



Council Offices, Almada Street
Hamilton, ML3 0AA

Tuesday, 09 August 2022

Dear Councillor

Planning Local Review Body

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

Date: Monday, 15 August 2022

Time: 10:30

Venue: Hybrid - Council Chamber, Council Offices, Almada Street, Hamilton, ML3 0AA

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

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Richard Nelson (Chair), Gerry Convery (Depute Chair), Alex Allison, Mary Donnelly, Gladys Ferguson-Miller, Mark Horsham, Lesley McDonald, Norman Rae, Dr Ali Salamati, Graham Scott

Substitutes

Robert Brown, Maureen Devlin, Grant Ferguson, Alistair Fulton, Graeme Horne, Ross Lambie, Monique McAdams, Ian McAllan, Kenny McCreary, Davie McLachlan

BUSINESS

1 Declaration of Interests

- 2 Minutes of Planning Local Review Body of 20 June 2022** 3 - 6
Minutes of the meeting of the Planning Local Review Body held on 20 June 2022 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision

- 3 - Review of Case - P/21/0029 for Erection of Two Houses with Associated Studio Flats Above Attached Garage, Raised Decking at Rear and Formation of Access at Land 120 Metres Northeast of 55 Bothwell Road, Bothwell Road, Hamilton** 7 - 10
- 3a Appendix 1 Planning Application Form** 11 - 26
- 3b Appendix 2(a) Report of Handling** 27 - 50
- 3c Appendix 2(b) Consultation Responses** 51 - 74
- 3d Appendix 2(c) Representations** 75 - 242
- 3e Appendix 3 Site Photographs and Location Plan** 243 - 250
- 3f Appendix 4 Planning Decision Notice and Reasons for Refusal** 251 - 258
- 3g Appendix 5 Notice of Review** 259 - 378
- 3h Appendix 6 Further Representation** 379 - 404
- 3i Appendix 7 Applicant's Comments on Further Representations** 405 - 464

Urgent Business

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

For further information, please contact:-

Clerk Name:	Stuart McLeod
Clerk Telephone:	07385 370 117
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

PLANNING LOCAL REVIEW BODY (PLRB)

Minutes of meeting held via Microsoft Teams and the Banqueting Hall, Council Offices, Almada Street, Hamilton on 20 June 2022

Chair:

Councillor Richard Nelson

Councillors Present:

Councillor Alex Allison, Councillor Gerry Convery (Depute), Councillor Mary Donnelly, Councillor Gladys Ferguson-Miller, Councillor Mark Horsham, Councillor Lesley McDonald, Councillor Dr Ali Salamati, Councillor Graham Scott

Councillor's Apology:

Councillor Norman Rae

Attending:

Community and Enterprise Resources

T Finn, Headquarters Manager, Planning and Building Standards Services; J Wright, Planning Adviser to the Planning Local Review Body

Finance and Corporate Resources

M Cannon, Legal Adviser to the Planning Local Review Body; S Jessup, Administration Assistant; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Review of Case – Application P/21/1109 for Erection of 3 Detached Dwellinghouses and Formation of Associated Vehicular Accesses and Parking at Letham Cottage (Ruin), Lethame Highway, Strathaven

A report dated 9 June 2022 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/1109 by HELCO for the erection of 3 detached dwellinghouses and formation of associated vehicular accesses and parking at Letham Cottage (ruin), Lethame Highway, Strathaven.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from consultees
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ further submissions from interested parties following notification of the request for the review of the case

The relevant drawings in relation to the review were available for inspection prior to the meeting of the PLRB.

The PLRB heard the Planning Adviser in relation to the case.

The PLRB noted that the applicant had requested a hearing, however, on the basis of the above, the PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 2 – climate change
 - ◆ Policy 4 – green belt and rural area
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy 14 – natural and historic environment
 - ◆ Policy DM1 – new development design
 - ◆ Policy GBRA1 – rural design and development
 - ◆ Policy GBRA5 – redevelopment of previously developed land containing buildings
 - ◆ Policy NHE13 – forestry and woodland

Following its review of the information and after discussion, the PLRB concluded that the development was contrary to Policies 2, 5, 14, DM1, GBRA1, GBRA5 and NHE13 of the South Lanarkshire Local Development Plan 2.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/1109 by HELCO for the erection of 3 detached dwelling houses and formation of associated vehicular accesses and parking at Letham Cottage (ruin), Lethame Highway, Strathaven be upheld.

3 Review of Case – Application P/21/0405 for Erection of a Dwelling (Planning Permission in Principle) at Land to the South of Wiston Mains Cottage, Millrig Road, Wiston, Biggar

A report dated 9 June 2022 by the Executive Director (Finance and Corporate Resources) was submitted on a request for a review of the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0405 by the estate of the late Nellie French for the erection of a dwelling (planning permission in principle) at land to the south of Wiston Mains Cottage, Millrig Road, Wiston, Biggar.

To assist the PLRB in its review, copies of the following information had been appended to the report:-

- ◆ planning application form
- ◆ report of handling by the planning officer under the Scheme of Delegation together with representations and responses from consultees
- ◆ site photographs and location plan
- ◆ decision notice
- ◆ notice of review, including applicant's statement of reasons for requiring the review
- ◆ a further submission from an interested party following notification of the request for the review of the case
- ◆ comments from the applicant on the further submission received from the interested party

The relevant drawings in relation to the review were available for inspection prior to the meeting of the PLRB.

The PLRB heard the Planning Adviser in relation to the case.

The PLRB considered it had sufficient information to allow it to proceed to determine the review. The options available to the PLRB were to uphold, reverse or vary the decision taken in respect of the application taken under review.

In reviewing the case, the PLRB considered:-

- ◆ the information submitted by all parties
- ◆ the relevant policies contained in the adopted South Lanarkshire Local Development Plan 2:-
 - ◆ Policy 2 – climate change (not included in template)
 - ◆ Policy 4 – green belt and rural area
 - ◆ Policy 5 – development management and placemaking
 - ◆ Policy GBRA1 – rural design and development
 - ◆ Policy GBRA9 – consolidation of existing building groups

Following its review of the information and after discussion, the PLRB concluded that the development was contrary to Policies 4, 5, GBRA1 and GBRA9 of the South Lanarkshire Local Development Plan 2.

The PLRB decided:

that the decision taken by officers, in terms of the Scheme of Delegation, to refuse planning permission for planning application P/21/0405 by the estate of the late Nellie French for the erection of a dwelling (planning permission in principle) at land to the south of Wiston Mains Cottage, Millrig Road, Wiston, Biggar be upheld.

4 Urgent Business

There were no items of urgent business.

Report

Report to:	Planning Local Review Body
Date of Meeting:	15 August 2022
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Review of Case – Application P/21/0029 for Erection of Two Dwellinghouses with Associated Studio Flats Above Attached Garage, Raised Decking at Rear and Formation of Access
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1. Purpose of Report

1.1. The purpose of the report is to present the information currently available to allow a review of the decision taken by officers, in terms of the Scheme of Delegation, on the following application:-

1.2. Summary Application Information

Application Type:	Detailed Planning Application
Applicant:	Mr Shahid Chaudhary
Proposal:	Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access
Location:	Land 120 Metres Northeast of 55 Bothwell Road, Bothwell Road, Hamilton, ML3 0BB
Council Area/Ward:	17 Hamilton North and East

1.3. Reason for Requesting Review

<input checked="" type="checkbox"/> Refusal of Application	<input type="checkbox"/> Conditions imposed	<input type="checkbox"/> Failure to give decision (deemed refusal)
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2. Recommendation(s)

2.1. The Planning Local Review Body is asked to:-

- (1) consider whether it has sufficient information to allow it to proceed to determine the review without further procedure and, if so, that:-
 - (a) it proceeds to determine whether the decision taken in respect of the application under review should be upheld, reversed or varied
 - (b) in the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision letter are agreed
- (2) in the event that further procedure is required to allow it to determine the review, consider:-

- (a) what further information is required, which parties are to be asked to provide the information and the date by which this is to be provided
- (b) what procedure or combination of procedures are to be followed in determining the review

3. Background

- 3.1. The Council operates a Scheme of Delegation that enables Council officers to determine a range of planning applications without the need for them to be referred to Area Committees or the Planning Committee for a decision.
- 3.2. In terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission relates to a proposal that falls within the category of “local development” and has been or could have been determined under the Scheme of Delegation, the applicant is entitled to request that the determination be reviewed by the Planning Local Review Body.

4. Notice of Review – Statement of Reasons for Requiring the Review

- 4.1. In submitting their Notice of Review, the applicant has stated their reasons for requiring a review of the determination in respect of their application. **(Refer Appendix 5)**
- 4.2. The applicant is entitled to state a preference for procedure (or combination of procedures) to be followed and has indicated that their stated preference is as follows:-

<input type="checkbox"/>	Further written submissions	<input checked="" type="checkbox"/>	Site inspection
<input checked="" type="checkbox"/>	Hearing session(s)	<input type="checkbox"/>	Assessment of review documents only, with no further procedure

- 4.3. However, members will be aware that it is for the Planning Local Review Body to determine how a case is reviewed.

5. Information Available to Allow Review of Application

- 5.1. Section 43B of the Planning etc (Scotland) Act 2006 restricts the ability of parties to introduce new material at the review stage. The focus of the review should, therefore, be on the material which was before the officer who dealt with the application under the Scheme of Delegation.
- 5.2. The following information is appended to this report to assist the Planning Local Review Body in its review of the decision taken by officers:-
 - ◆ Planning Application Form **(Appendix 1)**
 - ◆ Report of Handling by the Planning Officer under the Scheme of Delegation **(Appendix 2(a))**
 - ◆ Copies of submissions from consultees **(Appendix 2(b))**
 - ◆ Copies of representations **(Appendix 2(c))**
 - ◆ Site photographs and location plan **(Appendix 3)**
 - ◆ Decision notice **(Appendix 4)**
 - ◆ Notice of Review including statement of reasons for requiring the review **(Appendix 5)**

5.3. Copies of the relevant drawings are available for inspection by contacting Administration and Legal Services prior to the meeting.

6. Notice of Review Consultation Process

6.1. 3 further representations (1 of which included 60 pro-forma letters) were received, including a Statement of Observations from the Planning Officer on the applicant's Notice of Review, in the course of the 14 day period from the date on which notification of the request for a review of the case was given. These are listed at and attached as **Appendix 6**.

6.2 The applicant had the opportunity to comment on the further representations received. Comments from the applicant are contained in the submission attached as **Appendix 7**.

Paul Manning

Executive Director (Finance and Corporate Resources)

4 August 2022

Link(s) to Council Values/Priorities/Outcomes

- ◆ We will work towards a sustainable future in sustainable places
- ◆ Good quality, suitable and sustainable places to live
- ◆ Thriving business, fair jobs and vibrant town centres
- ◆ Caring, connected, sustainable communities
- ◆ Accountable, effective, efficient and transparent

Previous References

- ◆ None

List of Background Papers

- ◆ Guide to the Planning Local Review Body

Contact for Further Information

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

Stuart McLeod, Administration Officer

Ext: 4815 (Tel: 01698 454815)

E-mail: stuart.mcleod@southlanarkshire.gov.uk

Appendix 1

Planning Application Form



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100349318-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The construction of 2no. 2+1/2 storey detached dwelling houses.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arka Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Adam	Building Name:	The Loft
Last Name: *	Toleman	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Tattie Kirk
Extension Number:		Address 2:	Cow Wynd
Mobile Number:		Town/City: *	Falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 1PU
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr	Building Name:	
First Name: *	Shahid	Building Number:	27
Last Name: *	Chaudhary	Address 1 (Street): *	Lochore Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Paisley
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA3 4BY
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 100%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 100%;" type="text" value="8"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? * <input checked="" type="checkbox"/> Yes – connecting to public drainage network <input type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) * Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, using a private water supply <input type="checkbox"/> No connection required If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required. Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know	
<h2 style="margin: 0;">Trees</h2>	
Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

If Yes or No, please provide further details: * (Max 500 characters)

Local Authority Collection

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Adam Toleman

On behalf of: Mr Shahid Chaudhary

Date: 07/01/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: * (Max 500 characters)

Tree Survey report

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Adam Toleman

Declaration Date: 07/01/2021

Payment Details

Online payment: IDOX00007521

Payment date: 08/01/2021 14:30:00

Created: 08/01/2021 14:30



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100349318-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arka Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Adam	Building Name:	The Loft
Last Name: *	Toleman	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Tallie Kirk
Extension Number:		Address 2:	Cow Wynd
Mobile Number:		Town/City: *	Falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 1PU
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr	Building Name:	
First Name: *	Shahid	Building Number:	27
Last Name: *	Chaudhary	Address 1 (Street): *	Lochore Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Paisley
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA3 4BY
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100349318-001, application for Planning Permission, submitted on 08/01/2021

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Design Statement

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Adam Toleman

Declaration Date: 21/01/2021



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100349318-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arka Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Adam	Building Name:	The Loft
Last Name: *	Toleman	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Tattie Kirk
Extension Number:		Address 2:	Cow Wynd
Mobile Number:		Town/City: *	Falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 1PU
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Shahid	Building Number:	27
Last Name: *	Chaudhary	Address 1 (Street): *	Lochore Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Paisley
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA3 4BY
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100349318-001, application for Planning Permission, submitted on 08/01/2021

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Revised site layout plan, dwelling plans and elevations taking into account re-positioning of the proposed dwellings to the north-west corner of the site. Updated tree survey report. A planning statement from the Planning Consultant.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Adam Toleman

Declaration Date: 18/08/2021

Appendix 2(a)

Report of Handling

Report dated 11 March 2022 by the Council's Authorised Officer under the Scheme of Delegation

	Delegated Report	Reference no.	P/21/0029
		Date	11 March 2022

Planning proposal:	Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.
Location:	Land 120M Northeast of 55 Bothwell Road Bothwell Road Hamilton South Lanarkshire

Application Type: Detailed planning application

Applicant: Mr. Shahid Chaudhary
Location: Land 120M Northeast Of 55 Bothwell Road
Bothwell Road
Hamilton
South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan 2 (adopted 2021)

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Place Making
Policy 13 - Green Network and Greenspace
Policy 14 - Natural and Historic Environment
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding
Policy NHE13 - Forestry and Woodland
Policy NHE14 - Tree Preservation Orders
Policy NHE20 - Biodiversity
Policy DM1 - New Development Design

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	Yes

Consultations

Summary of response

Roads Flood Risk Management

The applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage

design or made any indication of intended drainage proposals. Due to insufficient information, we would defer our decision to this current planning application until these issues have been addressed. (The applicant's agent was advised of the above comments).

CER Biodiversity Officer

The site has long been identified as being of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. It is considered that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.

The area is potentially Ancient Woodland, and at the very least of long-established origin. It is not on the mapping system as such as it is too small to have been included. This does not detract from its value as a key part of the woodland network in this area; the associated ground flora, soil, microbes and fungi are therefore likely to be an irreplaceable biodiversity asset. Planting of new woodland will not recreate the habitat. The Biodiversity Strategy identifies woodland as a key ecosystem and presumes that there will be no loss of ancient woodland. This is supported by Policy NHE13 in LDP2. Policy NHE20 of LDP2 deals with development and biodiversity. As the response from Scottish Forestry notes, this development would likely lead to a permanent net loss of biodiversity. No mitigation proposals have been proposed that would compensate for the loss of ancient woodland habitat and soils.

Scottish Forestry Central Scotland
Conservancy

The main issue of concern to SF in relation to development planning is that of deforestation and the potential effects it could have on the ecology and landscape of local and wider environs. The planning area (site) is located in an area of woodland designated as a Tree Preservation Order (TPO) and it should also be noted that the woodland is on the National Forest Inventory. The TPO places the responsibility for all decisions relating to the management and retention of the woodland on the Local Authority. As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department when making its decision on the proposal. In addition, a proposal for compensatory planting should be part of any development approval that results in the permanent deforestation of woodlands. The Supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results in a permanent net biodiversity loss not a gain. The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management.

Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands in and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

Roads Development Management Team

Have no objection to the application subject to conditions requiring the submission of further details of the proposed access arrangements for pedestrians on Bothwell Road and details of refuse storage/collection. Informatives relating to wheel washing, parking for staff/operatives and storage of construction materials should also be attached should consent be issued.

Arboricultural Services

The revised proposal is still unacceptable and should be strongly refused. I support Scottish Forestry's statement that permanently removing woodland results in a permanent net biodiversity loss. The site has a place in the landscape as a stepping stone of habitat in the existing woodland network. I support the Biodiversity Officer's comments that the site has long been identified as a SINC/LNCS. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS; though the formal process for doing so has not been completed. I would therefore consider that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.

Based on historical mapping and emails with NatureScot, the woodland at this site is at least LEPO and may be of ancient origin. The associated ground flora, soil, microbes and fungi are, therefore, likely to be an irreplaceable biodiversity asset; new woodland will not recreate the habitat. The only further information that has potential to contribute to decision making would be an ecological and mapping exercise to determine the value of the woodland as LEPO or AW. The applicant should note that this has the potential to further confirm the value of the woodland as an irreplaceable biodiversity asset. As stated in the AWI guidance, many woodlands of LEPO have similar value to AW and should be treated as such. I support Scottish Forestry comments that the planning area is located in an area of woodland designated as a TPO, it should also be noted that the woodland is on the National Forest Inventory.

As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department. The supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results is a

permanent net biodiversity loss not a gain. The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management. Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands In and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

The construction of the driveway/access road does not accord with best practice and would be detrimental to retained trees. The development would be detrimental to the setting of the Tree Preservation Order and amenity of the area. The proposed development will open the woodland to windthrow. The proposed development will put the remaining trees under threat from removal due to being considered overbearing and perceived as a potential risk by future landowners, particularly in high wind. The juxtaposition of the trees and proposed development is unacceptable, and the trees will be under threat from removal by future owners due to light obstruction and minor season nuisance etc. The proposal will result in the detrimental removal of 16% of the woodland. The council has agreed to increase tree cover in its urbanised areas to 20% by 2032 as part of the Clyde Climate Forest. This proposal does not support the Council's action. The proposal will have an adverse impact on a valued woodland and individual trees of high biodiversity and amenity value.

Environmental Services

Have no objection to the application subject to the inclusion of informatives relating to appropriate hours for audible construction activity and restrictions related to the site being located within a smoke control area.

Scottish Water

Have no objection to the application. They have advised that there is a 225mm VC foul sewer within the site boundary and that no building, private garden or other obstruction should be located within 3 metres of this asset.

Representation(s):

►	44	Objection letters
►	4	Support letters
►	0	Comment letters

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks detailed planning permission for the erection of two dwellinghouses with associated studio flats above attached garage, raised decking at the rear and the formation of access on land located within a prominent position on Bothwell Road (B7071) which is one of the main arterial routes running through the town of Hamilton.
- 1.2 The site is bounded to the north by several blocks of flatted dwellings, to the south by the grounds of Hamilton College, to the east by the grounds of Hamilton Park Racecourse and to the west by Bothwell Road. It is located within an area of woodland which runs alongside Bothwell Road's eastern edge. This woodland is the subject of a Tree Preservation Order (TPO Reference HM/35). The part of the site which would be used to form the access to the proposed dwellings from Bothwell Road is covered by the Green Network.
- 1.3 The proposed six-bedroom dwellings would be located on an area of land located between the flatted dwellings at Hamilton Park South and the car park to Hamilton College. The proposed dwellings would be positioned on the eastern side of the plot overlooking Hamilton Racecourse and Strathclyde Park Golf Course. Vehicular and pedestrian access would be taken through the woodland off an existing access on Bothwell Road that currently serves Hamilton College. The supporting information advises that an agreement is in place between the applicant and Hamilton College to access the site from the existing entrance.
- 1.4 The dwellings would be two storeys in height incorporating traditional hipped roofs with windows on all elevations, including roof lights on the rear elevation and balconies incorporated on the front and rear elevations. A lower ground floor is also proposed for the buildings with windows and doors leading out to an enclosed balcony/patio formed within the rear garden. Steps would be accommodated at ground floor level to provide access to the rear garden. The proposal includes integral garages with nine car parking spaces formed between each dwelling.
- 1.5 The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. As discussed above, the woodland is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 13 - Green Network and Greenspace, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy NHE13 - Forestry and Woodland, Policy NHE14 Tree Preservation Orders, Policy NHE20 - Biodiversity, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2. The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 3 of this report.
- 1.6 In terms of the application site's planning history, the site has been the subject of several planning submissions which have been refused for reasons relating to road safety and due to the loss of the woodland which makes a significant contribution to the amenity of the area and has a high conservation value as a whole.

- 1.7 A detailed application on behalf of First Style (Scotland) Ltd for the formation of a new vehicular access was refused consent on 23 November 2011 under HM/11/0257. A subsequent detailed application for a vehicular access by the same applicant was also refused in July 2012 under HM/12/0056. This decision was the subject of an appeal to the Scottish Government (PPA-380-2022) which was dismissed by the Reporter on the 27 September 2012. In addition to the above, an application for the erection of two dwellings (planning permission in principle) under HM/13/0005 was refused on 28 March 2013. This decision was the subject of an appeal to the Planning Local Review Body (PLRB). Having reviewed the application, the PLRB upheld the decision and dismissed the appeal on 13 September 2013. The most recent detailed application for the formation of a vehicular access/egress was refused under application P/19/0420 on 4 October 2019.

2 Representation(s)

- 2.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non-notification of Neighbours. Neighbours were also re-notified following the submission of an amended site layout. As a result of this publicity 48 letters of representation were received comprising 44 letters of objection and 4 letters of support. A petition against the proposal was also received. The grounds of representation are summarised as follows:

- (a) **The proposals will lead to the destruction of the local environment, in particular the protected woodland and scrubland. The applicant goes to great lengths to criticise the findings of South Lanarkshire Council's Arboricultural and Biodiversity Officers as well as the report by Scottish Forestry in relation to the condition of trees and the disruption which will be caused to the woodland by the proposed development. There is nothing in the revised application (drawings) which addresses the objections to the original application submitted in January 2021 and the applicant questioning the integrity and experience of Council staff is surprising. This latest application refers throughout to the creation and maintenance of a Woodland Management Plan to be implemented following the development of the houses. It should be noted that the applicant has now owned this site for many years and in that time has never made any attempt to carry out any maintenance to this woodland.**

Response: The consultation responses to the application from Scottish Forestry, and the Council's Arboricultural and Biodiversity Officers have been highlighted above. In summary, it is considered that the proposal would have an adverse impact on the visual amenity of the area and would prejudice the integrity of the woodland in which the site is located and which is a protected local resource and of high conservation value.

- (b) **The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is, therefore, in direct conflict with the Local Plan at a time when the preservation of green areas is more vital than ever before. The development will destroy the site which is designated as High Amenity Value, High Conservation Value and High Landscape Value.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. It is considered that the woodland in which the application site is located makes a significant contribution to the amenity of the area and would be adversely affected by the proposed development of two houses and the associated access road.

- (c) **There are road safety issues in relation to the site access through the grounds of Hamilton College and at a busy junction onto Bothwell Road which would represent an unnecessary additional danger to parents and pupils entering and leaving the**

premises. Existing traffic flows are already a cause for concern and represent a serious risk of accident and injury to members of the public. The works would add further congestion to a busy area with school children, turning vehicles and other residential properties etc.

Response: As highlighted above, Roads Development Management have advised that they have no objection to the application subject to conditions requiring the submission of details of the access arrangements for pedestrians on Bothwell Road and details of refuse storage/collection. Informatives relating to wheel washing, parking for staff/operatives and storage of construction materials would also have to be attached to any consent that was issued.

- (d) **Overall disregard to Global Warming and the pursuit of improving the environment especially when the International COP26 Conference is being held in Glasgow this year.**

Response: The proposal's impact on the natural environment is discussed in Section 3 of this report.

- (e) **Removal of the woodland and the erection of the buildings proposed would have an adverse effect on the character of the area. The new proposal involves reducing the overall footprint of the new houses and relocating them outwith the Green Network/Green Space boundaries. The revised plans and relocation of the buildings does not address any of the overall concerns and objections previously submitted in relation to damage to the environment, wildlife and woodland. The new houses would be located beyond the building line of the existing flats and would be detrimental to the current outlook and landscape of the area.**

Response: Whilst the amended layout shows the proposed houses located outwith the Green Network the area of the site which would be used to form the access to the proposed dwellings via Bothwell Road is covered by the Green Network. The impact of the proposal on the existing woodland is discussed in detail in Section 3 below.

- (f) **No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. The proposed amendment involves building on a steep slope. This gradient currently acts as a natural drainage route for flood water. The proposed buildings would block the natural drainage route, thereby increasing the flooding risk to Hamilton Park South properties. Therefore, there are concerns regarding how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.**

Response: Roads Flood Risk Management were consulted on the application and advised that the applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage design or made any indication of intended drainage proposals and therefore due to insufficient information they recommend that any decision should be deferred until these issues have been addressed. The applicant's agent was advised of the above comments, however, to date the required information has not been submitted. That said it should be noted that any drainage proposals/arrangements have potential to impact on the trees in the site due to underground pipes etc.

- (g) **Impact on Residents - we would like to take this opportunity to request that the applicant actions the following, as a matter of some urgency: fulfil the 'burdened property' legal obligation to protect the land from any changes or development and withdraw the planning application and desist from any future plans or planning applications to change or develop the land; fulfil the 'burdened property' legal obligation to maintain the land: undertake all urgent maintenance, including all**

related to significant health and safety risks; create and undertake a medium and long term maintenance programme to meet all outstanding needs and issues; and reimburse Hamilton Park South residents for all maintenance costs incurred to date.

Response: Whilst the above points are noted they are not material planning considerations and are essentially legal matters which require to be addressed between the parties concerned.

- (h) **There must be plenty of other opportunities to build such expensive properties in other suitable areas where there is much less intrusion, infringement to nature and impact on local property owners.**

Response: The merits of the application are discussed in Section 3 of this report.

- (i) **During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber-attack.**

Response: The merits of the application are discussed in Section 3 of this report. In terms of publicity, statutory neighbour notification procedures were undertaken and the application was advertised appropriately in the Hamilton Advertiser under the heading Non-notification of Neighbours. It must be acknowledged however that the use of this privately owned land for leisure/walking purposes is at the sufferance of the owner.

- (j) **Although the proposed development is low density the north facing gable wall of the house, adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of double patio doors at ground level and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows. The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development.**

Response: Based on the information on the submitted drawings the distance between the proposed northern most dwelling and the closest flat in the Hamilton Park South development is approximately 15 metres. The windows on the gable elevation of the proposed dwelling would also be offset from any windows on the existing flatted block. Due to the distance between the existing and proposed dwellings and the orientation of the buildings it is considered that the proposed development would have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy if approved.

- (k) **The proposal will result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern.**

Response: Due to the distance between the existing flatted dwellings and the proposed dwellings and the orientation of the buildings it is considered that the proposal will not have any significant adverse impact on the amenity of the residents of those flats in terms of loss of light and overshadowing, especially giving the impact of the existing trees.

- (l) **It looks like there is no provision for a garden at all on the plans. I find this slightly hard to believe that a huge detached house would be built with no or minimal garden. In theory the garden could be as close as 2m to the nearest flats. Bedrooms & Living Rooms are the rooms which face onto the woodland.**
Response: I have concerns regarding the area of usable garden ground proposed and this matter is discussed further in Section 3 below.
- (m) **Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents and beyond.**
Response: Subject to the inclusion of informatives relating to appropriate hours for audible construction activity and restrictions related to the site being located within a smoke control area no adverse comments were raised by Environmental Services in this regard. Any additional traffic and associated pollution/noise however would be relatively marginal in the context of the immediate neighbourhood.
- (n) **There appears to be evidence of ongoing confusing information being submitted.**
Response: The level and degree of all information submitted in relation to the proposal is considered to be sufficient to enable the Planning Service to make an appropriate assessment of the application.
- (o) **It is noted that no environmental statement has been submitted, however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. Any development would devastate this rich and diverse eco system. The risk to existing habitat (deer etc), conservation and destruction of the landscape would significantly outweigh any amendments being presented. The local area must continue to retain the conservation and habitat value as any erosion of this and or capitulation at this point simply paves the way for further erosion of these elements.**
Response: It is acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. Again, the merits of the application in relation to such matters are recorded in Section 3 below.
- (p) **This woodland area should be maintained by the owner not the residents of Hamilton Park South. There has been no evidence of maintenance or care that has been carried out on the land as was supposed to which could contribute to a decline in health of the area. This negligence could then make the area in poorer condition and more likely to result in planning being granted. However, the cause of this decline and linkage to lack of maintenance by the applicant should be considered. I believe that the application, if successful, would lead to the possibility of future applications for extended development of the forested area.**
Response: The merits of the application are discussed in Section 3 of this report. The suggested non-maintenance of the land involved is not a material planning consideration in terms of the assessment of the application and instead is a legal matter which requires to be resolved by the parties concerned.
- (q) **The access is still granted through a private arrangement with the school which could be revoked at any time leading to further development required to gain access to established houses so should not be seen as a sustainable solution.**
Response: Any private arrangement that the applicant has in place with the school regarding the proposed access to the site is a legal matter and not a material planning consideration in terms of the assessment of the application.
- (r) **The area will not look like natural woodland anymore. Although the trees scheduled for removal are category C trees which are deemed lower quality, this does not**

mean they should be removed. Even in the tree report commissioned and paid for by the applicant - it does not state this. It merely states in his 'opinion' the removal wouldn't matter. I'm not sure this is good enough, seems like a judgement call to me. If this is the case, I would always side with the 'keep things as they are' argument.

Response: The proposal is not supported by the Council's Arboricultural Manager and others as it is considered to be unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development.

- (s) **The Tree Report conducted by Keith Logie was commissioned and paid for by the applicant/proposed developer. While there is nothing untrue in the report, quite a bit of the conclusion seems to be stated as 'in my opinion', which is not exactly conclusive; the report is slanted towards being favourable to the person who paid for it.**

Response: The submitted Tree Report, its contents and conclusions, have been assessed as part of the application process. It is fair to record that the Council's Arboricultural Managers comments do not accord with the report.

- (t) **The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment. If planning permission is granted for 2 houses and a road this strengthens the applicant's case to further develop the land. The TPO is weakened by having some development already on the land. A TPO is granted primarily for environmentally aesthetic purposes, I would argue having part of the area developed would be in opposition to the reason the TPO was granted.**

Response: The TPO was promoted to protect these trees for amenity and environmental reasons. Indeed the application site and its associated habitats do make a significant contribution to the amenity of the area and would be adversely affected by the proposed development.

- (u) **Applicant's solicitor's submissions 8 Feb 2021 (x2) the solicitor asserts....'right to a reasonable use of their property' - however, all the evidence available indicates the applicant continues to not adhere to the legal duty and responsibility to: 1. Protect the land from any/all development 2. Carry out maintenance 3. Comply with public health & safety/landowner's duty of care (Occupier's Liability (Scotland) Act 1960), e.g. see above multiple unmet maintenance needs identified 2019 (some urgent), including potential risk to pedestrians & road users on Bothwell Road**

Response: Whilst the above points are noted they are once again legal matters which require to be addressed between the parties involved divorced from the planning process.

- (v) **Crucial organisations have not been contactable, since the circulation of the Neighbour Notification Notice, due to unprecedented factors e.g. SEPA, Woodland Trust, RSPB. Vital support to our objections is therefore unavailable at this time.**

Response: It is considered that an appropriate level of consultation has been undertaken in relation to the scale of proposal involved and the issues highlighted may have delayed input/comment rather than prevented same.

- (w) **Large scale destruction and damage indicated by Tree Reports, Tree Report – confusion or omission of key findings Current report states 'a number of trees and shrubs would require to be removed, but the best trees will be retained, and the impact in arboricultural terms would be relatively small.' This is in stark contrast to the previous tree report(s) commissioned by the applicant, the most recent being 2019.**

Response: The submitted tree survey has been assessed by the consultees and their consultation responses are highlighted at the beginning of this report.

- (x) **Right of Way** – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of Hamilton Park South, and the wider public exist, and ‘Prescriptive Servitude’ could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
Response: Such aspects are essentially legal related aspects. The fact is that no recorded right of exists on the site.
- (y) **No consideration of this application should be given by South Lanarkshire Planning Department until an official and binding commitment, acceptable to Hamilton Park South residents, is received from the applicant stating that all terms in the Design Statement will be fulfilled. Should this fail to materialise, South Lanarkshire Planning Department assume the Design statement is a tactic rather than a commitment and treat all terms of the Design Statement as dubious. Even if an official statement as outlined above is given to South Lanarkshire Planning Department, all objections received for other reasons would be fully considered. Any planning consent (after full consideration of all objections received) would be subject to the legal transfer of ownership, acceptable to Hamilton Park South residents, of all agreed areas prior to the commencement of any works.**
Response: Matters relating to a possible land transfer are legal matters which require to be agree/resolved between the parties concerned and should not unduly influence the determination of this application. There is no guarantee at this date that such an agreement would be concluded.
- (z) **I am concerned about the value of our properties at Hamilton Park South being affected by these houses due to a loss of privacy with new entrances and removal of green land.**
Response: Loss of value is not a material planning consideration.
- (aa) **This application must be viewed in the context of an attempt to open up a green belt area for housing development. The last application by the applicant for a turning area off the Bothwell Road for vehicles to allow then to maintain the forested area was rejected by the Planning Committee.**
Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2 and is not green belt as suggested. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The planning history of the site has been detailed previously.
- (bb) **Removal of the woodland and the erection of the buildings proposed would have an adverse effect on the character of the area. It is evident that this woodland area is thriving in wildlife, an aspect which should not be overlooked. A suitably qualified ecologist - holding a degree in ecology and covered by a professional code of conduct e.g. CIEEM, IEMA, LI - should be appointed and consulted to confirm the ecological value of this area before any proposals are given a second review. I'd expect this to include multiple site visits whereby the ecologist can base their findings on inspections at appropriate times of the year when different plant and animal species are present and evident.**

Response: It is considered that the proposal has been assessed appropriately in relation to its impact on the woodland and its associated habitats by Forestry Scotland, and the Council's Arboricultural and Biodiversity Officers.

- (cc) **As a general rule of thumb, any trees more than 10 years old are considered to be of ecological value. To achieve the basic level of sustainable practice in new builds, all features of ecological value within a construction zone must be protected from damage during clearance, site preparations and construction activities in line with BS 42020:2013. This is evidently impossible to achieve based on the current planning proposals. The long term impact on biodiversity must be appropriately assessed and this should include for all development proposals in the construction zone therefore, the council should rightly reject this proposal and revert back to the architect and their client to ascertain the ultimate extent of the development area and their future aspirations for the use of the surrounding land. Only then can the impact and damage of the development on the current environment be fully, and correctly, assessed.**

Response: As above, I am satisfied that the proposal has been considered appropriately in relation to its impact on the woodland and its associated habitats by Forestry Scotland, and the Council's Arboricultural and Biodiversity Officers.

- (dd) **The site is designated as Amenity Land for the 40 flats at Hamilton Park South and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land.**

Response: Once again matters relating to land ownership are legal considerations which require to be resolved between the parties concerned.

- (ee) **The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and 'Prescriptive Servitude' could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The merits of the application are discussed in Section 3 of this report.

- (ff) **This land was gifted by the builders of the properties on Hamilton Park North and South to a Tree Preservation Society, its use is prohibited, and the owner in purchasing the land should have performed their diligence to understand permitted use. The Council should be acting to protect the limited remaining green space between existing developments and the environmentally sensitive area towards the River Clyde which has an active ecosystem including red squirrels and deer, which would be damaged by further development and human activity.**

Response: Noted. The Council were not involved in the sale of this site.

- (gg) **The final development state is not clear. For example, see P/19/0420, which asked to build a gate between Hamilton Park and the College without further details. Such appears to be the case here with two large buildings proposed, which could be**

sliced into smaller apartments, and second, which will be precedent for further development. It is not reasonable to have several unvetted residents housed behind the secure gate of Hamilton College, which is located directly at its entry towards Bothwell Road. Such a scheme would not conform with best practices on school grounds' security during lesson hours.

Response: It is not possible to prejudge the applicants/landowner's attention and therefore this concern cannot influence the determination of the application. In a similar manner the school entrance gates and the impact/influence of same of access etc is for the school to assess and respond accordingly.

- (hh) **The area identified for development in the drawings and in particular the entire area adjacent to the racecourse, is officially identified and listed with coordinates as an active badger set on the UKs National Badger Protection Database.**

Response: The existence of a Badger set has not been highlighted previously in the related ecology studies. It may be that the information is out of date. Nevertheless, if planning permission was to be granted appropriately worded conditions would be attached to the permission to address the above matter.

- (ii) **I would like to strongly support this application as my grandson and my 2 nephews are pupils at Hamilton College senior school. As it is just now after school hours especially in the winter months the school grounds especially in the wooded area is being used by local teenagers as a place to congregate. Therefore, it would be beneficial for these properties to be built as it would become a safer place overall for the school, the pupils and the local residents.**

Response: The above points are noted. Ultimately it is for Police Scotland to address allegations of misbehavior/public safety concerns rather than the planning process.

- (jj) **The Tree Preservation Order no 35 registered on 28 November 1991 is referred to in the Titles of the flats in the flatted development where many of the objectors reside and which therefore would have been taken into account by the Council when considering the application by Bellway Homes for that development.**

Response: It is accepted that the TPO referred to would have been a consideration in the determination of the planning application that authorised the said flats. It should also be noted that the Council's local plan policies have become more prescriptive during this time period with more emphasis placed on the protection of the natural environment.

- (kk) **Some doubts have been expressed about the nature of the applicant's offer to donate the remaining woodland to the residents. This offer was first made on 12th September 2016 to the solicitor acting for the residents. It has been confirmed that the general principle of reaching an agreement was of interest to the residents. The applicant has agreed now to all of the resident's requirements but the residents solicitor has still to confirm his clients' final agreement. The last remaining issue was regarding an area of ground which my clients originally wanted to retain but the applicant agreed to the resident's request to include that area and this was communicated to their solicitor with fresh plans on 3 February 2020.**

Response: Once more this is a legal matter between the parties concerned.

- (ll) **Scottish Forestry and the Tree Survey Report make it clear that there is a path whereby the proposed development can proceed in a sympathetic manner and for the ultimate benefit of the woodland and the neighbouring proprietors. Many objectors appear to consider the applicant's private property as their amenity ground but there is no titular basis for this. There is no legal connection between the neighbouring flats and the development site. Reference was made to the Lands Tribunal case which remains sisted pending the consideration of the applicant's offer to donate the woodland to the residents mentioned above as it has always been the applicant wish to progress through consensus rather than dispute.**

Should agreement not be reached the Tribunal case will resume and the applicant fully expects to be successful in that. The woodland area has no commercial value as such and in fact is a financial burden in the absence of any reasonable prospect of development and it is neither fair nor reasonable for objections seeking to preserve unentitled amenity at the applicant's expense.

Response: The above land ownership/title burden issue is a separate legal matter which requires to be resolved between the parties concerned.

