area of greenspace for use as allotments and associated facilities. The site lies within the Lammermoor recreation area in the Calderglen area of East Kilbride and consists primarily of mown grass. Immediately east of the site, lies an area of trees, with an area of ancient, semi-natural woodland further east, which forms part of the Rotten Calder river valley that runs north to south, close to the edge of East Kilbride. To the north of the site, lies a further area of trees, with the Allers allotments and Allers sewage works further north. The site of the allotments lies in the north-east of Lammermoor recreation area, with residential properties found to the west and south of the park. The application site includes an area of hardstanding at the north-west of the site which was previously occupied by a South Lanarkshire Council building and associated hard standing. There is an existing vehicle access route running north to south through the recreational area and pedestrian connection routes coming off this to the surrounding residential areas.

2 Proposal(s)

- 2.1 The application is for the formation of 70 allotment plots, 12 raised beds, parking, landscaping, associated paths, fencing and drainage works. Vehicle access to the site is proposed via the existing single lane route that has an access point from Lammermoor to the south of the site. The proposed perimeter fencing and gated access is to be 1.8m high metal weldmesh fencing, coloured black. A total of 25 parking spaces are proposed in the area of the existing hard standing, immediately adjacent to the proposed allotments. Following discussion with Roads and Transportation Services, some improvements to the existing vehicle access route are proposed, to include pedestrian crossings, 5mph signs, lockable bollards, passing places and access improvements at the southern (Lammermoor) end of the access road. The proposal also involves the removal of a single slide, and associated foundations. The slide is to be relocated approximately 45m south of the application site boundary. Two small trees are also to be removed within the central part of the application site and a relatively small area of trees and shrubs is to be cut back on the eastern boundary. The total area of the allotments is approximately 0.6 hectares.

3 Background

3.1 Local Plan Status

- 3.1.1 In land use terms, the site lies within an area designated as Priority Greenspace and Green Network where Policy 14 (Green Network and Greenspace) of the South Lanarkshire Local Development Plan 2015 (SLLDP) applies. In addition, supplementary guidance 8 (Green Network and Greenspace) is applicable in terms of the provision of further guidance on these matters. In addition to the above land use designation, Policy 2 (Climate Change), Policy 4 (Development Management and Placemaking), Policy 15 (Natural and Historic Environment) and Policy 17 (Water Environment and Flooding) are relevant to the assessment of this proposal.

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 (SLLDP2) is now a material consideration. In this instance, the following policies are relevant:

- 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 Environments
- Policy 16 - Water Environment and Flooding
- Policy SDCC2 – Flood Risk
- Policy NHE12 – Water Environment and Biodiversity

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 create high quality, vibrant and sustainable places with living environments that foster better health and reduce spatial inequalities in well-being. SPP introduces a presumption in favour of development that contributes to sustainable development. Further, in terms of valuing the natural environment, the planning system plays an important role in protecting, enhancing and promoting access to our key environmental resources, while supporting sustainable use.

4 Consultation(s)

4.1 **Environmental Services** – have no objections, subject to an advisory note on noise.

Response: Noted. An appropriate advisory note can be added to any planning permission issued.

4.2 **Roads and Transportation** – have no objections following the provision of additional information on anticipated traffic volumes and details of measures to be introduced to ensure that the access route operates in a safe manner, that there is sufficient car parking and that the proposal does not adversely impact on the adjacent residential area at Lammermoor.

Response: Noted.

4.3 **Roads and Transportation 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. An appropriate condition can be attached to any consent issued.

4.4 **Countryside and Greenspace** - have no objections and are fully supportive of creation of allotments in this location.

Response: Noted.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised for non-notification of neighbours. Sixty 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) **A document entitled Lammermoor Park Greenspace Report has been submitted on behalf of Calderglen Heritage in opposition to the planning application. The report sets out the context for green space in East Kilbride, the history of Lammermoor Park, its potential archaeological associations and the importance of the adjacent Calderglen Country Park due to its environmentally significant landscape/habitats and related statutory designations, as well as its cultural importance and health benefits. The report also concludes that the proposal does not comply with Policy 13 (Green Network and Greenspace) of the Proposed South Lanarkshire Local Development Plan 2 and the development would not comply with the agreed SLC Biodiversity Strategy 2018 – 2022. Concerns are also expressed over the impact of the proposed pond/drainage arrangements on wildlife/biodiversity within the Country Park and whether it complies with established guidance. Further comments are provided that the proposal is not in the public interest, that it is a further example of public green space within East Kilbride being lost and that the location does not address the requirement for an even spread of allotments in urban areas.**

Response: The contents of the report in relation to local issues of relevance to this proposal is noted. In respect of archaeological issues, the site is not within an area of identified archaeological interest, however West of Scotland Archaeology Service have advised that in light of the issues raised, on a precautionary basis, it is recommended that an archaeological condition is imposed requiring archaeological investigation works at the site. An appropriate planning condition can accordingly be imposed. A full assessment against the relevant local development plan policies is detailed in section 6 below. In respect of environmental/natural designations, it is noted that the river corridor area to the east of the site is designated as an area of ancient semi-natural woodland, part of Calderglen Country Park and a SSSI. In respect of trees, it is noted that there is a buffer of between 30-40 metres of more recently planted trees between the eastern edge of the application site and the start of the semi-ancient woodland area. It is further noted that the application site consists primarily of mown grass, which has very little ecological or biodiversity value and does not relate to the adjacent river corridor in visual terms. In respect of the proposed drainage arrangements and pond, the applicant has advised that the proposals will offer the opportunity for improved biodiversity and environmental education to allotment holders and the wider community. It is, therefore, considered that, given the adequate separation from the semi-ancient woodland/river corridor and the lack of biodiversity on the application site at present, the provision of allotments in this location will not have a detrimental impact on the natural environment in this locality or directly affect Calderglen Country Park. It is noted that matters relating to landscape and visual impact have

also been raised, which are addressed in section 6 below. In terms of the general provision of allotments within South Lanarkshire, this is not a matter that can be considered as part of this planning application. However, it is noted that there is an identified need and shortage of allotment provision within South Lanarkshire and that there are health and community benefits associated with the use of allotments.

- b) **Object to any development on priority green space and especially due to the significance of the site. The change of use of this area would remove the only recreational facility in the local area. The existing allotments at Allers accommodates allotment users in the area. This park is designed to service a dense residential population and it would be a mistake take it away.**

Response: An assessment against the relevant local development plan policies is detailed in section 6 below. The proposal is for part of the grassed, northern section of Lammermoor recreation area to be used as allotments. The vast majority of the park (approximately 90%) will remain as open space to be used for recreational purposes. A single children's slide will be removed from within the application site and relocated within the immediate area. The assessment of this application relates specifically to the application site under consideration. While there are existing allotments in close proximity, this is not considered to be a material factor in the consideration of this application as it is noted that there is a high demand for allotments within East Kilbride.

- c) **Safety concerns over proposed additional traffic using the vehicle access route from Lammermoor to the allotments as it goes through a recreational area where families walk pets and children play. The route is in a poor state and is not sufficiently wide to accommodate additional traffic. Lammermoor is a quiet street and there are safety concerns over additional traffic in the street. The access road could be used by non allotment users for convenience. Additional parking could be put in next to the existing Allers parking and a vehicle access point from Kenilworth used. If the proposed access is used, an enforced traffic management plan and risk assessment should be available to the public.**

Response: Following discussions with Roads and Transportation Services, the applicant has submitted additional information and revised plans detailing measures to address safety concerns. These alterations relate to the provision of pedestrian crossing points, 5mph road signs, lockable bollards to be installed near the entrance to the existing access route, installation of passing places and increasing the width of the start of the access road at the Lammermoor end. Repairs to the surface of the existing access road are also proposed and detail of 25 car parking spaces to be provided adjacent to the site have been provided. In respect of the use of the access route through the site, it is noted that this was a previously a vehicle access to a South Lanarkshire Council community building (now demolished) that was positioned in the north-west corner of the site. It is acknowledged that the park and adjacent areas are used by residents of all ages and, as such, it is noted that the safety concerns have been taken on board by the applicant, as demonstrated by the additional information

submitted, which is designed to minimise risk. Roads and Transportation Services have no objections to the application.

- d) **Concern over impact on existing play area and potential loss of chute. This area of Calderglen recreation area has been neglected and under funded for a number of years. The development limits the scope of any future proposals. The facilities within the park should be upgraded instead.**

Response: The applicant has submitted a revised plan to show the existing slide moved approximately 45m to the south-west. The condition and maintenance of Lammermoor recreation area is not a matter that is considered relevant to the consideration of this application. The provision of allotments in this area is considered to be compatible with the recreation area and the adjacent Calderglen Country Park.