- (mm) Previous planning concerns regarding access to the site have now been addressed and the applicants have worked hard to put in place access arrangements which are safe and which will have no significant impact on traffic flow as some objectors have suggested. I would submit that any objections on grounds of privacy or prospect be disregarded as not being legitimate or reasonable. Most objectors are residents of a relatively recent flatted development about which many of the concerns expressed could equally have been made. I am more than happy to support this application.**

Response: It is accepted that this application proposes revised access arrangements (when compared with previous submissions) and the Council Roads and Transportation Services have offered no insurmountable comments having no adverse comments from a road engineering perspective. This however is only one consideration in relation to the assessment and determination of this application.

3 Assessment and Conclusions

- 3.1 In simplistic terms the main determining issues in relation to this application are its compliance with local plan policy, its impact on amenity, especially in terms of the woodland covered and protected by a Tree Preservation Order, and road safety.
- 3.2 As discussed above, the application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The relevant policies in terms of the assessment of the application have been highlighted in Section 1.5 above.
- 3.3 In terms of the principle of residential development on the site, the site is located within the General Urban Area. In this regard, Policy 3 states that within the urban areas and settlements identified on the proposals map, residential developments on appropriate sites will generally be acceptable. However, the policy goes on to say that particular consideration will be given to likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities, proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Whilst the general principle of residential development in this urban area reflects the general land use designation, for the reasons highlighted above by Forestry Scotland, the Council's Arboricultural Service and the Council's Biodiversity Officer in addition to the reasons provided in the following paragraphs, it is considered that the formation of two house plots and associated access/driveways on this site would be unacceptable in terms of the holistic requirements of this policy.
- 3.4 With regard to the detailed design of the proposal, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design, local context and landscape character of the area and to promote quality and sustainability in its design. In general design terms it is considered that the form, design and finish materials of the buildings proposed are considered to be acceptable. However, whilst the proposed dwellings are considered to be acceptable in terms of their design there are concerns regarding the layout for the proposed development. The layout for the two dwellings was

revised with a view to ensuring that the development would have less of an impact on important areas of woodland or important individual trees within the site and the proposal's impact on the woodland is discussed in the following paragraphs below. When assessing the amended layout of the proposal against the terms of the above policies there are concerns regarding the amount of usable garden ground being provided for the dwellings and the impact that the proposal would have on the context and landscape character of the immediate area. Specifically, the amended site layout shows the proposed dwellings re-positioned closer towards the northern and eastern boundaries of the site. The site layout originally submitted with the application showed the side elevation of the most northerly dwelling positioned approximately 24 metres from the northern boundary of the site and the main bulk of the rear elevation of the building positioned approximately 17 metres from the eastern boundary of the site, with a projected element of the building located approximately 12 metres from that boundary. However, the amended layout involves the two dwellings being re-positioned within the site and closer to the site boundaries with a reduced area of usable garden ground proposed. The amended layout shows the side elevation of the most northerly dwelling located approximately 12 metres from the northern boundary, rather than 24 metres, and the main bulk of the rear elevation of the building located within approximately 7.5 metres of the eastern boundary, with the projected element of the building located approximately 2 metres from that boundary. In order to reduce any impact on important areas of woodland or important individual trees within the site the repositioning of the dwellings has resulted in a considerable reduction in the amount of usable rear garden ground being provided for the two dwellings contrary to the standards set out in the Council's Residential Design Guide. This is of importance as the two houses are of significant size and accordingly the potential rear garden space and depth should be commensurate with the size of the house proposed. For the above reasons, it is considered that the proposal fails to meet the terms of Policies 5 and DM1.

3.5 As highlighted, part of the site is covered by the Green Network and in this regard Policy 13 states that where applicable, development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:

- placemaking,
- mitigating greenhouse gases and adapting to the impacts of climate change,
- supporting biodiversity,
- enhancing health and quality of life,
- providing water management including flood storage, and buffer strips,
- development of blue-green networks using existing watercourses,
- improving air quality,
- providing areas for leisure activity,
- providing areas for allotments and community growing areas, and
- promoting active travel.

3.6 The application site is undoubtedly located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35). In this regard, Policy NHE14 states that trees and woodlands that are considered to be of significance will be protected from inappropriate development through the enforcement of existing Tree Preservation Orders (TPOs). Any development likely to affect existing protected trees should be accompanied by a full tree survey with written justification for any losses.

3.7 The Planning Statement submitted is supported by a Tree Survey which identifies that the woodland in which the development is being located forms two distinct parts, broadly speaking comprising one area of mature and good quality trees worthy of protection and

management, and another relatively poor quality area of dense and quite young self-seeded trees which appear to be growing on land which had been significantly disturbed in the past few decades. It is within this latter area that the two houses are proposed. As discussed above, the supporting Statement advises that the proposal for the two houses was revised to ensure that the development would not have any significant impact on important areas of woodland or important individual trees. The Tree Survey advises that the proposal would result in the removal of a total of 44 trees and identifies that the vast majority of trees to be removed are category C, which are defined by the relevant British Standard as being of poor quality, and these are generally considered by the Tree Survey not to be worthy of retention.

- 3.8 In addition to the above, Policy NHE13 states that development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. Proposals likely to impact on woodlands, hedgerows or individual trees should be accompanied by a full tree survey and written justification for any losses. Proposals should accord with the Council's Tree Strategy. In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal. Removal for development purposes will only be permitted where it would achieve significant and clearly defined public benefits. In this instance, the submitted Planning Statement and Tree Survey have been carefully assessed by the consultees and it is considered that the proposed development of this area would undermine the integrity of the woodland and would be unacceptable in terms of this policy. The 'opening-up' of the woodland and removal of edge trees would predispose remaining trees to increased wind loading and potential failure. The juxtaposition of the trees and the proposed development is considered to be unacceptable, and the trees would be under threat from removal by future owners due to light obstruction and potential season nuisance etc. In this instance, the proposal would result in the detrimental removal of 16% of the woodland. The Council has agreed to increase tree cover in its urbanised areas to 20% by 2032 as part of the Clyde Climate Forest, therefore, the proposal does not support the Council's actions in this regard. To develop the site as proposed would have a significant and adverse impact on the visual amenity and landscape character associated with the existing woodland. In view of the above, it is considered that the proposed development of the site would be contrary to Policy NHE13.
- 3.9 Policy NHE20 deals with development and biodiversity and states that in order to further the conservation of biodiversity development proposals should demonstrate that they have no significant adverse impact on biodiversity, including cumulative impacts. Development proposals likely to lead to significant loss of biodiversity will only be supported if adequate mitigation and offsetting measures are agreed with the Council. Development proposals should consider opportunities to contribute positively to biodiversity, conservation and enhancement, proportionate to the scale and nature of the proposal. The Council's Biodiversity Officer has advised that the site has long been identified as of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. On this basis, the proposal is considered to be contrary to Policy NHE20 as it would result in an unacceptable loss of woodland within the site and would likely lead to a permanent net loss of biodiversity.
- 3.10 As discussed above, the application site comprises of an area of established woodland which is considered to represent a valuable wildlife habitat containing several veteran native trees. Through the consultation process it has been acknowledged that this area of woodland provides a strong landscape context for the adjacent residential area as well as making a valuable contribution to the overall amenity of the area in general with Forestry

Scotland, the Council's Arboricultural Services and the Council's Biodiversity Officer expressing considerable concerns that any work in this area could have an adverse impact on the surrounding trees and the integrity of the woodland as a whole. It is also acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. In view of all of the above, it is considered that the development of the site as proposed does not accord with the above policies and on this basis the proposal cannot be supported.

- 3.11 The issues raised by third party representations in respect of the threat to the woodland/wildlife as a whole by the formation of the two house plots are also considered to be fully justified and in general terms they support the concerns expressed by Forestry Scotland, the Council's Arboricultural Service and the Council's Biodiversity Officer.
- 3.12 In conclusion, whilst it is acknowledged that the application site is located within the General Urban Area where the principle of two house plots could generally be accommodated if the constraints highlighted previously were not applicable, the proposal is unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development. In view of all of the above, it is considered that the proposal cannot be supported and that detailed planning permission should be refused as the proposal is contrary to Policies NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 as it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity.
- 3.13 Finally two previous applications for residential development at the site have been refused and related appeals dismissed. Although the details of the proposed vehicular access with this application have been revised, the generality of residential development and its negative impact on individual trees, the woodland overall and biodiversity remain. Such aspects were material to the determination of these historical applications and appeals. There has been no material change in such aspects since the previous decisions (although it could be advanced that the focus/move towards increased protection of the natural environment has intensified due to the new Local Development Plan 2). The determination of planning applications must be on a consistent footing/basis and there are no planning reasons whatsoever to come to a different conclusion in relation to the proposals impact on trees, wildlife, natural habitat/environment or the amenity of the wider area.

4 Reason for Decision

- 4.1 The proposal is contrary to Policy NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity. The proposal is also contrary to Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace of the adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Delegating Officer: Steven Clark

Date: 18 March 2022

Previous References

P/19/0420

HM/13/0005

NOR/HM/13/001

PPA-380-2022

HM/12/0056

HM/11/0257

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 15.01.2021 & 01.09.2021
- ▶ Press Advertisement, Hamilton Advertiser dated 28.01.2021

▶ Consultations

Roads Flood Risk Management	26.05.2021
Arboricultural Services	04.05.2021 & 20.02.2022
CER Biodiversity Officer	22.04.2021 & 18.10.2021
Scottish Forestry Central Scotland Conservancy	02.02.2021
Roads Development Management Team	12.02.2021
Environmental Services	25.01.2021
Scottish Water	19.01.2021

▶ Representations

Mr. John Lawlor, 29 Hamilton Park South, Hamilton, ML30FH	Dated: 04.02.2021
Mr. John Hall, McAuley McCarthy & Co, 58/60 High Street, Renfrew, PA4 8 Q,	Dated: 05.02.2021
Mr. John Lawlor, 29 Hamilton Park South, Hamilton, ML30FH	Dated: 04.02.2021
Mrs. Jean Russell, 65 Hamilton Park South, Hamilton, ML3 0FH	Dated: 24.01.2021
Mrs. Rhona Hall, 34 Hamilton Park North, Hamilton, ML3 0FG	Dated:

	03.02.2021
Mrs. Bridget Power, 40 Hamilton Park North, Hamilton, ML3 0FG	Dated: 04.02.2021
Mr. Donald MacLellan, 54 Hamilton Park North, Hamilton, ML3 0FG,	Dated: 08.02.2021 08.02.2021
Mr. Mark Evans, 49 Hamilton Park North, Hamilton, ML3 0FG	Dated: 27.01.2021
Mr. Andrew McLaughlin, 27 Hamilton Park South, Hamilton, ML30FH	Dated: 28.01.2021
Mr. John McFarlane, 9 Hamilton Park South, Hamilton, ML3 0FH	Dated: 28.01.2021
Mrs. Elaine Renwick, 45 Hamilton Park North, Hamilton, ML3 0FG	Dated: 30.01.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Iain Hall, 34 Hamilton Park North, Hamilton	Dated: 04.02.2021
Ms. Morven McPherson, 51 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021
Ellie Bryce, Received Via Email	Dated: 28.01.2021
Mark Horgan, 35 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Alan McCulloch, 41 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Yvonne McKeown, 61 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 08.02.2021 08.02.2021
Morven McPherson, 51 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Jordan Bryce, 55 Hamilton Park South, Hamilton, ML3 0FH	Dated:

	28.01.2021 28.01.2021
Anita and Stephen Hughes, 57 Hamilton Park South, Hamilton, ML3 0FH	Dated: 04.02.2021 04.02.2021
Rebecca Lennon, 45 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021 04.02.2021
Anne Trevorrow, 53 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021 04.02.2021
Alasdair Houston, 73 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 01.02.2021 01.02.2021
Mr. Paul Williamson, 67 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 01.02.2021 01.02.2021
Mr. Charles Starr, 41 Hamilton Park North, Hamilton, ML3 0FG	Dated: 31.01.2021 31.01.2021
Hamilton Park South Action Group, Received Via Email	Dated: 24.09.2021
Mrs. Lesley Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 04.02.2021
Mr. Graham Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 04.02.2021
Mr. David Adams, 21 Hamilton Park North, Hamilton, ML3 0FG	Dated: 04.02.2021
Cameron McCann, 45 Hamilton Park South, Hamilton, ML3 0FH	Dated: 04.02.2021
Mr. George Cumming, 16 Hamilton Park North, Duchess Park, Hamilton, ML3 0FG	Dated: 04.02.2021
Mr. Daniel Smith, 44, Dunlop Crescent, Lanarkshire, G33 6GS	Dated: 07.02.2021
Mr. John Hall, McAuley McCarthy & Co, 58/60 High Street, Glasgow, G77 6FP	Dated: 05.02.2021
Dr Tahira Idrees, 49 Hamilton Park South, Hamilton, ML3 0FH	Dated: 19.02.2021 19.02.2021
Mr. Brian Hall, 4 Hamilton Park North, Hamilton, ML3 0FG	Dated:

	31.01.2021
Mrs. Kate O'Connor, 71 Hamilton Park South Bothwell Road, Hamilton Park South, Hamilton, ML3 0FH	Dated: 28.01.2021
Mr. Russell White, 31 Hamilton Park South, Hamilton, ML3 0FU	Dated: 25.01.2021 25.01.2021
Miss Katie McTear 10 Hamilton Park North, Hamilton, ML30FG	Dated: 29.01.2021 29.01.2021
Mr. Colin Taylor, 59 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH,	Dated: 03.02.2021
Mr. John Hall, 58-60 High Street, Renfrew, PA4 8QP	Dated: 12.02.2021
Sandra Nimmo, 14 Hamilton Park North, Hamilton, South Lanarkshire, ML3 0FG	Dated: 15.02.2021
Hamilton Park South Action Group, Received Via Email	Dated: 25.03.2021
James and Claire Shirazi, 21 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	Dated: 07.05.2021 07.05.2021
Kate O'Connor, Via Email	Dated: 19.10.2021
Mrs. Lesley Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 22.09.2021 22.09.2021

Contact for further information

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

Jim Blake, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453657

Email: jim.blake@southlanarkshire.gov.uk

Planning Application

Application number: P/21/0029

Reasons for refusal

01. The proposal is contrary to Policy NHE13 - Forestry and Woodland - of the adopted South Lanarkshire Local Development Plan 2 as the proposal would adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located.
02. The proposal is contrary to Policy NHE20 - Biodiversity - of the adopted South Lanarkshire Local Development Plan 2 as the proposal would result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value and would likely lead to a permanent net loss of biodiversity.
03. The proposal is contrary to Policy 5 and Policy 13 of the Adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Reason(s) for decision

The proposal is contrary to Policies NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PP-01	REV E	Refused
PP-02	REV H	Refused
PP-03	REV A	Refused
PP-04	REV F	Refused
PP-05	REV D	Refused
PP-06	REV B	Refused

Appendix 2(b)

Consultation Responses

- ◆ Response dated 18 January 2021 from Environmental Services
- ◆ Response dated 19 January 2021 Scottish Water
- ◆ Response dated 1 February 2021 from Scottish Forestry
- ◆ Response dated 2 February 2021 from Roads and Transportation Services
- ◆ Response dated 22 April 2021 from Biodiversity Officer
- ◆ Response dated 13 May 2021 from Roads Floods Risk Management
- ◆ Response dated 27 July 2021 from Aboricultural Services



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Fleet and Environmental Services

Memo

To: Planning and Building Standards Services
Montrose House, 154 Montrose Crescent, Hamilton

Our ref: SCF/MMcC/432805
Your ref: P/21/0029

cc:

From: Steve Cartwright

If calling ask for: Steve Cartwright
Phone: 01698 454489
Date: 18 January 2021

Subject: **Planning Application No:** P/21/0029
Address: Land off Bothwell Road, Hamilton
Proposed Development: Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation access.

I refer to the above planning application consultation and would comment as follows:

I have no objections to the proposal subject to the following conditions:

1 **ADV NOTE 03 Construction and Demolition (BS 5228)**

The applicant is advised that all works carried out on site must be carried out in accordance with the current BS5228, Code of Practice for Noise and Vibration Control on Construction and Open Sites. The applicant is further advised that audible construction activities should be limited to, Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday – No audible activity when assessed at the site boundary.

The applicant is advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity outwith these recommended hours and should such complaints may be justified by Officers from this Service.

Further details of this may be obtained from: South Lanarkshire Council, Environmental Services, Montrose House, Hamilton ML3 6LB

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 0303 123 1015
Minicom: 01698 454039 Email: <fname.sname>@southlanarkshire.gov.uk



2 ADV NOTE 4 Formal action may be taken if nuisance occurs.

None of the above conditions will preclude formal action being taken by the Executive Director of Community & Enterprise Resources against the person responsible for any nuisance which may arise due to the operation of the proposed development.

3 ADV NOTE 13 Smoke Control Area (located within)

The property is located within a declared Smoke Control Area, restrictions apply in relation to types of fuel that are permitted to be used in these areas, as well as permitted types of solid fuel appliances (e.g. stoves/ biomass burners) that may be used.

Details of the proposed solid fuel appliance to be used in the proposed development must be submitted and approved by the Council as Planning Authority.

For further details please contact South Lanarkshire Councils Environmental Services, Montrose House, Hamilton, ML3 6LB Tel -0845 740 6080. Additional information on the location of smoke control areas, approved fuels and a list of exempt appliances is available at www.uksmokecontrolareas.co.uk

Should you require any further information, please contact Steve Cartwright (01698) 454489.

Steve Cartwright
Environmental Health Officer

Tuesday, 19 January 2021



Local Planner
Planning & Economic Development Community & Enterprise Resources
South Lanarkshire Council
Hamilton
ML3 8RE

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations

E-Mail

www.scottishwater.co.uk

Dear Sir/Madam

SITE: Land Off Bothwell Road, , Hamilton, ML3 0FH
PLANNING REF: P/21/0029
OUR REF: DSCAS-0030490-44L
PROPOSAL: Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the CAMPS Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ This proposed development will be serviced by HAMILTON Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.



SW Public
Published
Find out more about connecting your
business to the water and waste water supply visit:



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We'd love to know what we're
doing well or could do better.
We promise we're listening.
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Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:

- ▶ Site Investigation Services (UK) Ltd



- ▶ www.sisplan.co.uk



- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises



from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on [REDACTED] using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on [REDACTED] or via the e-mail address below or at [REDACTED]

Yours sincerely,

Planning Application Team
Development Operations Analyst
[REDACTED]

Scottish Water Disclaimer:



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"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



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Scottish
Water
Trusted to serve Scotland





Scottish
Forestry
Coilltearachd
na h-Alba

Central Scotland Conservancy
Bothwell House, Hamilton Business Park, Caird Park
Hamilton ML3 0QA

Email: centralscotland.cons@forestry.gov.scot
Tel: 0300 067 6006

Conservator
Keith D Wishart FICFor

Mr Jim Blake
South Lanarkshire Council
Almada Street,
Hamilton,
South Lanarkshire,
ML3 0AA

Monday 1st February 2021

Planning Reference: P/21/0029

Sent to jim.blake@southlanarkshire.gov.uk

Dear Jim,

Land 120M Northeast Of 55 Bothwell Road Bothwell Road Hamilton South Lanarkshire. Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Scottish Forestry would like to offer a consultation response on planning application : P/21/0029.

Scottish Forestry

Scottish Forestry is an Executive Agency of Scottish Government, seeking to protect and expand Scotland's forests and woodlands on behalf of Scottish Ministers for the benefit of the Scottish people. In fulfilling these duties, Scottish Forestry has an interest in all developments that have the potential to impact on local forests and woodlands and/or the forestry sector. Scottish Forestry (SF), acts as governments Regulator and Competent Authority with regard to the sustainable management of forests and woodland in Scotland. It is also Key Agency under Town & Country Planning legislation, and will be consulted on development impacting trees, woods and forests to ensure that any proposed changes to the woodland are appropriate, address the requirements of the Scottish Governments Control of Woodland Removal Policy and are carried out in accordance with the UK Forestry Standard.

Consultation Comments

The main issue of concern to SF in relation to Development Planning is that of deforestation and the potential effects it could have on the ecology and landscape of local and wider environs. Scottish Planning Policy paragraph 218, issued by the Scottish Government, refers to the Control of Woodland Removal Policy which seeks to protect the existing forest resource in Scotland, and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. A proposal for compensatory planting may form part of the determination. The Planning (Scotland) Act 2019 also places a responsibility on Local Authorities to identify how it will protect, enhance and improve the resilience of its woodlands and should take cognisance of this when making planning decisions that could reduce or detrimentally effect their woodland extent.

With respect to the submitted application we would like to request that the following points are taken into consideration by the Planning Department when making their decision;

- The planning area is located in an area of woodland designated as a TPO, it should also be noted that the woodland is on the National Forest Inventory. The TPO places the responsibility for all decisions relating to the management and retention of the woodland on the Local Authority.
- As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department when

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation



Scottish Government
Riaghaltas na h-Alba
gov.scot

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

making its decision on the proposal. In addition a proposal for compensatory planting should be part of any development approval that results in the permanent deforestation of woodlands.

- The Supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results in a permanent net biodiversity loss not a gain.
- The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management. Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands In and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

If you would like to discuss any points raised further, please do not hesitate to contact us.

Your Sincerely



Sasha Laing MSc MIC For

Planning & Regulations Manager
Scottish Forestry



Community and Enterprise Resources
Executive Director **Michael McGlynn**
Roads and Transportation Services – Development Management Team

To:	Planning	Planning Application No:	P/21/0029
From:	Development Management Roads and Transportation Services	Case Officer:	Jim Blake
		Contact:	David Manson
		Phone Ext:	3861
		Date:	2 nd February 2021

Subject: OBSERVATIONS ON PLANNING APPLICATION P/21/0029

Location: Land off Bothwell Road, Hamilton

I refer to the application dated 15th January 2021, received in this office on 20th January 2021. This application is for the Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear, and formation of access.

The Application is for the erection of two dwellings, each with 7 bedrooms, taking access from the existing dedicated/main private vehicular access (with gates) to Hamilton College. This vehicular access currently has no pedestrian facilities (i.e. there is no pedestrian gateway on Bothwell Road, and there are no associated internal footways).

With greater than 3 bedrooms, each of the dwellings should be provided with a minimum of 3 car parking spaces. The internal dimensions of the proposed garages are not sufficient to qualify as a parking space. However, there appears to be sufficient area in front of each of the dwellings to accommodate a minimum of 3 vehicles.

Regarding refuse collection. It is unlikely, with the narrow lane to the units, that a refuse vehicle would be able to directly access the dwellings. The submitted Application Form 'confirms' that areas for Waste Storage & Collection will be incorporated. However, no details appear to be included/shown in the submitted plans.

The general Impact of development is suitable at this location.

This service has no objection to this proposal subject to the following conditions:

The following conditions should apply:

Prior to construction commencing on site, the Applicant should submit the following, for agreement;

- 1) Details of access arrangements (for pedestrians) on Bothwell Road.
- 2) Details for Refuse Storage/Collection.

Notes to Applicant:

- The applicant must ensure that any vehicle transporting excavated material on or off site must be treated by means of adequate wheel washing facilities. This facility will require to be in operation at all times during any earth moving operations. The wheel washing facility must be fully operational prior to any works commencing on site. A "clean zone" should be maintained between the end of the wheel wash facility and the public road.
- Sufficient parking should be provided within the site boundary to accommodate all site staff / operatives parking requirements, and under no circumstance should vehicles associated with the site cause an obstruction on the public road network.
- Sufficient area should be provided within the site boundary for the storage of all building/construction materials, and construction plant.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Email: enterprise.hq@southlanarkshire.gov.uk

Colin Park
Engineering Manager

From: [Maddison, Louisa](#)
To: [Blake, Jim](#)
Cc: [Whalley, Andy](#); [Pilpel, Simon](#)
Subject: RE: P/21/0029 - Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access Bothwell Rd, Hamilton
Date: 22 April 2021 12:08:45
Attachments: [image004.jpg](#)
[image007.jpg](#)
[image008.gif](#)
[image009.jpg](#)
[image002.png](#)

Hi Jim,

As discussed, here are my comments on the application, feel free to take what is needed and let me know if you need anything further. I think I sent you the response from NatureScot regarding the ancient woodland inventory but let me now if you need it again.

- I support Scottish Forestry's statement that "permanently removing woodland results in a permanent net biodiversity loss".
- The site has a place in the landscape as a stepping stone of habitat in the existing woodland network.
- The site has long been identified as a SINC/LNCS. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS; though the formal process for doing so has not been completed. I would therefore consider that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.
- Based on historical mapping and emails with NatureScot, the woodland at this site is at least LEPO and may be of ancient origin. The associated ground flora, soil, microbes and fungi are therefore likely to be an irreplaceable biodiversity asset; new woodland will not recreate the habitat.
- I am of a mind to object to the application. The only further information that has potential to contribute to decision making would be an ecological and mapping exercise to determine the value of the woodland as LEPO or AW. The applicant should note that this has the potential to further confirm the value of the woodland as an irreplaceable biodiversity asset. As stated in the [AWI guidance](#), many woodlands of LEPO have similar value to AW and should be treated as such.

- Louisa.

Louisa Maddison
Biodiversity Officer
Countryside & Greenspace Service
Facilities, Waste & Grounds Services
Community & Enterprise Resources
South Lanarkshire Council
18 Forrest Street
Blantyre
G72 0JP

I work 8am-2.30pm (until 4.30pm on Tues)

Tel: 07788 351 851

louisa.maddison@southlanarkshire.gov.uk
www.southlanarkshire.gov.uk



[SLC Countryside Rangers](#)



[South Lanarkshire Biodiversity Partnership](#)



www.NHSInform.scot/Covid-19

cid:image002.gif@01D6D212.E883E2D0



From: Blake, Jim

Sent: 14 April 2021 09:02

To: Maddison, Louisa <Louisa.Maddison@southlanarkshire.gov.uk>; Whalley, Andy
<Andy.Whalley@southlanarkshire.gov.uk>

Subject: P/21/0029 - Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access Bothwell Rd, Hamilton

Morning Louisa/Andy

Please see the attached representation submitted by the Hamilton Park South residents association. As you will see it is quite extensive and goes into a lot of detail on matters relating to the trees on the site, wildlife and the quality of the landscape. I was wondering if it would be worthwhile re-scheduling our meeting this afternoon to another day so we can properly digest the matters raised as it's quite a sensitive application? There are currently 40 objections to the application with 4 letters of support.

If this was ok I finish today until next Tuesday and ideally my preferred dates would be next Wednesday or Thursday if possible.

Andy I'm aware you might not have been attending today but it would be useful to get your input.

Thanks

Jim

Jim Blake
Planning Officer
Planning & Building Standards (East Team)
Community & Enterprise Resources
South Lanarkshire Council
Montrose House
154 Montrose Crescent
Hamilton

ML3 6LB

01698 453657

Email: jim.blake@southlanarkshire.gov.uk



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More information

More information about contactSCOTLAND-BSL can be found at their website

<https://contactscotland-bsl.org/>

From: Blake, Jim

Sent: 14 April 2021 08:41

To: Blake, Jim <Jim.Blake@southlanarkshire.gov.uk>

Subject: IDOX EDRMS: 'Email to Me'

Attached is the document you emailed to yourself using Idox EDRMS at 14 Apr 2021 08:40



Memo

To: Area Manager
Planning and Building Standards
(Hamilton)
(f.a.o. Jim Blake)

Our ref: 39/49/FRM
Your ref: P/21/0029

cc: **If calling ask for:** Laura Galloway

Phone: 01698 454 772

From: David Molloy
Flood Risk Management

Date: 13/05/21

Subject: P/21/0029 Land 120m NE 55 Bothwell Road, Hamilton.

I refer to your recent planning application consultation. I confirm I have reviewed all available information and the applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage design or made any indication of intended drainage proposals.

Due to insufficient information, we would defer our decision to this current planning application until the below issues have been addressed.

1. Flood Risk

In order to ensure the risk of flooding to the application site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future flood risk to adjacent land as a result of the proposed development, a flood risk assessment is to be carried out in accordance with the latest industry guidance. Copies of the self-certification contained within Appendix A (refer to the Council's developer design guidance May 2020) duly signed by the relevant party is to be submitted.

2. Sustainable Drainage Design

A sustainable drainage system serving the application site, designed and independently checked in accordance with the Council's current developer design guidance May 2020 is to be provided.

We will expect the surface water runoff to be collected, treated, attenuated, and discharged using sustainable drainage techniques in accordance with the latest industry guidance.

Copies of the self-certification contained within Appendix C (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

3. Professional Indemnity Insurance

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB
Email: enterprise.hq@southlanarkshire.gov.uk



The Applicant should be made aware at this juncture of the need to have the appropriate Appendices A, C and E “Signed Off” by the relevant parties with these parties providing a copy of their Professional Indemnity Insurance for our records.

4. Future Maintenance Responsibilities of SuDS Apparatus

In order to ensure a robust future maintenance regime is in place, a copy of confirmation of future maintenance of sustainable drainage apparatus contained within Appendix E (refer to the Council's developer design guidance May 2020) duly signed by the appropriate party together with a digital copy of the construction drawings showing the SuDS apparatus (OS referenced) with highlighted maintenance responsibilities and associated contact details of any maintenance organisations should be supplied for review and for our records.

5. Scottish Environment Protection Agency (SEPA)

It is the Applicant's responsibility to ensure compliance with all aspects of the General Binding Rules of the Water Environment (Controlled Activity Regulations) (Scotland) 2011.

If the Applicant is in any doubt, they should contact:-

SEPA ASB,
Angus Smith Building,

6 Parklands Avenue,
Eurocentral,
Holytown,
North Lanarkshire,
ML1 4WQ

(f.a.o. Brian Fotheringham)

(Tel. 01698 839000)

Note: The Council as Flood Authority deem that by signing Appendix C of the Council's developer design guidance, these signatory parties will have taken cognizance of the above regulatory requirements.

6. Scottish Water

Should discharge from the sustainable drainage system be to the Scottish Water system, then a copy of the letter from Scottish Water, confirming approval to connect to their system, is required to be submitted to this office for our records.

A copy of the Council's developer design guidance May 2020 has been attached to assist the applicant with the above conditions and should be forwarded to the applicant for their information.

I trust this is acceptable to you however should you wish to discuss this matter further, please contact Laura Galloway on 01698 454 772.

From: [Blake, Jim](#)
To: [Blake, Jim](#)
Subject: 2 Houses on Bothwell Road, Hamilton
Date: 27 July 2021 09:36:06
Attachments: [image002.jpg](#)
[image003.gif](#)
[image004.png](#)

From: Whalley, Andy
Sent: 04 May 2021 16:40
To: Blake, Jim <Jim.Blake@southlanarkshire.gov.uk>
Subject: RE: 2 Houses on Bothwell Road, Hamilton

Hi Jim,

I refer to the above planning application consultation and would comment as follows;
the proposal is unacceptable and should be refused.

Comments

The planning area is located in an area of woodland designated as a Tree Preservation Order, it should also be noted that the woodland is on the National Forestry Inventory.

I agree with the Biodiversity Officer that the site has a place in the landscape as a stepping stone of habitat in the existing woodland network. I also support the comments that the woodland at the site is at least a LEPO and may be of ancient origin. And comments that the ground flora, soil, microbes and fungi are likely to be irreplaceable biodiversity assets: new woodland will not recreate the habitat and that further investigation may determine the value of the woodland as a LEPO or AW.

There are considerable concerns in relation to development deforestation and the potential effects it could have on the ecology and landscape of local and wider environments. Scottish Planning Policy issued by Scottish Government, refers to the Control of Woodland Removal Policy which seeks to protect the existing forest resource in Scotland, and supports woodland removal only where it would achieve significant and clearly defined additional public benefit. This has not been provided.

I support Scottish Forestry's response and that the proposal will result in the permanent deforestation of 16% of the woodland and the Scottish Governments Control of Woodland Removal Policy should be taken into consideration. The applicants supporting statement notes that agreement to manage the remaining woodland will ensure a net benefit for the development. I agree with Scottish Forestry's response regarding this matter that permanently removing woodland results in a permanent net biodiversity loss, and not a gain.

Similarly to Forestry's response, the applicant noting an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management. Again I support Scottish Forestry's comments that grants are unlikely to cover all the management and operational works required, and that additional funding or expertise may need to be sort for ongoing liabilities.

I do not disagree with the Arboricultural reports (25/11/2020) statements that the '*woodland has been judged to be group Category A (BS5837) as a whole*', and that '*most of the site dominated by trees Category A which are the key components of a good quality mature woodland.*' I am minded of the woodlands setting within the wider

landscape and streetscape.

There are few areas, greater than a few meters, that are not within the one or another tree root protection areas and that development would require significant tree removal to accommodate access roads and buildings. Furthermore opening up of the woodland and removing edge trees would predispose remaining trees to increased wind loading and potential failure. Furthermore future TPO applications concerned over perceived risk .

The impact of the trees on development, and of development on the trees has not been effectively considered. Retained trees may be considered overbearing, obstruct light levels and seasons nuisances such as leaf and seed may put the trees at future risk from application to remove or prune or disfigure the trees.

The development of this site would have significant and adverse impact on the visual amenity and landscape character associated and would undermine the integrity of the woodland which is of high Conservation value as a whole. Drawing all these matters together, I conclude that the proposal is unacceptable for the reasons stated and should be refused.

Kindest regards

Andy Whalley HND arb, MArborA

Arboricultural Officer

Community Resources
18 Forrest Street,
Blantyre,
Hamilton, G72 0JP.

Tel:- 01698 717731

Mob:- 07795090304

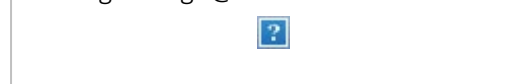
Email:- andrew.whalley@southlanarkshire.gov.uk

Councils website:- www.southlanarkshire.gov.uk



www.NHSinform.scot/Covid-19

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Appendix 2(c)

Representations

Representation From	Dated
♦ Paul Williamson	1/2/21
♦ Morven McPherson	4/2/21
♦ Lesley Patrick	22/9/21
♦ John Hall	12/2/21
♦ Gordon Anderson	30/1/21
♦ Charles Starr	31/1/21
♦ Hamilton Park South Action Group	19/3/21
♦ Yvonne McKeown	1/3/21
♦ Sandra Nimmo	11/2/21
♦ Russell White	25/1/21
♦ Rhona Hall	3/2/21
♦ Rebecca Lennon	3/2/21
♦ Jean Russell	24/1/21
♦ Mark Evans	27/1/21
♦ John McFarlane	28/1/21
♦ Andrew McLaughlin	28/1/21
♦ Mark Horgan	4/2/21
♦ Katie McTear	29/1/21
♦ Jordan Bryce	27/1/21
♦ John Lawlor	4/2/21
♦ James Shirazi	27/4/21
♦ Iain Hall	4/2/21
♦ Graham Patrick	4/2/21
♦ George Cumming	4/2/21
♦ Ellie Bryce	27/1/21
♦ Elaine Renwick	30/1/21
♦ Dr Tahira Idress	17/2/21
♦ Donald MacLellan	8/2/21
♦ David Adams	3/2/21
♦ Daniel Smith	7/2/21
♦ Colin Taylor	3/2/21
♦ Cameron McCann	3/2/21

Representation From	Dated
♦ Bridget Power	4/2/21
♦ Brian Hall	31/1/21
♦ Anne Trevorrow	3/2/21
♦ Anita and Stephen Hughes	4/2/21
♦ Alasdair Houston	29/1/21
♦ Alan McCulloch	4/2/21
♦ Katie O'Connor	28/1/21

From: Planning
Sent: 01 February 2021 13:04
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:03 PM on 01 Feb 2021 from Mr Paul Williamson.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Paul Williamson

Email:

Address: 67 Hamilton Park South Hamilton South Lanarkshire

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above based on the following:-

1. Tree Preservation Order - TPO - The site is covered in woodland and is protected by a Tree Preservation Order to protect the natural environment; I see no reason to overturn this preservation order.

There are dozens of trees marked for removal in the application, not to mention several trees that like like they have been omitted from the site survey especially between tree 2137A and 2223C. I could not find a way to attach an image to the comments section on the planning application website, but if you compare the site survey to google maps aerial view you will see my concern.

2. I understand a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the

surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls and Woodpigeons. In addition Bats (see note 4 further down); Deer; Toads; and Squirrels also inhabit this particular site.

3. Overlooking/ Loss of Privacy - One of the gable walls of the house adjacent to Hamilton Park South development would be overlook the dividing fence at Hamilton Park South and This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows including bedrooms. The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development - Nos 61,63, 67,69, 73, 75, 79, 81.

The gardens of the new development could also result in an ever worse loss of privacy. If the garden of the new building extends right up to the fence/land boundary. The Hamilton Park South windows are only about one and a half metres from this fence and face directly onto the garden.

4. Bat Roost Preservation

I have seen dozens if not hundreds of bats flying in and out of this woodland area many times. In Britain all bat species and their roosts are legally protected, by both domestic and international legislation.

This means you may be committing a criminal offence if you:

Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.

Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)

Intentionally or recklessly obstruct access to a bat roost.

Please refer to the legislation for the precise wording - the above is a brief summary only

A bat survey should have been carried out by the developer. As far as I know none has been.

Making planning decisions without due consideration of priority species is contrary to the Natural Environment & Rural Communities (NERC) Act 2006 which applies to all public organisations, including local authorities. s.40 of the Act states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Under s.41 of the Act, bats are listed by Defra as a priority species for the conservation of biodiversity.

-In Scotland the duty is contained within Part 1 Section 1 of The Nature Conservation (Scotland) Act 2004

It is an offence under the Wildlife and Countryside Act 1981(as amended) if you:

- intentionally or recklessly disturb a roosting or hibernating bat i.e. disturbing it whilst it is occupying a structure or place used for shelter or protection).
- intentionally or recklessly obstruct access to a roost (i.e. a structure or place used for shelter or protection).

Some major bat roosts carry statutory protection; in such cases LPAs will have further obligations under the Wildlife and Countryside Act for any Sites of Special Scientific Interest and/or Special Areas of Conservation designated for their bat interest.

LPAs are a competent authority under Regulation 7(1) of the Conservation of Habitats and Species Regulations 2017, under which they must have regard to the requirements of the Habitats Directive.

The Directive includes a strict system of protection for certain European Protected Species (EPS) including all species of wild bats found in the EU. These requirements have been implemented by Part 3 of the Habitats Regulations so LPAs must have regard to the contents of Part 3 prior to granting planning permission where European protected species - such as bats - may be affected.

-In Scotland the duty is contained within Part 1 Section 1 of The Nature Conservation (Scotland) Act 2004

Relationship between licensing and planning permission - 'The three tests'

The statutory requirements include a system of strict protection for European Protected Species (EPS), such as bats. A derogation (deviation) from this strict protection - by way of a licence granted to a person under the Regulations - is only allowed in certain limited circumstances and only after three specific tests have been satisfied.