- e) **The benefits of allotments is recognised but this is not the correct location. Object to the size of the allotments and the detrimental impact on neighbours.**

Response: As stated at d) above, the provision of allotments in this location is considered to be compatible with the surrounding land uses and local environments. It is considered that there is an adequate separation distance between the proposed allotments and surrounding residential areas.

- f) **The park is well maintained and is not an eyesore. The proposal, including future sheds and polytunnels, will have a negative impact on the visual quality of the park. The proposals will result in the loss of many trees, resulting in environmental damage and loss of screening of Allers sewage works.**

Response: It is recognised that the proposed allotments will have a visual impact on Lammermoor recreation area, however, it is considered that the visual impact will not be significant given the lower level of the main allotment site and the backdrop of trees to the north and east of the site. The applicant has also submitted details of soft landscaping (including tree planting) to the south of the site to help soften the appearance of the allotments when viewed from the south. The proposals include the removal of two, immature trees in the central area of the site and cutting back of a small area of trees/shrubs on the eastern boundary. The proposals do not include removal of any trees to the northern boundary, therefore, screening of Allers sewage treatment works will be unaffected.

- g) **Construction vehicles and additional vehicles using the allotments will result in pollution, contrary to Scottish Government recommendations for cleaner air for Scotland.**

Response: The amount of vehicles associated with construction works and use of the allotments is not considered to be significant. Environmental Services have no objections to the proposal in relation to air quality impacts.

- h) **I would welcome a public resident's consultation meeting with all parties to discuss this application. My property overlooks the park and I was not informed of the application.**

Response: The planning application was subject to statutory neighbour notification and advertisement in the local press, in compliance with established procedures and legislation.

- i) **The previous community facility at the site should be replaced or opened again as the same facility. Allotments are not open for everyone to use. The allotments would be of little benefit to local residents.**

Response: The proposal under consideration is related to the provision of allotments and associated works only. The general management of community facilities is not a matter that can be considered as part of this application. The loss of the area of grass associated with this proposal is not considered to be significant in amenity terms, given the amount of open space that will remain.

- j) **The proposal would result in an increase of anti-social behaviour.**

Response: The provision of allotments in this location is considered to be compatible with the surrounding land uses. It is considered that the provision of allotments would not increase the likelihood of anti-social behaviour in this area.

- 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 creation of a fenced allotment site, with associated works to include landscaping, creation of suds pond and parking area. 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 and if there are other material considerations which are relevant to the consideration of this application.

- 6.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) identifies the site, in land use terms, as being within an area designated as green network and greenspace, where Policy 14 (Green network and greenspace) applies. Policy 14 states that any development proposals should safeguard the local green network and identify opportunities for enhancement and/or extension which can contribute towards:

1. placemaking
2. mitigating greenhouse gases,
3. supporting biodiversity,
4. enhancing health and quality of life,
5. providing water management including flood storage, and buffer strips,
6. providing areas for leisure activity,

7. promoting active travel.

The loss of any areas of priority greenspace will not be supported. Partial loss will only be considered where it can be demonstrated that:

- The retention of enhancement, including positive management of the areas to be retained, can be best achieved by the redevelopment of part of the site which would not affect its function.
- There is no significant adverse impact on the landscape character and amenity of the site and surrounding area.
- There is no significant adverse impact on natural and/or built heritage resources, including Natura 2000 sites and Protected Species.
- Compensatory provision of at least equal quality and accessibility is provided locally.

6.3 In respect of Policy 14 above, it is considered that allotments (due to their nature as primarily areas of varied planting) are a use that is regarded as compatible with the green network and greenspace designation. In this regard, it is noted that the adjacent allotments at Allers are allocated as part of the green network and priority greenspace within the SLLDP. In respect of criteria 1 to 7 of Policy 14, it is considered that the provision of allotments in this location will contribute towards several of these criteria by encouraging healthy lifestyles, providing opportunities to grow food locally (mitigating greenhouse gases) and providing opportunities for community involvement (placemaking). In respect of biodiversity, it is considered that the provision of allotments will increase biodiversity in this area of the park which currently consists almost entirely of mown grass. It is further considered that the provision of a suds pond on the site will benefit local drainage and provide a more diverse habitat in this location.

6.4 In respect of the proposed use of the allotment site, it is acknowledged that the activities that will take place on the application site will differ from the use of the site at present and that public access to the allotment site would be restricted. However, it is considered that the use of approximately 10% of the overall Lammermoor recreation area as allotments will not alter the function of the park. While a single piece of play apparatus is proposed to be removed and replaced nearby, it is noted that the proposed allotments are proposed to be in a relatively peripheral location within the park and in an area that suffers from drainage issues due to its low lying nature. It is further considered that, in terms of visual impact, the proposed allotments will not appear as a prominent feature locally due to their position in a lower section of the park and given the existing trees bordering the site to the north and east. It is acknowledged that the allotments will be clearly visible from within Lammermoor recreation area, however, it is considered that the visual impact, given the proposed landscaping to the south of the site, will not be of such a scale that enjoyment of the park will be significantly affected. Taking all of the above into account, it is considered that the proposal complies with Policy 14 of the SLLDP.

6.5 In terms of the detail of the proposal, Policy 4 of the SLLDP 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 relating to matters including the water environment and air quality. Policy 2 (Climate Change) states that proposals for new development must, where possible seek to minimise the effects of climate change. Policy 17

(Water Environment and Flooding) of the SLLDP states that any development proposals which will have a significant adverse impact on the water environment will not be permitted. In this regard, it is noted that several representations have been received in respect of environmental impacts relating primarily to potential impacts on the adjacent protected area surrounding the Rotten Calder to the east of the site. In this regard, Environmental Services and Countryside and Greenspace Services have been consulted on the proposal and offered no objections following submission of additional information by the applicant. In respect of potential traffic impacts, it is noted that the applicant has submitted additional details to address potential safety concerns regarding access to the site via Lammermoor and through the recreation area. In this regard, it is noted that Roads and Transportation have assessed the information provided and have offered no objections.

- 6.6 Policy 15 (Natural and Historic Environment) of the SLLDP states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. In addition, where specific designations are affected, further guidance is applied, relative to the relevant categories, 1 to 3. The application site is not affected by any designations in this regard, however it is noted that the river corridor (SSSI) and associated trees (ancient semi-natural woodland) within Calderglen Country Park, to the east of the site are designated as category 2 areas of national importance. As stated at 5.1 (a) above, it is noted that the application site does not directly abutt these protected areas and that given the nature of the proposed use, it is considered that the proposed development will not adversely impact on the integrity or quality of this protected area.
- 6.7 Given the above, it is considered that there will be no significant loss of amenity for local residents and that the proposed allotments will not have an adverse impact on the local landscape character or the environmental quality of the wider area. Furthermore, as described at paragraph 6.5 above, it is considered that the proposal is acceptable in terms of public safety. As such, it is considered that the proposal complies with policies 2, 4, 14, 15 and 17 of the SLLDP. It is noted that a substantial number of objections have been received, however, it is considered, following assessment of the proposals, that the matters raised do not merit refusal of the application.
- 6.8 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, 5, 13, 14, 16, SDCC2 and NHE12 of SLLDP2.
- 6.9 In summary, as described above, the principle of the provision of allotments on this site is considered acceptable and in compliance with policy 14 of the SLLDP. Furthermore, given that the proposal will not result in adverse amenity, environmental or safety impacts, it is considered that the proposed development is also in compliance with Policies 2, 4, 15 and 17 of the SLLDP, as detailed above.

It is, therefore, recommend that planning permission is granted, subject to conditions.

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 2, 4, 14, 15 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: 14 May 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	21.05.2019
Environmental Services	07.03.2019
Roads Flood Risk Management	18.04.2019
CER Simon Pilpel	14.03.2019

- ▶ Representations

Cheryl Anderson,	Dated: 25.03.2019
Mr Colin Lawson, 30 Durward, Calderwood, East Kilbride	21.03.2019
David McKellar, Received Via Email	22.03.2019
Lisa Thomson, 42 Brunel Court, East Kilbride, G75 0GX	22.03.2019
Mrs Natalie Wood, 34 Peploe Drive, East Kilbride, Glasgow, South Lanarkshire, G74 3PU	19.03.2019
Mrs Sheila Hunter, 129 Waverley, East Kilbride, Glasgow, South Lanarkshire, G74 3PD	19.03.2019

Sam Carpenter, 115 Ivanhoe, East Kilbride, G74 3NY	21.03.2019
Annie Manzor, Received Via Email	21.03.2019
Mr Robert Garscadden, 32 Kenilworth, East Kilbride, Glasgow, South Lanarkshire, G74 3PG	13.03.2019
Ms E Shearer, 5 Glen Tanner, East Kilbride, G74 2JF	25.03.2019
Victoria Bell, 167 Waverley, East Kilbride, G74 3PD	25.03.2019
Gillian Hanna, 12 Kenilworth, East Kilbride, G74 3PG	25.03.2019
Winnie McCann, Received Via Email	25.03.2019
Helena Thomson,	25.03.2019
Louise Beaton,	26.03.2019
Norman Beaton, 198 Waverley, Calder Wood, East Kilbride, G74 3PE	26.03.2019
Joe Allan, 94 Franklin Place, Westwood , East Kilbride, G75 8LS	12.03.2019
Alison And Gavin Wilson, 18 Gourlay, Calderwood, East Kilbride, G74 3PJ	01.04.2019
R.D And Sylvia Anderson, 16 Gourlay, Calderwood, East Kilbride, G74 3PJ	01.04.2019
Eileen And Paul Gormley, 10 Gourlay, Calderwood, East Kilbride, G74 3PJ	01.04.2019
Marcella Albertus, 13 Gourlay, Calderwood, East Kilbride, G74 3PJ	01.04.2019
Daniel Carrigan, 14 Gourlay, Calderwood, East Kilbride, G74 3PJ	01.04.2019
Mrs Gina Garscadden, 32 Kenilworth, East Kilbride, Glasgow, South Lanarkshire, G74 3PG	13.03.2019
Gina Garscadden,	14.03.2019
Stevie Murdoch,	14.03.2019
Bob Anderson,	03.04.2019
Mr iain buchanan, 20 Kenilworth, East Kilbride, Glasgow, South Lanarkshire, G74 3PG	18.03.2019

Mr Hugh Elder, 41 Durward, East Kilbride, Glasgow, South Lanarkshire, G74 3PB	19.03.2019
Mrs Jacqueline Corbrick, 36 Lammermoor, East Kilbride, Glasgow, South Lanarkshire, G74 3SE	14.03.2019
Ms Shona MacInnes, 161 Waverley, East Kilbride, Glasgow, South Lanarkshire, G74 3PD	15.03.2019
Mr Robert Oliphant, 49 Lammermoor, East Kilbride, Glasgow, South Lanarkshire, G74 3SE	14.03.2019
Mr William Creighton, 47 Lammermoor, East Kilbride, Glasgow, South Lanarkshire, G74 3SE	13.03.2019
Mr steven garscadden, 45 Lammermoor, East Kilbride, Glasgow, South Lanarkshire, G74 3SE	13.03.2019
Miss Sarah Fullarton, 43 Lammermoor, East Kilbride, Glasgow, South Lanarkshire, G74 3SE	14.03.2019
A Napier, 149 Waverley , Calderwood , East Kilbride , G74 3PD	02.04.2019
Anne-Marie Carrigan, 13 Gourlay, Calderwood, East Kilbride, G74 3PJ	04.04.2019
Graeme Wilson, 5 Purdie, Calderwood, East Kilbride, G74 3PN	04.04.2019
Lauren Carrigan McCarthy, 5 Purdie , Calderwood, East Kilbride, G74 3PN	04.04.2019
Debbie And Dan Jones, 5 Gourlay, Calderwood, East Kilbride, G74 3PN	04.04.2019
Mark Carrigan, 5 Purdie, Calderwood, East Kilbride, G74 3PN	04.04.2019
Mr john buchanan, 20 Kenilworth, East Kilbride, Glasgow, South Lanarkshire, G74 3PG	18.03.2019
Mr Mark Gemmell, 141 Waverley, East Kilbride, Glasgow, South Lanarkshire, G74 3PD	19.03.2019
Stevie Murdoch,	19.03.2019
Victoria Bell,	21.03.2019
Mrs Natalie Wood, 34 Peploe Drive, East Kilbride, G74 3PU	21.03.2019

Kevin Rush,	21.03.2019
Mr Colin Gilmartin, 72 dykehead st, Queenslie, glasgow, g33 4aq	14.03.2019
Mr John Corbrick, 36 Lammermoor, East Kilbride, G74 3SE	18.03.2019
Mrs Maureen Boll, 36 Glen Arroch, East Kilbride, Glasgow, South Lanarkshire, G74 2BP	18.03.2019
Audrey Napier, 149 Waverley, Calderwood, East Kilbride	04.04.2019
Miss Victoria Bell, 167 Waverley, East Kilbride, Glasgow, South Lanarkshire, G74 3PD	18.03.2019 18.03.2019
Clair Stewart, 35 Hill View, The Murray, East Kilbride, G75 0EB	21.03.2019
Mrs ISOBEL buchanan, 20 Kenilworth, East Kilbride, Glasgow, South Lanarkshire, G74 3PG	18.03.2019 18.03.2019
Michael And Debbie Connelly, 20 Gourlay, Calderwood, East Kilbride, G74 3PJ	08.04.2019
Linda And Ross Irwin, 11 Gourlay, Calderwood , East Kilbride, G74 3PJ	08.04.2019
Mary And Paul Heron, 2 Morland, Calderwood, East Kilbride, G74 3PH	08.04.2019
Maria Gillespie, 109 Stratford, Calderwood, East Kilbride, G74	21.03.2019
Mr Stephen W Baxter, 30 Riverton Drive, East Killbride, G75 8ZU	21.03.2019
Mr John Cairns, 123 Ivanhoe, Calderwood, East Kilbride, G74 3NY	21.03.2019
Emma Anderson,	21.03.2019
Audrey Leith,	21.03.2019
Mr Stephen Manzor,	21.03.2019
Lyndsay Torlay,	22.03.2019
Chris Ladds,	03.04.2019
Mr Barrie Wilson, 32 Geddes Hill, Calderwood, East Kilbride, G74 3LL	03.04.2019

Mr Christopher Barr, 55 Lammermoor, Calderwood, East Kilbride, G74 3SE 18.04.2019

Margaret MacDonald, 219 Rockhampton Avenue, East Kilbride, Glasgow, South Lanarkshire, G75 8EN 18.04.2019

Steven Anderson, 16 Gourlay, Calderwood, East Kilbride G74 22.05.2019

Jon Corrigan, 12 Gourlay, Calderwood, East Kilbride, G74 22.05.2019

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 unless otherwise agreed in writing with the Planning Authority, 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 brought into operation 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. No development shall take place within the development site as outlined in red on the approved plan 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.

Reason: In order to safeguard any archaeological items of interest or finds.

03. That the landscaping scheme as shown on the approved plan shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following completion of the development hereby approved and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