Where bats may be harmed by a development proposal (e.g. such that one or more criminal offences is reasonably likely to be committed), the LPA must have regard to the three tests required by the Regulations as well as the licensing authority (due to the duty under Regulation 7(1)).

Consequently, for all LPAs, the following are important material considerations:

- firstly, is a criminal offence likely e.g. is an applicant when implementing the proposed development reasonably likely to commit a criminal offence under the Habitats Regulations - such as causing harm to bats? And where this is the case:

- can the three tests can be satisfied e.g. is the eventual granting of a licence likely - so as to permit activities which would otherwise be unlawful?

In other words, the LPA should not grant consent where they suspect a criminal offence might result and where the three licensing tests are unlikely to be satisfied.

The three tests

A licence cannot be granted until the licensing authority is satisfied that:

- the purpose of the intended action (development) is for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment

And as long as:

- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the population of the species concerned at a Favourable Conservation Status in their natural range

This means in proposals where bats may be affected, a planning application must provide sufficient information (in the form of a survey and a report on mitigation measures) for the LPA to consider it against the three licensing tests.

The Habitats Directive is transposed into UK legislation through the Habitats Regulations; and licences are issued under:

- In Scotland Regulation 44 The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 1994 (as amended)

Paul Williamson, 67 Hamilton Park South, ML3 0FH

From: Planning
Sent: 22 September 2021 15:01
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:00 PM on 22 Sep 2021 from Mr Paul Williamson.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Paul Williamson

Email:

Address: 67 Hamilton Park South Hamilton South Lanarkshire

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Dear Sirs

I am also commenting as part of Hamilton Park South Action Group, and have previously objected on 2nd February. This representation is in addition to those representations.

Disagreements with PLANNING STATEMENT submitted by the applicant

Point 1.4 The forestry consultant appointed by the applicant is of the view the poorer quality trees are not worthy of TPO designation.

Response - The trees are classed as category C in the tree report - which are classed as low category trees which can be retained. This seems pretty subjective and also doesn't actually state that they should be removed either. What is to be gained by removing them? The applicant can develop the land. What is the downside of removing them? The area of woodland would have a driveway and 2 houses on it, effectively 'ruining' the

overall character of the woodland area. It would no longer look like natural woodland but instead a small housing estate. In my view this would

1- have an adverse effect on the Character of the Area.

2- have an impact on nature conservation. The trees, shrubland and various wildlife (bats, birds, deer, rabbits, squirrels, and I'm sure there are loads more I have not physically seen) would all be adversely affected by the development. It is naive to assume there will be no adverse effects whatsoever no matter how much care is taken, building work noise alone disturbs wildlife, even if the individual trees the bats roost in for example are retained.

Both of which are valid planning considerations.

Point 1.5 The driveway has been designed to ensure no significant trees are affected.

Response - I would argue once work begins, damage to significant trees is bound to occur. There is at the very least some risk of this. Why take the risk?

Point 1.7 The forestry consultant appointed by the applicant is of the view the development will have no significant impact on the woodland that is of particular merit.

Response - This seems ENTIRELY subjective. The whole woodland area would be better left as it is. The natural habitat is still being affected/reduced.

Point 2.9 The fact that it is not uncommon for 'poor' quality trees to be removed in a TPO area. The council has control over what tree works are undertaken.

Just because it is not uncommon does not mean, in every case it should happen.

If the area of woodland is a small area bounded on all 4 sides (in this case by the road, racecourse, school & hamilton park south flats) it is making this small area even smaller. This reduction should matter. The fact that there are a lot of objections from local residents should be taken into consideration also. In previous incidents where trees were removed from TPO areas, maybe there was no real objections, maybe the area affected was larger or part of larger woodland or wilderness not a very small self contained area.

It does seem that the council planning authority has the final say here - and I think they should base their decision on what is best for the natural environment as the area is a TPO area - keeping the category C trees and shrubland or the building of 2 houses. In my view the buildings will detract from the overall character of the area.

Point 2.10 As noted, from a legal perspective if planning

permission is granted, no further consent will be required for the removal of 'necessary' trees to allow the development to proceed.

Response - As stated in the tree report commissioned by the applicant, trees can be badly damaged by construction activities, and even though there is a 'plan' in place to protect the root system of the high quality trees - once work begins - as stated above - the plan can basically be disregarded. Given that there is no clear indication of a garden for the houses, I think there is a distinct possibility that more trees than indicated will be removed and the garden area will be extended. Especially given that the very first application from Mr Chaudhary was for an access road required so he could undertake tree maintenance. Clearly untrue, as he is now applying to build houses.

The council should bear in mind the likelihood that the developer may deviate from the plan once building commences. If there is a high likelihood this should go against the applicant. How do you determine the likelihood? The applicants previous history must be a factor, as must the lack of garden on the plans.

Point 4.2 The fact that although the trees are covered by a TPO does not necessarily mean they are worthy of retention. The TPO is to give the council control over the woodland to ensure there is no harmful effect on the overall integrity of the woodland. The applicant states the small scale development would have no adverse effect.

Response - A TPO is granted primarily for environmentally aesthetic purposes, and while it does give the council control over the area, this does not mean the council should give planning permission. It means the council has to listen to both sides of the argument and make a decision that is in the best interests of the community and environment.

The development would have have an adverse effect on the overall character of the area. As stated previously, this is a very small self contained woodland area bounded on all 4 sides by development of some kind. Allowing development within the area would definitely have an adverse effect. It would not be natural woodland but a mixture of natural woodland, houses, some form of garden (which has not really been fully outlined in my view - and I suspect will be altered once building begins resulting in more trees being destroyed - by the applicant/proposed developer) and road. There is also the possibility that if planning permission is granted, this could leave to further development in the future - reducing (possibly eliminating) the woodland in the future.

Conclusion

It seems to me the slightly subjective nature of Tree Preservation Orders means the final decision rests with the council planning department, who need to weigh up

the following.

Reasons not to allow the development to proceed -

1. The effect of character on the area - The area will not look like natural woodland any more. Although the trees scheduled for removal are category C trees which are deemed lower quality, this does not mean they should be removed. Even in the tree report commissioned and paid for by the applicant - it does not state this. It merely states in his 'opinion' the removal wouldn't matter. I'm not sure this is good enough, seems like a judgement call to me. If this is the case, I would always side with the 'keep things as they are' argument.

2. Nature conservation - including the trees and various wildlife (bats, birds, deer, rabbits, squirrels, and I'm sure there are loads more I have not physically seen). At the very least surely there is a risk that the development will be harmful to wildlife and the environment. In fact, I would say with the best will in the world, damage will be done.

4. Loss of Privacy - while the distance between the proposed building and the closest flat is said to be 26m, it looks more like 16m to me on the plans submitted by the applicant - so please check this. Even if it is 26m, this does not make any allowance for the gardens of the proposed development. It looks to me like there is no provision for a garden at all on the plans. I find this slightly hard to believe that a huge detached house would be built with no or minimal garden. In theory the garden could be as close as 2m to the nearest flats. Bedrooms & Living Rooms are the rooms which face onto the woodland.

3. I would also draw particular attention to Point 2.10 As noted, from a legal perspective if planning permission is granted, no further consent will be required for the removal of 'necessary' trees to allow the development to proceed. THIS IS EXTREMELY CONCERNING.

4. I would also like to point out the Tree Report conducted by Keith Logie was commissioned and paid for by the applicant/proposed developer. While there is nothing untrue in the report, quite a bit of the conclusion seems to be stated as 'in my opinion', which is not exactly conclusive a feels like the report is slanted towards being favourable to the person who paid for it. The applicant has had about 6 months to find and commission a chartered forester to support his application. Even then, the report is not exactly a ringing endorsement that the development should go ahead. I am pretty confident if the objectors had 6 months (as opposed to 3 weeks) to refute the report, we could commission a similar report with the same findings but slanted towards a different conclusion.

5. I would also like to point out that if planning permission is granted for 2 houses and a road, this strengthens the applicants case to further develop the

land. The TPO is weakened by having some development already on the land.

A TPO is granted primarily for environmentally aesthetic purposes, I would argue having part of the area developed would be in opposition to the reason the TPO was granted. Basically to protect the character of the area.

Reasons to allow the development to proceed - I can't really see how any development here benefits the community or environment.

From: Morven McPherson
Sent: 04 February 2021 13:20
To: Planning
Subject: Objection to Planning Application P/21/0029 - FAO Jim Blake

Follow Up Flag: Follow up
Flag Status: Flagged

FAO Jim Blake:

I have received a Neighbour Notification Notice to my address at 51 Hamilton Park South, Hamilton, ML3 OFH, therefore please see below my objection to Planning Application P/21/0029 relating to land off Bothwell Road, Hamilton.

Regards,
Morven McPherson

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault’s estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
 - Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application. (between 2137A and 2223C)
 - Title deed burdens since 1999 protecting the land as ‘amenity woodland’, as long as Hamilton Park South (HPS) remains residential, including:
 - o Woodland shall be managed ‘at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for ‘maintenance’). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants’ land, and carrying out periodic litter clearing, including fly tipping, etc.
 - o Woodland shall not be used for any other purpose, other than woodland maintenance & management
 - o Woodland shall be protected from ‘any form of construction, building development,....or any similar works’ etc.
 - Oct 2012 ownership transferred to the applicants (without HPS owners’ knowledge)
 - Previous planning applications by the applicants include:
 - o HM11/0257 formation of vehicular access – refused November 2011
 - o HM12/0056 formation of vehicular access – refused July 2012
 - o HM13/0005 2 detached housed & vehicular access – refused March 2013
 - o P/19/0420 formation of vehicular access – refused October 2019
- NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners’ solicitor – burdens remain intact to date.
 - HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) Existing Use – described in the application as ‘vacant land with vegetation’ however as noted above site is designated as Amenity Land for the 40 flats at Hamilton Park South.
The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South however it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.
- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS, and the wider public, exist and ‘Prescriptive Servitude’ could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
- (c) Road Safety – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road to facilitate residential development is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these with 6 ensuite bedrooms and a separate studio flat above the garage creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb. I am not aware of any other housing development being accessed from school grounds.

(d) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

(e) Woodland – Scotland’s woodlands are at serious risk and now only cover 18% of our landscape (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system if trees are removed. There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton’s estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.

(h) Zoning - The site is zoned as ‘Green Network’ in the South Lanarkshire Local Development Plan Settlement Maps and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use. It is also worth noting that due to COVID restrictions several owners are stranded abroad or in England and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible due to the ongoing COVID lockdown, and a cyber attack.

(j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.

The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue of vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

ENDS

From: Planning
Sent: 04 February 2021 13:22
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:22 PM on 04 Feb 2021 from Ms Morven McPherson.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Ms Morven McPherson

Email:

Address: 51 Hamilton Park South Hamilton, South Lanarkshire

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I am formally submitting my objections to the proposed
development detailed above, based on the following:

(a) Existing Use - described in the application as 'vacant
land with vegetation' however as noted above site is
designated as Amenity Land for the 40 flats at Hamilton
Park South.

The Design Statement notes that the applicant is willing
to gift the remaining woodland to owners of Hamilton
Park South however it should be stressed that there is no
agreement of any kind in place, and this could therefore
be argued as irrelevant to the application.

(b) Right of Way - The designation of the site as Amenity
Land implies that access rights to woodland in favour of
residents of HPS, and the wider public, exist and
'Prescriptive Servitude' could be applied for to gain
permanent access as the rights have been in existence
for over 20 years without interruption. Statutory access
rights already exist in favour of the public at large and
the site is an established public link between Bothwell

Road

(Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.

(c) Road Safety - The existing entrance to Hamilton College forms a busy junction from Bothwell Road - a dual carriageway and main access route into Hamilton - and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road to facilitate residential development is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these with 6 ensuite bedrooms and a separate studio flat above the garage creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

(d) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

(e) Woodland - Scotland's woodlands are at serious risk and now only cover 18% of our landscape (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system if trees are

removed. There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to not only preserving and protecting woodland, but also to increasing

tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium

Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use. It is also worth noting that due to COVID restrictions several

owners are stranded abroad or in England and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible due to the ongoing COVID lock down, and a cyber attack.

(j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.

The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue of vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

From: Planning
Sent: 22 September 2021 13:26
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:26 PM on 22 Sep 2021 from Mrs Lesley Patrick.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mrs Lesley Patrick

Email:

Address: 51 Bothwell Road Hamilton

Comments Details

**Commenter
Type:** Neighbour

Stance: Customer objects to the Planning Application

**Reasons for
comment:**

Comments: In light of the updates, the proposal still involves many
of the original and outstanding issues.

The area is a protected area, and the development still
involves the cutting down of trees.

The access is still granted through a private arrangement
with the school which could be revoked at any time
leading to further development required to gain access to
established houses so should not be seen as a
sustainable solution.

Precedent has been set that as owners of the land, no
maintenance or care has been carried out as was
supposed to, which could contribute to decline in health
of the area. This negligence could then make the area in
poorer condition and more likely to result in planning
being granted. However, the cause of this decline and
linkage to lack of maintenance by the applicant should be
considered.

As above precedent, there is lack of confidence that the

care laid out to protect other trees would be followed, given care of the area has not been carried out by the applicant.

The works would add further congestion to a busy area with school children and turning vehicles and other residential properties etc.

The list of points in original comment not addressed by the updates also still stand but won't be repeated in this comment.

From: Planning
Sent: 04 February 2021 22:14
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:14 PM on 04 Feb 2021 from Mrs Lesley Patrick .

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mrs Lesley Patrick

Email:

Address: 51 Bothwell Road Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton
I am formally submitting my objections to the proposed development detailed above.
The history of this site is significant and includes:
- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order - long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
o Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance')'. HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
o Woodland shall not be used for any other purpose, other than woodland maintenance & management
o Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)
- Previous planning applications by the applicants include:
o HM11/0257 formation of vehicular access - refused November 2011
o HM12/0056 formation of vehicular access - refused July 2012
o HM13/0005 2 detached housed & vehicular access - refused March 2013
o P/19/0420 formation of vehicular access - refused October 2019
NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 - request to remove title burdens - challenged by HPS owners' solicitor - burdens remain intact to date
- HPS & Hamilton Park North owners have been striving

for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following: -

(a) Existing Use - described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.

The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.

(b) Right of Way - The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of HPS, and the wider public exist, and 'Prescriptive Servitude' could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.

(c) Road Safety - The existing entrance to Hamilton College forms a busy junction from Bothwell Road - a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

(d) No Environmental Statement has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

Any development would devastate this rich and diverse eco system.

(e) Woodland - Scotland's woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased

property values; and Reduced Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application.

(j) Overlooking/ Loss of Privacy - whilst across the road, the loss of trees changes the natural view in an otherwise built up area and leaves properties exposed to the adverse weather from the artificially flat and empty environment of the racecourse.

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 12 February 2021 16:12:19

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:12 PM on 12 Feb 2021 from Mr John Hall.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr John Hall

Email:

Address: 58-60 High Street, Renfrew PA4 8QP

Comments Details

Commenter Type: Other organisation

Stance: Customer made comments in support of the Planning
Application

Reasons for comment:

Comments: I am the solicitor acting for the applicants.

Further to my earlier comments, I understand some doubts have been expressed about the nature of our clients' offer to donate the remaining woodland to the residents.

I first made this offer by email on 12th September 2016 to the solicitor acting for the residents. It has been confirmed that the general principle of reaching an agreement was of interest to the residents and I have been in correspondence with their solicitors to reach full agreement on the detail. My clients have agreed now to all of the residents requirements but the residents solicitor has still to confirm his clients' final agreement.

The last remaining issue was regarding an area of ground which my clients originally wanted to retain but my clients agreed to the residents request to include that area and this was communicated to their solicitor with fresh plans on 3rd February 2020.

I was last in correspondence with the residents solicitor before Christmas last where he advised me that his clients had found it difficult to meet to discuss this with him due to the current Covid restrictions but it is still very much a live issue.

I remain of the view that this would be of great benefit to the residents.

I am not able to publish any emails which I have received from the residents solicitor as these are confidential however I am happy to share my correspondence and plans and I have submitted these this afternoon to the Planning Department via email.

Law, Aileen

From: Suzanne Bagnall c/o John Hall
Sent: 12 February 2021 16:15
To: Planning
Cc: John Hall
Subject: FAO Jim Blake - Planning Application - Land at Bothwell Road, Hamilton -
Attachments: Council Submission 12.02.2021.pdf

Hi Jim,

Further to John's additional comment this afternoon, I attach the correspondence and plans he refers to for your records.

John has no problem with this being made available on the portal but was unable to see a way to attach them to his comment. Would you be able to add them to the application portal please?

Kind regards,

Suzanne Bagnall
Solicitor
McAuley, McCarthy & Co.
58-60 High Street, Renfrew, PA4 8QP

Please note our office is no longer in DX.

This email may contain confidential or legally privileged information. If you have received this e-mail message in error you are requested to contact the sender immediately, delete the message from your computer and not to disclose or make use of this information. If the content of this message does not relate to the official business of this firm it is neither from nor endorsed by this firm.

Suzanne Bagnall

Subject: FW: Chaudhary - Hamilton Plan
Attachments: doc20200131093104140187.pdf; doc20200131093009140185.pdf

-----Original Message-----

From: John Hall

Sent: 03 February 2020 15:54

To: [REDACTED]

Cc: Suzanne Bagnall [REDACTED]

Subject: FW: Chaudhary - Hamilton Plan

Hi [REDACTED]

My clients have produced a new plan which I attach.

They are offering to transfer the two green areas and the yellow area outright to your clients subject to the other points previously discussed being included in the overall agreement. They have moved away from the yellow area simply being subject to a no build agreement and hopefully that will give your clients the further reassurance they seek.

Can you please take instructions and get back to me?

This email is not intended to be binding or contractual in effect.

Best wishes,

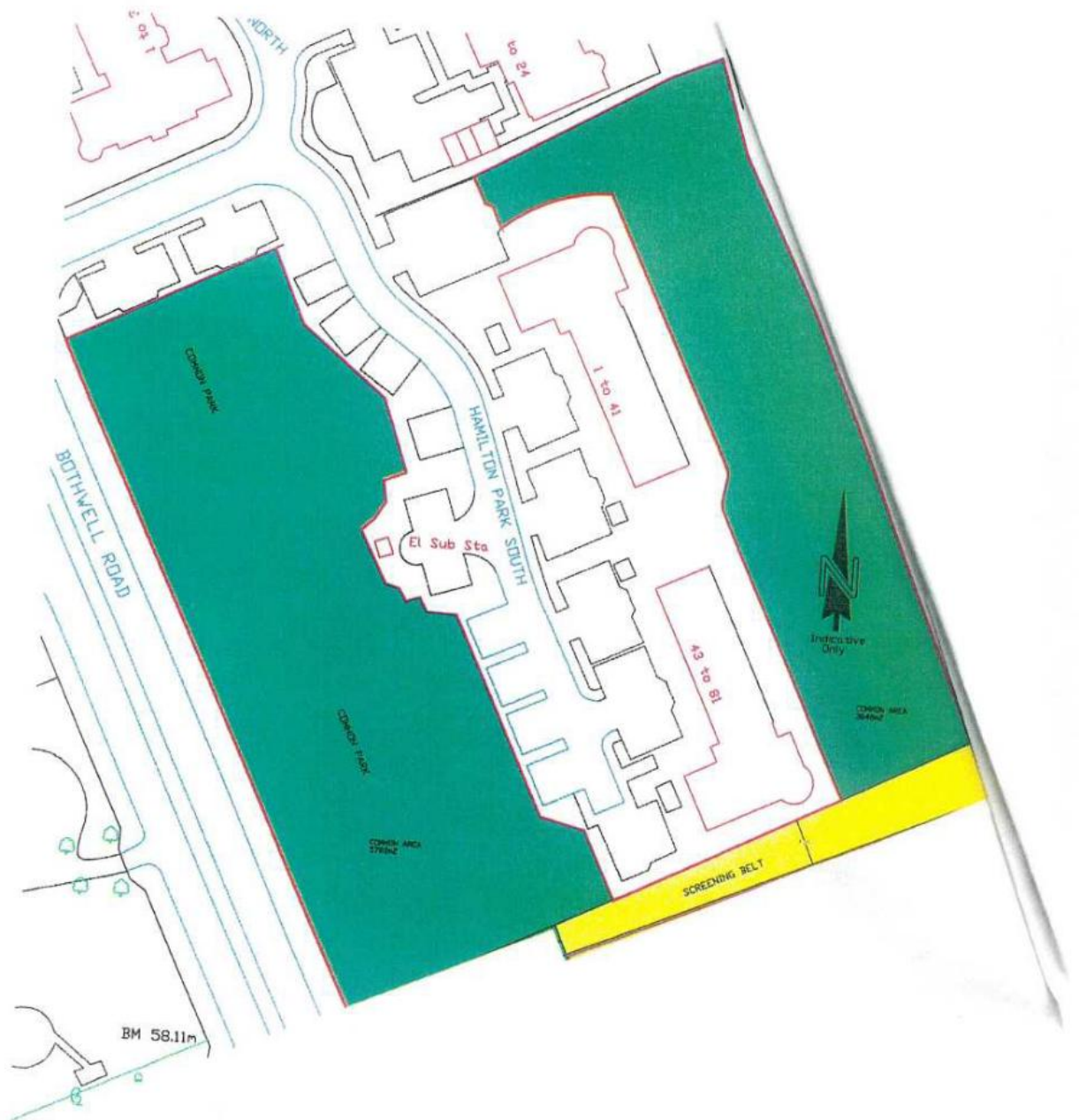
John.

John Hall.

Partner.

McAuley McCarthy & Co.

58-60 High Street, Renfrew, PA4 8QP
[REDACTED]





McAuley McCarthy & Co.

From: McAuley McCarthy & Co. [REDACTED]
Sent: 12 September 2016 11:17
To: [REDACTED]
Cc: [REDACTED]
Subject: Shahid Chaudhary & Shahida Chaudhary v Ian Brown and others - Application under the Title Conditions (Scotland) Act 2003-Ground on the North East side of Bothwell Road, Hamilton. Lands Tribunal for Scotland Ref: LTS/TC/2015/0021
Attachments: doc20160912111606034099.pdf

Sent on behalf of John Hall: -

Hi [REDACTED]

I have met with my clients and I have put to them a proposal for settling this matter between our respective clients which I think would be to the best advantage of all parties concerned.

I presume you already have a copy of my clients Title Sheet LAN149904 and you will therefore know the extent of the ground in their ownership.

I enclose a scanned copy of the Title Plan on which I have crosshatched in black the areas to the South West and North East of your clients development. My clients are prepared to gift these two areas to your clients in exchange for your client's withdrawing their objections to this Tribunal application and to supporting our clients future planning application for the development of the ground remaining in their possession. My clients are proposing to apply for a very small development of detached villas on this area. The rough outline of what I propose is as follows:-

1. Your clients create a Trust to hold the Title to the two areas of ground in perpetuity specifically to be maintained and used for the benefit and recreation of all the proprietors both of your clients development and any successors in ownership of the ground remaining in our clients possession.
2. The Title will be burdened to ensure that the ground will be preserved in all time coming for woodland and amenity and will not be subject to any further development.
3. If everything was agreed between our respective clients in a binding contract between ourselves there would be no actual conveyance to the Trust until the planning application was approved however I would not be suggesting that we make the transfer to your clients conditional on the approval or otherwise or if the Council find other reasons to reject the application. My clients would simply ask your clients to support their application rather than object to it.

I would be grateful if you would canvas this with your clients and let me know if it is of any general interest to them. I am sure that there would be matters of fine detail which would need to be discussed and addressed however I am sure that they could all be worked out.

This email is not intended to be contractual in effect and is not to be taken as binding upon my client.

Best wishes.

John

John Hall, Partner

Direct Email: [REDACTED]

From: Planning
Sent: 05 February 2021 13:25
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:24 PM on 05 Feb 2021 from Mr John Hall.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr John Hall

Email:

Address: McAuley McCarthy & Co 58/60 High street Glasgow

Comments Details

Commenter Type: Other organisation

Stance: Customer made comments in support of the Planning
Application

Reasons for comment:

Comments: I am the solicitor acting for the applicants and I have
been involved with this site from its original acquisition.

The applicants have made every effort to produce a
proposal which balances their right to a reasonable use of
their property with surrounding issues such as
conservation, amenity and wildlife.

I note that none of the objectors have made reference to
the applicants offer to the neighbouring residents to
donate and convey title to them of the remaining areas
of woodland outwith the proposed development. This
offer was made by me on the applicants behalf. It would
allow the residents to take direct control of the care and
maintenance of the woodland area but so far they have
declined to accept it although the offer remains on the
table to this day.

The contribution from Scottish Forestry and the Tree
Survey Report commissioned by the applicants make it
clear that there is a path whereby the proposed

development can proceed in a sympathetic manner and for the ultimate benefit of the woodland and the neighbouring proprietors.

Many objectors appear to consider my clients private property as their amenity ground but there is no titular basis for this. There is no legal connection between the neighbouring flats and the development site.

Reference was made to the Lands Tribunal case which remains sisted pending the consideration of the applicants offer to donate the woodland to the residents mentioned above as it has always been the applicant wish to progress through consensus rather than dispute. Should agreement not be reached the Tribunal case will resume and the applicants fully expect to be successful in that.

The woodland area has no commercial value as such and in fact is a financial burden in the absence of any reasonable prospect of development and it is neither fair nor reasonable for objections seeking to preserve unentitled amenity at the applicants expense.

Previous planning concerns regarding access to the site have now been addressed and the applicants have worked hard to put in place access arrangements which are safe and which will have no significant impact on traffic flow as some objectors have suggested.

I would submit that any objections on grounds of privacy or prospect be disregarded as not being legitimate or reasonable. Most objectors are residents of a relatively recent flatted development about which many of the concerns expressed could equally have been made.

I am more than happy to support this application.

Dewar, Katrina

From: Gordon Anderson
Sent: 30 January 2021 11:44
To: Planning
Subject: Objection to Planning Application P/21/0029

Follow Up Flag: Follow up
Flag Status: Flagged

OBJECTION TO PLANNING APPLICATION P/21/0029

F A O Planning Officer Jim Blake

OBJECTION TO PLANNING APPLICATION P/21/0029

F A O Planning Officer Jim Blake

I understand that a further application has been made to redevelop the land adjacent to Bothwell Road Hamilton, ML3 0BB

I hereby object on the following grounds:

1. The land in question is green belt with an abundance of mature trees, wild life and birds which would be a loss in this day and age of conservation because of climate change.
I have lived at my present address for 17 years and in that time I have never seen any maintenance of this land being carried out by the applicants.
2. I also understand that the school, having received a financial settlement, has granted permission for vehicular access to this land through the school grounds. This is most disturbing as the safety of children should be paramount – has any health and safety investigations been undertaken by either the school or the applicants?
If this application is successful, it could result in setting a dangerous precedent for any further applications for housing developments to be accessed through school property.
3. How will it impact the already heavy volume of traffic normally using Bothwell Road {outwith coronavirus regulations}. We already had an increase in traffic volume with the opening of the hotel at the race course.
Any increase is alarming because of the normal load and the added concern that Bothwell Road is the default detour through Hamilton when motorways are in difficulty

*Gordon Anderson
6 Hamilton Park North
Hamilton
ML3 0FG*



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From: Gordon Anderson
Sent: 30 January 2021 12:03
To: Planning
Subject: FW: Objection to Planning Application P/21/0029

Follow Up Flag: Follow up
Flag Status: Flagged

OBJECTION TO PLANNING APPLICATION P/21/0029

F A O Planning Officer Jim Blake

I understand that a further application has been made to redevelop the land adjacent to Bothwell Road Hamilton, ML3 0BB

I hereby object on the following grounds:

1. The land in question is green belt with an abundance of mature trees, wild life and birds which would be a loss in this day and age of conservation because of climate change.
I have lived at my present address for 17 years and in that time I have never seen any maintenance of this land being carried out by the applicants.
2. I also understand that the school, having received a financial settlement, has granted permission for vehicular access to enter this land through the school grounds.
This is most disturbing as the safety of children should be paramount – has any health and safety investigations been undertaken by either the school or the applicants?
If this application is successful, it could result in setting a dangerous precedent for any further applications for housing developments to be accessed through school property.
There is already school pupils using this entrance going to school on a daily basis , heavy vehicular traffic including numerous buses use the entrance to the school grounds and carpark.
If further vehicular traffic is given permission to use the school grounds and entrance this could lead to a serious road traffic accident taking place. School grounds are designed for a place of safety for children not for vehicular traffic.
3. How will it impact the already heavy volume of traffic normally using Bothwell Road {outwith coronavirus regulations}. We already had an increase in traffic volume with the opening of the hotel at the race course.
Any increase is alarming because of the normal load and the added concern that Bothwell Road is the default detour through Hamilton when motorways are in difficulty

Gordon Anderson
6 Hamilton Park North
Hamilton
ML3 0FG



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Dewar, Katrina

From: Gordon Anderson
Sent: 30 January 2021 12:15
To: Planning
Subject: Objection to Planning Application P/21/0029

Follow Up Flag: Follow up
Flag Status: Flagged

Objection to Planning Application P/21/0029

F A O Planning Officer Jim Blake

I understand that a further application has been made to redevelop the land adjacent to Bothwell Road Hamilton, ML3 0BB

I hereby object on the following grounds:

1. The land in question is green belt with an abundance of mature trees, wild life and birds which would be a loss in this day and age of conservation because of climate change.
I have lived at my present address for 17 years and in that time I have never seen any maintenance of this land being carried out by the applicants.
2. I also understand that the school, having received a financial settlement, has granted permission for vehicular access to this land through the school grounds. This is most disturbing as the safety of children should be paramount – has any health and safety investigations been undertaken by either the school or the applicants? If this application is successful, it could result in setting a dangerous precedent for any further applications for housing developments to be accessed through school property.
The school entrance is used by children going to school on a daily basis, vehicular traffic including numerous large buses. School grounds are entrances are developed for children’s safety .
If permission is given for entry to a housing development it may cause a serious traffic accident as the area is the school grounds is developed for children’s safety.
3. How will it impact the already heavy volume of traffic normally using Bothwell Road {outwith coronavirus regulations}. We already had an increase in traffic volume with the opening of the hotel at the race course.
Any increase is alarming because of the normal load and the added concern that Bothwell Road is the default detour through Hamilton when motorways are in difficulty

*Gordon Anderson
6 Hamilton Park North
Hamilton
ML3 0FG*



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From: Planning
Sent: 31 January 2021 13:40
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:39 PM on 31 Jan 2021 from Mr Charles Starr.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Charles Starr

Email:

Address: 41 Hamilton Park North Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: This land is designated as a green zone and not available
as housing. Why should this change.

Disruption to and loss of privacy for existing residents.

Any permission would only serve to feed future
applications in the area that would absolutely destroy the
existing habitat for the herd of deer and countless other
wildlife that use this and surrounding areas.

This would absolutely be contrary to any existing
conversation commitments. We should not squeeze
houses into every available open space.

This cannot be permitted as this would create a Health and
Safety risk during construction and with the school in
such close proximity this cannot be acceptable.

What about the Council's policy on Climate Change,
removing trees in this area cannot support those
commitments, These are much needed in this and the
local area.

Overall we have to challenge developments that seek to disrupt a whole host of elements and the balance of the local wildlife and occupants with very little benefit.

We see very little benefit to the local community from the application therefore ask that the local council look at the much bigger picture and recognise that the potential damages outweigh any individual benefit and therefore reject any such application.

Kind regards
Charles Starr & Lesley Catterson

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 23 September 2021 14:50:53

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:50 PM on 23 Sep 2021 from Mr Charles Starr.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr Charles Starr

Email:

Address: 41 Hamilton Park North Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Any revised plans do nothing to remove the risks that have
been previously highlighted by many objectors.

The risk to existing habitat (deer etc), conservation and
destruction of the landscape would significantly outweigh
any amendments being presented.

The local area must continue to retain the conservation and
habitat value as any erosion of this and or capitulation at
this point simply paves the way for further erosion of these
elements.

There must be plenty of other opportunities to build such
expensive properties in an other suitable areas where there
is much less intrusion, infringement to nature and impact on
local property owners.

Please do not capitulate as the whole of that area will then
be lost in a very short time and we change the whole
environment and natural appearance with very little gain
other than two families who can easily locate elsewhere and

find very satisfactory alternatives.

Kind regards
Charles

Law, Aileen

From: Hamilton Park South Action Group
Sent: 19 March 2021 13:20
To: Planning
Subject: Planning Application P/21/0029
Attachments: Planning submission HPS Action Group.docx

Dear Planning Department

Please find attached our submission. We extend our sincere apologies for the length of the document, due to the number of issues which required to be addressed.

Many thanks

Hamilton Park South Action Group

Dear Planning Department

We would be most grateful if you would include this submission, as part of the planning application process for P/21/0029.

We are writing to you as Hamilton Park South Action Group, and represent Hamilton Park South (HPS) owners. Our group was formed some years ago, in response to the legally protected woodland, which is the subject of this planning application, coming under threat.

Our efforts have focussed on protecting, and preserving this area, identified as a valuable amenity and facility area for South Lanarkshire and its residents. As you will be aware, there is a significant history of ongoing action, financial investment, time, and effort, in relation to this important issue.

We would like to register the following concerns, in addition to those already lodged:

- **Crucial organisations** have not been contactable, since the circulation of the Neighbour Notification Notice, due to unprecedented factors e.g. SEPA, Woodland Trust, RSPB. Vital support to our objections is therefore unavailable at this time.
- **Access** – We are struggling to identify a construction exclusion zone, or the necessary turning point for large emergency and utility vehicles, separate to parking areas. Any such area may have implications for additional woodland removal.
- **Large scale destruction and damage indicated by Tree Reports, e.g.:**
 - 40% of all tagged trees surveyed are proposed for removal (73 of 186)
 - Pedunculate Oak trees listed for removal, despite applicant's 2019 report stating '5.5 Because of their age, size and wildlife benefits the Pedunculate Oak population is particularly worthy of protection. Any development should aim to preserve these trees.' 'A collection of mature Pedunculate Oaks are a particularly positive feature of the woodland.'
 - All tagged trees have had their tags changed since the previous 2019 Tree Report, making it impossible for us to cross check the details
 - Multiple untagged trees and flora proposed for removal –no data provided – 2019 report states 'a diverse woodland structure is present. A wide range of age classes means flora is present at all levels, from the ground layer to the upper canopy.'
 - 2019 Tree Report '4.11 Practically the entire site falls within the RPA of one or more tree. Only isolated areas of a few square metres exist that are not calculated as being an RPA'. The proposed road alone appears to invade at least 8 tree RPAs.
 - 2019 Tree Report '4.12 Even within areas not calculated as being an RPA, natural regeneration can normally be found. The stocking of the woodland is very dense and the main reason that some areas appear devoid of trees on the Tree Constraints Plan (TCP) is that the trees present have a diameter of less than 150mm at 1.5metres and, therefore, were not included within the report.'
- **Tree Report – confusion or omission of key findings**

Current report states 'a number of trees and shrubs would require to be removed, but the best trees will be retained, and the impact in arboricultural terms would be relatively small.' This is in stark contrast to the previous tree report(s) commissioned by the applicant, the most recent being 2019 (all bold text below contained within original report), e.g.:

- '3.6 The woodland, collectively, provides many benefits and is particularly valuable for wildlife habitat; containing, as it does, undisturbed varied structure with several veteran native trees.'
 - '3.7 There are very few areas – greater than a few square metres – that are not within one or another tree's Root Protection Area (RPA). The author cannot identify any area that would not require significant tree removal to accommodate access roads or buildings.'
 - '4.21 All trees surveyed are located close to the grounds of Hamilton Park North, Hamilton College and adjacent to internal and public roads (Bothwell Road). As such **the woodland is of high amenity value.**'
 - '4.22 As mentioned above a mix of native, non-native and naturalised species are present in this isolated mature woodland. Some birds' nests, Woodpecker activity, native ground flora and veteran trees were observed. **Therefore the woodland is of high conservation value.**'
 - '4.23 The trees can be readily viewed by neighbours and by passers-by. As such, **the woodland is of high landscape value.**'
 - No woodland management plan is evident (as advised in 2019 report)
 - A difference in species of trees listed and surveyed is evident
 - Lack of detail re 'flora present within this mainly mature broad-leafed woodland'
 - '5.1the site is densely stocked mature woodland with many benefits provided, not least wildlife habitat. The author cannot reasonably see any point within the site boundaries where construction would not impact significantly, on the woodland structure.'
 - '5.7 It is to be stressed that.....category C (Grey) trees collectively are of much higher retention desirability. Therefore, again losses should be minimised.' Over 50 category C trees are proposed for removal.
 - '6.1all trees should be monitored by a competent arborist on a suitable cycle. This would help meet the landowner's duty of care (Occupier's Liability (Scotland) Act 1960)' – no maintenance by applicant evident to date
 - '6.5 The trees on site have the potential to provide habitat for protected species....Should removal of any trees be required, expert advice should be sought from a suitably qualified conservationist. Destruction of wildlife habitat may be a contravention of "The Nature Conservation (Scotland) Act 2004".'
 - '6.8 All remedial tree work should be carried out to standards set forth in "BS3998 2010: Tree Work – Recommendations".' Considerable remedial work, including urgent work identified, however none listed in current report, and no evidence of any undertaken to date
- **Applicant's solicitor's submissions 8 Feb 2021 (x2)**
 - The solicitor asserts....'right to a reasonable use of their property' -however, all the evidence available indicates the applicant continues to not adhere to the legal duty and responsibility to:
 1. Protect the land from any/all development
 2. Carry out maintenance
 3. Comply with public health & safety/landowner's duty of care (Occupier's Liability (Scotland) Act 1960), e.g. see above multiple unmet maintenance needs identified 2019 (some urgent), including potential risk to pedestrians & road users on Bothwell Road
 - 'development can proceed.....for the ultimate benefit of the woodland and the neighbouring proprietors' – All the information available to us stresses that the proposed development would be seriously detrimental to both the woodland and local residents

- 'There is no legal connection between the neighbouring flats and the development site' – our specialist Lands Tribunal legal team challenged the applicant's attempt to change the title deeds, as the land is legally designated as 'amenity', and the deeds directly refer to HPS as 'the Development Land'
- 'neither fair nor reasonable for objections seeking to preserve unentitled amenity at the applicants expense' – the legal status of the land is protected 'amenity', and we are confused as to why the applicant would take ownership for the purposes of development
- 'access arrangements which are safe and which will have no significant impact on traffic flow' – All the evidence available, and daily experience of Bothwell Road, contradict this claim. We are unclear if the proposed road is single track, which would further increase both risk and impact
- 'any objections on the grounds of privacy ...be disregarded as not being legitimate or reasonable' – The proposed development would have significant impact in terms of privacy
- 'Tree Preservation Order.....would have been taken into account by your Council when considering.....that development' (HPS) – This is an inappropriate comparison, as several major changes have occurred in the intervening period, post planning consent for HPS e.g.
 - Title burdens established – protected amenity land
 - Scientific findings re climate crisis – increasing & ongoing
 - International/global climate emergency declared
 - Public awareness & education re climate emergency
 - Resulting changes in Government policy, including planning
- **Applicant's solicitor's submissions 15 & 16 February 2021**
 - Emails have been presented out of context, and therefore could be argued as biased towards the applicant and misleading
 - 'My clients have agreed now to all of the residents requirements' – this claim is not supported by the evidence available to date
 - Email 12 September 2016 – 'in exchange for your clients withdrawing their objections to this Tribunal application and to supporting our clients future planning application for the development of the ground' – Any offer by the applicant, to date, has been predicated upon HPS owners supporting planning applications for multiple properties, and allowing the title burdens to be removed, to allow development. As the applicant proceeded to planning application without an agreement in place, the terms of the offer are no longer applicable, and therefore could be argued as invalid. The applicant proceeded to planning application in the knowledge that our residents are unable to meet (face to face or virtually), and respond to the February 2020 offer, due to Government COVID restrictions, however would have responded, as soon as restrictions/safety allowed. For clarification, our solicitor made contact at the end of 2020 to enquire re the stakes and tapping in the woodland.
 - Email 12 September 2016 – terms of the offer by the applicant - '2. The Title will be burdened to ensure that the ground will be preserved in all time coming for woodland and amenity and will not be subject to any further development' – We are deeply confused by this statement, as it confirms the applicant is fully aware of the current Title burdens, and that the proposed development is in direct breach of these
 - We would again stress that there is no agreement between HPS owners and the applicant, and no guarantee there would be any such agreement in the future. Any inference re a future agreement could be argued as misleading, mere conjecture or speculation, and therefore, wholly irrelevant to this application

- **Applicant's Written Response To Representations From The Public - Planning Portal 1 March 2021**

1. Woodland Maintenance - Applicant notes a proposal to develop a plan for "Long Term Management of the Woodland" following the completion of a Provisional Ecological Appraisal (PEA) however no management or maintenance of the woodland has been carried out by the applicant, to date, and there is understandably a complete lack of belief from local owners and residents that this position will change.
2. BATS and BIRDS – The applicant's proposals regarding these species fails to address the extensive damage and disruption which the proposed development will impose on a much wider range of wildlife and the natural environment.
3. PEA - 'The applicant would expect any recommendations from ecological consultants on this issue to be incorporated into the conditions of consent' – All the information available, to date, indicates the applicant has not adhered to legal duties and responsibilities in relation to the woodland, therefore, there is arguably no evidence to support the implementation of 'recommendations'. Also, the PEA was not available online at the time of creating this document.
4. Green Space - 'only a small piece of the proposed development area of the site is actually zoned as 'Green Space' - 'chosen as the majority of it sat out with the LDP 'Green Space' allocation' – These statements are confusing as the plans show approximately 90% of the proposed new builds would be on Green Network.
5. TPO – The proposed development site is the last indigenous woodland area on Bothwell Road and the proposals will destroy this tranquil natural area and disturb the wildlife within it, as well as removing a large number of protected trees.
6. 'the benefit to biodiversity that maintaining the linear continuity of the woodland habitat brings' – The proposed development will not only destroy a considerable area of woodland, but also split the remaining amenity land into three or more separate entities. This will be devastating to the natural habitat.
7. Right of Way – The applicant states that no Right of Way exists for residents of Hamilton Park South (HPS), however a Right of Way has been established, and could be applied for, across the site, due to regular use as a link for over 20 years by the wider public (not only by HPS residents). It must be stressed that HPS was created with open/unhindered access to the amenity land.
8. 'legal burden is also under review and should not be viewed as a material consideration to the application.' – The legal burden remains wholly intact, and we are confused, as any attempt to review this would involve the Lands Tribunal for Scotland, and notification to HPS residents. We have not been informed of any review (which HPS specialist Lands Tribunal legal team would challenge).
9. 'The applicant would be prepared to enter into a legal agreement associated with any proposed consent to this effect' – please see above – not applicable to this application.
10. Gifting the site – Scottish Forestry has noted in its report that the level of grant funding available for Community Woodland would be insufficient to cover maintenance costs and this would result in a financial burden being transferred to owners. In addition, the owners would be inheriting a site which has been subject to many years of neglect, requiring significant investment to bring it up to acceptable routine maintenance standards. The neglect also presents potential public health and safety risks, which are of serious concern.
11. 'screening belt' is a vague term, open to interpretation, and there is no guarantee any screening would be adequate, or remain in situ long term.