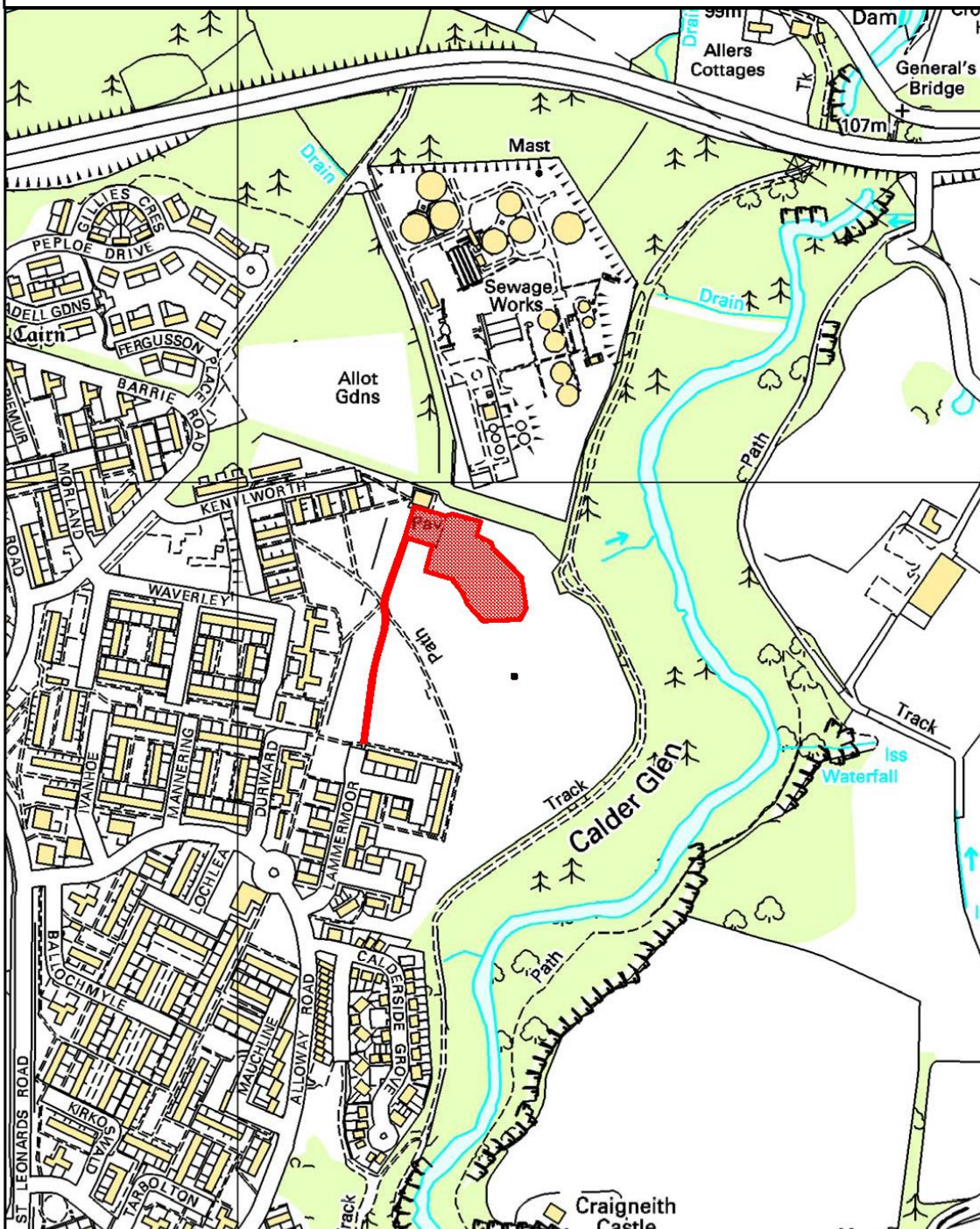
Reason: In the interests of the visual amenity of the area.

04. That unless otherwise agreed in writing with the Planning Authority, the access improvement works and car parking detailed on drawing nos. Lammermoor Allotments/LS/TD/10 Rev A & Lammermoor Allotments/LS/TD/09/Rev B shall be completed prior to the allotments being brought into use.

Reason: In the interests of public safety.

P/19/0135

Lammermoor Recreation Area, Kenilworth, East Kilbride



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:5,000
Date:
20/05/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	11 June 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/1875
Planning proposal:	Section 36 consultation for the erection of 14 wind turbines (up to 200m in height) and associated infrastructure

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	3R Energy Solutions Limited
Location:	Hagshaw Hill Wind Farm Douglas Lanark ML11 0RR

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 14 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 Services 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 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(s).

3 Other information

- ◆ Applicant's Agent: As applicant
- ◆ 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

Coalburn Community Council

Douglas Community Council

Lesmahagow Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is the existing Hagshaw Hill Wind Farm. This wind farm is considered Scotland's first commercial wind farm and was constructed in 1995 and has been operating continuously for over 20 years. The wind farm is now nearing the end of its 25 year operational life span. The wind farm comprises twenty six, 65m high (to hub height) turbines. The application site comprises some 275 hectares of land and, excluding the existing wind farm, comprises a mixture of moorland and agricultural grazing land.
- 1.2 The application site is located approximately 1.6km to the north of the village of Glespin and 3.2km west of the village of Douglas and straddles 3 hills (Broomerside Hill, Common Hill and Hagshaw Hill). The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015). The nearest residential properties are approximately 1km to the south of the site (Monksfoot).
- 1.3 Following the construction and operation of Hagshaw Hill Wind Farm, there have been several wind farm developments constructed in the area and several more have received consent and are expected to be constructed in the near future. Within a 10km radius of the application site, the operational (or being constructed) wind farms are:-
- Nutberry (within 5km, to the north west of the site)
 - Auchrobert (within 10km, to the north west of the site)
 - Galawhistle (within 5km, to the south west of the site)
 - Hagshaw Extension (adjoins the southern boundary of the site)
 - Middle Muir (within 10km, to the south east of the site)
 - Kype Muir and Kype Muir Extension (on the fringe of the 10km radius, north west of the site)

Further to these operational wind farms, the following have received consent and could be developed in the near future (again within a 10km radius of the site):-

- Kennoxhead (within 5km, to the south of the site)
- Cumberhead (within 5km, to the west of the site)
- Poniel (within 5km, to the north east of the site)
- Dalquhandy (within 5km to the north of the site)
- Broken Cross (5km to the north east of the site)
- Penbreck (on the fringe of the 10km radius, south west of the site)
- Douglas West (adjoins the western boundary 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 14 wind turbines (up to 200m in height) and associated infrastructure with a 30 year operating lifespan. The proposals are to replace the existing wind farm as it reaches the end of its operational life. Given the proposals are for the replacement of an existing wind farm, the Scottish Government categorises the application as a 'repowering' of a wind farm. The repowering proposals comprise the following components:-
- Fourteen, 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 Abnormal loads and deliveries to the site would travel along the M74 before leaving at Junction 11 Poniel. Vehicles would then use the private road that runs past the John Dewar bonded warehouse site and continue up into the existing wind farm using a combination of existing tracks that would be upgraded and new access roads.
- 2.3 The installed turbine generation capacity of the proposals would be 84MW 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 anticipated that, given the long term nature (30 years) of these proposals, if successful, battery storage of 20MW is achievable.
- 2.4 The existing Hagshaw Hill Wind Farm has a generation capacity of 16MW and, therefore, the proposals would represent an increase in capacity of some 68MW. The increase in turbine technology since the construction of Hagshaw Hill in 1995 has resulted in this increase in MW being achieved through the use of more efficient, taller turbines which allows for the dramatic increase in MW whilst dropping the number of turbines from the original 26 to the proposed 14. Whilst there is a proposed reduction in turbines on height, due to the proposed increase in height, the standoff distance between turbines to ensure they do not share the same wind (termed wake separation) has had to be increased and therefore the current application site extends further than the original footprint of Hagshaw to allow for this wake separation and, therefore, the current application boundary extends further south down to Broomerside Hill to with Turbines 1, 2 and 3 located in this southern extension.
- 2.5 The application is for a development that constitutes development of a nature that requires an Environmental Impact Assessment to form part of any application submission. An Environmental Impact Assessment Report (EIA Report) with a full suite of technical appendices has been submitted in support of the application to the Scottish Government as well as other supporting document including a Planning Statement and a Non -Technical Summary.

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.

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. It is noted that the site is located within an existing, operational wind farm.

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 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 The application site is the existing Hagshaw Hill Wind Farm (P/LK/01940252 P) that has been operational since 1995. As previously mentioned, this wind farm comprises twenty six, 55m high (to tip height) turbines with a cumulative generating capacity of approximately 16MW. This planning permission was granted with an operational life span of 25 years and, therefore, is nearing the end of this life span. The removal of the turbines and restoration of the site at the end of this 25 year life span was a requirement of the planning permission.

3.3.2 Although outwith this application site, permission was granted in December 2006 for twenty, 80m (to tip) turbines adjacent to the original wind farm (Planning Ref: CL/05/0018). These turbines are operational and are referred to as the Hagshaw Hill Extension. These turbines are unaffected by the current proposals and have been operational since 2009 and are, therefore, approximately 10 years into their 25 year operational lifespan.

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 stating no objection would be predicated on the basis of conditions requiring the further approval of a traffic management plan and the separate conclusion of a S96 Legal Agreement.

- 4.2 **Roads and Transportation Services (Flood Prevention)** - no comments to make.

Response: Noted.

- 4.3 **Countryside and Greenspace** – no objection to the proposal but note there is a small impact on an area of native woodland due to a new access track route and note that whilst the lack of any biodiversity through the site does limit habitat creation and no Habitat Management Group (HMG) or Plan is proposed. Consider that a 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. A HMG would also be able to assess whether replacement planting would negate any impact the loss of any unprotected woodland due to the proposed access route.