12. 'mitigate the loss of approximately 16% of the current woodland area' – As per previous objections, this figure is inaccurate, and the percentage loss would be significantly higher, if the correct calculations are applied.
13. 'a legal agreement to secure this (Scottish Forestry agreement re compensatory planting) as part of a proposed consent would be acceptable to the applicant' – The evidence base available, to date, does not support that the applicant adheres to legal duties and responsibilities, re the woodland, therefore, it could be argued that this is speculative, irrelevant and unreliable.
14. Road Safety – Although only 2 dwellings are proposed they will each have a minimum of 7 double bedrooms which, depending on occupancy rates, could result in over 7 vehicles per property. 14, or more, additional vehicles is not insignificant (as noted by the applicant). We would stress that permitting housing development access from school grounds could be argued as setting a dangerous precedent.
15. 'pedestrian routes to the school are not encouraged through the car park access' – However, pedestrian activity (not only pupils) is ongoing in this area.
16. 'the natural surveillance brought to the site from the presence of the proposed dwellings could enhance pupil safety in the vicinity' – HPS has overlooked the site 24/7, for over 20 years, with no safety issue, or potential concern noted. There is therefore no evidence to support this claim.
17. We are concerned re 'statements of intent' forming part of the decision making process, as the applicant appears to continue to neglect duty of care and legal responsibilities and duties re the woodland.
18. 'all issues have been addressed', and 'on balance, it can be argued that there are benefits to all parties involved should the application be approved' – The evidence base available to us, over many years, directly conflicts with these statements. The proposed development would entail no benefit, and multiple, major losses for South Lanarkshire, both in terms of history, natural environment, amenity, natural heritage, access to nature, recreation, and the physical and mental health, and wellbeing of its residents, council tax payers, and visitors.

Should any further information be helpful, we are more than happy to provide additional details, including any aspect of the communications between the applicant's solicitor and our Lands Tribunal specialist legal team.

We would like to express our gratitude to South Lanarkshire Council for considering this submission, as part of the application process.

Hamilton Park South Action Group

Law, Aileen

From: Hamilton Park South Action Group
Sent: 22 September 2021 22:15
To: Planning
Subject: Fwd: Planning Application P/21/0029
Attachments: Planning Objection 22 September 2021.docx; Petition 22 Sept 2021[1839].docx

Please find attached objections and a petition relating to the above planning application.

Many thanks

On behalf of Hamilton Park South Action Group

Planning Application Reference Number P/21/0029 - Land at Bothwell Road. Hamilton

Applicant Mr Shahid Chaudhary – Erection of two dwelling houses, with associated studio flats above attached garages, raised decking at rear, and formation of access.

We refer to the above Planning Application submitted to South Lanarkshire Council on 8 January 2021 with a subsequent amended application submitted on 18 August 2021.

Comprehensive objections to the original Application were submitted in January 2021, relating to the following:-

- The proposals will lead to the destruction of the local environment, in particular the protected woodland and scrubland;
- The development will destroy the site which is designated as High Amenity Value; High Conservation Value; and High Landscape Value;
- Road Safety issues in relation to site access through the grounds of Hamilton College and at a busy junction onto Bothwell Road;
- Overall disregard to Global Warming and the pursuit of improving the Environment, especially when the International COP26 Conference is being held in Glasgow this year.

We wish all of our original objections to be considered when this latest application is being processed.

In addition please note our further objections to this latest Application by Mr Chaudhary, where the applicant focusses on two main areas:-

1. Location of buildings in relation to Green Network and Green Space.

The new proposal involves reducing the overall footprint of the new houses and relocating them outwith the Green Network / Green Space boundaries. This relocation of the buildings does not address any of the overall concerns and objections previously submitted in relation to damage to the environment, wildlife and woodland. The new houses would be located beyond the building line of the existing flats and would be detrimental to the current outlook and landscape of the area.

2. Impact of the development of proposed houses on the surrounding woodland.

The applicant goes to great lengths to criticise the findings of South Lanarkshire Council's Arboricultural and Biodiversity Officers as well as the report by Scottish Forestry in relation to the condition of trees and the disruption which will be caused to the woodland by the proposed development. There is nothing in this revised application which addresses the objections to the original application submitted in January 2021 and the applicant questioning the integrity and experience of Council staff is surprising.

This latest application refers throughout to the creation and maintenance of a Woodland Management Plan to be implemented following the development of the houses. It should be noted that the applicant has now owned this site for many years and in that time has never made any attempt to carry out any maintenance to this woodland.

As an example please note attached photos of trees overhanging the wall onto the pavement on Bothwell Road down to a height of 4 feet from the ground. This is currently presenting a hazard to pedestrians and cyclists using the pavement and provides no confidence that the applicant would be likely to carry out his proposal for a Woodland Management Plan as part of the proposed new development, given his failure to address any maintenance issues to date.



Flooding

The proposed amendment involves building on a steep slope. This gradient currently acts as a natural drainage route for flood water. As previously stated, flooding is a recurring issue in this area. The proposed buildings would block the natural drainage route, thereby increasing the flooding risk to Hamilton Park South properties.

Impact on Residents

We would like to take this opportunity to request that the applicant actions the following, as a matter of some urgency:

1. Fulfil the 'burdened property' legal obligation to protect the land from any changes or development, i.e.:
 - a. Withdraw Planning Application P/21/0029
 - b. Desist from any future plans or planning applications to change or develop the land
2. Fulfil the 'burdened property' legal obligation to maintain the land, i.e.:
 - a. Undertake all urgent maintenance, including all related to significant health and safety risks
 - b. Create and undertake a medium and long term maintenance programme to meet all outstanding needs and issues
 - c. Reimburse Hamilton Park South residents for all maintenance costs incurred to date.

Conclusion

We wish to record the adverse impact of the applicant's actions and omissions on residents over many years.

Finally, Sir David Attenborough recently stated that 'the natural world is in crisis, because of us', and we are facing 'irreversible damage to the natural world, and the collapse of our societies'. The solution is 'within our power, if we start making the right choices'. We respectfully request South Lanarkshire Council to support local residents, by continuing to make 'the right choices'.

We thank South Lanarkshire Council for accepting these and all previous objections, which we hope will be given full consideration, when deciding the outcome of the application.

Hamilton Park South Action Group

Please read in conjunction with the attached Petition.

22 September 2021

Planning Application Reference Number P/21/0029

Applicant Mr S. Chaudhary

To :- South Lanarkshire Council Planning Department

We, the undersigned, wish to formally object to the above Planning Application, including the amendment submitted in August 2021.

We understand this relates to the erection of two dwelling houses, with associated studio flats above attached garages, raised decking at rear, and formation of access.

We, **the 161 Objectors listed below**, respectfully request that South Lanarkshire Council considers all of the objections, both previous and current, as part of the decision making process.

Thank you

NAME	ADDRESS
Colin Taylor	59 Hamilton Park South
Yvonne McKeown	61 Hamilton Park South
David Cameron	63 Hamilton Park South
Jean Russell	65 Hamilton Park South
Paul Williamson	67 Hamilton Park South
Mohammed Arshad	69 Hamilton Park South
Kate O'Connor	71 Hamilton Park South
David Houston	73 Hamilton Park South
Sheila Houston	73 Hamilton Park South
Alastair Houston	73 Hamilton Park South
Wendy Richard	73 Hamilton Park South
Baillie Douglas	73 Hamilton Park South
Rita Faccenda	75 Hamilton Park South
Anne Marie Donellan	79 Hamilton Park South
Dawn Allen	81 Hamilton Park South
Nicolas Barrios	81 Hamilton Park South
Marcus Barrios	81 Hamilton Park South
Carmen Barrios	81 Hamilton Park South
Andrew McLaughlin	27 Hamilton Park South
John B Lawlor	29 Hamilton Park South

Russell White	31 Hamilton Park South
Angela White	31 Hamilton Park South
Mark Horgan	35 Hamilton Park South
Katherine Sheridan	35 Hamilton Park South
Thomas Callaghan	37 Hamilton Park South
Jose Claro Simeos Machado	39 Hamilton Park South
Vivian Rezende Mendes	39 Hamilton Park South
Alan McCulloch	41 Hamilton Park South
Rebecca Lennon	45 Hamilton Park South
Cameron McCann	45 Hamilton Park South
Jonathan Gray	47 Hamilton Park South
Chloe Toal	47 Hamilton Park South
Blake Gray	47 Hamilton Park South
Tahira Idress	49 Hamilton Park South
Morven McPherson	51 Hamilton Park South
Olivia McPherson	51 Hamilton Park South
Anne Trevorrow	53 Hamilton Park South
Rhona Hall	34 Hamilton Park North
Iain Hall	34 Hamilton Park North
Brian Hall	34 Hamilton Park North
Andrew Weir	78 Kennishead Road, Glasgow G46 8NY
Jessie Ewart	78 Kennishead Road, Glasgow G46 8NY
Caitlin Ross-Weir	10 Chestnut Drive, BA20 2NL
Keira Ross-Weir	10 Chestnut Drive, BA20 2NL
Paul Weir	32 Hamilton Park North
Dylan Weir	32 Hamilton Park North
Bridget Power	40 Hamilton Park North
Dr Christine Power	40 Hamilton Park North
Izabella Power	40 Hamilton Park North
Brian Gaughan	42 Hamilton Park North
Sharon Law	42 Hamilton Park North
Mr Wm Benham	36 Hamilton Park North
Mrs C. Benham	36 Hamilton Park North
Rod Frame	30 Hamilton Park North
Margaret Frame	30 Hamilton Park North
Mrs Sharda Verna	28 Hamilton Park North
Yogi Verma	72 Brocketsbrae Road, Lesmahagow ML11 9PT
Anti Verma	72 Brocketsbrae Road, Lesmahagow ML11 9PT

Nina Verma	72 Brocketsbrae Road, Lesmahagow ML11 9PT
Vinay Verma	72 Brocketsbrae Road, Lesmahagow ML11 9PT
George Davenport	39 Hamilton Park North
Linda Davenport	39 Hamilton Park North
Mark Evans	49 Hamilton Park North
Kerry Evans	49 Hamilton Park North
Heather Duddy	33 Hamilton Park North
Jane Fraser	38 Hamilton Park North
Linda Francis	15 Hamilton Park North
Colin Brooks	68 Hamilton Park North
Margaret Brooks	68 Hamilton Park North
Anthony Jones	60 Hamilton Park North
Robert McArthur	66 Hamilton Park North
Jim Connor	74 Hamilton Park North
Janette Connor	74 Hamilton Park North
Tom Barr	78 Hamilton Park North
Chris Locketti	76 Hamilton Park North
Margaret McAllister	62 Hamilton Park North
Monica Rapallini	64 Hamilton Park North
Linda Jameson	31 Hamilton Park North
John Jameson	31 Hamilton Park North
David Adams	21 Hamilton Park North
Anne Adams	21 Hamilton Park North
Elizabeth Stark	25 Hamilton Park North
Sandy Stark	25 Hamilton Park North
Reece Codona	17 Hamilton Park North
Amanda Wood	11 Hamilton Park North
Irene Snelling	7 Hamilton Park North
Janice Stillie	1 Hamilton Park North
Jim McKenzie	5 Hamilton Park North
Shona McKenzie	5 Hamilton Park North
Patrick Davidson	19 Hamilton Park North
Celia Graffin	27 Hamilton Park North
Nora Costello	46 Hamilton Park North
John Costello	46 Hamilton Park North
Janette Graham	44 Hamilton Park North
Gordon Graham	44 Hamilton Park North
Stuart Gallagher	52 Hamilton Park North
Bryne Gallagher	52 Hamilton Park North
Ellenor Gallagher	52 Hamilton Park North

Daniel Gallagher	52 Hamilton Park North
Graham Patrick	51 Bothwell Road, Hamilton
Lesley Patrick	51 Bothwell Road, Hamilton
Paul McCluskie	57 Bothwell Road, Hamilton
Gemma McCluskie	57 Bothwell Road, Hamilton
Paul Howells	28 Parkholme Court, Hamilton
Scott McCann	32 Parkholme Court, Hamilton
Alan Anderson	32 Parkholme Court, Hamilton
Elizabeth Bannantyne	2 May Street, Hamilton
Isabelle Mackie	8 May Street, Hamilton
Jacqueline Trainer	30 Allanshaw Gardens, Hamilton
Miriam Gwynne	14 May Street, Hamilton
Nigel Gwynne	14 May Street, Hamilton
Rosemary Scanlon	55 Bothwell Road
David Brewster	c/o 55 Bothwell Road
Martha Yuill	8 Park Holme Court, Hamilton
R Fairbairn	6 Park Holme Court, Hamilton
Gary McNair	46 Park Holme Court, Hamilton
Fomi Toki	34 Park Holme Court
Gunavathy Veerasamy	36 Park Holme Court
Arumugan Veerasamy	36 Park Holme Court
Kavaind Veerasamy	36 Park Holme Court
Susan Whyte	22 Park Holme Court
Viktor Silva	26 Park Holme Court
Colin Graham	1 May Street, Hamilton
Anne Graham	1 May Street, Hamilton
Matt Glasstone	13 May Street
Laura Glasstone	13 May Street
Shona Anderson	15 May Street
Andrew O'Neill	15 May Street
A. McLaren	67 Bothwell Road
T. Jamieson	67A Bothwell Road
S. Douglas	4 Hunterless Gardens, Glassford
S. Dean	61 Bothwell Road
D. Stannage	25 Reid Street, Burnbank
Elizabeth Creeley	2 Silverwells Court, Bothwell
Mary F. Creeley	2 Silverwells Court, Bothwell
Marjory Good	2 Hamilton Park North
Gordon Anderson	6 Hamilton Park North
Ann Anderson	6 Hamilton Park North
Stuart Baird	8 Hamilton Park North
Katie McTear	10 Hamilton Park North

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
 - Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance'). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
 - Woodland shall not be used for any other purpose, other than woodland maintenance & management
 - Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)
- Previous planning applications by the applicants include:
 - HM11/0257 formation of vehicular access – refused November 2011
 - HM12/0056 formation of vehicular access – refused July 2012
 - HM13/0005 2 detached houses & vehicular access – refused March 2013
 - P/19/0420 formation of vehicular access – refused October 2019NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners' solicitor – burdens remain intact to date
- HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) **Existing Use** – described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.
The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.
- (b) **Right of Way** – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of HPS, and the wider public exist, and 'Prescriptive

Servitude' could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.

- (c) **Road Safety** – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

- (d) **No Environmental Statement** has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

Any development would devastate this rich and diverse eco system.

- (e) **Woodland** – Scotland's woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased property values; and Reduced Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

- (f) **Climate Change** - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.
- (g) **No Flood Risk Assessment (FRA)** has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.
- (h) **Zoning** - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.
- (i) **COVID** - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber attack.
- (j) **Overlooking/ Loss of Privacy** - Although the proposed development is Low Density, the North facing gable wall of the house, adjacent to Hamilton Park South development, would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows.

The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue re vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

(k) **Confusing Information** – There appears to be evidence of ongoing confusing information. Examples include the following:

- Previous planning application information, e.g. requesting vehicular access for 'maintenance', when free, unhindered access for maintenance has always existed, and the applicant has attempted no maintenance to date
- Title burdens state woodland shall be 'managed at all times.....' and no maintenance attempted by the applicant, to date
- Title burdens state woodland shall be protected from any form of building or construction, etc., and ongoing repeated attempts to develop the site
- Previous tree survey(s) submitted to SLC, by the applicant, detailed numerous actions required to address the absence of maintenance, including some urgent works. No attempt has been made to address these works, to date
- Application refers to 8 parking spaces, however, it is proving difficult to locate these on the plan, and there is no indication of the impact these would have on the woodland
- Application refers to 2 detached dwellings, however, 2 studio flats also appear to be part of the plan
- Application does not appear to include landscaping, and there is no indication of the impact this would have on the woodland
- Application does not appear to include information re the placement or impact of plant, on the amenity area, during proposed construction
- Design Statement asserts the applicant is prepared to gift remaining areas to HPS residents, however, there is no agreement in place, and no guarantee this would be the case in the future
- Design Statement asserts the area is 'local amenity' however, seeks to destroy part of this by development
- Design Statement asserts the area is 'Green Network', however the application seeks to develop, in contrast to Scottish Government policy, and Central Scotland Green Network being one of only 14 National Developments vital to Government (crucial protection & development of green networks)
- Design Statement asserts the 'proposed development area of full ownership is approximately 16% of the site. 84% of the site area will therefore be retained as managed woodland':
 - i. This indicates only 16% of woodland would be destroyed. As the site includes a significant area of scrubland, considerably more than 16% of woodland would be destroyed
 - ii. Consequently, the remaining woodland would be substantially less than 84%
 - iii. 'retained as managed woodland' infers the woodland is currently being managed, however, this has not happened since the applicant took ownership of the site

- iv. 'retained as managed woodland' - there appear to be no details re how, when, how frequently, and by whom the woodland areas would be managed
- v. 'retained as managed woodland' – the plans indicate the area would be split into 3 separate parts, thereby fragmenting the woodland, so that it ceases to be one natural/woodland entity. This disintegration would have a devastating impact on nature, biodiversity, and ecosystems, and the amenity area would cease to exist
- Design Statement asserts 'there will be some small loss of woodland but the proposal to properly manage the remaining 84% of the wooded area will have a net beneficial impact on the locus':
 - i. The loss of woodland will not be 'small', if the accurate calculations are applied – see above
 - ii. The title burdens legally require the woodland to be 'properly' managed. As this has not been attempted by the applicant, there is no evidence to suggest the woodland would be properly managed henceforth
 - iii. 84% figure appears to be misleading – see above
 - iv. A loss of woodland, and disintegration of the remaining woodland, and amenity area, appears to be at direct odds with 'net beneficial impact'
- Design Statement asserts 'issues of local residential amenity, biodiversity and local habitats and road safety for both pedestrians and vehicles are all addressed'. As stated, this plan would have devastating outcomes for the amenity area, biodiversity and local habitats, and raises new issues of road safety
- Design Statement asserts the plan would 'avert measured change to the woodland habitat'. The woodland habitat would cease to exist in its current form, and be permanently decimated by the development and fragmentation proposed
- Design Statement asserts a hope that this 'balanced approach allowing for new residential development alongside the enhancement and protection of existing amenity spaces will be considered favourably':
 - i. Protection is already in place, via the title deed burdens, however, this has not been referenced by the applicant
 - ii. There appears to be a lack of evidence for any 'enhancement' or 'protection' of this area. In contrast, the plan seeks to destroy parts, and fragment others. This plan would consequently result in permanent loss and devastation for this valuable amenity area, which forms part of South Lanarkshire's natural heritage.

I would like to express my sincerest thanks, to South Lanarkshire Council, for considering this submission.

Yvonne McKeown

61 Hamilton Park South

Law, Aileen

From: Sandra Nimmo
Sent: 11 February 2021 18:11
To: Planning
Subject: Planning Objection final Feb 2021.docx
Attachments: Planning Objection final Feb 2021.docx

Dear Sir / Madam.

Please find enclosed an objection for planning permission to have two properties to be built between Hamilton College School and Hamilton Park North.

As you will have noted my issues are substantial and I feel important.

Kindest regards

Sandra Nimmo.
14 Hamilton Park North.
Hamilton.
ML30FG.

Sent from my iPhone

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
 - Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance'). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
 - Woodland shall not be used for any other purpose, other than woodland maintenance & management
 - Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)
- Previous planning applications by the applicants include:
 - HM11/0257 formation of vehicular access – refused November 2011
 - HM12/0056 formation of vehicular access – refused July 2012
 - HM13/0005 2 detached houses & vehicular access – refused March 2013
 - P/19/0420 formation of vehicular access – refused October 2019NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners' solicitor – burdens remain intact to date
- HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) Existing Use – described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.

The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.

- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of HPS, and the wider public exist, and ‘Prescriptive Servitude’ could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
- (c) Road Safety – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists. Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb. I am not aware of any other housing development being accessed from school grounds.
- (d) No Environmental Statement has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive. Any development would devastate this rich and diverse eco system.
- (e) Woodland – Scotland’s woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased property values; and Reduced

Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

- (f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.
- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.
- (i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use.
It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber attack.
- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density, the North facing gable wall of the house, adjacent to Hamilton Park South development, would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will

directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows.

The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue re vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

Thank you to South Lanarkshire Council for considering this objection.

From: Planning
Sent: 25 January 2021 20:30
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:30 PM on 25 Jan 2021 from Mr Russell White.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Russell White

Email:

Address: 31 Hamilton Park South Hamilton HAMILTON

Comments Details

**Commenter
Type:** Neighbour

Stance: Customer objects to the Planning Application

**Reasons for
comment:**

Comments: My objections are as follows:
* Local Development Plan - The site is zoned as Green
Network, not housing. The loss of mature woodland
would be a tragedy. Less and less areas to enjoy nature.
It has been zoned as Green Network for good reason.

*Overlooking/Loss of privacy - The flats nearest to the
application will be overlooked. The proposed properties
are 6 bedroom properties with attached flats. This will
obviously infringe on privacy.

*Nature Conservation - The wooded area would be
decimated. It is like a mini wildlife sanctuary. It has
many beautiful mature trees and wildlife including deer,
squirrels and some of our rarer birds. There are also
butterflies and bees galore, again creatures under threat
of extinction. If the application goes forward these are
lost forever. My wife and I particularly enjoy the wooded
areas. They are commented on positively by all who view
them.

*Government Policy - Loss of natural habitat affects us

all. The ability to access a natural area is a positive to all our mental and physical wellbeing, particularly during the current Covid pandemic. There is a main road adjacent, the natural area helps in lowering pollution, both air and noise pollution. Natural areas are vital in the reduction of climate change.

From: Planning
Sent: 03 February 2021 10:57
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:57 AM on 03 Feb 2021 from Mrs Rhona Hall.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mrs Rhona Hall
Email:
Address: 34 Hamilton Park North
Hamilton

Comments Details

Committer Type: Neighbour
Stance: Customer objects to the Planning Application
Reasons for comment:
Comments: I object to this development due to the following:-

Amenity Land:- As long as Hamilton Park South (HPS) remains residential (title deeds 1999) applies. This land also provides privacy for HPS especially the flats on the boundary of this woodland area. This land is also used as a right of way by locals that are out walking or jogging.

Environment:- Woodland area that supports wildlife. Climate change. Future flood issues may arise if construction is allowed.

Zoning:- This area is part of a local 'Green Network' area.

Trees:- Tree preservation order is in place.

Maintenance:- This woodland area should be maintained by the owner not the residents of HPS.

I am sure there are other issues that I have not covered and note that the owner has tried various other ways of utilising this land and previous applications have been

declined. He purchased a Green Network area which does not include construction of any kind.

Law, Aileen

From: Rebecca Lennon
Sent: 03 February 2021 17:51
To: Planning
Subject: planning objection reference: P/21/0029
Attachments: Planning Objection 28 Jan[1072].docx

Hello,

Please find attached my objection letter to the proposed works for planning reference P/21/0029.

Yours sincerely,
Rebecca Lennon
45 Hamilton Park South,
Hamilton

Sent from [Mail](#) for Windows 10

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above based on the following:-

- (a) Existing Use – Although not directly relevant to Planning Approval, as background to my objection, this site is designated as Amenity Land for the 40 flats at Hamilton Park South (HPS) and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land. This objection remains in place.
- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and 'Prescriptive Servitude' could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.
- (c) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls and Woodpigeons. In addition Bats; Deer; Toads; and Squirrels also inhabit this particular site.
- (d) Woodland – Scotland has only 18% of tree cover (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system when trees are removed.
There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including :- Improved physical and mental health; Recreational; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals.
- (e) Tree Preservation Order - TPO - The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment;
- (f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to protecting woodland and increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda.

- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing.
- (i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use.
- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be only 10 metres from the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.
The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development – Nos 61,63, 67,69, 73, 75, 79, 81. It will also result in a loss of light and overshadowing especially for the flats on the lower levels.
- (i) The boundary of the application site is excessive and could more than accommodate a large number of dwelling houses and not only the two that have been proposed here.

Rebecca Lennon, 45 Hamilton Park South, Hamilton, ML3 0FH. 03/02/2021

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 24 January 2021 14:22:30

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:22 PM on 24 Jan 2021 from Mrs jean Russell.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mrs jean Russell

Email:

Address: 65 Hamilton park south Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Local Development Plan - Site is zoned as Green Network
and not Housing
Overlooking /Loss of Privacy - 8 flats adjacent to proposal
Nature Conservation - Damage to Environment and Tree
Preservation Order (in place)
Goverment Policy - Climate Change and COVID restrictions
No consultation from Hamilton College with residents about
them potentially granting access to this proposed
development via the college

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 27 January 2021 17:45:18

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:45 PM on 27 Jan 2021 from Mr mark evans.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr mark evans

Email:

Address: 49 Hamilton Park North Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: There's an old saying "Even if you put some lipstick on a pig. It's still a pig".

What we have here is yet another one of Mr Chowdry and Co's development plans in a different colour of lipstick. Another coordinated attempt to destroy a natural wildlife boundary and historic wild-garden. This area as set out in the many previous applications by Mr Chowdry and Co and subsequent rejections (including appeal), stands as shelter and protection for a mix of wildlife including badgers and deer. The location drawings submitted for both houses, appear to sit way beyond the property front-boundary line of Hamilton Park South and would require any development to be placed further into the centre of the site causing more disturbance and destruction to trees and wildlife. More importantly the area identified for development in the drawings and in particular the entire area adjacent to the racecourse, is officially identified and listed with coordinates as an active badger set on the UKs National Badger Protection Database.

I have in fact witnessed badger activity when walking the racecourse and there may be some evidence of cub activity. It would be scandalous and an abandonment of care, if these protected animals or any wildlife for that matter is actively displaced for non-essential building.

I would hope that you (our planning department) are wise to the game Mr Chowdry is playing. These repeated applications in there various presentations demonstrate contempt for previous planning decisions, including the points detailed in his most recent appeal rejection.

His proposed development would ruin a unique local amenity and if approved would be a shameful act of eco-vandalism, sanctioned by the very people entrusted to protect our environment from unscrupulous developers, chasing a buck (or killing it).

I like many others will contest any proposal to develop housing, car parks or development yet unknown on this land.

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 28 January 2021 17:12:56

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:12 PM on 28 Jan 2021 from Mr John McFarlane.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr John McFarlane

Email:

Address: 9 Hamilton Park South Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: This site is zoned in the Local Development Plan as Green Network, i.e. NOT for housing.
There are 8 flats adjacent to the proposal, they will suffer significant loss of amenity and privacy due to being overlooked.
There is a tree preservation order in place, this development will adversely affect nature conservation and will damage the existing habitat and environment.

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 28 January 2021 12:58:58

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:58 PM on 28 Jan 2021 from Mr Andrew McLaughlin.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr Andrew McLaughlin
Email:
Address: 27 Hamilton Park South Hamilton

Comments Details

Commenter
Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: This site is zoned as Green Network and not Housing. If
permission were granted it would seriously affect wildlife.
There is tree preservation order in place which among other
things helps to protect wildlife and environment.
I also question the sagacity of granting access through
school grounds to members of the public who have no
affiliation with the school or its pupils.

From: Mark Horgan
Sent: 04 February 2021 19:30
To: Planning
Subject: Planning Application - Formal Objection - P/21/0029 - Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access

Follow Up Flag: Follow up
Flag Status: Flagged

To Whom it May Concern,

I am writing to formalise my **objection** to the proposed planning application P/21/0029 (Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access).

This is the latest iteration of a damaging development of which I have come to understand has been rejected numerous times by South Lanarkshire Council over the recent years, and for good reason too.

It is evident that this woodland area is thriving in wildlife, an aspect which should not be overlooked. A suitably qualified ecologist - holding a degree in ecology and covered by a professional code of conduct e.g. CIEEM, IEMA, LI - should be appointed and consulted to confirm the ecological value of this area before any proposals are given a second review. I'd expect this to include multiple site visits whereby the ecologist can base their findings on inspections at appropriate times of the year when different plant and animal species are present and evident.

As a general rule of thumb, any trees more than 10 years old are considered to be of ecological value. To achieve the basic level of sustainable practice in new builds, all features of ecological value within a construction zone must be protected from damage during clearance, site preparations and construction activities in line with BS 42020:2013. This is evidently **impossible** to achieve based on the current planning proposals.

The long term impact on biodiversity must be appropriately assessed and this should include for all development proposals in the construction zone (i.e. initial domestic works as proposed here, as well as any subsequent works that have not yet been declared in the permission request), therefore, the council should rightly reject this proposal and revert back to the architect and their client to ascertain the ultimate extent of the development area and their future aspirations for the use of the surrounding land. Only then can the impact and damage of the development on the current environment be fully, and correctly, assessed.

Of course there are other issues to be taken into account such as the road safety of school users, park users and the elderly population within the Hamilton Park South/North developments, however, the council will be fully aware of the current situation and I expect they too will be greatly opposed to the creation of any new access road – shared entry or otherwise – on this busy thoroughfare.

Due to the obvious damage this development will have on the current ecology in the area, I strongly object to planning permission being granted on the grounds above.

Kind regards,

Mark Horgan

(35 Hamilton Park South, ML3 0FH)

From: Planning
Sent: 29 January 2021 19:42
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:41 PM on 29 Jan 2021 from Miss Katie MCTEAR.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Miss Katie MCTEAR

Email:

Address: 10 Hamilton Park North Hamilton

Comments Details

**Commenter
Type:** Neighbour

Stance: Customer objects to the Planning Application

**Reasons for
comment:**

Comments: I object to the above planning permission because it will devalue the price of my property it will also give me lack of privacy because the reason I bought this property was because it meant I did not have anybody looking into my property. I am totally and utterly against it. The area there a building on are for people to go walking which is a walk way and people are wanting to go out walking due to COVID/lockdown as they have no where else to go to so that totally unacceptable to build on a walk way but also even when not lockdown people still use this as a place to use as a form of exercise for walking on.

Law, Aileen

From: Jordan Bryce
Sent: 27 January 2021 12:28
To: Planning
Subject: Planning Application Ref. P/21/0029

Dear Mr Blake,

I strongly object to the following proposal regarding the erection of two dwelling houses on the land between Hamilton Park South (My residence) & Hamilton College.. I object to the planning on the grounds mentioned below:

Tree Preservation - the trees are home to many of Scotland's beautiful wild life and cutting down these trees would mean these animals would be living out with their natural habitat. In addition, there are several young deer that live in this land and families of badgers which are one of Scotland's most protected species. This sight is zoned as a 'Green Network' and not for housing. It is also marked as a 'Conservation Area' so how can someone possibly build on top of this.

Access - this proposal will make this location of housing attractive for trespassers and could harm the wellbeing and safety of Hamilton Park's residents and properties.

Road safety - this area is neighbour to a school of children from the ages of 3-18 years and this proposed house build will only increase the chances of accidents when children are entering and leaving their school. Furthermore, drop offs and pick ups will be even more dangerous and chaotic for the people entering Hamilton from one of its main points. There could also be an increase in vehicle collisions with this proposed shares entrance with Hamilton College as even more traffic will need to cross the dual carriageway and turn into the building causing even more queues and back logs.

Property value - I am also concerned about the value of our properties at Hamilton Park South being affected by these houses due to a loss of privacy with new entrances and removal of green land.

Kind regards,

Jordan Bryce.

55 Hamilton Park South
Hamilton
Lanarkshire
ML3 0FH

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From: Planning
Sent: 04 February 2021 12:50
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:50 PM on 04 Feb 2021 from Mr John Lawlor .

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr John Lawlor
Email: Not specified
Address: 29 Hamilton Park South Hamilton

Comments Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I wish to register my objection to the planing application P/21/0029 . I feel that This land has a title burden as amenity land for local residents and prohibits development.
I would also draw attention that the proposed access to the site is already highly congested at peak times.
Finally my opinion is that for the well-being and safety of the children from nursery level up to senior level who attend the school should not be compromised under any circumstances.

Law, Aileen

From: James Shirazi
Sent: 27 April 2021 10:53
To: Planning
Subject: Planning Application Ref P/21/0029
Attachments: Planning Objection Hamilton College Entrance April 2021[894].docx

Dear Sir/ Madam,

I confirm our objection against the planning application ref P/21/0029 as concerned parents who have children at the school. We attach our formal objection and appreciate that our objection is out with the statutory notice period but note that SLC consider all objections prior to the formal planning hearing. We would also point out that we are affected by the proposal but that to our knowledge there has been no communication from Hamilton College School regarding this planning application.

I would be grateful for confirmation that you have received our formal objection regarding the proposals.

Kind Regards

James Shirazi

James & Claire Shirazi, Parents of Children at Hamilton College

21 Silverbirch Grove

Quarter

Hamilton

ML3 7XZ

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting our objections to the proposed development detailed above.

Road Safety – The existing entrance to Hamilton College at peak times of picking up and dropping off the children is very congested. Coming out of the school relies on other motorists co-operation when going onto Bothwell Road and can be difficult if other motorists are not helpful. At the moment the focus for the entrance is only for school activities. We think it would be dangerous and irresponsible to have a dual activity entrance with a School! Our main concern is that if there is another activity using this entrance for residential use it would confuse an already complicated entrance. Unfortunately, there has been no communication from the school to make parents aware that there is a planning application to use the school entrance for a residential development. The other parents we have spoken to are also very concerned about using the school entrance. I think had the School communicated this proposal to parents there would have been a deluge of objections.

The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

No Environmental Statement The school hold a number of class events in these woods during school hours concentrating on the nature within the woods. I note that there is no environmental statement that has been submitted, however a Survey

commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive. Any development would devastate this rich and diverse eco system.

Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

Law, Aileen

From: Iain Hall
Sent: 04 February 2021 04:26
To: Planning
Subject: Objection to Application for Planning Permission P/21/0029
Attachments: Planning Objection final Feb 2021.docx

To Whom it May Concern

Please find attached objection for processing

Regards

Iain Hall
34 Hamilton Park North
Hamilton
ML3OFG

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
 - Woodland shall be managed 'at all times in accordance with generally prevailing principles of good cultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance'). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
 - Woodland shall not be used for any other purpose, other than woodland maintenance & management
 - Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without my knowledge)
- Previous planning applications by the applicants include:
 - HM11/0257 formation of vehicular access – refused November 2011
 - HM12/0056 formation of vehicular access – refused July 2012
 - HM13/0005 2 detached houses & vehicular access – refused March 2013
 - P/19/0420 formation of vehicular access – refused October 2019

NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners' solicitor – burdens remain intact to date
- HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) Existing Use – described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.

The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.

- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents, and the wider public exist, and the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
- (c) Road Safety – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists. Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb. I am not aware of any other housing development being accessed from school grounds.
- (d) No Environmental Statement has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive. Any development would devastate this rich and diverse eco system.
- (e) Woodland – Scotland's woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased property values; and Reduced

Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

- (f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.
- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.
- (i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use.
It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down.
- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density, the North facing gable wall of the house, adjacent to Hamilton Park South development, would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will

directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows.

The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue re vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park residents, and beyond.

In my opinion, this application disadvantages the local current residents, for this applicants purpose; which would be to the detriment of South Lanarkshire local residents, not only during proposed Construction, but also in the long term changes to the environment, and the lifestyle resultant.

Thank you to South Lanarkshire Council for considering this objection.

Iain Hall
34 Hamilton Park North
Hamilton
ML30FG

4.2.2021

From: Planning
Sent: 04 February 2021 22:17
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:16 PM on 04 Feb 2021 from Mr Graham Patrick.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Graham Patrick

Email:

Address: 51 Bothwell Road Hamilton

Comments Details

Committer Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton
I am formally submitting my objections to the proposed development detailed above.
The history of this site is significant and includes:
- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order - long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
o Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance')'. HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
o Woodland shall not be used for any other purpose, other than woodland maintenance & management
o Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)
- Previous planning applications by the applicants include:
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o HM13/0005 2 detached housed & vehicular access - refused March 2013
o P/19/0420 formation of vehicular access - refused October 2019
NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 - request to remove title burdens - challenged by HPS owners' solicitor - burdens remain intact to date
- HPS & Hamilton Park North owners have been striving

for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following: -

(a) Existing Use - described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.

The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.

(b) Right of Way - The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of HPS, and the wider public exist, and 'Prescriptive Servitude' could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.

(c) Road Safety - The existing entrance to Hamilton College forms a busy junction from Bothwell Road - a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

(d) No Environmental Statement has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

Any development would devastate this rich and diverse eco system.

(e) Woodland - Scotland's woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased

property values; and Reduced Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application.

(j) Overlooking/ Loss of Privacy - whilst across the road, the loss of trees changes the natural view in an otherwise built up area and leaves properties exposed to the adverse weather from the artificially flat and empty environment of the racecourse.

From: Planning
Sent: 04 February 2021 23:13
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:12 PM on 04 Feb 2021 from Mr George Cumming.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr George Cumming

Email:

Address: 16 Hamilton Park North Duchess Park Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: 16 Hamilton Park North
Duchess Park
Hamilton
ML3 OFG
4th February 2021

South Lanarkshire Council
Planning and Building Standards Headquarters
154 Montrose Crescent
Hamilton
ML3 6LB

Planning application P/21/0029
I refer to the above planning application and wish to
register my objection to the proposed development.
My objection is based on the following:
1 The site for the proposed development is classified as
green belt and not housing
2 There will be a loss of privacy to the homeowners in
Hamilton Park South and the proposed development
would be aesthetically in conflict with the established
developments at Hamilton Park South and Hamilton
Park North.
3 There are environmental considerations and I believe
a Tree Preservation Order is already in place.
This application must be viewed in the context of an
attempt to open up a green belt area for housing
development.
The last application by the applicant for a turning area
off the Bothwell Road for vehicles to allow then to
maintain the forested area was rejected by the Planning
Committee.
There has never been any evidence of maintenance of
the woodland area by the applicant.
I believe that the application, if successful, would lead
to the possibility of future applications for extended
development of the forested green belt area.
I ask you to take these comments into consideration
when a recommendation is made to the Planning
Committee.
Yours sincerely,

George Cumming

From: Ellie Bryce
Sent: 27 January 2021 16:16
To: Planning
Subject: Planning Application Ref. P/21/0029

Dear Whom this may concern,

I strongly object to the following proposal reading the erection of dwelling houses on the land between Hamilton Park South (my residence) and Hamilton College. I object to the planning on the ground mentions below:

Tree Preservation - the trees are home to many of Scotland's beautiful wild life and cutting down these trees would mean these animals would be living out with their natural habitat. In addition, there are several young deer that live in this land and families of badgers which are one of Scotland's most protected species. This sight is zoned as a 'Green Network' and not for housing. It is also marked as a 'Conservation Area' so how can someone possibly build on top of this.

Access - this proposal will make this location of housing attractive for trespassers and could harm the wellbeing and safety of Hamilton Park's residents and properties.

Road safety - this area is neighbour to a school of children from the ages of 3-18 years and this proposed house build will only increase the chances of accidents when children are entering and leaving their school. Furthermore, drop offs and pick ups will be even more dangerous and chaotic for the people entering Hamilton from one of its main points. There could also be an increase in vehicle collisions with this proposed shares entrance with Hamilton College as even more traffic will need to cross the dual carriageway and turn into the building causing even more queues and back logs.

Property value - I am also concerned about the value of our properties at Hamilton Park South being affected by these houses due to a loss of privacy with new entrances and removal of green land.

Kind regards,

Ellie Bryce

Ellie Bryce

From: Planning
Sent: 30 January 2021 16:56
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:56 PM on 30 Jan 2021 from Mrs Elaine Renwick.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mrs Elaine Renwick

Email:

Address: 45 Hamilton Park North Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Reasons for
comment:**

Comments: I object to this application

Dewar, Katrina

From: Tahira Idrees
Sent: 17 February 2021 17:12
To: Planning
Subject: Planning Objection 11 Feb 2021[894].docx
Attachments: Planning Objection 11 Feb 2021[894].docx

Follow Up Flag: Follow up
Flag Status: Flagged

For attention of Executive Director Planning & Economic Development
South Lanarkshire

Dear Mr Michael McGlynn
Application Ref P/21/0029
Further to the letter of notification and information for planning permission , my response is being submitted as follows
Yours sincerely
Dr Tahira Idrees
Owner 49 Hamilton Park South
Hamilton. South Lanarkshire
ML30FH
Sent from my iPhone

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
 - Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance'). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
 - Woodland shall not be used for any other purpose, other than woodland maintenance & management
 - Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)
- Previous planning applications by the applicants include:
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 - HM13/0005 2 detached houses & vehicular access – refused March 2013
 - P/19/0420 formation of vehicular access – refused October 2019

NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners' solicitor – burdens remain intact to date
- HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) **Existing Use** – described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.
The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.
- (b) **Right of Way** – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of HPS, and the wider public exist, and 'Prescriptive

Servitude' could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.

- (c) **Road Safety** – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

- (d) **No Environmental Statement** has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

Any development would devastate this rich and diverse eco system.

- (e) **Woodland** – Scotland's woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased property values; and Reduced Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

- (f) **Climate Change** - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.
- (g) **No Flood Risk Assessment (FRA)** has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.
- (h) **Zoning** - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.
- (i) **COVID** - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber attack.
- (j) **Overlooking/ Loss of Privacy** - Although the proposed development is Low Density, the North facing gable wall of the house, adjacent to Hamilton Park South development, would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows.

The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue re vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

(k) **Confusing Information** – There appears to be evidence of ongoing confusing information. Examples include the following:

- Previous planning application information, e.g. requesting vehicular access for ‘maintenance’, when free, unhindered access for maintenance has always existed, and the applicant has attempted no maintenance to date
- Title burdens state woodland shall be ‘managed at all times.....’ and no maintenance attempted by the applicant, to date
- Title burdens state woodland shall be protected from any form of building or construction, etc., and ongoing repeated attempts to develop the site
- Previous tree survey(s) submitted to SLC, by the applicant, detailed numerous actions required to address the absence of maintenance, including some urgent works. No attempt has been made to address these works, to date
- Application refers to 8 parking spaces, however, it is proving difficult to locate these on the plan, and there is no indication of the impact these would have on the woodland
- Application refers to 2 detached dwellings, however, 2 studio flats also appear to be part of the plan
- Application does not appear to include landscaping, and there is no indication of the impact this would have on the woodland
- Application does not appear to include information re the placement or impact of plant, on the amenity area, during proposed construction
- Design Statement asserts the applicant is prepared to gift remaining areas to HPS residents, however, there is no agreement in place, and no guarantee this would be the case in the future
- Design Statement asserts the area is ‘local amenity’ however, seeks to destroy part of this by development
- Design Statement asserts the area is ‘Green Network’, however the application seeks to develop, in contrast to Scottish Government policy, and Central Scotland Green Network being one of only 14 National Developments vital to Government (crucial protection & development of green networks)
- Design Statement asserts the ‘proposed development area of full ownership is approximately 16% of the site. 84% of the site area will therefore be retained as managed woodland’:
 - i. This indicates only 16% of woodland would be destroyed. As the site includes a significant area of scrubland, considerably more than 16% of woodland would be destroyed
 - ii. Consequently, the remaining woodland would be substantially less than 84%
 - iii. ‘retained as managed woodland’ infers the woodland is currently being managed, however, this has not happened since the applicant took ownership of the site

- iv. 'retained as managed woodland' - there appear to be no details re how, when, how frequently, and by whom the woodland areas would be managed
 - v. 'retained as managed woodland' – the plans indicate the area would be split into 3 separate parts, thereby fragmenting the woodland, so that it ceases to be one natural/woodland entity. This disintegration would have a devastating impact on nature, biodiversity, and ecosystems, and the amenity area would cease to exist
- Design Statement asserts 'there will be some small loss of woodland but the proposal to properly manage the remaining 84% of the wooded area will have a net beneficial impact on the locus':
 - i. The loss of woodland will not be 'small', if the accurate calculations are applied – see above
 - ii. The title burdens legally require the woodland to be 'properly' managed. As this has not been attempted by the applicant, there is no evidence to suggest the woodland would be properly managed henceforth
 - iii. 84% figure appears to be misleading – see above
 - iv. A loss of woodland, and disintegration of the remaining woodland, and amenity area, appears to be at direct odds with 'net beneficial impact'
- Design Statement asserts 'issues of local residential amenity, biodiversity and local habitats and road safety for both pedestrians and vehicles are all addressed'. As stated, this plan would have devastating outcomes for the amenity area, biodiversity and local habitats, and raises new issues of road safety
- Design Statement asserts the plan would 'avert measured change to the woodland habitat'. The woodland habitat would cease to exist in its current form, and be permanently decimated by the development and fragmentation proposed
- Design Statement asserts a hope that this 'balanced approach allowing for new residential development alongside the enhancement and protection of existing amenity spaces will be considered favourably':
 - i. Protection is already in place, via the title deed burdens, however, this has not been referenced by the applicant
 - ii. There appears to be a lack of evidence for any 'enhancement' or 'protection' of this area. In contrast, the plan seeks to destroy parts, and fragment others. This plan would consequently result in permanent loss and devastation for this valuable amenity area, which forms part of South Lanarkshire's natural heritage.

I would like to express my sincerest thanks, to South Lanarkshire Council, for considering this submission.

From: Planning
Sent: 08 February 2021 15:10
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:10 PM on 08 Feb 2021 from Mr Donald MacLellan.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Donald MacLellan

Email:

Address: 54 Hamilton Park North Hamilton

Comments Details

Commenter Type: Member of public

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I refer to the above Planning Application.

Over recent years a number of applications concerning this site have been made by the owner. All have been rejected.

Under the current "Design Statement" submitted by the applicant's agents, statements of intent have been made, presumably to overcome the rationale for previous rejections.

These statements will either be genuine or a non binding strategy simply designed for the current proposal to receive a more favourable hearing than previous planning attempts.

Either way, they are meaningless unless legally binding.

In particular, I refer to the following within the "Design Statement"

"Of the remaining area, the applicant will retain the area

within the red line boundary of the application site. The applicant is prepared to gift the remaining areas of woodland in their ownership (out with the red line boundary) to the residents of Hamilton Park South so that this local amenity can be controlled and enjoyed by the local residents"

If genuine, the applicant will have no hesitation in ensuring a legally binding commitment to this statement of intent, which binding commitment would require to be suitable and acceptable to the residents of Hamilton Park South, prior to any consideration being given to development plans.

While the production of any legal agreement falls outwith the remit of South Lanarkshire Planning Department, presumably any such agreement can be formulated between the parties representing the Applicant and the residents of Hamilton Park South and form an essential part of any planning decision.

Such action would test the veracity of the Design Statement which, on the face of it, appears full of non binding intent and short on accountability.

Examples of this would be:

- The figure of 84% of the site being retained as managed woodland appears inaccurate.
- "the proposal to properly manage the remaining 84% of the woodland will have a net beneficial impact on the locus" This is in conflict with the response from Scottish Forestry stating the action proposed would result in a net loss.
- The proposal to properly manage the woodland in the future suggests it is not properly managed currently - despite the fact it is owned by the applicant. This could suggest more of a concern for a favourable response to the planning application rather than any concern for the locus.

All of the above does not negate the current objections which have been raised and which would presumably persist even after the applicant had made such a commitment. It would, however display the applicants intentions, if true.

I believe this planning application should only be considered in the following circumstances and order:

- 1) No consideration of this application should be given by South Lanarkshire Planning Department until an official and binding commitment, acceptable to Hamilton Park South residents, is received from the applicant stating that all terms in the Design Statement will be fulfilled.
- 2) Should this fail to materialise, South Lanarkshire Planning Department assume the Design statement is a tactic rather than a commitment and treat all terms of the Design Statement as dubious.
- 3) Even if an official statement as outlined above is given to South Lanarkshire Planning Department, all objections received for other reasons would be fully considered.
- 4) Any planning consent (after full consideration of all

objections received) would be subject to the legal transfer of ownership, acceptable to Hamilton Park South residents, of all agreed areas prior to the commencement of any works.

Law, Aileen

From: David Adams
Sent: 03 February 2021 14:39
To: Planning
Subject: Objection to P/21/0029
Attachments: Planning Objection final Feb 2021.docx

Dear sir,

I enclose my objections to planning request no. P/21/0029. I fully endorse the detailed objection made by Hamilton Park South residents.

I am a Hamilton Park North resident & make full use of this area for walking, also as a legitimate access from either Hamilton Park North or the entrance at the Hamilton College grounds to the 'scrubland', or directly onto the race course area, from where one can access the golf / & Nature Reserve area.

It would be a major loss to the area and the community if this land was to be lost to the public. Given that we live near a busy main road, and many of our residents depend on this area for very necessary exercise, it seems strange that as government and local authorities pursue a "Green" agenda and encourage a more active lifestyle, it could be thought to be in the public interest to further restrict the existence of wild/green spaces. There may also be a community decision to involve the expertise of the Scottish Rights of Way Society & their own legal team, who have successfully intervened in similar curtailment of open community spaces.

I understand that South Lanarkshire Council is committed to improving the environment and active opportunities for their residents and feel that this development would pose a serious impediment to such worthy aims.

Sincerely,

David Adams, 21. Hamilton Park North, ML30FG,

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application (between 2137A and 2223C)
- Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
 - Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance'). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping issues, etc.
 - Woodland shall not be used for any other purpose, other than woodland maintenance & management
 - Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)
- Previous planning applications by the applicants include:
 - HM11/0257 formation of vehicular access – refused November 2011
 - HM12/0056 formation of vehicular access – refused July 2012
 - HM13/0005 2 detached houses & vehicular access – refused March 2013
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NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners' solicitor – burdens remain intact to date
- HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) Existing Use – described in the application as 'vacant land with vegetation' however as noted above, site is designated as Amenity Land for the 40 flats at Hamilton Park South.
The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South, however, it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.

- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of HPS, and the wider public exist, and ‘Prescriptive Servitude’ could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
- (c) Road Safety – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis, and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road, to facilitate residential development, is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists. Although the application states 2 properties, the scale of each of these, with 6 ensuite bedrooms, and a separate studio flat above the garage, creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb. I am not aware of any other housing development being accessed from school grounds.
- (d) No Environmental Statement has been submitted, however a Survey commissioned by the National Trust for Scotland, and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive. Any development would devastate this rich and diverse eco system.
- (e) Woodland – Scotland’s woodlands are at serious risk, and now only cover 18% of our landscape (with only 4% classed as Native woodland), compared to 37% in Europe. There is concern not only about tree removal, but infrastructure damage to the root system, if trees are removed. There is strong evidence that trees make a major contribution to the eco system, and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Increased property values; and Reduced

Stress. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

- (f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency, and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event, being held in Glasgow later this year, confirms this acknowledgement of the Climate Emergency, and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.
- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern re how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.
- (i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use.
It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber attack.
- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density, the North facing gable wall of the house, adjacent to Hamilton Park South development, would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will

directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows.

The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue re vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

Thank you to South Lanarkshire Council for considering this objection.

From: Planning
Sent: 07 February 2021 15:39
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:38 PM on 07 Feb 2021 from Mr Daniel Smith.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Daniel Smith

Email:

Address: 44 Dunlop Crescent
Lanarkshire

Comments Details

**Commenter
Type:** Member of public

Stance: Customer made comments in support of the Planning
Application

**Reasons for
comment:**

Comments: I would like to strongly support this application as my
grandson and my 2 nephews are pupils at Hamilton
College senior school.
As it is just now after school hours especially in the
winter months the school grounds especially in the
wooded area is being used by local teenagers as a place
to congregate.
Therefore it would be beneficial for these properties to
be
built as it would become a safer place overall for the
school,
the pupils and the local residents.

Carroll, Claire

From: Planning
Sent: 03 February 2021 15:38
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:37 PM on 03 Feb 2021 from Mr Colin Taylor.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr Colin Taylor
Email:
Address: 59 hamilton park south hamilton south lanarkshire

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton
I am formally submitting my objections to the proposed development detailed above.
The history of this site is significant and includes:
- Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
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for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping, etc.

- o Woodland shall not be used for any other purpose, other than woodland maintenance & management

- o Woodland shall be protected from 'any form of construction, building development,....or any similar works' etc.

- Oct 2012 ownership transferred to the applicants (without HPS owners' knowledge)

- Previous planning applications by the applicants include:

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- (c) Road Safety - The existing entrance to Hamilton College forms a busy junction from Bothwell Road - a dual carriageway and main access route into Hamilton- and is extremely congested at peak times throughout the day.

Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road to facilitate residential development is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these with 6 ensuite bedrooms and a separate studio flat above the garage creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

(d) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.

(e) Woodland - Scotland's woodlands are at serious risk and now only cover 18% of our landscape (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system if trees are removed. There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed

to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use. It is also worth noting that due to COVID restrictions several owners are stranded abroad or in England and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible due to the ongoing COVID lock down, and a cyber attack.

(j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows. The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto

the proposed development. It will also result in a loss of light and overshadowing especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue of vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

Law, Aileen

From: Cameron McCann
Sent: 03 February 2021 18:02
To: Planning
Subject: Planning objection P/21/0029
Attachments: Planning Objection 28 Jan[1072].docx

Hi there

Please find attached planning objection to reference number P/21/0029.

Regards

Cameron McCann

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above based on the following:-

- (a) Existing Use – Although not directly relevant to Planning Approval, as background to my objection, this site is designated as Amenity Land for the 40 flats at Hamilton Park South (HPS) and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land. This objection remains in place.
- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and ‘Prescriptive Servitude’ could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.
- (c) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls and Woodpigeons. In addition Bats; Deer; Toads; and Squirrels also inhabit this particular site.
- (d) Woodland – Scotland has only 18% of tree cover (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system when trees are removed.
There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including :- Improved physical and mental health; Recreational; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals.
- (e) Tree Preservation Order - TPO - The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment;
- (f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to protecting woodland and increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda.

- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing.
- (i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use.
- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be only 10 metres from the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.
The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development – Nos 61,63, 67,69, 73, 75, 79, 81. It will also result in a loss of light and overshadowing especially for the flats on the lower levels.
- (i) The boundary of the application site is excessive and could more than accommodate a large number of dwelling houses and not only the two that have been proposed here.

Cameron McCann, 45 Hamilton Park South, Hamilton, ML3 0FH. 03/02/2021

From: Planning
Sent: 04 February 2021 15:10
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:09 PM on 04 Feb 2021 from Mrs Bridget Power.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mrs Bridget Power

Email:

Address: 40 Hamilton Park North Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I object to this development on the following grounds.

* Tree Preservation Order has been in place for some time. The removal of any trees and greenspace contributes to Climate Change which the Scottish Government is opposed to.

*Damage to the wildlife and their habitat.

*The land is an "amenity woodland" for the residents of Hamilton Park South which is the development to the east of the site. Land is zoned as a Green network and not for residential use. It is not "vacant land with vegetation."

* Loss of privacy and light for the flats overlooking the proposed development and possible flood risk.

I know that the owner has submitted other proposals for this piece of land, all of which have been declined. I would urge you, after due consideration to refuse this application.

From: Planning
Sent: 31 January 2021 16:16
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:16 PM on 31 Jan 2021 from Mr Brian Hall.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr Brian Hall

Email:

Address: 4 Hamilton Park North Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I object to the application on four grounds

1) This land was gifted by the builders of the properties on Hamilton Park North and South to a Tree Preservation Society, its use is prohibited, and the owner in purchasing the land should have performed their diligence to understand permitted use

2) The council should be acting to protect the limited remaining green space between existing developments and the environmentally sensitive area towards the river Clyde which has an active ecosystem including red squirrels and deer, which would be damaged by further development and human activity

3) As stated in previous cases related to this land the final development state is not clear. For example, see P/19/0420, which asked to build a gate between Hamilton Park and the College without further details. Such appears to be the case here with two large buildings proposed, which could be sliced into smaller apartments, and second, which will be precedent for

further development.

4) It is not reasonable to have several unvetted residents housed behind the secure gate of Hamilton College, which is located directly at its entry towards Bothwell Road. Such a scheme would not conform with best practices on school grounds' security during lesson hours.

Law, Aileen

From: Anne Trevorrow
Sent: 03 February 2021 15:15
To: Planning
Subject: Planning application objection Ref P/21/0029
Attachments: ObjectionFeb2021.docx

Please find my objection attached. I tried to put on the portal but seemed unable to do that.

I will keep trying

Many thanks

Anne

Get [Outlook for iOS](#)

**Anne Trevorrow
53 Hamilton Park South
Hamilton
ML3 0fh**

3/02/2021

**FAO
Planning Department
South Lanarkshire council**

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton:

I am formally submitting my objections to the proposed development detailed above.

The history of this site is significant and includes:

- ☐Originally part of William Alexander Louis Stephen, Duke of Hamilton, Brandon & Chatelherault's estate. No development to date & of historical significance to South Lanarkshire Council (SLC) residents. Long standing amenity area for SLC & wider population
- ☐Tree Preservation Order – long standing. Please note some trees may be missing from those listed in application. (between 2137A and 2223C)
- ☐Title deed burdens since 1999 protecting the land as 'amenity woodland', as long as Hamilton Park South (HPS) remains residential, including:
 - Woodland shall be managed 'at all times in accordance with generally prevailing principles of good silvicultural practice (the applicants have attempted no maintenance to date, despite having open access from HPS, and submitting planning application for vehicular access for 'maintenance'). HPS residents, however, are heavily invested in the land, paying an annual maintenance cost for part of the applicants' land, and carrying out periodic litter clearing, including fly tipping, etc.
 - Woodland shall not be used for any other purpose, other than woodland maintenance & management

- Woodland shall be protected from ‘any form of construction, building development,....or any similar works’ etc.
- Oct 2012 ownership transferred to the applicants (without HPS owners’ knowledge)
- Previous planning applications by the applicants include:
 - HM11/0257 formation of vehicular access – refused November 2011
 - HM12/0056 formation of vehicular access – refused July 2012
 - HM13/0005 2 detached houses & vehicular access – refused March 2013
 - P/19/0420 formation of vehicular access – refused October 2019
 NB Some of the above planning decisions were appealed at the highest level
- Lands Tribunal Scotland application made by the applicants January 2016 – request to remove title burdens - challenged by HPS owners’ solicitor – burdens remain intact to date
- HPS & Hamilton Park North owners have been striving for many years to preserve and protect this facility for the benefit of SLC residents. This has involved considerable time, manpower, financial expense and effort. The applicants have offered substantial sums of money to HPS owners and Hamilton College, in exchange for access, and nil objection to development. HPS residents have rejected these offers.

My objections are based on the following:-

- (a) Existing Use – described in the application as ‘vacant land with vegetation’ however as noted above site is designated as Amenity Land for the 40 flats at Hamilton Park South.
The Design Statement notes that the applicant is willing to gift the remaining woodland to owners of Hamilton Park South however it should be stressed that there is no agreement of any kind in place, and this could therefore be argued as irrelevant to the application.
- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS, and the wider public, exist and ‘Prescriptive Servitude’ could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
- (c) Road Safety – The existing entrance to Hamilton College forms a busy junction from Bothwell Road – a dual carriageway and main access route

into Hamilton- and is extremely congested at peak times throughout the day. Apart from private vehicles, a number of large executive coaches drop off and collect pupils on a daily basis and are required to manoeuvre the narrow access road. To even contemplate allowing a secondary access from this road to facilitate residential development is a serious threat to, and total disregard for the safety of pedestrians (nursery to secondary age pupils and public), vehicles, and other road users, including cyclists.

Although the application states 2 properties, the scale of each of these with 6 ensuite bedrooms and a separate studio flat above the garage creates the potential for ownership levels of between 7 and 14 cars per property, depending on occupancy and age profile of prospective residents. These would contribute to the traffic flow on the access road. Visitor traffic to/from the proposed properties would be in addition to these figures. This does not show any consideration for Road Safety in this location. In addition, local pedestrians utilise the woodland to access Hamilton College, and some pupils have also used this route to/from school, which would pose further risk to life and limb.

I am not aware of any other housing development being accessed from school grounds.

- (d) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls; Swallows; Owls and Woodpeckers. In addition bats, deer, toads, foxes, squirrels, large birds of prey, wild flowers including wild orchids, butterflies, bees, and other unusual species such as brightly coloured damsel/dragonflies and Green Shield bugs (rare in Scotland) also inhabit this particular site. This list is not exhaustive.
- (e) Woodland – Scotland's woodlands are at serious risk and now only cover 18% of our landscape (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system if trees are removed. There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including: Improved physical and mental health; Recreational opportunities; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants

and animals, and homes for more wildlife than any other terrestrial landscape.

This unspoilt woodland is of particular historical and environmental value to the people of South Lanarkshire, being an undeveloped remnant of the original Duke of Hamilton's estate, and forming part of a unique green corridor between Bothwell Castle/Bridge and Chatelherault. This area has been visited and studied by Scottish university academic staff, over recent years.

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to not only preserving and protecting woodland, but also to increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda, Scottish Government policy, and our individual and corporate responsibilities for the future safety of our planet. A range of actions is needed to best protect our woodlands, and help them adapt to new and dynamic conditions, resulting from the climate crisis. Our climate is already changing. We must all take action to mitigate and help nature adapt to climate change impacts that are now unavoidable.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing. This application is therefore in direct conflict with the Local Plan, at a time when the preservation of green areas is more vital than ever before.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise-and any development will prohibit this use. It is also worth noting that due to COVID restrictions several owners are stranded abroad or in England

and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible due to the ongoing COVID lock down, and a cyber attack.

- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.

The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development. It will also result in a loss of light and overshadowing especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern, e.g. as some residents are in the shielding category, and there is a recognised health issue of vitamin D deficiency in the Scottish population. Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents, and beyond.

Many thanks for your due consideration of these objections

Anne Trevorrow

Law, Aileen

From: sajhughes
Sent: 04 February 2021 08:43
To: Planning
Subject: ref P/21/0029
Attachments: Planning Objection 03-02-21.docx

Good Morning,

Objection letter attached.

Kind Regards

Anita Hughes

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above based on the following:-

- (a) Existing Use – Although not directly relevant to Planning Approval, as background to my objection, this site is designated as Amenity Land for the 40 flats at Hamilton Park South (HPS) and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land. This objection remains in place.
- (b) Right of Way – The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and ‘Prescriptive Servitude’ could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.
- (c) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls and Woodpigeons. In addition Bats; Deer; Toads; and Squirrels also inhabit this particular site.
- (d) Woodland – Scotland has only 18% of tree cover (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system when trees are removed.
There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including :- Improved physical and mental health; Recreational; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals.
- (e) Tree Preservation Order - TPO - The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment;
- (f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to protecting woodland and increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda.

- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing.
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- (i) The boundary of the application site is excessive and could more than accommodate a large number of dwelling houses and not only the two that have been proposed here.

Anita and Stephen Hughes 57, Hamilton Park South, Hamilton, ML3 0FH. 03/02/2021

Law, Aileen

From: Alasdair Houston
Sent: 29 January 2021 11:59
To: Planning
Subject: Objection
Attachments: Planning Objection P210029 29 Jan 2020.docx

To whom it may concern,

Please see me below my objection to the proposed construction opposite Hamilton park south.

Regards
Alasdair Houston

Planning Application Ref P/21/0029 - Land Off Bothwell Road, Hamilton

I am formally submitting my objections to the proposed development detailed above based on the following:-

- (a) Existing Use – Although not directly relevant to Planning Approval, as background to my objection, this site is designated as Amenity Land for the 40 flats at Hamilton Park South (HPS) and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land. This objection remains in place.
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- (g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.
- (h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing.
- (i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use.
- (j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development would be only 10 metres from the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.
The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development – Nos 61,63, 67,69, 73, 75, 79, 81. It will also result in a loss of light and overshadowing especially for the flats on the lower levels.

Alasdair Houston, 73 Hamilton Park South, Hamilton 29/01/2021

Dewar, Katrina

From: Alan McCulloch
Sent: 04 February 2021 23:01
To: Planning
Subject: P/21/0029

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

I refer to the above planning application in relation to land at Bothwell Road.

The long running saga continues.

It must be some 10 years now since the applicants made their first of several previous applications.

We must go over old ground (pardon the pun) once again.

So despite the previous refusals the applicants come back for more.

As previously stated we are concerned over the following:

Protected Woodland

Greenspace

Road Safety

Environment

Green Network

Loss Of Privacy

Increased vehicle access

How many of these matter? Clearly the applicants do not think many as t they keep making applications.

6 houses then 4 houses now a change of tact with just the 2 houses but of course if granted they presumably will apply again in the future for more.

I ask you to once again to decline the application on the grounds as stated above.

Yours sincerely

Alan McCulloch

41 Hamilton Park South
Hamilton
ML3 0FH

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 28 January 2021 12:13:06

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:13 PM on 28 Jan 2021 from Mrs Kate O'Connor.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mrs Kate O'Connor

Email:

Address: 71 Hamilton Park South Bothwell Road Hamilton Park
South Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I am formally submitting my objections to the proposed development detailed above based on the following:-
(a) Existing Use - Although not directly relevant to Planning Approval, as background to my objection, this site is designated as Amenity Land for the 40 flats at Hamilton Park South (HPS) and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land. This objection remains in place.
(b) Right of Way - The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and 'Prescriptive Servitude' could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between

Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.

(c) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls and Woodpigeons. In addition Bats; Deer; Toads; and Squirrels also inhabit this particular site.

(d) Woodland - Scotland has only 18% of tree cover (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system when trees are removed.

There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including :- Improved physical and mental health; Recreational; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals.

(e) Tree Preservation Order - TPO - The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment;

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to protecting woodland and increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium

Risk on the SEPA Flood Maps. Regular local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use.

(j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development

would be only 10 metres from the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.

The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development - Nos 61,63, 67,69, 73, 75, 79, 81. It will also result in a loss of light and overshadowing especially for the flats on the lower levels.

Appendix 3

Site photographs and location plan

Photo 1



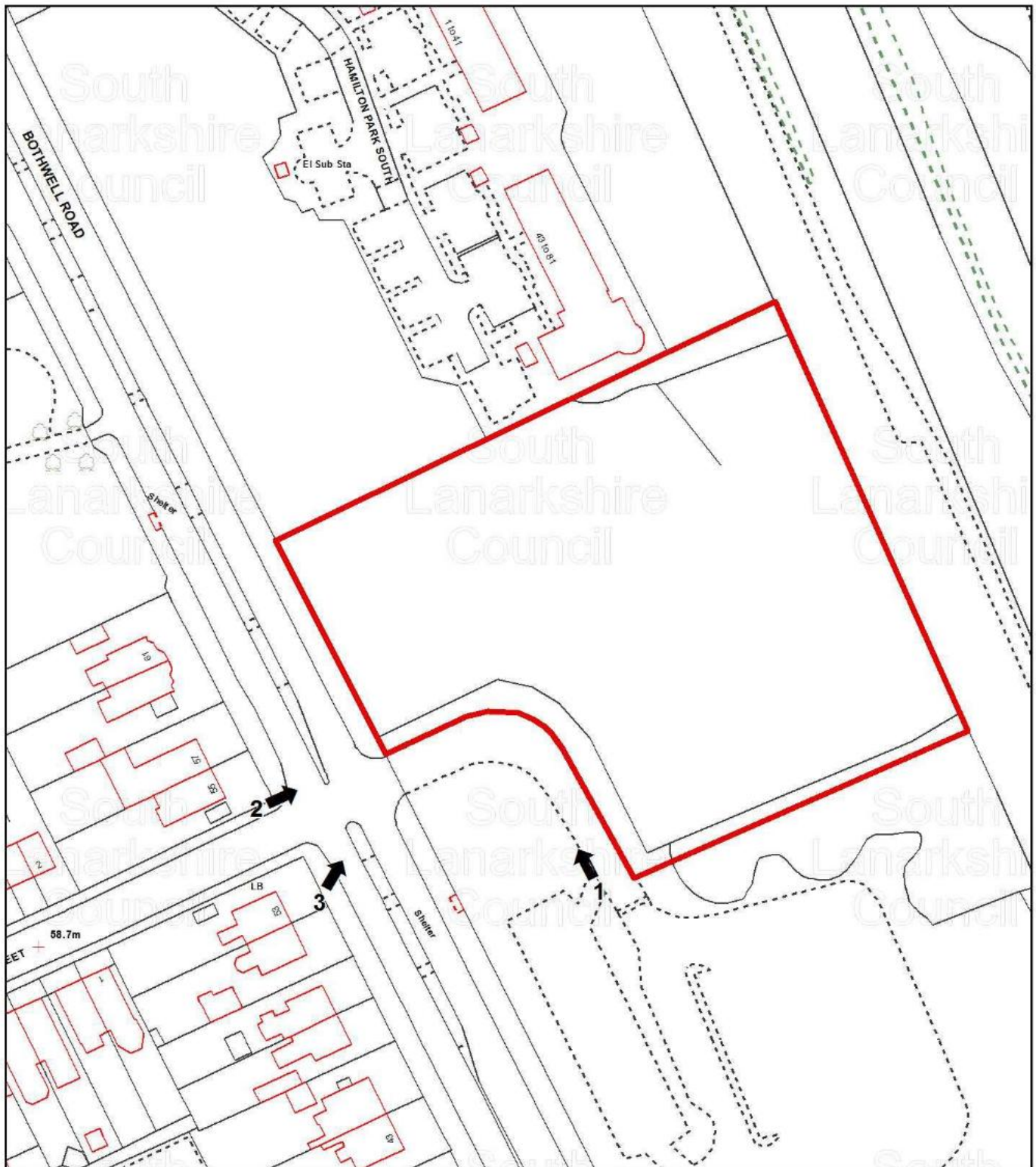
Photo 2



Photo 3



Planning Review for application P/21/0029
Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton.



This map indicates from where photographs were taken

-  Application site
-  Photograph viewpoints
-  Settlement Boundary

**Community and Enterprise Resources
Planning and Economic Development**



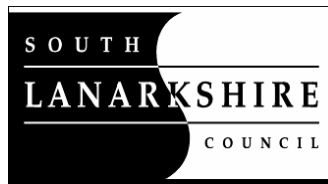
Scale: 1:1,250 Date: July 2022

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O:\Enterprise\Planning\Local Planning\PLRB Notice of Review Maps

Appendix 4

Planning Decision Notice and Reasons for Refusal



Community And Enterprise Resources
Executive Director **David Booth**
Planning And Economic Development

Adam Toleman
Arka Architects
The Loft
The Tattie Kirk
Cow Wynd
Falkirk
FK1 1PU

Our Ref: P/21/0029
Your Ref:
If calling ask for: Jim Blake
Date: 24 March 2022

Dear Sir/Madam

Proposal: Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.
Site address: Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton, South Lanarkshire, ,
Application no: P/21/0029

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Jim Blake on 01698 453657

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email jim.blake@southlanarkshire.gov.uk Phone: 01698 453657



We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To: **Mr Shahid Chaudhary**

Per: **Adam Toleman**

**27 Lochore Avenue,
Paisley, PA3 4BY,**

**The Loft, The Tattie Kirk,
Cow Wynd, Falkirk, FK1
1PU,**

With reference to your application received on **08.01.2021** for planning permission under the above mentioned Act:

Description of proposed development:

Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Site location:

Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton, South Lanarkshire, ,

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 24th March 2022

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/21/0029

Reason(s) for refusal:

01. The proposal is contrary to Policy NHE13 - Forestry and Woodland of the adopted South Lanarkshire Local Development Plan 2 as the proposal would adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located.
02. The proposal is contrary to Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 as the proposal would result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value, and would likely lead to a permanent net loss of biodiversity.
03. The proposal is contrary to Policy 5 and Policy 13 of the Adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Reason(s) for decision

The proposal is contrary to Policy NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity. The proposal is also contrary to Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace of the adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Notes to applicant

Application number: P/21/0029

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PP-01	REV E	Refused
PP-02	REV H	Refused
PP-03	REV A	Refused
PP-04	REV F	Refused
PP-05	REV D	Refused
PP-06	REV B	Refused



COMMUNITY AND ENTERPRISE RESOURCES
EXECUTIVE DIRECTOR David Booth
Planning and Economic Development

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: pauline.macrae@southlanarkshire.gov.uk

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Appendix 5

Notice of Review (including Statement of Reasons for Requiring the Review) submitted by applicant Shahid Chaudhary



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100577883-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	CERTUS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	BLUE SQUARE OFFICES
Last Name: *	McGleish	Building Number:	
Telephone Number: *		Address 1 (Street): *	272 BATH STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	GLASGOW
Fax Number:		Country: *	SCOTLAND
		Postcode: *	G2 4JR
Email Address: *			

Is the applicant an individual or an organisation/corporate entity?

* ☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Shahid"/>	Building Number: <input type="text" value="27"/>
Last Name: *	<input type="text" value="Chaudhary"/>	Address 1 (Street): * <input type="text" value="Lochore Avenue"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Paisley"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PA3 4BY"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="South Lanarkshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="656533"/>	Easting	<input type="text" value="271719"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Letter to Members/Statement of Case attached.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Letter to Members/Statement of Case Tree Report Ecology Report Application Plans/Drawings Report of Handling Refusal Letter/Decision Application Forms

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

P/21/0029

What date was the application submitted to the planning authority? *

08/01/2022

What date was the decision issued by the planning authority? *

24/03/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit would assist Members to understand the acceptability of the proposal.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A hearing would allow the applicant to explain to Members the acceptability of the proposal.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Mark McGleish

Declaration Date: 23/06/2022

22.06.2022

FAO: Local Review Board Members
Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

Dear Members

Refusal of Erection of Two Dwellinghouses with Associated Studio Flats Above Attached Garage, Raised Decking At Rear and Formation Of Access at Land 120M Northeast of 55 Bothwell Road – Planning Application Reference: P/21/0029

Introduction - The Applicant feels it necessary to express to Members his disappointment regarding refusal of his proposal to construct two dwellinghouses in the eastern section of woodland, close to Hamilton College, Bothwell Road, Hamilton (hereinafter referred to as the “the Site”). The Site’s boundary is shown below (bounded red) along with the footprints of the two proposed dwellings.