- 4.4 **West of Scotland Archaeology Service (WOSAS)** – note that the proposals are to be located on a mixture of previously disturbed land (due to the existing Hagshaw Hill Wind Farm) and previously undisturbed land. Agree with the archaeological findings within the EIA Report and the proposed mitigation measures which includes agreeing a scheme of archaeological investigation with WOSAS prior to development commencing. WOSAS, therefore, have no objections to the proposals subject to the use of a suitable archaeological condition requiring a programme of archaeological works agreed by WOSAS.

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.

- 4.5 **Environmental Services** – have no objections to the proposals subject to noise limits 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 **Coalburn Community Council** – state that they fully support the proposals.

Response: Noted.

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

Lesmahagow Community Council
Douglas Community Council

5 Representation(s)

- 5.1 Statutory advertisement of the application was undertaken by the applicant in January 2019 in the Edinburgh Gazette 9 and 15 January, the Herald (10 January) and the Lanark Gazette (9 and 16 January).
- 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. South Lanarkshire is one of a number of consultees to the Scottish Government as part of an application of this nature. The Scottish Government has consulted with several other bodies such as SNH, SEPA, Transport Scotland and the Civil Aviation Authority. Each consultee provides comments based on their own remit and, therefore, some matters that would normally be covered within a Planning Assessment fall, in this instance, under the remit of other consultees and not that of the Council. 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 – 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).
- 6.3 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 6.43 to 6.45. 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 6.4 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, the principle of development being established by the existing Hagshaw Wind Farm and for the reasons set out in sections 6.4 onwards of this report, it is considered the proposed development accords with SPP.

- 6.4 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.
- 6.5 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 wind farm proposals would generate renewable energy and have a generating capacity of some 68MW, in line with Government targets on renewable

energy generation, it is considered below that there would be no adverse impact upon the matters described in criteria (vii). As a result, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.

- 6.6 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 this part of the Rural Area given the site contains the existing Hagshaw wind farm (and the proposals are effectively a replacement or 'repowering' of this wind farm) and the other wind farms in operation in the locality. Therefore, there are no further implications for the countryside strategy set out within the Development Plan.
- 6.7 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 most of the site and in the locality, and therefore, the principle of a replacement wind farm is 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.
- 6.8 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.
- 6.9 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 approximately 2.3km 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 would result in the proposals having no direct impact upon the SPA or habitats within the SPA but the application site is within the foraging range for species located within the SPA. The EIA Report has a chapter on ornithology which considers that there is limited potential for any significant impact upon protected bird species, including those species within the SPA. It is considered that the proposals are unlikely to have a significant impact upon protected bird species. It is also noted that the site currently hosts a wind farm which has been in situ for over 20 years. SNH have been consulted by the Scottish Government and will be providing further detailed advice on ornithological issues including impacts upon the SPA.

- 6.10 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.
- 6.11 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.
- 6.12 The EIA Report submitted with the planning application contains a cultural heritage assessment of the proposals. There are no scheduled monuments, listed buildings, historic battlefields or Inventory Gardens and Designed Landscapes (GDL) within the application site but the assessment took in a 20km radius from the site boundary. The cultural heritage assessment concluded that there would be no significant effect on the setting of any of these level of cultural heritage asset within 20km of the application site. 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.
- 6.13 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 several SSSIs within 5km of the application site. Coalburn Moss SSSI lies approximately 2.7km north east of the application site and is designated for its raised bog. Muirkirk Uplands SSSI and North Lowther Uplands SSSI are designated for their geological features and upland habitats as well as for populations of hen harriers and short-eared owls. Birkenhead Burn SSSI lies approximately 2.5km north-west of the application site and is designated for its vertebrate fossil-bearing rocks. Miller's Wood SSSI is located approximately 5km to the south west of the site and is designated due to its upland birch woodland. Ree Burn and Glenbuck Loch SSSI, Shiel Burn SSSI and Kennox Water SSSI are also located on the limit of the 5km perimeter from the site but these 3 SSSI's are also designated for their geological features. It is considered that 14 turbines at a height of 200m (to tip 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 at these 2 SSSIs is considered in para 6.9 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.

- 6.14 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.

- 6.15 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 6.21 below. Overall, and in view of the above, it is considered that the proposals would not significantly affect Category 2 designations.

- 6.16 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 reference made when applicable to policy and guidance provided in the SG Natural and Historic Environment.

- 6.17 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.

6.18 As noted in 6.12 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. Douglas does have a Conservation Area but it is considered that, due to the distance of it from the proposals and the intervening topography and built environment, the proposals shall have no direct impact upon the setting of this Conservation Area. In relation to unscheduled archaeological sites, WOSAS acknowledge that the existing wind farm has resulted in the site having already been developed which, therefore, limits the archaeological potential of the site whilst also noting that there are areas of new development that could provide opportunities for archaeological investigation. WOSAS, therefore, have no objections to the proposals subject to the use of a condition to agree a level of archaeological investigation 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.

6.19 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and Policy NHE16 of 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 within the western 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 of the remaining SLA (Douglas Valley SLA), it is considered that this designation relates to the broad, open valley floor while the proposals are located on the western 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 development and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.20 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.
- 6.21 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. Transportation Services (Flooding) have no objections to the proposals and it should also be noted that SEPA will, separately, be providing further detailed advice on the water environment.
- 6.22 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.
- 6.23 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

- 6.24 National and international designations have been previously assessed at paragraphs 6.9 to 6.12 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. 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 1 settlement (Glespin) within 2km of the application site. This is 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 6.35 to 6.45 below.
- 6.25 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.
- 6.26 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 6.27 to 6.65 below. On the basis of the assessment below it is considered that subject to conditions and mitigation measures being implemented, the proposed amendments to conditions 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.

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

6.28 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.

6.29 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).

This has previously been assessed in paragraphs 6.20 and 6.24.

6.30 Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.35 to 6.45 below.

6.31 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. It also notes that taller turbines would have a larger output in MW than the existing wind farm even with the number of turbines being reduced from 26 to 14.

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

It is considered that turbines with an increased electricity generating capacity would create more renewable energy than the existing wind farm and the improvements in modern turbine technology allow the construction footprint of the wind farm to be reduced from 26 turbines to 14 and the reduction in construction materials that this allows.

6.33 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 EIA Report concludes that, due to the relatively poor habitat nature that would be lost as part of the proposals, there is no need for habitat enhancement measures within the application site. 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 whilst the

results of the habitat and protected species within the EIA Report are agreed 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.

6.34 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.

6.35 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.

6.36 As previously noted, this application has been categorised by the Scottish Government as a 'repowering' of an existing wind farm and therefore current practice requires any landscape and visual assessments to take account of the existing wind farm as part of baseline rather than a baseline where the existing wind farm has been removed from the landscape. The landscape and visual impacts as assessed below are, therefore, taken in the context of the existing wind farm being in situ when making the assessment.

6.37 The application site is located partly within the Rolling Moorland Landscape Character Type (LCT) and more predominantly the Rolling Moorland with Wind Farm LCT as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The 3 most southerly proposed wind turbines (Turbines 1, 2 and 3 within the slightly extended southern boundary of the site) are located within the northern fringe of the 'Rolling Moorland Area' with the remaining 11 turbines located within the 'Rolling Moorland with Wind Farm Area'. 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 Wind Farm' is the same as the 'Rolling Moorland' but is now a landscape influenced by the presence of wind farms such as Hagshaw Hill.

6.38 As noted by the 'Rolling Moorland with Wind Farm' LCT, since the development of Hagshaw in 1995, this LCT area has seen extensive wind farm development resulting in it now being categorised as a wind farm landscape type. 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.

- 6.39 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the EIA Report (Chapter 6 Landscape and Visual). The LVIA includes replacement of the existing wind farm as part of its study as well as the cumulative impact of the proposals in relation to other existing and consented wind farms. 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 at 131m to tip
- 6.40 It should be noted that both the Cumberhead and Dalquhandy proposals have live planning applications to amend the height of their turbines. The Cumberhead developers propose 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. The developers at Dalquhandy have applied to increase 11 of their 15 turbines to 149.9m and this application is pending decision, having been approved subject to the completion of a legal agreement at May's Planning Committee.
- 6.41 The application site is located within an area that is identified as having low 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.
- 6.42 In terms of the landscape capacity of the area, it is noted that the 'Rolling Moorland' LCT only contains 3 of the 14 turbines and this LCT rises to join the Rolling Moorland with Wind Farm' LCT. The 3 turbines have, due to the rising topography of the landscape, a backdrop onto the Rolling Moorland with Wind Farm' LCT and this backdrop characterises this section of the 'Rolling Moorland'

LCT as being one of wind farm development as it frames the 'Rolling Moorland with Wind Farm' LCT. It should also be noted that the 'Rolling Moorland' LCT does not preclude the introduction of wind farm development just that, as previously stated in 6.41, there are several key landscape characteristics that need to be taken into account in determining if this is appropriate in landscape terms. The portion of the site within the 'Rolling Moorland' is viewed in its entirety in relation to it rising and joining the 'Rolling Moorland with Wind Farm' LCT and this backcloth of wind farm development characterises the immediate landscape. It is, therefore, considered that the location of the turbines from public viewpoints would in effect be viewed within the same LCT. The rolling nature of the site provides a background and backcloth in which to frame turbines within the application site.