Request for Review and Important Material Considerations - The Applicant respectfully asks Members to review his proposal afresh and when doing so to consider its merits of which there are many, including the important net environmental gain that will be delivered for the locale. In this regard Members are asked to consider the following points:

There is Already a Presumption in Favour of Development

Members' attention is drawn to a very important point. The 2 houses proposed will be constructed within the eastern section of the Site within land zoned as "General Urban Area" where there is a **presumption in favour of development** (Policy 3, LDP2). This part of the woodland area is of poor quality, hence we assume why it was zoned within the general urban area and not part of the Council's identified green network.

By comparison, the remainder of the Site between the proposed 2 houses and the Bothwell Road comprises of better-quality mature trees and is accordingly zoned as Green Network (Policy 13, LDP2). Trees within this area will remain undamaged by the proposed development. Indeed, the Applicant went so far as to alter his proposed layout to ensure that was the case.

The Proposal will Produce a Net Environmental Gain (Woodland Management and Biodiversity)

The Applicant is proposing to remove very few trees and those that will be removed are of lower quality. These are in fact located on ground that has been fundamentally altered and regraded/relevelled just a few decades ago. Therefore, the trees to be removed are merely self-seeded, largely scrub like and there appears to have been no active management of them. The detailed Tree Survey submitted in support of the application proves this. Please refer to the photograph below showing the scrub woodland area where the 2 dwellings are proposed to be built.

The trees within the woodland that will remain are mature and of better quality. These will be undamaged by the proposed construction works and enhanced by woodland management. In this regard the Applicant has offered to work with the Council to create a **Woodland Management and Biodiversity Plan**, designed to ensure that the remaining woodland area, stays as healthy as possible for as long as possible. It will also introduce specific measures to **enhance biodiversity** and encourage public access. The Tree Report and Ecology Report submitted in support of the application included suggestions with regard to these issues.



Woodland Management and Biodiversity Works Secured by Applicant's Financial Offering

It is understood that the Applicant had offered to transfer the remaining woodland area to the Council or a community body. The practicalities/delivery of that could prove difficult, mainly because such parties appear unlikely to want the land.

Accordingly, it is proposed by the Applicant that the woodland remains in private ownership and that he makes monies available to complete agreed woodland management and biodiversity improvement works. This obligation and financial commitment can be secured legally for example via a s.75 agreement ensuring that works are implemented. It is possible for example that the monies could be held in an Escrow account which can be drawn down upon by the Council if needs be.

The Remaining Woodland will be Protected

The entire woodland is protected by a Tree Preservation Order (TPO). That is a blanket Woodland TPO of the type often used for simplicity to cover an entire area of woodland, but it does not recognise or discriminate between good areas and bad areas of woodland.

The vast majority of the woodland will remain after construction of the 2 dwellings (circa 86%) and will still be protected by the TPO. Also, please note that strict tree protection measures will be implemented to ensure that no trees within the remaining woodland can be damaged by the Applicant's proposed construction works.

There Will Be No Unacceptable Impact on the Landscape Character of the Area

The loss of a small area of scrub woodland and the introduction of the 2 dwellinghouses will have negligible impact on the landscape character of the area. The proposed dwellings will effectively nestle against a backdrop of mature trees. Their inclusion into the landscape will not damage any key landscape features.

It should be noted that there is already built form within the locale, some of it much greater in scale than the Applicant's proposal and permitted by the Planning Authority only relatively recently. That built form appears to exist successfully without causing any significant landscape concerns. In this regard the immediate area is very varied and contains a large school, large blocks of residential flats, Hamilton Racecourse (and its various built forms, many of which are substantial), a golf course, green space and the M74.

There Will Be No Unacceptable Impact on the Visual Amenity of the Wider Area Due to Tree Loss

It would be rare to find a development proposal that will have a lesser impact on the visual amenity of its locale. The proposed houses will be invisible from Bothwell Road to the west. It would be a stretch to argue that it is likely to cause a visual amenity problem with regards to the adjacent Hamilton College carpark to the south. Or indeed the 4 story flats to the northwest. As previously mentioned the area is very varied and contains a large school, large blocks of residential flats and Hamilton Racecourse (and its various built forms, many of which are substantial).

No Adverse Impact on the Green Network

The area where the 2 proposed houses are located is **outwith the Green Network**. The remaining woodland is within the Green Network and will be protected from construction

works, enhanced via a Woodland Management and Biodiversity Plan and remain protected by a TPO.

No Adverse Impact on the Future Designation of the Site as Part of a Local Nature Conservation Area

The possibility of the site being designated as part of a Local Nature Conservation Area is not adversely affected by the proposal, indeed it is enhanced. The Applicant is proposing to implement an agreed **Woodland Management and Biodiversity Plan**, the terms of which would be agreed with the Planning Authority. The Applicant submitted both a Tree Report and an Ecology Report in support of his application which included suggested works in these regards.

On a related point concerning designations, the Planning Authority appear to consider further ecological and mapping work to be required in order to determine the value of the woodland as an Ancient Woodland (AW) or a Long-established woodlands of plantation origin (LEPO). The Applicant is willing to undertake any additional surveys that are necessary, and to accept planning conditions in that regard. However, there is specific criteria that must be verified for any Scottish Woodland to become an AW or regarded as a LEPO. This involves inclusion of the woodland in certain historical records (the 1750 Roy maps or the 1st Edition OS maps of 1860). We cannot see the woodland within such records. If it is not, additional ecological and mapping work will not make the woodland an AW or LEPO.

Concluding Remarks - Given the foregoing it is apparent the proposal complies with planning policy.

The proposal is justifiable in planning terms on its own merits and should be granted planning permission.

There are no objections to the proposal from SLC Roads Development Management Team, SLC Environmental Services or Scottish Water.

The proposal would not adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located. **It therefore complies with LDP2 Policy NHE13 - Forestry and Woodland.**

The proposal would not result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value, and would not likely lead to a permanent net loss of biodiversity. **It therefore complies with LDP2 Policy NHE20 - Biodiversity.**

The proposal has due regard to the landscape character of the area. It would not have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss. It would not have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area. **It therefore complies with LDP2 Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace** in these (and all other regards).

The proposal also complies with the below planning policies:

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 14 - Natural and Historic Environment

Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding
Policy NHE14 - Tree Preservation Orders
Policy DM1 - New Development Design

Yours sincerely

Mark McGleish
CERTUS

Report on tree condition at Bothwell Road, Hamilton

Commissioned by Mr Shahid Chaudhary

By Keith Logie MICFor

25 November 2020

Revised 5 July 2021



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1. General introduction and summary

This tree survey has been carried out for Mr Shahid Chaudhary in relation to trees at Bothwell Road, Hamilton. It relates to 186 trees and other vegetation within and around the survey boundary shown on the plans supplied. The survey has been commissioned because a proposal is being drawn up to build two residential units on part of the site. If development were to proceed as proposed, a number of trees and shrubs would require to be removed, but the best trees will be retained, and the impact in arboricultural terms would be relatively small. The woodland area as a whole will be reduced slightly, but the remainder will be brought under active management, including replacement and enrichment planting, as a part of the development. A woodland management plan is to be created and submitted in due course. A tree protection plan has been included to ensure that the trees to be retained are not damaged by construction work. The report consists of:

- this written section;
- the schedule;
- a drawing showing current tree positions;
- a list of the trees proposed for removals; and
- the proposed tree protection plan drawing.

This revision has been issued because the building footprint now lies outwith the Green Network designated area, and the number of trees proposed for removal has been reduced.

2. Site description

The site is just over 1 hectare, and is predominantly mature woodland. It is bounded to the west by Bothwell Road, a busy dual carriageway, to the north by further contiguous woodland and a residential development dating from around 2000, to the east by Hamilton Park race course, and to the south by a woodland fringe and car park attached to Hamilton College. The site is mainly flat, but there is a low bund running north-west to south east towards the eastern boundary, and beyond it the ground falls away to the east and the race course. The access road serving the College appears to have been made up in the past, and there is a slight rise from this corner of the woodland up to meet it. The site is subject to a **Tree Preservation Order**. The majority of the site is designated as Green Network in the Local Development Plan. The eastern part of the site is excluded from this designation.

3. The Tree Survey

The trees on the site have been tagged with a numbered disc, on the south side of the trunk. Tree numbers run sequentially from 2048 to 2229 and 2342-2345. Trees smaller than 10 cm DBH and bushes were not tagged or recorded. Fieldwork was done on 23 November 2020.

The location of each tree has been plotted as per the supplied topographic survey. Information on each numbered tree is provided in the attached Tree Survey Schedule. The position of the trees is shown on the attached drawings.

All trees within the site have been ascribed a Retention Category. In line with the recommendations contained within BS5837:2012 "Trees in relation to design, demolition and

construction – Recommendations”, this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value. The retention category for each tree is shown in the Tree Survey Schedule which records relevant data and comments on condition.

- A** – High category: trees whose retention is most desirable
- B** – Moderate category; trees where retention is desirable
- C** – Low category; trees which could be retained
- U** – Unsuitable for retention; trees which should be removed

Recommendations are made, where appropriate, on appropriate remedial action as regards tree surgery or felling works. These are specified where there is a significant current risk to public safety or tree health and are consistent with sound arboricultural practice. All tree work recommendations, where made, are in line with BS 3998: 2010 “Tree work recommendations”.

The site is subject to a **Tree Preservation Order**. Work must not be carried out to protected trees without the prior permission of the Council.

4. Survey results and discussion

186 trees of at least 10cm DBH within and adjoining the site were tagged, plotted and assessed. Details of the trees are shown in the Schedule below. Note that the Schedule is a summary of the data gathered and assessments made.

The **BS 5837 retention categories** of the 186 trees within the site were as follows:

Category A	53	28%
Category B	45	24%
Category C	85	46%
Category U	3	2%

In terms of their **condition**, they are as follows:

Good	76	41%
Fair	94	50%
Poor	15	8%
Dying	1	1%

The **species** mix is as follows, by number

Ash	17	9%
Beech	6	3%
Birch - Silver	24	13%
Cherry - gean	2	1%

Elm	7	4%
Hawthorn	1	1%
Horse Chestnut	9	5%
Lime - Common	10	5%
Norway Maple	1	1%
Oak - pedunculate	13	7%
Sycamore	47	25%
Willow – Goat	40	21%
Yew - common	9	5%

Findings: The woodland was adjudged to be group Category A as a whole. However, the woodland is not a consistent entity, and **contains two distinct stands of very different composition and value.** The individual category ratings are as summarised above and detailed in the Schedule below. Most of the woodland is populated by fine mature broadleaves, most of which are individually Category A. The overall proportions are skewed towards C rated trees because of the large number of poorer willows and self-seeded birches towards the eastern boundary. This part of the woodland has a different origin from the remaining parts of the woodland, and is of poorer value. Were the entire woodland comprised of similar trees it is doubtful whether it would have merited its TPO status.

The majority of the woodland area is dominated by large, mature broadleaves, mainly oak, lime horse chestnut and beech, which are mostly over 100 years old, and some older. These dominant trees are relatively few in number however. There are also mature sycamores and yews. There is a significant quantity of natural regeneration coming up in the gaps, mainly sycamore, and some ash. The woodland composition and maturity suggests that it was planted as a policy woodland sometime in the 19th century, though its origins may be older. Selective thinning of the natural regeneration would be beneficial, as would supplementary planting of desirable species. See photo below.



Photo 1 – Mature stand of broadleaves, western part of site

The eastern group (see drawing), is dominated by scrubby goat willows and is much more recent, and almost certainly all the trees here are self seeded. It seems likely that the ground levels changed here, at least 40 years ago or so, any existing tree cover was removed, after which point it was colonised by scrub. There appears to have been no active management in this group at all. Removal of these trees would reduce the area of woodland by 10.6 % but the trees in themselves are of low quality. See photo 2 below.



Photo 2: Eastern part of site showing closely spaced, small and poor quality trees on the bund

Other vegetation on site: there are a number of shrubs and a large number of self-seeded small trees that are not significant in arboricultural terms.

It is noted that the Local Development Plan also treats the site in two parts – the majority of the area and good quality woodland is designated Green Network, whilst the eastern portion of poorer quality woodland is not. This presumably reflects the fact that they have differing histories, and are of very different quality today.

Details of each tree surveyed are contained in the Schedule below.

5. Constraints posed by existing trees - considerations

Trees can be badly damaged or killed by construction operations, and particular care is required to protect them from damage. The ability of trees to recover from damage to roots is often very limited. Root systems can be damaged by ground excavations, soil compaction, contamination or spillages of e.g. diesel or cement, and changes in soil moisture content (both drying and waterlogging).

Most of the site is dominated by trees Category A which are the key components of a good quality mature woodland. The best trees (and all Category A trees) will therefore be retained. If development is to proceed as planned, a number of lower quality trees will have to be removed. In this event, care must be taken to ensure that construction of roads and buildings and service connections do not damage the trees to be retained. The trees which need to be removed for development to proceed as planned are shown in a table below.

The drawing below shows a Root Protection Area (RPA) for each tree, shown as a paler green circle, which shows the area near to the trees where activity needs to be carefully controlled during construction if the tree is to be retained. In addition, there are a variety of physical factors that could each impact on root growth and the ability of individual trees to tolerate changes in rooting environment. Temporary protective fencing is shown on the tree protection plan drawing as an orange line. See specification for fencing below.

6. Tree protection plan

In general terms, where trees are recommended for retention they must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. There should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the RPA of trees to be retained throughout the duration of the construction works except where detailed in this report. Temporary protective fences should be erected along the line as shown on the drawing below.

Temporary protective fencing - specification. This specification applies to all tree protection fences referred to below. Fencing to consist of 2m high welded mesh panels (Heras or similar) on rubber or concrete feet joined with a minimum of two anti-tamper couplings. The distance between the couplings should be at least 1m and should be uniform throughout the fence line. The panels should be supported on the inner side by stabiliser struts, which should be anchored at ground level by a block tray or stakes driven into the soil. All-weather notices should be

affixed to the fence with the wording “Construction exclusion zone – no access.” The position of temporary protective fencing is shown on the Tree Protection Plan drawing below.

Work within RPA’s. The nature of this proposal means that, in order to retain good quality trees close to the proposed access road, there will be work within the RPA’s. The principles that will be applied to work with the RPA’s are as follows:

1. There will be no excavations, except where detailed below. The access road will be built up from suitable imported material carefully laid on the ground until the required levels are achieved. Where employed, kerbs will be haunched up at ground level. The specification for the road will be detailed in the Construction Method Statement.
2. There will be no raising of soil levels above existing ground level on the stems of trees to be retained. This is critically important for long-term tree survival.
3. Special protective measures including porous surfaces, to allow natural percolation of water will be employed around trees 2143, 2145, 2147, 2148 and 2229 which will be close to or surrounded by the proposed access road. These measures will be detailed in the Construction Method Statement and will be designed to ensure the long term viability of these trees.
4. Where excavations are required, such as to achieve a connection between the existing school driveway and the proposed access road, these will be done by hand and under the supervision of a qualified and experienced arboriculturalist.

7. Recommendations

1. In order to allow development to proceed as planned, remove trees as listed below.
2. Implement the above tree protection plan to ensure that trees to be retained are not damaged by construction.

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated in the report, inspection has been carried in accordance with Visual Tree Assessment (VTA) Stage 1.
2. The survey has been carried out in accordance with the recommendations of BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations".
3. Recommendations for tree works assume that they will be carried out in accordance with BS 3998: 2010 "Tree work recommendations" by suitably qualified and experienced persons.
4. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may

give rise to a risk of structural failure of part or all of the tree;

b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;

c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;

d. The presence of any of the above or another factor not specifically referred to, which may give rise to a decline or death of the tree.

4. Where further investigation is recommended, whether by climbing, the use of specialised decay detection equipment or the exposure of roots, this is identified in the report.

5. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change and it is strongly recommended that they are inspected at regular intervals for reasons of safety.

6. The recommendations relate to the site as it exists at present, and to the level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.

7. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees. In particular caution must be exercised if inferring or assuming matters relating to tree roots in the case where they cannot be visually assessed, as is normal and likely. It should be assumed that underground roots cannot be seen unless otherwise stated.

8. This report in no way constitutes a professional opinion on the integrity or status of buildings. Its primary purpose is to report on the status of trees. The status of built structures, if in doubt, should be reviewed by a suitably qualified person.

9. This report has been prepared for the sole use of Mr Shahid Chaudhary and his agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

Explanation of terms used in the schedule

Tag	Identification number of tree
Species	Common name of species.
DBH	Trunk diameter in metres measured at 1.5m.
Can	Radial tree crown spread in metres.
Ht	Height of tree in metres.
Age	Age class category. Y Young, E-M Early Mature, M Mature, M-A Advanced mature, Vet Veteran.
Stems	Single stemmed or multi-stemmed
Condition	Condition category (Good , Fair , Poor , Dying or Dead).
SULE	The tree's safe useful life expectancy, estimated in years. Note that this may be less than the tree's biological life expectancy.
BS Cat	BS 5837 Retention category (A , B , C or U – see explanation above)

Comments General comments on tree health, condition and form, highlighting any defects or areas of concern and any **recommendations**.

Tree condition categories

- Good** (1) Healthy trees with no major defects
 (2) Trees with a considerable life expectancy
 (3) Trees of good shape and form
- Fair** (1) Healthy trees with small or easily remedied defects
 (2) Trees with a shorter life expectancy
 (3) Trees of reasonable shape and form
- Poor** (1) Trees with significant structural defects and/or decay
 (2) Trees of low vigour and under stress
 (3) Trees with a limited life expectancy
 (4) Trees of inferior shape and form
- Dead** (1) Dead, dying and dangerous trees
 (2) Trees of very low vigour and with a severely limited life expectancy
 (3) Trees with serious structural defects and/or decay
 (4) Trees of exceptionally poor shape and form.

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2048	Yew	0.4	4	9	A1	Good	M	1	>40	Good tree	
2049	Oak-pedunculate	0.95	7	19	A1	Good	M-A	1	>40	Good tree	
2050	Sycamore	0.6	5	20	B1	Fair	M	1	20 to 40	Bark necrosis on 2 sides at base	
2051	Yew	0.35	3	9	A1	Good	M	4	>40	4 stems 35 30 30 25	
2052	Sycamore	0.45	5	19	A1	Good	M	1	>40	Canopy suppressed.	
2053	Sycamore	0.55	6	20	A1	Good	M	1	>40	Stem lean.	
2054	Sycamore	0.5	4	18	B1	Good	M	1	20 to 40	Canopy 1-sided.	
2055	Horse chestnut	0.8	7	19	A1	Good	M	1	>40	Good tree	
2056	Horse chestnut	0.6	5	19	A1	Good	M	1	>40	Canopy suppressed.	
2057	Sycamore	0.55	4	18	A1	Good	M	1	>40	Canopy suppressed.	
2058	Oak-pedunculate	0.65	7	20	A1	Good	M	1	>40	Branch stubs from past pruning/storm damage.	
2059	Lime-common	0.75	9	22	A1	Good	M-A	1	>40	Stem lean.Included bark, compression fork.	
2060	Elm	0.45	1	14	B1	Good	M	1	20 to 40	Stem wound, exposed timber remains sound.Canopy suppressed.	
2061	Sycamore	0.95	8	19	A1	Good	M-A	1	>40	Branch stubs from past pruning/storm damage.	
2062	Elm	0.25	3	8	C1	Fair	E-M	3	10 to 20	Coppice stems from old stump	
2064	Hawthorn	0.2	1	5	C1	Fair	M	1	10 to 20	Stem lean.	
2063	Horse chestnut	0.65	7	15	U	Poor	M	1	0	Significant cavity/decay in stem.Significant cavity/decay in main scaffold limb.Broken top	
2065	Lime-common	0.65	5	22	A1	Good	M	1	>40	Excessive epicormic growth.	
2066	Horse chestnut	0.5	4	18	A1	Good	M	1	>40	Canopy suppressed.	
2067	Maple-Norway	0.4	4	15	B1	Good	M	1	20 to 40	Stem lean.Canopy suppressed.	
2068	Sycamore	0.45	4	17	A1	Good	M	1	>40	Canopy suppressed.	
2069	Sycamore	0.25	2	15	C1	Fair	M	1	10 to 20	Canopy suppressed.	
2070	Sycamore	0.5	4	17	B1	Good	M	1	20 to 40	Canopy suppressed.	
2071	Birch-silver	0.25	4	17	C1	Poor	M	2	10 to 20	Stem lean.2 stems, one dead	
2072	Sycamore	0.3	3	14	C1	Fair	E-M	1	10 to 20	Stem lean.Minor cavity/decay in stem.Canopy 1-sided.	

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2073	Sycamore	0.2	2	12	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2074	Beech	1.05	9	21	A1	Good	M-A	1	>40	Minor dead wood (<50mm dia).	
2075	Lime-common	0.8	7	21	A1	Good	M	1	>40	Included bark, compression fork.at 1m.Minor dead wood (<50mm dia).	
2076	Beech	0.85	6	18	A1	Good	M-A	1	>40	Stem lean.Branch stubs from past pruning/storm damage.	
2077	Ash	0.2	5	9	C1	Fair	E-M	1	10 to 20	Stem lean.Canopy suppressed.Leans over road	
2078	Beech	1.2	9	20	A1	Good	M-A	1	>40	Good tree	
2079	Sycamore	0.25	3	14	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2080	Sycamore	0.2	2	15	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2081	Sycamore	0.35	4	17	B1	Good	M	1	20 to 40	Lots of regen up to 150 this area	
2082	Sycamore	0.4	3	16	C1	Fair	E-M	1	10 to 20	Poor crown structure.	
2083	Ash	0.2	3	15	B1	Good	E-M	1	20 to 40	Canopy suppressed.	
2084	Sycamore	0.2	2	15	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2085	Sycamore	0.25	2	15	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2086	Sycamore	0.2	2	14	C1	Poor	E-M	1	10 to 20	Minor cavity/decay in stem.	
2087	Sycamore	0.2	1	13	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2088	Sycamore	0.2	2	14	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2089	Sycamore	0.25	2	13	C1	Fair	E-M	1	10 to 20	Probably self seeded	
2090	Ash	0.2	5	11	C1	Fair	E-M	2	10 to 20	Canopy 1-sided.2 stems, one syc	
2091	Beech	0.3	2	13	B1	Good	E-M	1	20 to 40	Stem lean.	
2092	Birch-silver	0.35	4	16	B1	Good	M	1	20 to 40	Canopy 1-sided.	
2093	Oak-pedunculate	0.5	4	19	A1	Good	M	1	>40	Good tree	
2094	Oak-pedunculate	0.5	6	20	A1	Good	M	1	>40	Good tree	
2095	Ash	0.6	6	18	B1	Fair	M	1	20 to 40	Minor crown dieback.Minor dead wood (<50mm dia).	Monitor condition annually.
2096	Ash	0.5	5	18	B1	Fair	M	1	20 to 40	Minor dead wood (<50mm dia).	Monitor condition annually.
2097	Sycamore	0.25	4	11	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2098	Ash	0.55	6	20	B1	Fair	M	1	20 to 40	Minor dead wood (<50mm dia).	
2099	Ash	0.25	4	12	C1	Fair	E-M	5	10 to 20	Canopy suppressed.Grp of 5 stems	
2100	Sycamore	0.35	4	14	B1	Good	M	1	20 to 40	Probably self seeded	
2101	Oak-pedunculate	0.5	6	20	A1	Good	M	1	>40	Branch stubs from past pruning/storm damage.	
2102	Oak-pedunculate	0.35	5	18	A1	Good	M	1	>40	Canopy suppressed.	
2103	Lime-common	0.9	6	23	A1	Good	M-A	1	>40	Excessive epicormic growth.Included bark, compression fork.Minor dead wood (<50mm dia).	
2104	Sycamore	0.5	5	18	A1	Good	M	1	>40	Minor cavity/decay in main scaffold limb.	
2105	Oak-pedunculate	0.65	8	19	A1	Good	M	1	20 to 40	Minor dead wood (<50mm dia).Open spreading crown	
2106	Yew	0.3	4	8	B1	Good	M	1	20 to 40	Good tree	
2107	Birch-silver	0.55	6	18	B1	Good	M-A	1	20 to 40	Minor decay in buttress.Stem lean.	
2108	Beech	0.25	3	12	B1	Fair	E-M	1	20 to 40	Canopy suppressed.	
2109	Beech	0.35	4	17	B1	Fair	E-M	1	20 to 40	Stem wound, exposed timber remains sound.Canopy suppressed.	
2110	Sycamore	0.6	4	18	A1	Good	M	1	>40	Minor dead wood (<50mm dia).	
2111	Sycamore	0.45	4	18	A1	Good	M	1	>40	Minor dead wood (<50mm dia).	
2112	Sycamore	0.65	8	21	B1	Good	M	2	20 to 40	Stem lean.2 stems 65 60	
2113	Birch-silver	0.5	8	14	C1	Poor	M-A	2	10 to 20	Significant decay in buttress.Stem lean.2 stems 50/50, 1 stem badly decayed at base	
2114	Horse chestnut	0.65	6	19	A1	Good	M	1	>40	Good tree	
2115	Sycamore	0.5	8	18	B1	Good	M	1	20 to 40	Stem lean.Canopy suppressed.	
2116	Sycamore	0.35	3	17	C1	Fair	M	1	10 to 20	Stem lean.Canopy suppressed.Significant cavity/decay in main scaffold limb.Basal sweep	
2117	Lime-common	0.7	6	23	A1	Good	M	1	>40	Excessive epicormic growth.	
2118	Sycamore	0.55	5	20	A1	Good	M	1	>40	Minor dead wood (<50mm dia).	

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2119	Horse chestnut	0.7	7	21	U	Poor	M	1	<10	Significant cavity/decay in stem.Sig decay up to 8m, full crown. Sone reaction wood at base.	Monitor condition annually.
2120	Yew	0.5	6	13	A1	Good	M	1	>40	Good tree	
2121	Lime-common	0.65	6	23	A1	Good	M	1	>40	Excessive epicormic growth.	
2122	Yew	0.4	5	9	A1	Good	M	1	>40	Stem lean.	
2123	Yew	0.45	6	14	A1	Good	M	2	>40	2 stems 45/40	
2124	Sycamore	0.5	5	17	A1	Good	M	1	>40	Minor decay in buttress.	
2125	Lime-common	0.95	7	22	A1	Good	M-A	1	>40	Stem lean.	
2126	Yew	0.45	4	11	A1	Good	M	1	>40	Good tree	
2127	Sycamore	0.7	5	17	U	Dying	M	1	<10	Significant cavity/decay in stem.Significant dieback, stag-headed.	
2128	Lime-common	0.9	9	22	A1	Good	M-A	1	>40	Branch stubs from past pruning/storm damage.	
2129	Elm	0.25	4	16	C1	Fair	E-M	3	10 to 20	Coppice stems from old stump	
2130	Lime-common	1	6	24	A1	Good	M-A	1	>40	Included bark, compression fork.Minor dead wood (<50mm dia).	
2131	Sycamore	0.3	3	18	B1	Good	M	1	20 to 40	Stem lean.Canopy suppressed.	
2132	Horse chestnut	0.65	6	20	A1	Good	M	1	>40	Good tree	
2133	Birch-silver	0.5	5	18	B1	Fair	M-A	1	20 to 40	Stem lean.Canopy suppressed.2 stems, one dead, remove it	
2134	Yew	0.55	5	14	A1	Good	M	1	>40	Good tree	
2135	Oak-pedunculate	0.8	6	22	A1	Good	M-A	1	>40	Minor dead wood (<50mm dia).	Complete dead-wooding.
2136	Oak-pedunculate	0.55	6	21	A1	Good	M	1	>40	Good tree	
2137	Sycamore	1.1	10	17	A1	Good	M-A	1	>40	Major dead wood (>50mm dia).	Complete dead-wooding.
2138	Oak-pedunculate	0.85	8	20	A1	Good	M-A	1	>40	Minor dead wood (<50mm dia).	
2139	Sycamore	0.2	3	13	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2140	Oak-pedunculate	1.05	10	22	A1	Good	M-A	1	>40	Major dead wood (>50mm dia).	
2141	Willow-goat	0.3	6	12	C3	Poor	M	1	10 to 20	Canopy suppressed.2 dead stems	

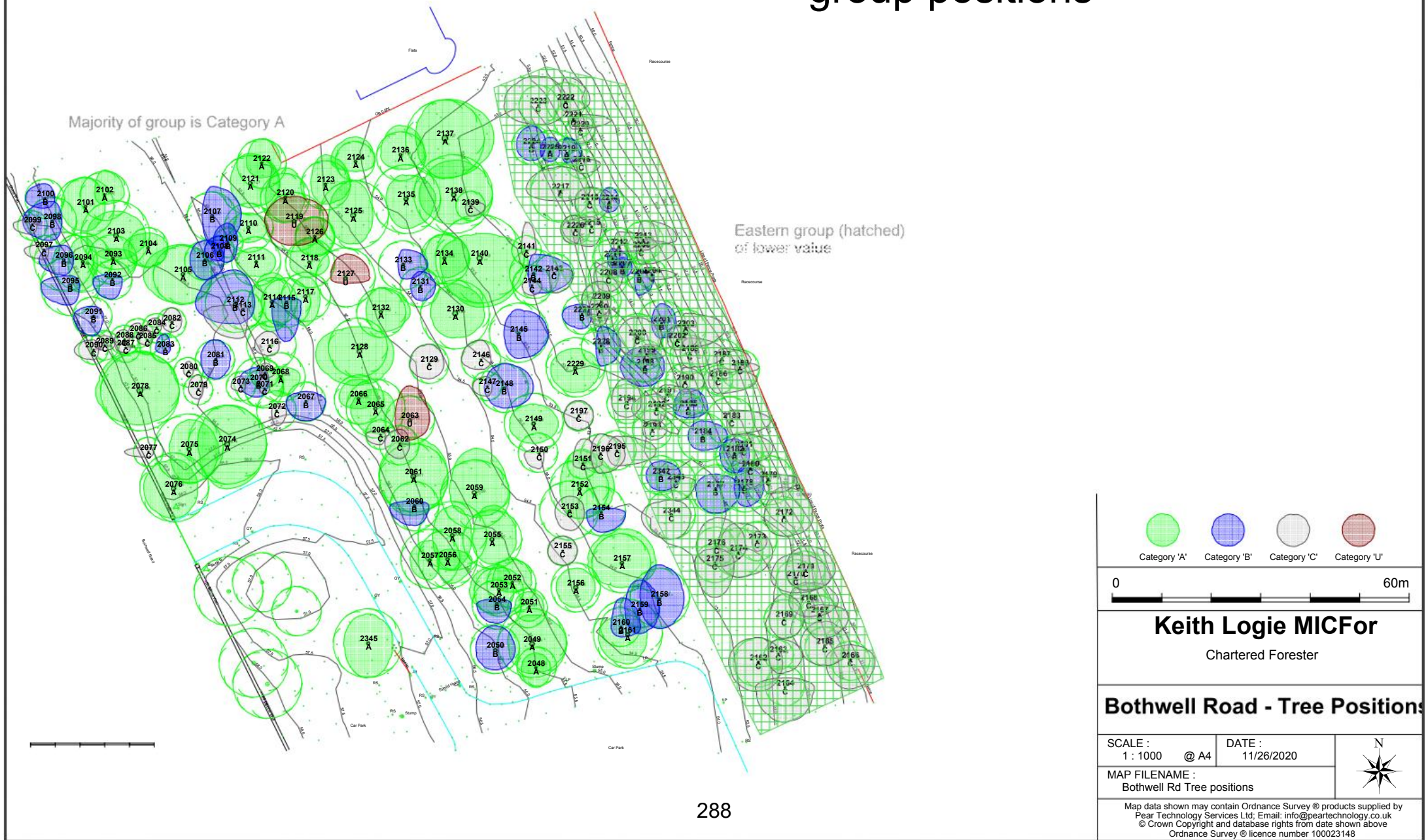
Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2142	Oak-pedunculate	0.5	8	18	B1	Fair	M	1	20 to 40	Stem lean.Significant cavity/decay in main scaffold limb.Major dead wood (>50mm dia).Lopsided crown,	Complete dead-wooding.
2143	Sycamore	0.3	4	15	C1	Fair	M	1	10 to 20	Canopy suppressed.	
2144	Sycamore	0.25	2	13	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2145	Sycamore	0.45	6	18	B1	Fair	M	1	20 to 40	Excessive epicormic growth.Stem lean.	
2146	Elm	0.25	4	17	C1	Fair	E-M	1	10 to 20	Probably self seeded	
2147	Sycamore	0.2	3	15	C1	Fair	E-M	3	10 to 20	Coppice stems from old stump	
2148	Birch-silver	0.5	6	17	B1	Fair	M-A	1	20 to 40	Major dead wood (>50mm dia).Pip on d/w	
2149	Lime-common	0.7	5	20	A1	Good	M	1	>40	Excessive epicormic growth.Major dead wood (>50mm dia).	
2150	Horse chestnut	0.25	3	11	C1	Fair	E-M	1	10 to 20	Canopy suppressed.Basal sweep	
2151	Elm	0.25	5	11	C1	Fair	E-M	1	10 to 20	Canopy suppressed.	
2152	Ash	0.6	8	20	A1	Good	M-A	1	>40	Major dead wood (>50mm dia).	
2153	Sycamore	0.5	4	18	C1	Poor	M	1	10 to 20	Stem lean.Included bark, weak fork in main scaffold limb.Fork decaying at 9m	
2154	Sycamore	0.35	4	16	B1	Fair	M	1	20 to 40	Canopy suppressed.Minor dead wood (<50mm dia).	
2155	Sycamore	0.2	3	9	C1	Fair	E-M	4	10 to 20	Canopy suppressed.Group of 4 s/s stems	
2156	Yew	0.85	4	13	A1	Good	M	1	>40	On n/b land, o/h boundary	
2157	Sycamore	0.65	7	18	A1	Good	M	1	>40	Stem lean.Minor dead wood (<50mm dia).	
2158	Ash	0.4	7	16	B1	Good	M	3	20 to 40	Coppice stems from old stump3 stems 30 35 30	
2159	Horse chestnut	0.3	6	12	B1	Fair	M	1	20 to 40	Bark necrosis.	
2160	Ash	0.3	6	13	B1	Fair	M	1	20 to 40	Stem lean.Canopy suppressed.	
2161	Sycamore	0.75	6	21	A1	Good	M	1	>40	Significant cavity/decay in stem.	
2162	Willow-goat	0.3	6	10	C1	Fair	M	6	10 to 20	Scrubby multi-stemmed	
2163	Willow-goat	0.3	5	10	C1	Fair	M	4	10 to 20	Scrubby multi-stemmed	
2164	Willow-goat	0.3	6	9	C1	Fair	M	8	10 to 20	Scrubby multi-stemmed	

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2166	Willow-goat	0.4	6	9	C1	Fair	M	4	>40	Scrubby multi-stemmed	
2165	Willow-goat	0.4	5	10	C1	Fair	M	4	10 to 20	Scrubby multi-stemmed	
2167	Willow-goat	0.35	6	10	C1	Fair	M	4	10 to 20	Ivy growth obscuring detailed assessment.	
2168	Willow-goat	0.35	6	10	C1	Fair	M	1	10 to 20	Self seeded	
2169	Willow-goat	0.35	5	10	C1	Fair	M	3	10 to 20	Scrubby multi-stemmed	
2170	Willow-goat	0.45	7	10	C1	Fair	M	5	>40	Scrubby multi-stemmed	
2172	Willow-goat	0.3	6	10	C1	Fair	M	4	>40	Scrubby multi-stemmed	
2171	Willow-goat	0.3	6	9	C1	Fair	M	4	10 to 20	Scrubby multi-stemmed	
2173	Sycamore	0.2	2	9	C1	Poor	E-M	1	10 to 20	Canopy suppressed.	
2174	Willow-goat	0.3	7	9	C1	Poor	M	3	10 to 20	Significant cavity/decay in stem.	
2175	Willow-goat	0.3	7	10	C1	Fair	M	3	>40	Scrubby multi-stemmed	
2176	Willow-goat	0.3	6	10	C1	Fair	M	3	10 to 20	Scrubby multi-stemmed	
2178	Ash	0.3	4	17	B1	Fair	E-M	1	20 to 40	Canopy suppressed.	
2177	Ash	0.4	5	17	B1	Good	M	1	20 to 40	Upright tree	
2182	Birch-silver	0.35	4	17	B1	Good	M	2	20 to 40	2 stems 35 25	
2181	Willow-goat	0.25	6	10	C1	Fair	M	M	10 to 20	Scrubby multi-stemmed	
2180	Birch-silver	0.3	4	15	C1	Fair	M	1	10 to 20	Stem lean.Canopy suppressed.	
2179	Willow-goat	0.35	6	13	C1	Fair	M	1	10 to 20	Stem lean.Canopy 1-sided.	
2183	Willow-goat	0.4	8	12	C1	Fair	M	4	10 to 20	Stem lean.Canopy 1-sided.	
2184	Birch-silver	0.3	5	18	B1	Good	M	2	20 to 40	2 stems 30/30	
2185	Ash	0.3	4	17	B1	Good	E-M	1	20 to 40	Upright tree	
2186	Willow-goat	0.25	8	11	C1	Fair	M	6	>40	Scrubby multi-stemmed	
2187	Cherry-gean	0.25	6	8	C1	Fair	E-M	1	10 to 20	Stem lean.Canopy suppressed.	
2188	Cherry-gean	0.25	4	6	C1	Poor	E-M	1	10 to 20	Canopy suppressed.	
2189	Willow-goat	0.25	7	10	C1	Fair	M	4	10 to 20	Scrubby multi-stemmed	
2190	Willow-goat	0.25	4	12	C1	Fair	M	5	10 to 20	Scrubby multi-stemmed	
2191	Birch-silver	0.25	5	15	C1	Fair	M	2	10 to 20	Stem lean.2 stems 25/25	
2192	Willow-goat	0.35	3	15	C1	Fair	M	1	10 to 20	Included bark, compression fork.	
2193	Birch-silver	0.25	3	16	C1	Fair	M	1	10 to 20	Stem lean.Minor dead wood (<50mm dia).	
2195	Willow-goat	0.3	8	15	C1	Fair	M	6	10 to 20	Scrubby multi-stemmed	

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2196	Willow-goat	0.3	5	15	C1	Fair	M	6	10 to 20	Scrubby multi-stemmed	
2194	Willow-goat	0.5	5	16	C1	Fair	M	1	10 to 20	Included bark, compression fork.	
2197	Elm	0.25	3	13	C1	Good	E-M	2	10 to 20	Coppice stems from old stump.2 stems 25 20, basal sweep	
2198	Birch-silver	0.35	5	17	B1	Fair	M	3	20 to 40	Coppice stems from old stump.3 stems 35 30 30	
2199	Birch-silver	0.25	4	16	C1	Fair	M	2	10 to 20	2 stems 25 20	
2200	Ash	0.55	5	16	C1	Fair	M	1	10 to 20	Included bark, compression fork.Horrible weak fork at 1m	
2201	Birch-silver	0.35	4	16	B1	Good	M	1	20 to 40	Stem lean.Minor dead wood (<50mm dia).	
2202	Willow-goat	0.25	4	13	C1	Fair	M	6	10 to 20	Scrubby multi-stemmed	
2203	Willow-goat	0.3	8	12	C1	Poor	M	4	10 to 20	Stem lean.	
2204	Willow-goat	0.3	5	10	C1	Fair	M	5	10 to 20	Stem lean.	
2205	Birch-silver	0.3	3	15	B1	Fair	M	5	20 to 40	Stem lean.Canopy 1-sided.	
2206	Willow-goat	0.25	7	11	C1	Fair	M	3	10 to 20	Stem lean.	
2207	Birch-silver	0.25	2	15	B1	Fair	M	1	20 to 40	Small high crown	
2208	Willow-goat	0.3	3	14	C1	Fair	M	1	10 to 20	Minor dead wood (<50mm dia).	
2209	Willow-goat	0.35	4	14	C1	Poor	M	1	10 to 20	Significant cavity/decay in stem.	
2210	Sycamore	0.25	4	15	C1	Fair	E-M	2	10 to 20	2 stems 25/25	
2211	Birch-silver	0.25	3	15	B1	Fair	M	1	10 to 20	Stem lean.Small high crown	
2212	Willow-goat	0.35	8	13	C1	Fair	M	1	10 to 20	Stem lean.Canopy 1-sided.	
2213	Willow-goat	0.3	7	11	C1	Fair	M	2	10 to 20	Stem lean.	
2214	Birch-silver	0.3	3	15	B1	Fair	M	2	20 to 40	2 stems 30 20. small high crown	
2215	Willow-goat	0.3	6	13	C1	Fair	M	1	10 to 20	Stem lean.	
2226	Sycamore	0.25	3	15	C1	Fair	E-M	4	10 to 20	Spindly s/s 4 stestems	
2216	Willow-goat	0.25	4	14	C1	Fair	M	2	10 to 20	Scrubby multi-stemmed	
2217	Willow-goat	0.3	7	12	C1	Poor	M	5	10 to 20	Stem lean.Stems starting to collapse	
2218	Birch-silver	0.2	4	14	C1	Poor	M	1	10 to 20	Stem lean.Canopy suppressed.	
2219	Birch-silver	0.25	3	15	B1	Fair	M	1	10 to 20	Stem lean.Small high crown	
2220	Birch-silver	0.2	3	14	C1	Fair	M	1	10 to 20	Stem lean.Canopy suppressed.	
2221	Willow-goat	0.25	8	11	C1	Fair	M	1	10 to 20	Stem lean.	