- 6.43 It is considered, however, that turbines 10, 11 and 14 are located close to the summit of Common Hill (Turbines 10 and 11) and Henry's Hill (Turbine 14). The siting of these turbines on such a high point of the rolling landscape, where the modest vertical scale above the valley floor, removes the backcloth that the landscape provides and these 3 turbines at a height of 200m would dominate the horizon. It is considered that they should not be viewed in isolation but in relation to the other 11 turbines proposed by this application as well as the existing and consented wind farm development in the area. Therefore, whilst they may seem dominating at 200m, they do not appear incongruous within a turbine landscape of this nature as they are within the centre of the landscape rather than being outliers that cannot be read as part of a larger wind farm. It is considered that their siting, whilst dominant, would not lead to an objection on landscape and visual impact in itself, however, consideration has to be given to whether these more dominant turbines could be effectively 'softened' on the skyline. If they were dropped to 180m it would reduce their dominating effect on the skyline. While a reduction of 20m in relation to an open landscape may be considered to have limited visual affect it would bring a uniformity to these turbines in line with the other proposed turbines that are located below the summit and ridgeline of this LCT. This uniformity would soften the 3 turbines dominance on the horizon as they would be read more in context with the other 11 turbines proposed. It is, therefore, considered that, whilst not responding to the Scottish Government with an objection, any response would include a recommendation that the Scottish Government, as the decision maker, consider the reduction in height of turbines 10, 11 and 14.
- 6.44 SNH have been consulted on the proposals and will also be providing detailed landscape and visual impact advice directly to the Scottish Government. It is also considered that, due to the proposed turbines being over 150m in height, some, if not all, will be required to be up lit on the grounds of aviation safety. As noted in the Addendum, aviation warning lighting is less likely to have an adverse effect in this LCT given it is relatively located to settlements such as Douglas and Coalburn as well as more densely populated farmland and valleys which are both characterised by artificial lighting. It is considered that an aviation lighting plan should be conditioned as part of any consent issued and again this forms part of the recommendation to the Scottish Government. It should also be noted that the Scottish Government will be consulting directly with the Civil Aviation Authority and Ministry of Defence as well as other aviation related parties as part of this application.

- 6.45 In terms of other cumulative visual impacts, it is noted that whilst these proposals would involve the removal of the existing, original 26 Hagshaw Hill turbines, the Hagshaw Hill extension turbines have approximately 15 years until they are required to be decommissioned. These turbines sit at 80m to tip height and, while there will be some incongruity due to the difference in heights with the new proposals, this should be viewed in the context of the immediate landscape being viewed as a wind farm landscape. In addition, the new proposals do not encroach into the Hagshaw Extension area and, therefore, would be read as being in the middle of the landscape surrounded by a ring of smaller turbines. This, in turn, would allow them to be read in connection with the larger inner turbines. It is also considered by the time the repowering of Hagshaw is implemented the Hagshaw Extension would be even further into its 25 year lifespan and would either be required to be removed from the landscape or, more likely, a new repowering scheme will be sought. This disparity would, therefore, be short term in nature.
- 6.46 The visual impact and cumulative visual impact of the proposals is also assessed in the LVIA. A detailed viewpoint assessment of the operational effects of the proposal is presented in Chapter 6.3 of the EIA Report. There is one settlement (Glespin) within 2km of the proposed turbines. As stated at paragraph 6.24, developers are required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. A Residential Visual Amenity Study has also been submitted as part of the EIA Report. The application site is located approximately 1.6km to the settlement of Glespin, which lies at the bottom of a steep sided foothill of Broomerside Hill. The steepness of this foothill effectively shields the wind turbines from view in Glespin with only some of the proposed blade tips being visible. It is, therefore, considered that the natural topography screens the turbines from view and, therefore, naturally mitigates any impact on the residential amenity of this settlement.
- 6.47 The impact of the proposed development on residential amenity is considered below.
- 6.48 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 6.46 above.
- 6.49 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 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 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 (Low Broomerside). 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 by potential shadow flicker from the proposals.

6.50 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 6.20 and 6.24.

6.51 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.

6.52 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 6.10 to 6.12 and 6.17 to 6.18. 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.

6.53 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 13 and 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 12km from the application site so 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.

6.54 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 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 these conditions and requirement of a legal agreement.

6.55 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 6.21 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.

6.56 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.

6.57 Opportunities for energy storage.

The proposed development contains on site battery storage of up to 20MW as part of the scheme and given this would allow for energy generation even when the grid has no capacity the proposals are supported by the Council.

6.58 Site decommissioning and restoration bond.

As noted at paragraph 6.56 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.

6.59 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 moorland or agriculture so there is little woodland affected by the proposals bar a

small area to be felled as part of a new access track. This area of unprotected woodland is not of a sufficient quality or quantity to require compensatory planting to be sought elsewhere on site. As previously mentioned in paragraph 6.33, the recommendation for a HMP would ensure that habitat creation, including woodland if deemed suitable, could be carried out in parts of the site to aid biodiversity.

6.60 Impact on Prime Agricultural Land.

As noted in paragraph 6.27 there is no Prime Agricultural Land within the application site.

6.61 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. Two 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 should also be noted that the southern parts of the application site has historically been mined for coal and there is a legacy of a coal bing on site (Douglas West Bing). It is proposed that the material in the bing will be used for infill material during the construction period. It is considered that this use of former colliery spoil bings as construction material, supplemented by borrow pit material, would be considered an environmental enhancement project subject to suitable restoration, including timescales, of the bing and borrow pits. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.62 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. As noted in para 6.21 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.

6.63 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 17 'Schedule of Environmental Commitments' of the EIA Report that was submitted as part of the application.

6.64 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 community benefit payments (as discussed in paragraph 6.66 below), the employment of a Planning Monitoring Officer and to ensure 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 planning permission is granted.

6.65 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 planning application submission.

6.66 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 6.65. 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 £420,000 per year of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

6.67 Drawing all of the above together, it has been demonstrated that the proposed repowering of the windfarm will not have any adverse effects on the landscape character and visual amenity of the area and that all other relevant matters in determining the application insofar as they are within the remit of the Council in terms of this section 36 application have been satisfactorily addressed. The recommendation is to advise the Scottish Government that the Council has no objections to the proposals but note that consideration should be given to reducing the overall height of turbines 10, 11 and 14 in the scheme.

7 Reason for Decision

7.1 The proposed repowering of an existing wind farm with a reduction of 12 turbines but at a much taller scale is considered acceptable, is not considered to have any significant, adverse impact within the surrounding area and is considered to accord with National Policy and the relevant provisions of the Development Plan, subject to the imposition of the attached, recommended environmental and transportation conditions. To further improve the scheme, consideration should be given by the Scottish Government in whether a reduction in height of turbines 10, 11 and 14 and whether this visual enhancement would, on balance, offset any reduction in renewable energy generated by the proposals.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 23 May 2019

Previous references

- ◆ P/LK/01940252 P

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 02.04.2019
 - Environmental Services 21.05.2019
 - WOSAS 08.02.2019
 - Countryside And Greenspace 25.03.2019
 - Coalburn CC 31.01.2019

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

Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Impact Assessment Report including all Appendices, dated December 2018, including all mitigation and monitoring measures stated in it, 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 drawings upon which the decision was made.

02. 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.

03. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority

Table 1 - Noise Limits for the predicted worst case scenario (Proposed development) - Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location

Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
Shielpark	24	30	32	33	32	32	32	32	32
Monksfoot	30	36	38	39	38	38	38	38	38
Carmacoup Fm Cott	26	32	34	35	34	34	34	34	34
Viaduct Cottage	27	32	35	35	35	35	35	35	35
Bungalow Cottage	25	31	33	34	33	33	33	33	33
Longhouse Cottage	26	31	34	34	34	34	34	34	34
Braeface Cottage	27	32	34	35	35	35	35	35	35
Hillview Crescent	27	32	35	35	35	35	35	35	35
Hazelside Farm	25	30	33	33	33	33	33	33	33
Station House	24	30	32	33	32	32	32	32	32
Blackwood Cottage	24	29	32	32	32	32	32	32	32
Scrogton	22	27	30	30	30	30	30	30	30
Shielpark	24	30	32	33	32	32	32	32	32
Scrogtonhead	24	29	32	32	32	32	32	32	32

The above values are subject to the accuracy of tables 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8 The Hagshaw Hill Wind Farm Repowering Noise and Vibration statement Chapter 9. This as described within the attached advisory as they relate

to the day and night immisions both from the proposed development and also the resultant cumulative levels at those receptors identified.

Hazelside Farm and Blackwood Cottage are considered to be financially involved and are attributed the elevated immssion level of 45dB measured as an LA90,10 minute

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immisions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and

arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2(b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound

level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The

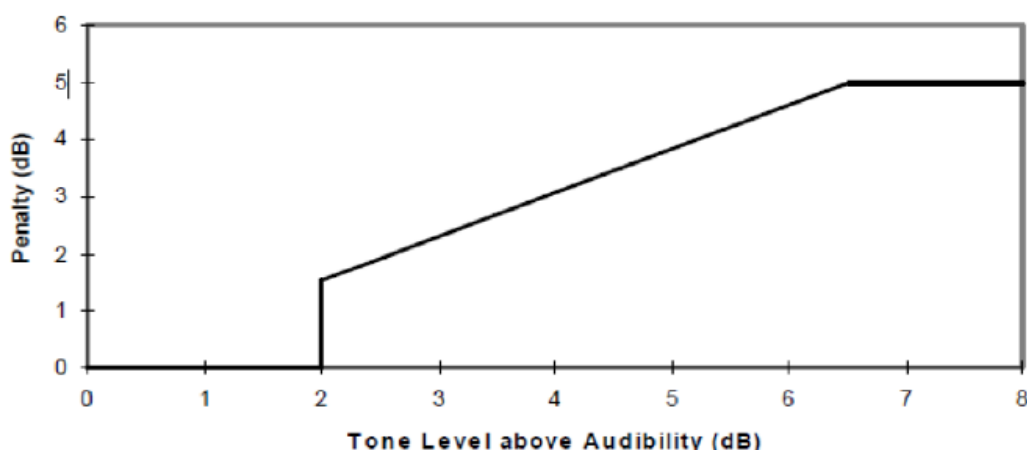
2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the

independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

Environmental Health Advisory Statement

The Operational Noise from Wind Farm is based on compliance with ETSU-R-97. This should ensure that the details as described within The Hagshaw Hill Wind Farm Repowering Noise and Vibration statement Chapter 9 is correct. This should demonstrate compliance with the following-

Cumulative Noise (Daytime)

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 35-40dB LA90,10min or background LA90,10min +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.

Cumulative Noise (Night-time)

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90,10min or background LA90,10min +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.

Cumulative Noise (Financially Involved Receptors)

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90,10min or background LA90,10min +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.

Reason: In the interests of residential amenity.

04. 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 4, 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: To minimise disturbance to residents in the vicinity of the wind farm.

05. 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, 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
- 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.

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

06. That the property Low Broomerside shall remain unoccupied for the lifetime of the development hereby approved unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of residential amenity.

07. Prior to commencement of development works the developer 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.

Reason: In the interests of road safety and in order to retain effective planning control.

08. At least 3 months prior to the delivery of abnormal loads the developer 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.

Reason: In the interest of road safety

09. 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.

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

10. 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 & 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.

11. Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the EIA Report
 - Advising the developer on adequate protection of nature conservation interests on the site;
 - Directing the micro-siting and placement of the turbines, bridges compounds and tracks and,
 - Monitoring compliance with the Construction Environmental Management Plan and Method Statement required by condition 18.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Impact Assessment Report and maintain effective planning control.

12. A minimum of 6 months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 30 with the exception of the third and fourth bullet points of that condition.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.

13. Each turbine shall be erected in the position indicated upon Figure 1.2b (site layout Plan West) within the Environmental Impact Assessment Report, dated December 2018. 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 variation 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 variation 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. The said provisions relating to variation shall not have the effect such that any variation 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

Reason: In the interests of amenity and in order to retain effective planning control.

14. 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

15. No later than 5 years prior to the end of the period of this deemed planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 30 year operational period. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

16. Within 24 months of the end of the period of this deemed planning permission (unless a further permission is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Scheme referred to in Condition 15. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.

Reason: In order to retain effective planning control

17. 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 Council as 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.

18. That no development shall take place within the development site, as outlined in red on the approved plan, 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 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.

Reason: To minimise adverse impacts on archaeology on site.

19. That before any work starts on sites, details of any aviation lighting required by the CAA or MoD shall be submitted for the written approval of the Council, as Planning Authority. The lighting shall thereafter be maintained as approved for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

20. No later than 3 months prior to starting on site a Habitat Management Plan (HMP) for the entire application site shall be prepared in consultation with the Council as Planning Authority and SNH, and submitted to the Planning Authority for approval. The HMP shall include:
- (i) steps to provide habitat improvements
 - (ii) creation of new habitats to aid biodiversity
 - (iii) implementation of a Habitat Management Group
- Thereafter implement approved measures.
Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and within the timescales set out in the approved HMP.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

21. 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.

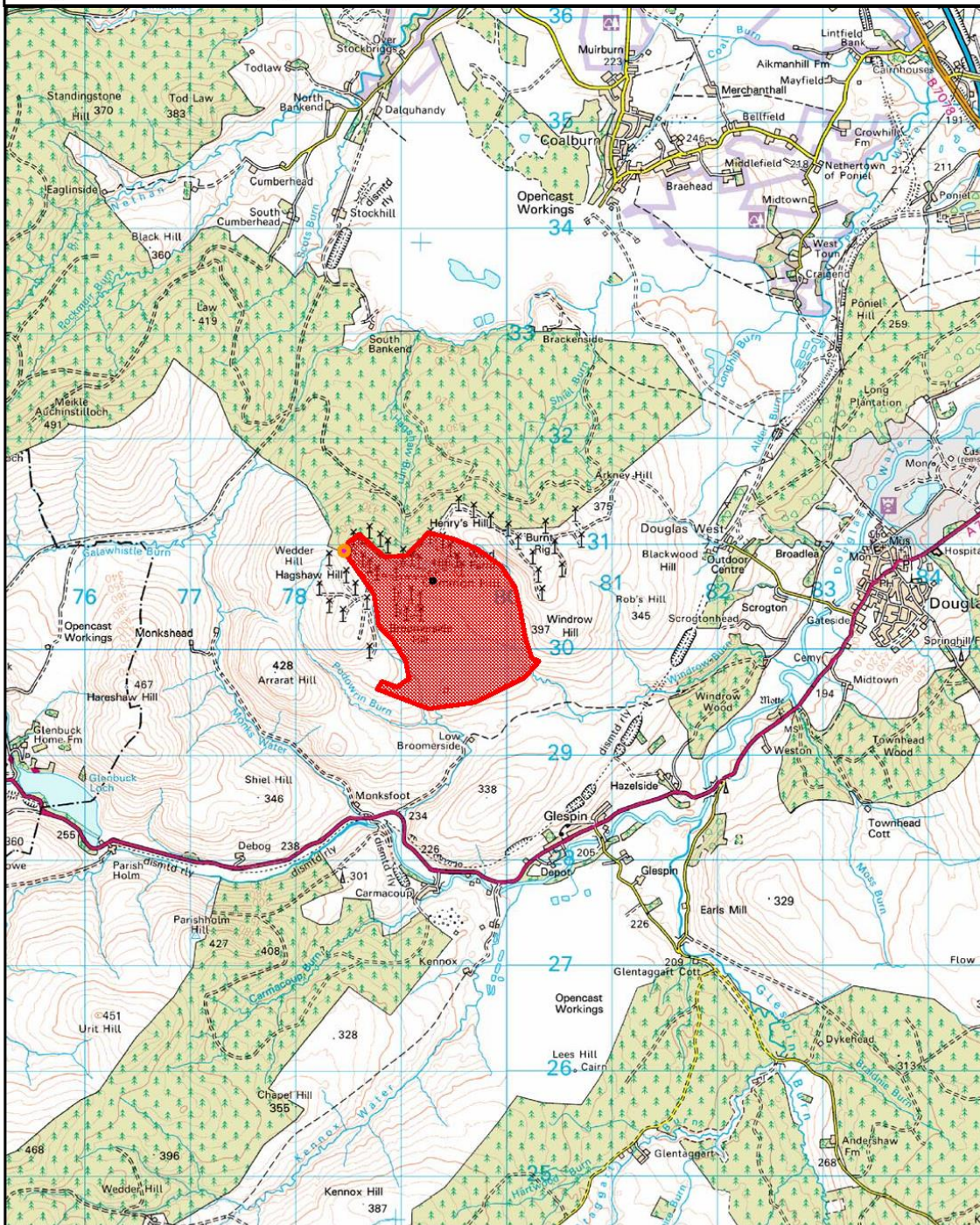
Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

22. That before any work starts on site, details of all proposed borrow pits shall be submitted for the written approval of the Council as Planning Authority. For the avoidance of doubt the details shall include timescales for the restoration of the borrow pits and full details of the proposed restoration of the borrow pits. The borrow pits and subsequent restoration shall thereafter be carried out as per these approved details.