Tag	Species	DBH	Can	Ht	BS Cat	Cond	Age	Stems	SULE	Comments	Recommendation
2222	Elm	0.3	5	13	C1	Fair	E-M	1	10 to 20	Canopy suppressed.Co crowned with birch to s 25cm	
2223	Willow-goat	0.25	7	12	C1	Fair	M	14	10 to 20	Stem lean.Starting to collapse. 14 stems	
2224	Birch-silver	0.4	4	17	B1	Good	M	3	20 to 40	Plus 2 stems 25 15	
2225	Birch-silver	0.3	3	15	B1	Fair	M	1	20 to 40	Small high crown	
2227	Ash	0.25	4	16	B1	Fair	E-M	1	20 to 40	2 sub stems 15 10	
2228	Ash	0.3	4	16	B1	Fair	M	1	20 to 40	Stem lean.Minor dead wood (<50mm dia).	
2229	Oak-pedunculate	0.6	5	18	A1	Good	M	1	>40	Major dead wood (>50mm dia).	Complete dead-wooding.
2342	Birch-silver	0.4	4	18	B1	Good	M	1	20 to 40	Decent tree	
2343	Willow-goat	0.25	4	14	C1	Fair	M	1	10 to 20	Minor dead wood (<50mm dia).	
2344	Willow-goat	0.45	6	14	C1	Fair	M	1	10 to 20	Minor dead wood (<50mm dia).	
2345	Ash	0.6	7	14	A1	Good	M	1	>40	Minor decay in buttress.Branch stubs from past pruning/storm damage.	

Overview of site showing tree and group positions

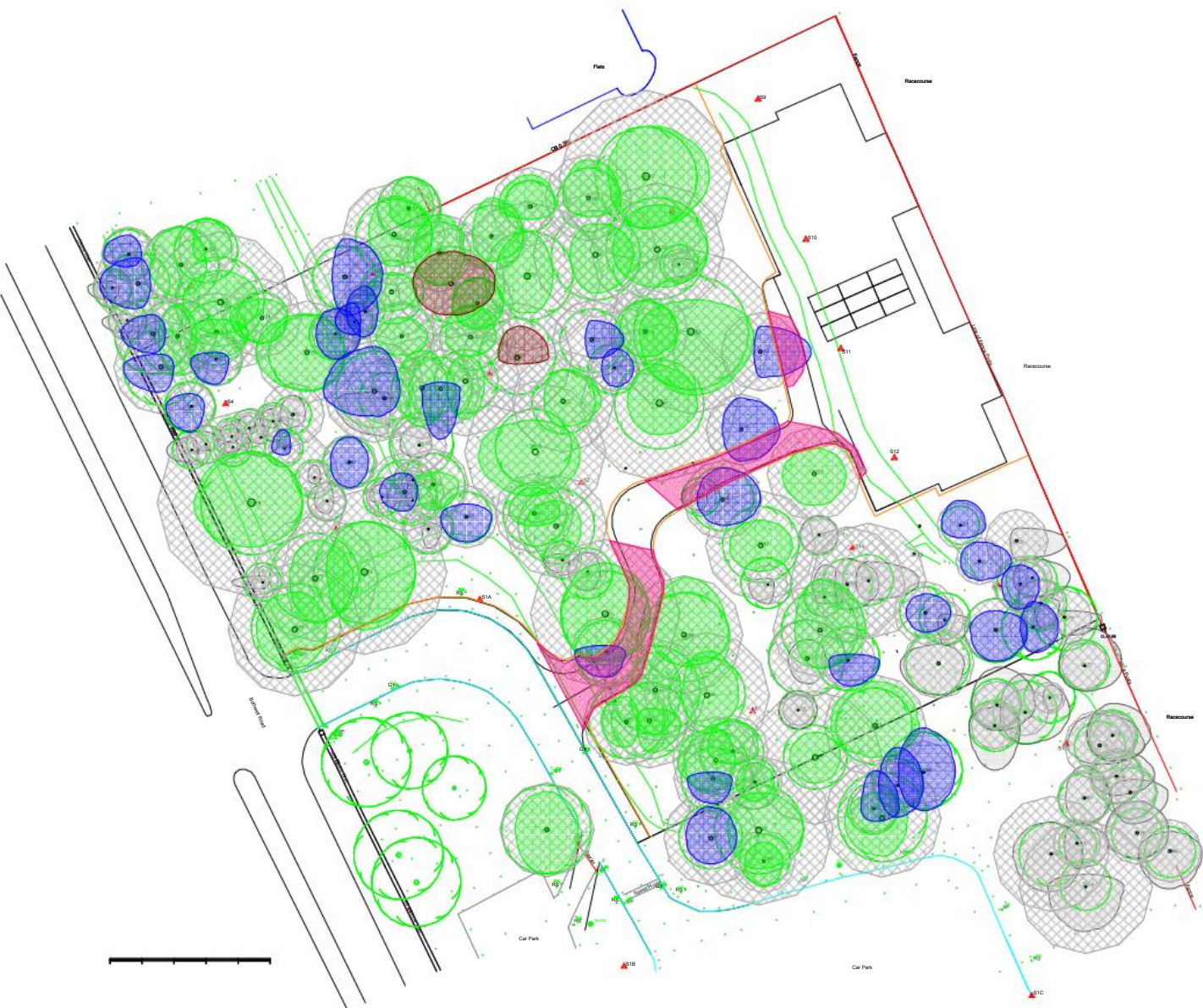


List of trees proposed for removal (see schedule and tree positions drawing)

Tag	Species	DBH	BS Cat	Cond	Tag	Species	DBH	BS Cat	Cond
2129	Elm	0.25	C1	Fair	2204	Willow-goat	0.3	C1	Fair
2139	Sycamore	0.2	C1	Fair	2205	Birch-silver	0.3	B1	Fair
2141	Willow-goat	0.3	C3	Poor	2206	Willow-goat	0.25	C1	Fair
2143	Sycamore	0.3	C1	Fair	2207	Birch-silver	0.25	B1	Fair
2144	Sycamore	0.25	C1	Fair	2208	Willow-goat	0.3	C1	Fair
2146	Elm	0.25	C1	Fair	2209	Willow-goat	0.35	C1	Poor
2063	Horse chestnut	0.65	U	Poor	2210	Sycamore	0.25	C1	Fair
2180	Birch-silver	0.3	C1	Fair	2211	Birch-silver	0.25	B1	Fair
2186	Willow-goat	0.25	C1	Fair	2212	Willow-goat	0.35	C1	Fair
2187	Cherry-gean	0.25	C1	Fair	2213	Willow-goat	0.3	C1	Fair
2188	Cherry-gean	0.25	C1	Poor	2214	Birch-silver	0.3	B1	Fair
2189	Willow-goat	0.25	C1	Fair	2215	Willow-goat	0.3	C1	Fair
2190	Willow-goat	0.25	C1	Fair	2216	Willow-goat	0.25	C1	Fair
2191	Birch-silver	0.25	C1	Fair	2217	Willow-goat	0.3	C1	Poor
2192	Willow-goat	0.35	C1	Fair	2218	Birch-silver	0.2	C1	Poor
2193	Birch-silver	0.25	C1	Fair	2219	Birch-silver	0.25	B1	Fair
2194	Willow-goat	0.5	C1	Fair	2220	Birch-silver	0.2	C1	Fair
2197	Elm	0.25	C1	Good	2221	Willow-goat	0.25	C1	Fair
2200	Ash	0.55	C1	Fair	2222	Elm	0.3	C1	Fair
2201	Birch-silver	0.35	B1	Good	2223	Willow-goat	0.25	C1	Fair
2202	Willow-goat	0.25	C1	Fair	2224	Birch-silver	0.4	B1	Good
2203	Willow-goat	0.3	C1	Poor	2225	Birch-silver	0.3	B1	Fair

Totals	Category A trees	0
	Category B trees	7
	Category C trees	36
	Category U trees	1
	Total	44

Bothwell Road, Hamilton
Drawing showing trees to be retained and tree protection measures. Refer to text above for specifications



Keith Logie MICFor
Chartered Forester

Tree Protection Drawing

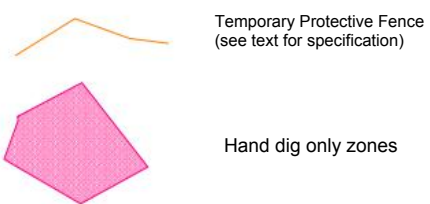
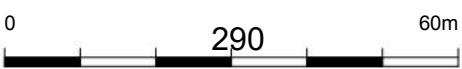
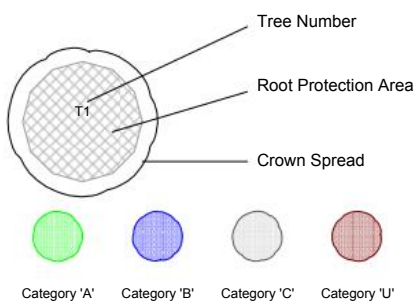
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7/5/2021

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Tree protection plan 1



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Bothwell Road Residential Development Preliminary Ecological Appraisal Report

Prepared for: Mr. S. Chaudhary

Date: 26 February 2021

Revision: Rev.01

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1 Introduction

1.1 Background

EP Ecology was commissioned by Mr. Shahid Chaudhary (hereafter “the Client”) to conduct a Preliminary Ecological Appraisal (PEA) in February 2021 to accompany an application for a proposed two dwellinghouse development on land off Bothwell Road, Hamilton (approximate central grid: NS 71710 56524).

This report sets out the baseline ecological conditions including a classification of the habitats present within the Site and notes on their likelihood to support protected or notable species. An assessment of the proposed activities on Site is made with reference to their potential impacts on designated sites and protected or notable species and habitats with identification of the mandatory requirements and recommendations for further consideration for progression with the proposals.

1.2 Description of Proposals

EP Ecology understands that the proposals issued by the Client include removal of vegetation including trees, levelling of the land, construction of two residential dwellinghouses within the plot including gardens and vehicular access off the existing access to Hamilton College from Bothwell Road.

1.3 Survey Scope

This survey has been undertaken with consideration of the Guidelines for Preliminary Ecological Appraisal¹. The scope of the survey was to establish a baseline of ecological information and ascertain whether the proposed activities have the potential to affect any designated sites or protected and/or notable species and habitats. Therefore, the following were undertaken:

- A desk-based study to collect information on designated sites and records of protected and/or notable species within 2km of the Site;
- An extended Phase 1 habitat survey field visit undertaken during daylight hours to record the broad habitat types present on site together with any key floral species as well as an assessment of these habitats for their potential to support protected and notable species, and any evidence of protected or notable species was noted; and
- An assessment of the proposed activities in relation to the baseline ecological information to determine the likelihood of ecological constraints to these proposals together with identification of the mandatory requirements for progression, and recommendations for ecological and biodiversity enhancement associated with the proposed activities.

1.4 Report Structure

This report sets out the methods used to establish the baseline ecological information (**Section 2**), the results of the desk and field study (**Sections 3 and 4**), the requirements and recommendations for progression with the project (**Section 5 and 6**) and is accompanied by a figure showing the location of designated sites (**Appendix A, Figure 1**), the results of the background data search (**Appendix A, Figure 2**); phase 1 habitat figure (**Appendix A, Figure 3**), detailed target notes (**Appendix B**), site photographs (**Appendix C**), background data search data providers list (**Appendix D**), and a summary of relevant policy and legislature (**Appendix E**).

1.5 Staff

The study was conducted by EP Ecology Director, Erik Paterson. Erik has over 10 years’ experience in conducting ecological surveys, is a full member of CIEEM, and holds NatureScot licenses for the survey of great crested newts and bats.

¹ CIEEM. (2017). *Guidelines for Preliminary Ecological Appraisal (2nd Edition)*. CIEEM, Winchester. 23pp.

2 Methods

2.1 Desk Study

The desk study element included map-based searches for designated sites and database queries for protected and/or notable fauna and flora within a 2 km search radius of the Site. The following resources were used for information gathering:

- National Biodiversity Network Atlas² (Full citations in **Appendix D**); and
- Scotland's Environment Webmap³.

2.2 Field Study

The field study was conducted on 18 February 2021. The prevalent weather conditions were gusting breezes, 100% cloud cover, and rainfall immediately prior to the survey. The temperature was mild at approximately 8°C. Overall, visibility was clear and conditions for survey were suitable.

2.2.1 Study Area

The study area for this project was taken to be the entirety of the site and to a buffer of 50m within accessible land.

2.2.2 Phase 1 Habitats

Phase 1 habitat surveys are a standard methodology for recording and mapping broad habitat types of an area. Phase 1 habitats were recorded within the study area taking cognisance of the JNCC guidelines⁴ along with an indication of the floral assemblage and structure, condition, and extent of each broad habitat type.

2.2.3 Badgers

Signs of badger (e.g. latrines, push-throughs, paths, and setts) were sought within the site and to a buffer of 50m with notes taken on the apparent regularity and recency of use and classified in line with best practice guidelines⁵.

2.2.4 Bats

Structures, natural features, and trees within the study area were assessed for their bat roosting potential as per the current BCT guidelines⁶. Areas and broad habitats which presented opportunities to support roosting, foraging, and commuting bats were also noted.

Table 2.1. Bat roost suitability categories for trees and structures (adapted from BCT best practice guidance).

Suitability	Description
Negligible	No habitat features on site capable of being used by roosting bats.
Low	<p>A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).</p> <p>A tree of sufficient size and age to contact potential roosting features but with none seen from the ground or features observed with only very limited roosting potential.</p>
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the

² <https://nbnatlas.org/>

³ <https://map.environment.gov.scot/sewebmap/>

⁴ JNCC. (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit. 3rd Edition*. JNCC, Peterborough. 80pp.

⁵ Scottish Badgers. (2018). *Surveying for Badgers: Good Practice Guidelines*. Version 1.

⁶ Collins, J. (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition)*. Bat Conservation Trust, London. 100pp.

Suitability	Description
	assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat.

2.2.5 Otters

Watercourses within the study area were surveyed for signs of otter (e.g. spraint, anal jelly, sign heaps, and resting places). Notes were taken on the apparent age and regularity of use of each sign in line with standard guidance⁷.

2.2.6 Water Vole

Any watercourses within the study area were assessed for their suitability to support water voles (by looking at the bank structure, vegetation height and composition, and water availability) and any evidence of voles was recorded in line with best practice guidelines⁸.

2.2.7 Birds

Bird species and nests present within the site were recorded during the site visit. Notes were taken on the suitability of habitats present for nesting bird species also (e.g. by noting presence and perceived disturbance levels of semi-natural habitats including hedgerows, woodlands, and heath/grasslands etc.)

2.2.8 Amphibians

Ponds (defined as standing water bodies between 1m² and 20,000m² in area expected to hold water for at least four months of the year⁹) were recorded and assessed for their suitability to support great crested newts (GCN; *Triturus cristatus*) using the Habitat Suitability Index scoring system developed by Oldham *et al.*¹⁰ as amended by ARG UK¹¹ and O'Brien *et al.*¹². Ponds were subsequently graded as "poor", "below average", "average", "good" or "excellent" quality in line with the ARG UK guidance note. General notes on the suitability of terrestrial habitats are also taken and in combination with the HSI scoring system can be used as a proxy to identify the likely presence of both GCN and widespread amphibian species.

2.2.9 Reptiles

Broad habitats within the study area were assessed for their suitability to support populations of reptiles by looking at various features (e.g. aspect, potential hibernacula, patch size, and habitat structure or naturalness) in line with best practice guidance¹³. Evidence of reptiles (e.g. sightings or presence of sloughs) was also recorded.

2.2.10 Non-Native Species

The most damaging invasive non-native species (*Rhododendron ponticum*, Japanese knotweed *Reynoutria japonica*, giant hogweed *Heracleium mantegazzianum*, and Himalayan balsam

⁷ Chanin, P. (2003). *Monitoring the Otter* *Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No. 10. English Nature, Peterborough.

⁸ Dean, M., Strachan, R., Gow, D., & Andrews, R. (2016). *The Water Vole Mitigation handbook (The Mammal Society Mitigation Guidance Series)*. Eds. Fiona Mathews and Paul Chanin. The Mammal Society, London. 59pp.

⁹ Biggs, J. Williams, P., Whitfield, M., Nicolet, P., & Weatherby, A. (2005). 15 years of pond assessment in Britain: results and lessons learned from the work of Pond Conservation. *Aquatic Conservation: Marine and Freshwater Ecosystems*, 15: 693-714.

¹⁰ Oldham, R.S., Keeble, J., Swan, M.J.S., & Jeffcote, M. (2000). Evaluating the suitability of habitat for the great crested newt (*Triturus cristatus*). *Herpetological Journal*, 10(4): 143-155.

¹¹ ARGUK. (2010). *ARGUK Advice Note 5: Great Crested Newt Habitat Suitability Index*. Amphibian and Reptile Groups of the United Kingdom.

¹² O'Brien, D. Hall, J., Miró, A., & Wilkinson, J. (2017). Testing the validity of a commonly-used habitat suitability index at the edge of a species' range: great crested newt *Triturus cristatus* in Scotland. *Amphibia-Reptilia*, 38: 265-273.

¹³ Edgar, P., Foster, J., & Baker, J. (2010). *Reptile Habitat Management Handbook*. Amphibian and Reptile Conservation, Bournemouth. 77pp.

Impatiens glandulifera) were specifically sought within the site. However, evidence of any other non-native species (e.g. grey squirrel *Sciurus carolinensis* or giant rhubarb *Gunnera manicata*), where observed, were recorded as points within the study area.

2.2.11 Terrestrial Invertebrates

Broad habitats within the study area were assessed for their likelihood to support terrestrial invertebrates of conservation note. There is little available guidance on this and so as a general rule, habitats which are atypical within a local, regional, or national context are considered likely to support invertebrate communities of conservation priority, as are: Semi-natural broadleaved woodland, semi-natural coniferous woodland, flower-rich grasslands, peatlands, wetlands, and open mosaic habitats on previously developed land in line with expert recommendations¹⁴.

2.2.12 Fish and Fish Habitats

A basic assessment of any water courses within the study area for their accessibility for fish (e.g. through identification of downstream barriers to fish movement) was combined with an assessment of the watercourse for signs of pollutants and presence of three key features which can affect a watercourses suitability for fish: The presence of cover (e.g. vegetation, fallen trees or overhanging banks); the depth of water; and the substrate where it can be seen.

2.3 **Study Limitations**

To determine presence or likely absence of protected and notable species, often repeated survey visits or survey visits at particular times of the year are required. The purpose of a Preliminary Ecological Appraisal is to provide an assessment of the potential for such species as a “snapshot”. Consequently, further targeted surveys may be required to determine the presence or likely absence of protected and notable species and the requirement for this are detailed within **Section 5** of this report.

The survey was undertaken in February which is outwith the recommended Phase 1 Habitat survey season of April-September. Additionally, INNS and flowering plants are less evident at this time of the year. However, due to vegetation die back, signs of badger and bat roosting features on trees are much easier to identify and so this survey was within the optimal period for surveying these potential key constraints.

The details included within this report remain valid for a period of one year¹⁵ from the date of issue. If works have not commenced by the end of this period, a repeat assessment may be required.

¹⁴ Cathrine, C. (2020). *How to Consider Invertebrates in Ecology Projects*. CIEEM Webinar, 04 November 2020.

¹⁵ CIEEM. (2019). *Advice Note on the Lifespan of Ecological Reports & Surveys*. CIEEM, Hampshire.

3 Desk Study Results

3.1 Designated Sites

3.1.1 International Sites

International Sites are those sites which are designated in the UK under the international legislature (See **Appendix E**). They include: Special Protection Areas (SPAs), Potential Special Protection Areas (pSPAs), Special Areas of Conservation (SACs), Candidate Special Areas of Conservation (cSAC) and Wetlands of International Importance (Ramsar Sites). These sites are afforded the highest levels of protection in the UK.

There are no identified International Sites within a 2km search buffer of the Site.

3.1.2 National Sites

National sites are those sites designated for biological interest in the UK under National legislature (See **Appendix E**). They include: Sites of Special Scientific Interest (SSSIs), Marine Protected Areas (MPAs) and National Nature Reserves (NNRs).

There is one National Site within a 2km search buffer of the Site as shown in **Table 3.1**.

Table 3.1. National Sites within a 2km search radius of the Site.

Site Name	Designation	Features (if known)	Distance & Direction
Hamilton Low Parks	SSSI	Grey heron (<i>Ardea cinerea</i>): breeding.	220m northeast

3.1.3 Local Sites

Locally designated sites include those sites which the local government have designated for wildlife or biodiversity conservation. These include: Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs), and Local Nature Conservation Sites (LNCSs). In Glasgow City, SINCs are designated under Planning Policy SG7: Natural Environment.

There is one identified Local Site within a 2km search buffer of the Site as shown in **Table 3.2**.

Table 3.2. Local Sites within a 2km search radius of the Site.

Site Name	Designation	Features (if known)	Distance & Direction
Strathclyde Country Park	SINC	Unknown	1,030m northeast

3.1.4 Ancient Woodland Inventory Sites

The Ancient Woodland Inventory of Scotland is a list of woodland sites which are currently wooded and have been continually wooded since at least 1750 and consists of three categories “ancient woodland of semi-natural origin” which are woodlands shown as semi-natural on the Roy maps (1750) or first edition OS maps (1860) and continuously wooded until the present day, “long-established woodlands of plantation origin” which are woodlands shown as plantation on the Roy or OS maps and continuously wooded to the present day, and “other woodlands on Roy maps” which are not shown as woodlands on the OS maps, but are shown as woodland on the Roy maps and likely have only had a short break in continuity of woodland.

There are nine woodlands on the Ancient Woodland Inventory within a 2km search radius of the Site as shown in **Table 3.3**.

Table 3.3. Ancient Woodland Sites within a 2km search radius of the Site.

Site Name (If known)	Type	Area	Distance & Direction
Unknown	Long-Established (of plantation origin)	2.5 ha	235m northeast
Barmichael Plantation	Long-Established (of plantation origin)	8.44 ha	320m north
Unknown	Ancient (of semi-natural origin)	6.7 ha	680m north
Unknown	Long-Established (of plantation origin)	2.83 ha	910m north
Black Muir Plantation	Ancient (of semi-natural origin)	10.72 ha	520m northwest
Unknown	Ancient (of semi-natural origin)	10.91 ha	1,100m southwest
Unknown	Ancient (of semi-natural origin)	4.65 ha	1,320m northwest
Unknown	Other (on Roy map)	2.27 ha	1,600m east
Unknown	Ancient (of semi-natural origin)	28.03 ha	1,700m northeast

3.2 Protected and Notable Species

Records were received from within 2km search buffer of the Site. These records were then delimited to include only protected or notable species recorded since the year 2000 inclusive¹⁶.

3.2.1 Flora

All wild flora (plants and fungi) in Scotland are protected against intentional or reckless uprooting without the permission of the owner or occupier of the land on which it grows. Other species are listed in Schedule 8 of the Wildlife & Countryside Act 1981 which offers them additional protections, only three species are offered full protection as European Protected Species. Many species are considered to be of conservation concern and are listed on national or regional biodiversity lists also.

Records received of notable flora are shown in **Table 3.4**.

Table 3.4. Notable flora records received from within 2km of the Site.

Species Common	Species Latin	Designations	No. Records
Lichen	<i>Flavoparmelia soredians</i>	SBL	1

3.2.2 Mammals

Several mammal species in Scotland are offered full protection as European Protected Species by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) including all species of bat. Furthermore, many Scottish mammals are offered protection by the Wildlife & Countryside Act, with Badgers offered legislative protection by the Protection of Badgers Act 1992¹⁷. Records received of protected and notable mammal species are shown in **Table 3.5**.

¹⁶ Absence of presence records of any protected and notable flora and fauna should not be taken as evidence of absence of such flora and fauna.

¹⁷ Badger records are treated as confidential by the data provider and as such are supplied to consultants without spatial reference.

Table 3.5. Protected and notable mammal records received from within 2km of the Site.

Species Common	Species Latin	Designations	No. Records
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	EPS, WCA-Sch5	3
Daubenton's Bat	<i>Myotis daubentonii</i>	EPS, WCA-Sch5, SBL	5

3.2.3 Birds

All wild birds as well as their occupied nests and eggs are protected by the Wildlife & Countryside Act 1981 (as amended). Those species listed on Schedule 1 of the Wildlife & Countryside Act are offered additional levels of protection. Additionally, birds listed as “amber” or “red” on the Birds of Conservation Concern 4¹⁸ list are those considered to be most at risk in the UK. Records of protected and notable bird species are presented within **Table 3.6**.

Table 3.6. Protected and notable bird records received from within 2km of the Site.

Common Name	Latin name	Designations	No. Records
Lesser Redpoll	<i>Acanthis cabaret</i>	UKBAP, SBL, Red	99
Reed Warbler	<i>Acrocephalus scirpaceus</i>	SBL	1
Common Sandpiper	<i>Actitis hypoleucos</i>	Amber	8
Skylark	<i>Alauda arvensis</i>	SBL	1
Teal	<i>Anas crecca</i>	Amber	88
Mallard	<i>Anas platyrhynchos</i>	Amber	311
Greylag Goose	<i>Anser anser</i>	WCA-Sch1	119
Pink-Footed Goose	<i>Anser brachyrhynchus</i>	Amber	10
Meadow Pipit	<i>Anthus pratensis</i>	Amber	25
common swift	<i>Apus apus</i>	SBL, Amber	46
Pochard	<i>Aythya ferina</i>	SBL, Red	23
Barnacle Goose	<i>Branta leucopsis</i>	SBL, Amber	1
Dunlin	<i>Calidris alpina</i>	SBL, Amber	1
Ruff	<i>Calidris pugnax</i>	WCA-Sch1, SBL, Red	1
Black-Headed Gull	<i>Chroicocephalus ridibundus</i>	SBL, Amber	146
White-throated Dipper	<i>Cinclus cinclus</i>	Amber	1
Long-Tailed Duck	<i>Clangula hyemalis</i>	WCA-Sch1, Red	4
Common Cuckoo	<i>Cuculus canorus</i>	UKBAP, SBL, Red	1
Mute Swan	<i>Cygnus olor</i>	Amber	288
House Martin	<i>Delichon urbicum</i>	Amber	5
Yellowhammer	<i>Emberiza citrinella</i>	UKBAP, SBL, Red	1
Reed Bunting	<i>Emberiza schoeniclus</i>	UKBAP, SBL, Amber	175
Kestrel	<i>Falco tinnunculus</i>	SBL, Amber	9
Pied Flycatcher	<i>Ficedula hypoleuca</i>	Red	1
Snipe	<i>Gallinago gallinago</i>	Amber	19
Oystercatcher	<i>Haematopus ostralegus</i>	Amber	8
Herring Gull	<i>Larus argentatus</i>	SBL, Red	53
Lesser Black-Backed Gull	<i>Larus fuscus</i>	Amber	56

¹⁸ Eaton, M., Aebischer, N., Brown, A., Hearn, R., Lock, L., Musgrove, A., Noble, D., Stroud, D., & Gregory, R. (2015). Birds of Conservation Concern 4: the population status of birds in the UK, Channel Islands, and Isle of Man. *British Birds*, 108: 708-746.

Common Name	Latin name	Designations	No. Records
Iceland Gull	<i>Larus glaucoides</i>	Amber	1
Glaucous Gull	<i>Larus hyperboreus</i>	Amber	1
Great Black-Backed Gull	<i>Larus marinus</i>	Amber	7
Common Grasshopper Warbler	<i>Locustella naevia</i>	UKBAP, SBL, Red	55
Grey Wagtail	<i>Motacilla cinerea</i>	Red	6
Spotted Flycatcher	<i>Muscicapa striata</i>	UKBAP, SBL, Red	8
Shag	<i>Phalacrocorax aristotelis</i>	Red	1
Redstart	<i>Phoenicurus phoenicurus</i>	Amber	2
Willow Warbler	<i>Phylloscopus trochilus</i>	Amber	371
Golden Plover	<i>Pluvialis apricaria</i>	SBL	34
Grey Plover	<i>Pluvialis squatarola</i>	Amber	1
Hedge Accentor (Dunnock)	<i>Prunella modularis</i>	Amber	333
Bullfinch	<i>Pyrrhula pyrrhula</i>	SBL, Amber	232
Whinchat	<i>Saxicola rubetra</i>	Red	1
Siskin	<i>Spinus spinus</i>	SBL	39
Starling	<i>Sturnus vulgaris</i>	Red	21
Song Thrush	<i>Turdus philomelos</i>	SBL, Red	188
Mistle Thrush	<i>Turdus viscivorus</i>	Red	8
Barn Owl	<i>Tyto alba</i>	WCA-Sch1, SBL	4
Northern Lapwing	<i>Vanellus vanellus</i>	UKBAP, SBL, Red	129

3.2.4 Amphibians

Widespread amphibian species in Scotland are offered protection from sale by Schedule 5 of the Wildlife & Countryside Act. Only the great crested newt (*Triturus cristatus*) and natterjack toad (*Epidalea calamita*) are offered full protection in Scotland as European Protected Species.

No records of amphibians were received from the background data search.

3.2.5 Reptiles

All reptiles are protected in Scotland by Schedule 5 of the Wildlife & Countryside Act 1981 which protects them against intentional or reckless killing and injury.

No records of reptiles were received from the background data search.

3.2.6 Non-Native Species

The principal legislature in Scotland which governs non-native species is the Wildlife & Countryside Act (1981). However, the Wildlife and Natural Environment (Scotland) Act 2011 no longer lists specific species to which the legislature applies, instead noting that any species which occurs in the wild Scotland "outside of their native range" is a non-native species and thus it is an offence to release or allow to be released such a plant or animal in to the wild. Non-native species records received are presented in **Table 3.7**.

Table 3.7. Non-native Species records received from within 2km of the Site.

Species Common	Species Latin	Designations	No. Records
Japanese knotweed	<i>Reynoutria japonica</i>	INNS	60

Species Common	Species Latin	Designations	No. Records
Grey squirrel	<i>Sciurus carolinensis</i>	INNS	55
Giant hogweed	<i>Heracleum mantegazzianum</i>	INNS	2
Himalayan balsam	<i>Impatiens glandulifera</i>	INNS	19
American mink	<i>Neovison vison</i>	INNS	1
Rhododendron	<i>Rhododendron ponticum</i>	INNS	1
Ruddy Duck	<i>Oxyura jamaicensis</i>	INNS	21

3.2.7 Terrestrial Invertebrates

A number of terrestrial invertebrates are offered full or partial protection by Schedule 5 of the Wildlife & Countryside Act 1981 whilst others are conservation priority species on national or regional lists.

Protected and notable invertebrate records received are presented in **Table 3.8**.

Table 3.8. protected and notable invertebrate records received from within 2km of the Site.

Group	Common Name	Latin name	Designations	No. records
insect - butterfly	Small Heath	<i>Coenonympha pamphilus</i>	UKBAP, SBL	133
insect - butterfly	Large tortoiseshell	<i>Nymphalis polychloros</i>	WCA-Sch5	1

3.2.8 Fish

Five fish species in Scotland receive full or partial protection under Schedule 5 of the Wildlife & Countryside Act 1981, others are listed as priority species of conservation concern on regional or national lists.

No records of protected or notable fish species were received from the background data search.

4 Field Study Results

4.1 Habitats

Phase 1 Habitats are spatially plotted in relation to the site and to a buffer of 50m within **Appendix A, Figure 3**.

4.1.1 A1.1.1: Broadleaved woodland – semi-natural

The entirety of the site sits within a semi-natural broadleaved woodland. This woodland comprises two fairly distinct components. That where the properties are proposed to be built appears younger and comprises mainly goat willow with hawthorn, and that slightly to the west which comprises very large mature trees of mainly oak (*Quercus* spp.), beech (*Fagus sylvatica*), birch (*Betula* spp.), ash (*Fraxinus excelsior*), yew (*Taxus baccata*), chestnut (*Aesculus hippocastanum*), and sycamore (*Acer pseudoplatanus*). It is noted that the proposed access through the woodland, and the property is proposed only to see the felling of 2no. mature trees¹⁹. However, almost the entirety of the younger woodland is proposed to be lost to these proposals.

Broadly, the tree layer comprises the species noted above, the shrub layer comprises a mix of yew, beech, hawthorn (*Crataegus monogyna*), bramble (*Rosa* spp.), ivy (*Hedera helix*), rose (*Rosa* spp.), *Rhododendron* spp., holly (*Ilex* spp.) and elder (*Sambucus nigra*). The field layer comprises a mix of lady fern (*Athyrium filix-femina*), soft rush (*Juncus* spp.), nettle (*Urtica dioica*), daffodils (*Narcissus* spp.), snowdrop (*Galanthus* spp.), and bluebells (*Hyacinthoides* spp.; assumed). The ground layer has a thick layer of dropped leaves at present and was not able to ascertain the species assemblage.

4.1.2 A1.3.2: Mixed woodland – plantation

The mixed woodland sites across the Hamilton Park Racecourse from the site and thus was not directly accessible. The species assemblage appeared to comprise mostly deciduous trees with spruce (*Picea* spp.) trees present.

4.1.3 A2.1: Scrub – dense/continuous

There is an area of scrub along the front of the adjacent flats to the north of the site. This appears to comprise a mix of broom (*Cytisus scoparius*), bramble, and willowherb (*Chamaenerion angustifolium*) with some immature trees emerging above the top of the scrub.

4.1.4 A2.2: Scrub - scattered

This habitat sits Across the Hamilton park Racecourse and so could not be accessed and assessed. However, the habitats broadly appeared to contain broom, bramble, and rosebay willowherb.

4.1.5 A3.1: Broadleaved parkland / scattered trees

Associated with landscaping for the car parking for Hamilton College is a mix of overmature and immature trees comprising mostly sycamore, oak, birch, beech, ash and cherry (*Prunus avium*) standing on amenity grassland.

4.1.6 J1.2: Cultivated / disturbed land – amenity grassland.

Associated with the sides of the car park and the racecourse is short-sward amenity grassland which is heavily modified and tightly maintained.

4.1.7 J2.4: Fence

Along the northern edge of the Site there is a wooden panel fence separating the site from the neighbouring residential properties.

4.1.8 J2.5: Wall

The western site boundary comprises walls which separate the site from Bothwell Road and stand at least 10 feet from the ground when viewed from the level of the site.

4.1.9 J5: Other Habitats

The “other habitats” within the study area comprise road and pathways.

¹⁹ Logie, K. (2020). *Report on Tree Condition at Bothwell Road, Hamilton*. 19pp.

4.2 Flora

No protected or notable floral species were observed during the site visit except for possible bluebell (TN 12) which, if the English variety, would be protected under Schedule 8 of the Wildlife & Countryside Act for possession with intent to sell, or for offering for sale. However, the flora list is considered incomplete as a consequence of the season of survey therefore further recommendations regarding flora are presented in **Section 6** of this report.

4.3 Badgers

No evidence of badgers was observed on site. As the surrounding landscape is primarily modified and heavily anthropogenically disturbed habitats and no badger records were received during the background data search, badger presence within the site is not considered likely. However, standard best practice measures for avoiding mammal entrapment should be followed as detailed within **Section 5** of this report.

4.4 Bats

The woodland and associated edge habitats provide opportunities for bat foraging and commuting areas with connectivity through the wider landscape provided by linear features such as afforested road verges, riparian woodlands, linear woodland corridors and parks. The mature trees around the site provide suitable foraging and commuting sites for edge and open-habitat specialist species. The site is therefore concluded to be of high value to commuting and foraging bats.

Seven trees within the site were judged to potentially contain features which may be of value for roosting bats of which two provide moderate suitability, and one high suitability. These are detailed within **Table 4.1**.

Table 4.1. Assessed bat roosting potential of trees within the Bothwell Road Site.