Reason: In the interests of securing additional planning control.

P/18/1875

Hagshaw Hill, Wind Farm, Douglas, Lanark, ML11 0RR



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:50,000
Date:
22/05/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	11 June 2019
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Tree Preservation Order – Blairbeth Terrace, Rutherglen,
----------	---

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Seek approval for the making of a Tree Preservation Order (TPO) on the trees at Blairbeth Terrace, Rutherglen as shown on the accompanying plan.

2. Recommendation(s)

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

- (1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the two trees identified on the attached plan.
- (2) that this Provisional Tree Preservation Order be confirmed within six months from the date of this Order should there be no objections.

3. Background

3.1 The first tree (T1) subject of the proposed TPO is a large beech tree located opposite 4 Blairbeth Terrace and adjacent to the existing car park. The second tree (T2) is a lime tree which is located at the entrance to Blairbeth Terrace on the corner with Blairbeth Road. It is noted that Blairbeth Terrace is a row of B listed buildings dating back to the nineteenth century which have been subdivided into flats. The trees are considered to make a positive contribution to the sense of place, character and amenity in the local area as a result of their size and form as well as providing an attractive setting for this row of listed buildings. There are other trees within the surrounding area, however, it is considered that these trees are the largest and most visually prominent in the immediate local area.

3.2 It is noted that the Planning Committee granted approval on 25 September 2018 to promote a TPO in relation to these two trees. Following the appropriate legal procedure, this was referred back to Committee on 14 May 2019 to be confirmed. After discussion, it was proposed that consideration of the Tree Preservation Order be continued to clarify the position regarding ownership of the trees which were the subject of the TPO. Following a title search, it has been confirmed that both trees are owned by residents of Blairbeth Terrace and are maintained by a Residents' Association. The promotion of a TPO would not stop maintenance works being undertaken to the trees, but it would require such works to be agreed in advance with the Council to ensure that no inappropriate work takes place.

4 Update

- 4.1 Legal Services have now advised that the TPO required to be confirmed before 4 June 2019 or would expire. Given that the Planning Service, in liaison with the Council's arboriculture officer, still consider the trees to be of a high amenity value, permission is sought to recommence the required procedure to promote a Provisional TPO in relation to these two trees, T1 and T2.

5 Policy History

- 5.1 The site is identified in the Adopted South Lanarkshire Local Development Plan as being within a designated residential area and as such is surrounded by residential properties.

6 Grounds for Making the TPO

- 6.1 The reason for making the TPO is that the two existing mature trees are 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 trees are notably visible in the area by virtue of their size, form and siting which is within the middle of the terrace and on the junction of Blairbeth Terrace and Blairbeth Road. To ensure that only appropriate maintenance is undertaken in consultation with the Council, and to ensure the future retention of the trees, the promotion of a TPO is considered necessary.

7 Employee Implications

- 7.1 None.

8 Financial Implications

- 8.1 None.

9 Other Implications

- 9.1 None

10 Equality Impact and Consultation Arrangement

- 10.1 Consultations have taken place with the Council's Arboriculture Manager. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

30 May 2019

Link(s) to Council Objectives/Values/Ambitions

- Working with communities and partners to promote high quality, thriving and sustainable communities

Previous References

Committee Report dated 25 September 2018

Committee Report dated 14 May 2019

List of Background Papers

None

Contact for Further Information

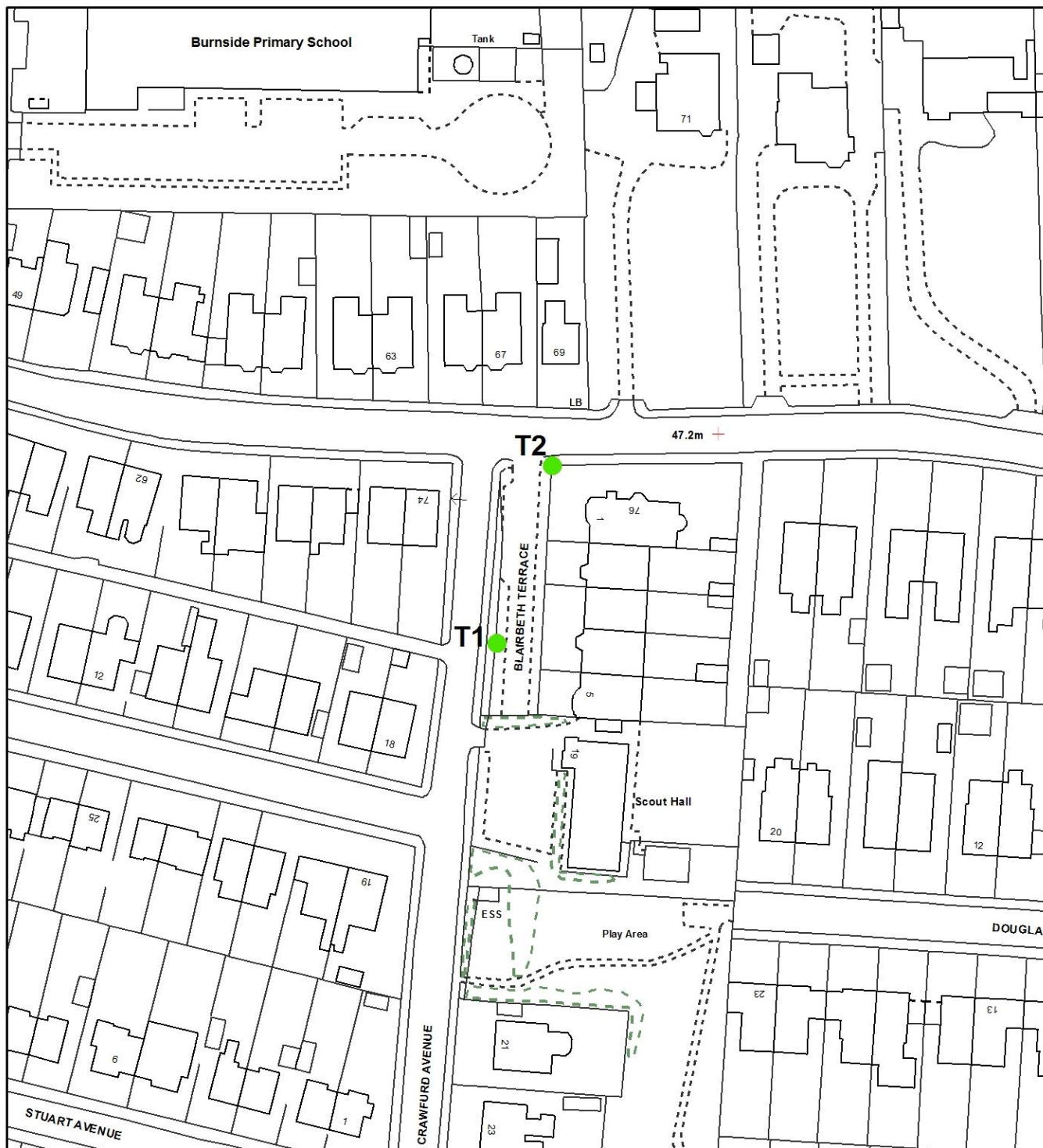
If you would like to inspect the background papers or want further information, please contact:-

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton

Ext: 5046 (Tel: 01698 455046)

E-mail: planning@southlanarkshire.gov.uk

Tree Preservation Order - No SL53 **Blairbeth Terrace, Burnside, Cambuslang**



This is the plan referred to in the foregoing Tree Preservation Order

Schedule : T1 Beech
T2 Lime

**Community and Enterprise Resources
Planning & Building Standards Services**

Date: January 2018

Scale: 1:1,250