Note	Tree tag #	Tree Species	Tree Age	Features	Bat Evidence?	Roost Potential
TN 4	2215	Goat Willow	Immature	Hazard beam from snapped leader at c. 6m.	None	Low
TN 9	2137	Oak	Over-mature	Snapped and dropped limbs resulting in rot hole features. Cracks within main stem.	None	Moderate (assumed)
TN 10	N/A	Birch	Standing Deadwood	Several woodpecker holes through standing deadwood main stem.	None	High (assumed)
TN 13	2140	Oak	Over-mature	Rot hole at c. 10m facing east from a dropped limb.	None	High (assumed)
TN 14	2142	Oak	Over-mature	Flute with rot feature at top approximately 10m up main stem facing west.	None	High (assumed)
TN 15	2063	Horse Chestnut	Standing deadwood	Flaking bark throughout with several rot holes.	None	Moderate (assumed)
TN 17	N/A	Unknown	Standing deadwood	Woodpecker holes within main stem of standing deadwood.	None	Moderate (assumed)

Trees with negligible (not noted) or low roost potential (e.g. tree with tag 2215) do not require any further survey effort prior to modification or removal in line with current best practice guidelines and so are not considered further. Trees with tags 2215, 2140, and 2142 have all been marked for removal, and the others are potentially within construction disturbance zones and therefore mandatory requirements for further consideration pertaining to bats is presented in **Section 5** of this report.

4.5 Otters

The site does not contain any flowing water courses, with the closest watercourse is the River Clyde approximately 950m to the east of the site separated by the M74 motorway, Hamilton Low Parks wetland, and Hamilton Park Racecourse from the site. These are likely significant barrier for otter transit. Therefore, otter are not considered likely to utilise the site, nor to be affected by the proposals. Consequently, otter are not considered further.

4.6 Water Vole

The site does not contain any flowing water courses, with the closest watercourse is the River Clyde approximately 950m to the east of the site separated by the M74 motorway, Hamilton Low Parks wetland, and Hamilton Park Racecourse from the site. These are likely significant barrier for water vole transit. Furthermore, the site sits outside of the known range for fossorial water voles and their presence would be unlikely owing to the habitats within the site. Therefore, water vole are not considered likely to utilise the site, nor to be affected by the proposals. Consequently, water vole are not considered further.

4.7 Birds

The woodland habitats within the site offer opportunities for common species which construct suspended nests within branches of trees such as magpie or woodpigeon with some suitable cavities for cavity-nesting species such as blue or great tits. Nests for woodpigeon, magpie, and long-tailed tit were found during the site visit (TNs 1, 3, 6, 7, 8, & 11), and numerous common bird species were singing to maintain territory suggesting that they may proceed to nest within the site. During the site visit, thirteen species were observed as listed in **Table 4.2**.

Table 4.2. Bird species observed within the Site during the PEA Survey.

Species common	Species Latin	Designations
Woodpigeon	<i>Columba palumbus</i>	N/A
Goldfinch	<i>Carduelis carduelis</i>	N/A
Coal tit	<i>Periparus ater</i>	N/A
Carrion crow	<i>Corvus corone</i>	N/A
Robin	<i>Erithacus rubecula</i>	N/A
Great tit	<i>Parus major</i>	N/A
Long-tailed tit	<i>Aegithalos caudatus</i>	N/A
Goldcrest	<i>Regulus regulus</i>	N/A
Magpie	<i>Pica pica</i>	N/A
Chaffinch	<i>Fringilla coelebs</i>	N/A
Blue tit	<i>Cyanistes caeruleus</i>	N/A
Great spotted woodpecker	<i>Dendrocopos major</i>	N/A
Wren	<i>Troglodytes troglodytes</i>	N/A

As suitable nesting habitat is likely to be lost to the current proposals, bird nests or nest sites may be damaged or destroyed. Consequently, requirements and recommendations for progression with these proposals are presented in **Sections 5 and 6** of this report.

4.8 Amphibians

There are no ponds within the site nor to a buffer of 50m from the Site for amphibian breeding. However, the terrestrial habitats would facilitate summer and autumn foraging as well as winter hibernation. No records of great crested newt were received during the Background data Search. However, recommendations for habitat creation to benefit widespread amphibians are presented within **Section 6** of this report.

4.9 Reptiles

Reptile presence is not considered likely largely on account of the habitat types within the site not being typically associated with reptile presence and subject to high levels of anthropomorphic disturbance that the site experiences. Consequently, reptiles are not considered likely to be affected or utilise the site in the future and so are not considered further.

4.10 Non-Native Species

There are several stands of rhododendron present within the site (TNs 2, 16, & 18). This species is a legally controlled species in Scotland, and it would be an offence to spread or cause to spread this plant during the development process. Consequently, there are requirements regarding these species in **Section 5** of this report.

There was also grey squirrel within the site. However, this species naturally moves when disturbed and though there are legal implications of releasing this species, there are fewer restrictions with regards to working in vicinity of live squirrels.

4.11 Terrestrial Invertebrates

The habitats within the site likely support a varied assemblage of terrestrial invertebrates owing to the age class and structure of the woodland including standing deadwood. As these habitats possibly support an invertebrate assemblage of conservation note, there are recommendations for invertebrates presented within **Section 6** of this report.

4.12 Fish and Fish Habitats

The site does not contain any flowing water courses, with the closest watercourse is the River Clyde approximately 950m to the east of the site separated by the M74 motorway, Hamilton Low Parks wetland, and Hamilton Park Racecourse from the site. Therefore, fish and their habitats are not considered to be affected by the proposals and are not considered further.

5 Mandatory Requirements

This section includes all identified requirements for progression with this project based on the data collected during the PEA. Where there is any doubt about the practicality of the mandatory requirements presented below, advice should be sought from a suitably qualified ecologist.

5.1 Badgers

There is an assessed low possibility that badger may pass through the site when dispersing throughout the wider landscape. Consequently, it is a **mandatory requirement** that any open excavations which are created as part of the works should be provided with a slope of no greater than 45° to ensure that any mammals which may become entrapped whilst moving through the landscape are able to escape. Where mammal entrapment occurs, all works should stop and the advice of a suitably qualified ecologist should be sought immediately.

5.2 Bats

Six trees within the site (TNs 9, 10, 13, 14, 15, & 17) have been identified to potentially provide moderate and high bat roosting potential. This would impose **mandatory requirements** for further survey effort to establish whether these are roosting sites prior to the commencement of any tree felling or removal, or indeed prior to the granting of planning permission. However, as these features could not be assessed from ground level it is **recommended** that they are inspected by use of a “polekam” or a ladder and endoscope by a licensed bat worker. This would do one of two things: Enable re-classification of the roost to a different suitability category (e.g. by confirming that the cavity is wet, small, open or otherwise unsuitable); and could confirm roosts are present which could facilitate impact assessment for planning. Ladder and polekam assessments can be undertaken at any time of year and in any weather conditions, unlike the nocturnal presence/absence surveys undertaken with bat detectors during the summer months.

5.3 Birds

As active birds nests are protected by law from destruction, it is a **mandatory requirement** that measures be put in place to safeguard nesting birds during vegetation clearance as part of these proposals. To achieve this, it is **recommended** that vegetation clearance works be completed outwith the nesting bird season (e.g. outwith March to August inclusive). However, if the works programme cannot be amended to facilitate this, it is **suggested** that a pre-works check for nesting birds be undertaken no more than 48 hours prior to works. If active nests were found, there would be **no other option** but to delay works until nests have fledged chicks which could be a period of up to ten weeks.

5.4 Non-Native Species

It is a **mandatory requirement** that all invasive non-native species not be spread or caused to spread. Consequently, it is **recommended** that this be achieved by demarking the stands of rhododendron to a buffer of 7m around the patches and that no works are undertaken within the 7m buffer as this may cause the plants to be spread throughout the site and wider ecosystem. It is further **recommended** that the works be fully de-risked by employing a suitably qualified contractor to eradicate all invasive weeds from the site.

6 Recommendations

This section includes all identified recommendations for progression with this project based on the data collected during the PEA. Where there is any doubt about the practicality of the recommendations presented below, advice should be sought from a suitably qualified ecologist.

6.1 Habitats

There is a general presumption against the loss of woodland cover in the Scottish Planning System and it is **recommended** that the area of trees which are proposed to be lost should be re-planted in an appropriate land parcel elsewhere. For these to be of the highest benefit to biodiversity, it would be prudent to incorporate native species. The Woodland Trust can supply immature trees and shrubs and it is suggested that a mix of species should be introduced which includes some of these below. Wherever possible, trees sourced should be of local provenance to ensure that genetic lineages locally are maintained.

Trees/Shrubs – suggested planting mix

- Silver birch *Betula pendula*,
- Alder *Alnus glutinosa*,
- Hazel *Corylus avellana*,
- Rowan *Sorbus aucuparia*,
- Holly *Ilex aquifolium*,
- Hawthorn *Crataegus monogyna*,
- Blackthorn *Prunus spinosa*,
- Crabapple *Malus sylvestris*,
- Wild cherry *Prunus avium*, and
- Goat willow *Salix caprea*.

Furthermore, it would be prudent to increase the biodiversity value of the existing woodland by the introduction of native floral species to the ground layer, it is **recommended** that this be the “woodland mix” from Scotia Seeds, alternatively locally harvested seeds of local provenance would be advantageous to maintain the genetic lineages of those species locally.

6.2 Flora

As the species list for the site is not thorough on account of the prevailing weather conditions at the time of the survey visit, it is **recommended** that an updated flora list for the site be collected during the summer months (between April and September inclusive).

6.3 Bats

It is **recommended** that wherever possible, trees and linear features (e.g. tree lines and hedgerows) within and adjacent to the site be maintained, as these are typically used by bats as a means of moving through the landscape which would be a positive measure to help conserve bats within the Site and wider landscape.

It is further **recommended** that during lighting design, any exterior lighting be avoided or be low-level, motion-sensitive or alternatively able to be switched on and off; be directional to minimise the light spill beyond the area that it is intended to illuminate; and which avoids semi-natural habitats. Artificial lighting is harmful to wildlife by altering circadian rhythms as well as altering the availability and spatial spread of resources. Guidance on artificial lighting design which would be bat and wildlife friendly is available from the Bat Conservation Trust²⁰.

²⁰ <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>

6.4 Birds

The incorporation of bird boxes into the development is **recommended**. This may include traditional cavity boxes installed within woodland or hedgerows within the site or potentially sparrow or swift boxes included within the design of any buildings on the site. This would increase the value of the site for birdlife.

6.5 Amphibians

It is recommended that the value of the site be enhanced for amphibians by inclusion of suitable planting within the proposed pond and wetland area within the landscaping works associated with the proposals. This **recommended** action would also benefit a variety of other species including invertebrates and birds.

6.6 Terrestrial Invertebrates

It is **recommended** that a suitably qualified invertebrate ecologist be commissioned to undertake, at minimum, an initial invertebrate site assessment survey to ascertain the likelihood of their being a species, or an assemblage of species, of conservation note within the site.

Wherever possible, it is **recommended** that the plant assemblage of the site should be retained or, if lost, should be replaced like-for-like in a nearby land parcel and improved with further introduction of native floral species to promote a varied and healthy pollinator assemblage.

6.7 General Biodiversity Enhancements

The character of the site could be further improved for biodiversity through the implementation of the following measures:

- Installation of hedgehog boxes within the landscaping would encourage uptake of the site by hedgehogs. These boxes should be in a quiet area not subject to human or vehicular traffic, should face away from the prevailing wind conditions and be out of direct sunlight. A siting beneath existing or freshly planted shrubs would suffice. The boxes should include an opening of approximately 13cm x 13cm in diameter and should include an internal "baffle" with a sharp turn to prevent access from predatory species such as foxes or cats. Uptake of these boxes can be further increased by ensuring that there are suitable gaps (of 13 x 13cm) beneath fencing instated around the new structure.
- Log piles instated within the site would provide suitable habitat for amphibians as well as for invertebrate species including saprophytic species such as beetle larvae. These should be instated within a sunny spot and within landscaping measures. Where possible, log piles should seek not to be too tightly piled to ensure there are gaps or varying sizes to create a number of different microclimates which would suit a wider variety of species. These may need to be regularly replaced.
- Insect Hotels including solitary bee houses could be instated within the new landscaping, in a sunny area next to suitable invertebrate foraging (e.g. wildflower planting). This would serve to increase the available habitat for invertebrate species and would in turn benefit the wider ecosystem through provision of additional ecological functions and through increased food resource for predatory species.

Appendix A: Figures

Figure 1: Designated Sites.



- Key
- Site Boundary
 - Site Boundary - 2km Buffer
 - Ancient Woodland Inventory (AWI)
 - Site of Special Scientific Interest (SSSI)

Title:

Figure 1: Designated Sites

Project:

Bothwell Road Residential Development

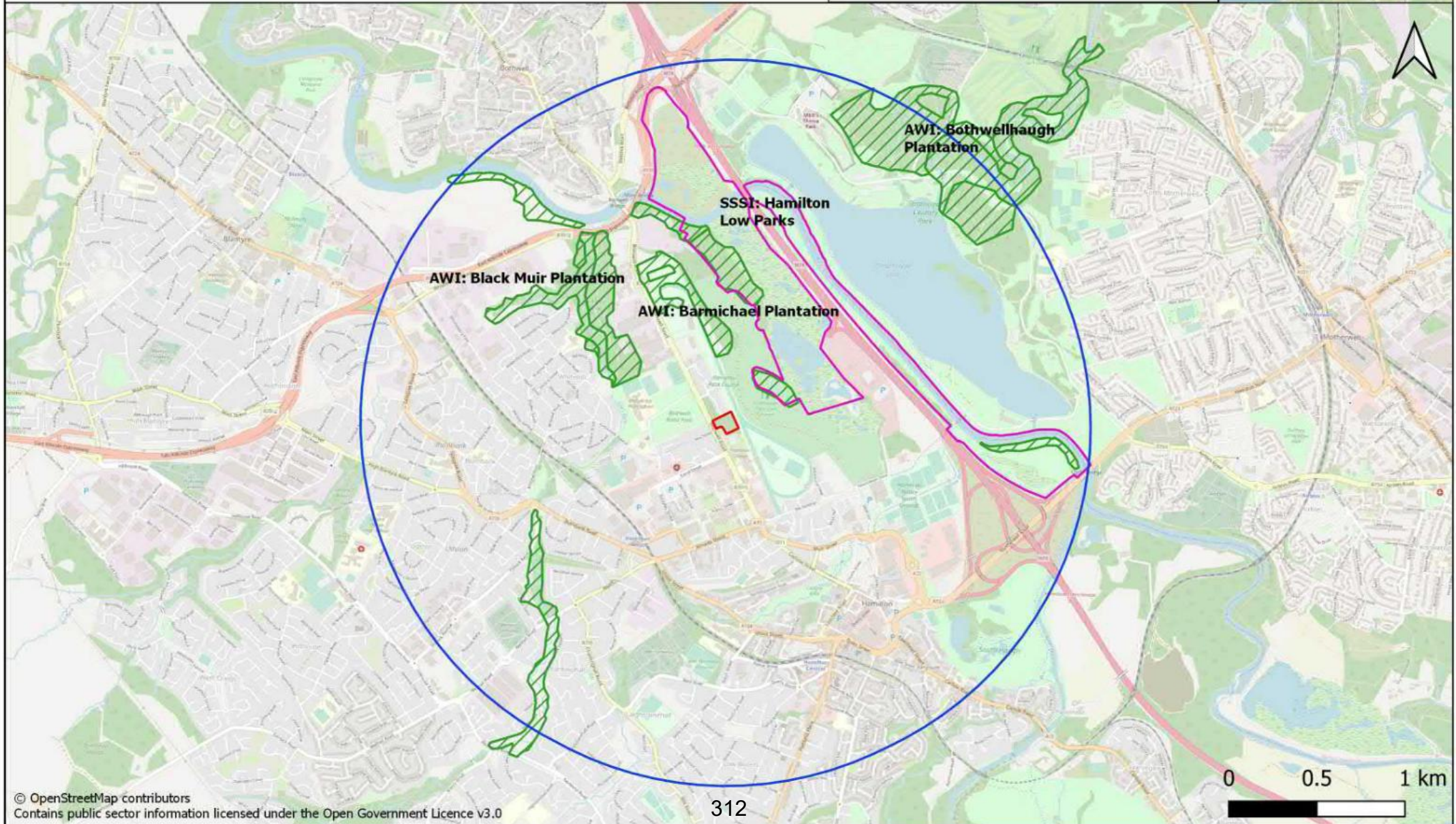


Figure 2: Background Data Search Results.



Key
[Red outline] Site Boundary
[Blue outline] Site Boundary - 2km Buffer
[Yellow dot] Background Data Search Results

AM - American Mink
BG - Barnacle Goose
BO - Barn Owl
BHG - Black-headed Gull
BF - Bullfinch
CP - Common Pipit
CS - Common Sandpiper
C - Cuckoo

DB - Doubtful's Bat
DI - Dipper
DU - Dunnock
DN - Dunnock
EGS - Eastern Grey Squirrel
GH - Giant Hogweed
GGU - Glossy Ibis
GP - Golden Plover
GW - Grasshopper Warbler
GBG - Great Black-backed Gull
GWP - Grey Plover
GWA - Grey Wagtail
GG - Grey Goose
HB - Himalayan Monal
HG - Herring Gull
HM - House Martin
IS - Iceland Gull
JK - Japanese Knotweed

K - Kestrel
L - Lapping
LT - Large Tortoiseshell
LBG - Lesser Black-backed Gull
LR - Lesser Redpoll
LTD - Long-tailed Duck
M - Mollusc
MP - Meadow Pipit
MT - Mistle Thrush
MS - Mute Swan
O - Oystercatcher
PF - Pied Flycatcher
P - Pheasant
PFG - Pink-footed Goose
R - Redstart
RB - Reed Bunting
RD - Ruddy Duck
RH - Rhododendron

RI - Ruff
SHA - Shrike
SH - Small Heath
SF - Spotted Flycatcher
ST - Song Thrush
SP - Soprano Pipit
ST - Starling
S - Stalling
SK - Skylark
SN - Snipe
SW - Swift
T - Tit
WC - Whinchat
WW - Willow Warbler
Y - Yellowhammer

Title:
Figure 2: Background Data Search Results

Project:
Bothwell Road Residential Development

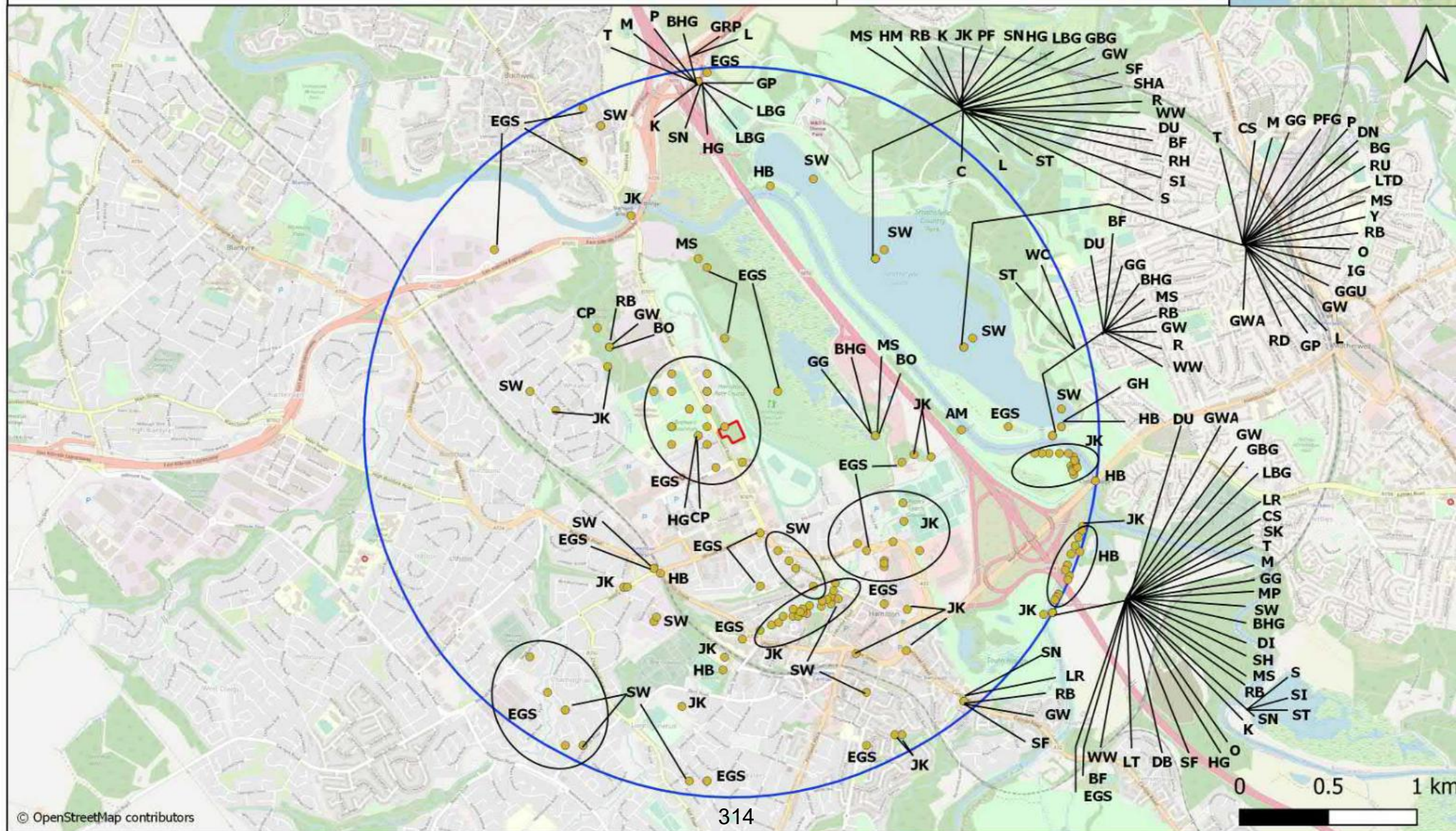


Figure 3: Phase 1 Habitat Survey Results.



Key

Site Boundary

Site Boundary - 50m Buffer

Phase 1 Habitat Survey

A1.1.1 - Broadleaved woodland - semi-natural

A1.3.2 - Mixed woodland - plantation

A2.1 - Scrub - dense/continuous

A2.2 - Scrub - scattered

A3.1 - Broadleaved Parkland/scattered trees

J1.2 - Cultivated/disturbed land - amenity grassland

J5 - Other Habitat

N/A

J2.4 - Fence

J2.5 - Wall

Target Note

Title:

Figure 3: Phase 1 Habitat Survey Results

Project:

Bothwell Road Residential Development



Appendix B: Target Notes

TN	Note
1	Woodpigeon nest.
2	INNS: Rhododendron.
3	Long-tailed tit nest.
4	Goat willow with hazard beam. Low bat roosting potential. Tag #2215.
6	Woodpigeon nest.
7	Magpie nest.
8	Magpie nest.
9	Ancient over-mature oak tree with dropped limbs exposing rotting cracks, and cracks along main stem offering potentially moderate BRP. Tag # 2137.
10	Standing deadwood birch tree with several woodpecker holes. High BRP. Tags: 0084 / 0541 / 01187.
11	Woodpigeon nest.
12	Possible bluebells.
13	Overmature oak with rot hole from dropped limb facing east at c. 10m. Assumed high BRP. Tag 2140
14	Overmature oak with flute at c.10m facing west. High BRP. Tag: #2142
15	Standing dead chestnut with flaking bark and rot holes offering possibly moderate BRP. #2063
16	INNS: Rhododendron.
17	Standing deadwood with woodpecker holes. Moderate BRP. No tag.
18	INNS: Rhododendron.

Appendix C: Photographs

Note	Image
Images showing the general character of the site and its immediate surrounds. The area currently proposed for construction of 2no. dwellinghouses is dominated by immature woodland comprising mainly goat willow and birch with hawthorn scrub. However, immediately adjacent to this is a mature woodland with stands of very large deciduous trees which are likely decades if not centuries old.	    

Note	Image
There are several stands of invasive rhododendron within the site.	
The trees within the site offer opportunities for birds to nest, such as this long-tailed tit nest.	
There are a number of spring bulbs emerging through the ground layer at the time of the survey and it is believed that some, such as these pictured, may be bluebell.	

Note

TN 9: A particularly old and haggard oak tree which has several cracks and rot features associated with age and dropped limbs which may present with moderate bat roosting potential.

Image

Note

Image

TN15: Standing dead chestnut tree with rot holes and flaking bark offering potentially moderate BRP.



Note

Image

TN 13: Overmature oak tree with a rot hole at c.10m facing east presumed to have arisen from a dropped limb and offering potentially high bat roosting potential.



Note

Image

TN 17: Standing deadwood with woodpecker holes offering potentially moderate BRP.



Note

Image

TN14: Large flute feature at the top of overmature oak tree with assumed high bat roosting potential.



Note**Image**

Hamilton Park Racecourse and the associated habitats across the racecourse from the site showing tightly maintained amenity grassland and some transport infrastructure associated with the races.



Habitats within Hamilton College Campus in the immediate vicinity of the site showing tightly mown amenity grassland areas with stands of mature trees present as part of landscaping measures and open parking areas.



Appendix D: Background Data Attributions

Scottish Wildlife Trust (2020). The Scottish Squirrel Database. Occurrence dataset accessed through the NBNAtlas

Records provided by British Dragonfly Society Recording Scheme, accessed through NBN Atlas website.

Biological Records Centre. 11 December 2020. Bee, wasp and ant (Hymenoptera: Aculeata) records verified via iRecord.

SNH (2008). National Water Vole Database & Mapping Project (Scotland data)

Records provided by Balfour-Browne Club, accessed through NBN Atlas website.

Records provided by Database for the Atlas of Freshwater Fishes, accessed through NBN Atlas website.

Records provided by East Ayrshire Species Database , accessed through NBN Atlas website.

Records provided by Atomarine Beetle (Coleoptera) records for Britain and Ireland to 1992, accessed through NBN Atlas website.

Records provided by Mammal records from Britain from the Atlas of Mammals (1993), with some subsequent records, accessed through NBN Atlas website.

Records provided by Reports of New Zealand Flatworms in Scotland, 1989 - 2005, accessed through NBN Atlas website.

Records provided by Royal Society for the Protection of Birds, accessed through NBN Atlas website.

Records provided by Scottish Wildlife Trust, accessed through NBN Atlas website.

RISC and ALERT Marine Non-Native Species (Chinese Mitten Crab, Wakame and Carpet Sea Squirt) Records by Marine Biological Association under CC-BY
Released under DASSH terms and conditions. See <http://www.dassh.ac.uk/terms-and-conditions>

Records provided by Highland Biological Recording Group, accessed through NBN Atlas website.

Records provided by Marine Biological Association, accessed through NBN Atlas website.

Records provided by NatureScot, accessed through NBN Atlas website.

Records provided by Lacewings and allied insects records from Britain and Ireland to 1999, accessed through NBN Atlas website.

Records provided by Reptiles and Amphibians Dataset, accessed through NBN Atlas website.

Records provided by Ladybird Survey of the UK, accessed through NBN Atlas website.

NatureScot (2017). Compilation of records of 12 Article 17 terrestrial mammal species in Scotland

British Dragonfly Society Recording Scheme (2020). Dragonfly records from the British Dragonfly Society Recording Scheme

Blockeel TL, Bosanquet SDS, Hill M , Preston C (eds) 2014. Atlas of British and Irish bryophytes. Newbury: Pisces Publications.

Records provided by Mosquito Recording Scheme, accessed through NBN Atlas website.

Records provided by Invasive Non-native species data in the Clyde catchment, collated by Central Scotland Forest Trust, accessed through NBN Atlas website.

UK Caddisfly Recording Scheme (2020), Caddisfly (Trichoptera) records from Britain to December 2018

Records provided by Sepsidae (Diptera) records from Britain and Ireland to 1985, accessed through NBN Atlas website.

SNH (2020). Bat Casework records 1970-2007

Records provided by Biological Records Centre, accessed through NBN Atlas website.

Records provided by British Lichen Society, accessed through NBN Atlas website.

Records provided by British Bryological Society, accessed through NBN Atlas website.

Records provided by Clyde Breeding Bird Tetrad Atlas 1985 - 1991 - sensitive species, accessed through NBN Atlas website.

Records provided by Clyde Breeding Bird Tetrad Atlas 1985 - 1991 - non-sensitive species, accessed through NBN Atlas website.

Records provided by Scottish Ornithologists' Club, The, accessed through NBN Atlas website.

Records provided by Coccinellidae Data, accessed through NBN Atlas website.

"The following acknowledgements of copyright and database right ownership, must be included in a conspicuous position in all copies of data and outputs: ""Reproduced by permission of the Bird Conservation Targeting Project. Â© Bird Conservation Targeting Project, 2010 (a partnership between the British Trust for Ornithology (BTO), the Centre for Environmental Data and Recording (CEDaR), the Countryside Council for Wales (CCW), the Department of Agriculture and Rural Development (DARD), Forestry Commission England (FCE), Forestry Commission Wales (FCW), Forest Service (FS), Natural England (NE), Northern Ireland Environment Agency, the RSPB and Scottish Natural Heritage (SNH)). All rights reserved.""

The organisations contributing data to the project must also be acknowledged as follows: ""The Bird Conservation Targeting Project partners are grateful to the contributions of the data providers listed at www.rspb.org.uk/targeting", and to the many volunteers who collected these data."

Records provided by Water Beetle Surveys from Britain and Ireland, accessed through NBN Atlas website.

Records provided by Crane fly (Diptera; Tipuloidea) records for Britain to 2016, accessed through NBN Atlas website.

RSPB (2020) 1921-2019 Occupied Swift Nests, UK

Records provided by Central Scotland Green Network Trust, accessed through NBN Atlas website.

"The following acknowledgements of copyright and database right ownership, must be included in a conspicuous position in all copies of data and outputs: ""Reproduced by permission of the Bird Conservation Targeting Project. Â© Bird Conservation Targeting Project, 2010 (a partnership between the British Trust for Ornithology (BTO), the Centre for Environmental Data and Recording (CEDaR), the Countryside Council for Wales (CCW), the Department of Agriculture and Rural Development (DARD), Forestry Commission England (FCE), Forestry Commission Wales (FCW), Forest Service (FS), Natural England (NE), Northern Ireland Environment Agency, the RSPB and Scottish Natural Heritage (SNH)). All rights reserved.""

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Highland Biological Recording Group (2020). HBRG Insects Dataset. Occurrence dataset accessed through the NBN Atlas

Records provided by BTO, accessed through NBN Atlas website

Ground Beetle Recording Scheme. 11 December 2020. Records verified via iRecord.

RSPB (2020). 1921-2019 Swift Screaming Parties, UK

Records provided by BLS Lichen Database: Scotland 1700-2016, accessed through NBN Atlas website.

Records provided by BLS Mapping Scheme dataset, 1750-2009, accessed through NBN Atlas website.

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Records provided by East Ayrshire Countryside Ranger Service, accessed through NBN Atlas website.

Records provided by SNH Bat Casework Recording log 2016, accessed through NBN Atlas website.

Records provided by Cerambycidae Dataset, accessed through NBN Atlas website.

Records provided by British Trust for Ornithology, accessed through NBN Atlas website.

Appendix E: Legislation

European Union (Withdrawal Agreement) Act (2020)

The European Union Withdrawal Act sets out the legislative procedure that the UK will follow until a withdrawal agreement with the European Council has been reached. In respect of protected species and Sites, the legislation as set out below remains enacted as it stands until amended.

Bern Convention (1982)

The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was adopted in Bern, Switzerland in 1979, and was ratified in 1982. Its aims are to protect wild plants and animals and their habitats listed in Appendices 1 and 2 of the Convention and regulate the exploitation of species listed in Appendix 3. The regulation imposes legal obligations on participating countries to protect over 500 plant species and more than 1000 animals.

To meet its obligations imposed by the Convention, the European Community adopted the EC Birds Directive (1979) and the EC Habitats Directive (1992). Since the Lisbon Treaty, in force since 1st December 2009, European legislation has been adopted by the European Union.

Bonn Convention

The Convention on the Conservation of Migratory Species of Wild Animals or 'Bonn Convention' was adopted in Bonn, Germany in 1979 and came into force in 1985. Participating states agree to work together to preserve migratory species and their habitats by providing strict protection to species listed in Appendix I of the Convention. It also establishes agreements for the conservation and management of migratory species listed in Appendix II.

In the UK, the requirements of the convention are implemented via the Wildlife & Countryside Act 1981 (as amended), Wildlife (Northern Ireland) Order 1985, Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and the Countryside and Rights of Way Act 2000 (CRoW).

Habitats Directive

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, or the 'Habitats Directive', is a European Union directive adopted in 1992 in response to the Bern Convention. Its aims are to protect approximately 220 habitats and 1,000 species listed in its several Annexes.

In the UK, the Habitats Directive is transposed into national law via the Conservation of Habitats and Species (Amendment) Regulations 2012 in England, and Wales, and via the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended) in Northern Ireland. In Scotland, the Habitats Directive is transposed by The Conservation (Natural Habitats &c.) Regulations 1994, see below for details.

Birds Directive

The EC Directive on the Conservation of Wild Birds (79/409/EEC) or 'Birds Directive' was introduced to achieve favourable conservation status of all wild bird species across their distribution range. In this context, the most important provision is the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex 1 of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.

The Conservation (Natural Habitats, &c.) Regulations (1994) as amended in Scotland (EPS)

The Habitats Regulations 1994 (as amended in Scotland) implement the species protection requirements of the European Directive 92/43/EEC on the conservation of natural habitats (the Habitats Directive) in Scotland on land and inshore waters (0-12 nautical miles). Following a European Court of Justice ruling against the UK Member State in 2005, there have been several amendments to the Regulations which apply only to Scotland (made in 2004, 2007, 2008(a) and 2008(b)).

This regulation makes it an offence to deliberately or recklessly disturb European Protected Species. Their places of shelter are fully protected, and it is an offence to damage, destroy or obstruct access to or otherwise deny the animal use of a breeding site or resting place, whether deliberate or not. It is also an offence to disturb in a manner that is likely to significantly affect the local distribution or abundance of the species; impair its ability to survive, breed or reproduce or rear its young.

Wildlife and Countryside Act (EU Exit) (1981) and Nature Conservation (Scotland) Act (2004) (WCA-Sch*)

The Wildlife and Countryside Act (1981) is the main piece of legislation pertaining to biodiversity in the UK and forms the basis for most of the other wildlife and biodiversity legislation that has come into being over recent years. In Scotland, it was updated in 2004 by the Nature Conservation (Scotland) Act. The W&C Act makes it an offence to intentionally:

- kill, injure, or take any wild animal or bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built;
- take or destroy an egg of any wild bird;

In addition, the Act makes it an offence (subject to exceptions) to:

- intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5;
- interfere with places used for shelter or protection by a wild animal;
- intentionally disturb animals occupying such places;
- The Act also prohibits certain methods of killing, injuring, or taking wild animals.

A provision is made within the Act for the granting of licences that allow above actions to be made legal in certain situations. Finally, the Act makes it an offence to intentionally:

- pick, uproot or destroy any wild plant listed in Schedule 8; or any seed or spore attached to any such wild plant unless authorised;
- uproot any wild plant not included in Schedule 8,
- sell, offer, or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Part 14 of the Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9.

The Nature Conservation (Scotland) Act (2004) strengthens the above legislation by including reckless” acts, which means that in Scotland, not knowing about the above is not a permissible defence for committing an illegal act. This Act also strengthens the designated sites legislation by enhancing the protection for SSSIs and puts a Biodiversity Duty on every public body.

Nature Conservation (Scotland) Act 2004

The Act places duties on public bodies in relation to the conservation of biodiversity, increases protection for SSSI, amends legislation on Nature Conservation Orders, provides for Land Management Orders for SSSIs and associated land, strengthens wildlife enforcement legislation, and requires the

preparation of a Scottish Fossil Code and a Scottish Marine Wildlife Watching Code. It also amends the legislation for protected species, introducing new conditions to the 'incidental results of a lawful operation' defence for all wild birds and certain species of animal and plant.

The Act places a duty on every public body to further the conservation of biodiversity consistent with the proper exercise of their functions.

It also requires Scottish Ministers to designate one or more strategies for the conservation of biodiversity as the Scottish Biodiversity Strategy, and to publish lists of species of flora and fauna and habitats of principal importance.

Wildlife and Natural Environment (Scotland) Act 2011

This Act has brought in new provisions governing the introduction of non-native species in Scotland. Non-native species (those plants and animals which have found their way to a new habitat through human activity) can be harmful to our environment. Some non-native species may become invasive, damaging, or displacing native species.

The Protection of Badgers Act (1992)

The Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004) comprehensively protects badgers and their setts. Offences under the act include killing, injuring, or taking a badger, or to damage, destroy or obstruct setts or to disturb badgers in a sett. Licences are available for specific purposes, including development, to allow some of these actions to be carried out legally.

Scottish Biodiversity List (SBL)

The Scottish Biodiversity List is a list of animals, plants, and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. The Scottish Biodiversity List was published in 2005 to satisfy the requirement under Section C Appendix C - Legislation 2(4) of The Nature Conservation (Scotland) Act 2004.

The purpose of the list is to help public bodies carry out their Biodiversity Duty by identifying the species and habitats which are the highest priority for biodiversity conservation in Scotland. The Scottish Biodiversity List has been updated to take account of changes to the UKBAP priorities list.

656580N

656580N

Proposed **Site Layout plan** - @ 1:250

Green tone : LDP 'Green Network' designation (Policy 13),
White area : LDP 'General Urban Area' (Policy 3)



656540N

656560N

656540N

656540N

656520N

656520N

656500N

656500N

656480N

656480N

656480N

656480N

arka

ARCHITECTS

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Falkirk, FK1 1PU
Tel 01324 639228 01324 620151
Email info@arka-architects.co.uk

KEY TO TREE CLASSIFICATIONS

- 2149 A** Grade A: High Category [Retained]
- 2133 B** Grade B: Moderate Category [Retained]
- 2223 C** Grade A: Low Category [Retained]
- Root Protection Area to retained trees indicated [RPA]

ALL TREES WITHIN ARC TO BE RETAINED

REFERENCED TREES IN THIS AREA TO BE RETAINED



Proposed Contextual **Elevations** - @ 1:250

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SCALE 1:250 @ A1 : 1:500 @ A3

0 5m 10m

REVISIONS

Rev A	07/12/20	Ground plans amended
Rev B	14/12/20	Elevations added
Rev C	18/12/20	Layout and Elevations Updated
Rev D	21/12/20	Layout Updated
Rev E	05/01/21	External terrace added
Rev F	01/03/21	Access and bin details added
Rev G	26/06/21	Plan layouts altered
Rev H	30/06/21	Basement added & plan revs.

PLANNING

Project Project Number

BOTHWELL ROAD 0891

HAMILTON

Drawing

SITE LAYOUT PLAN

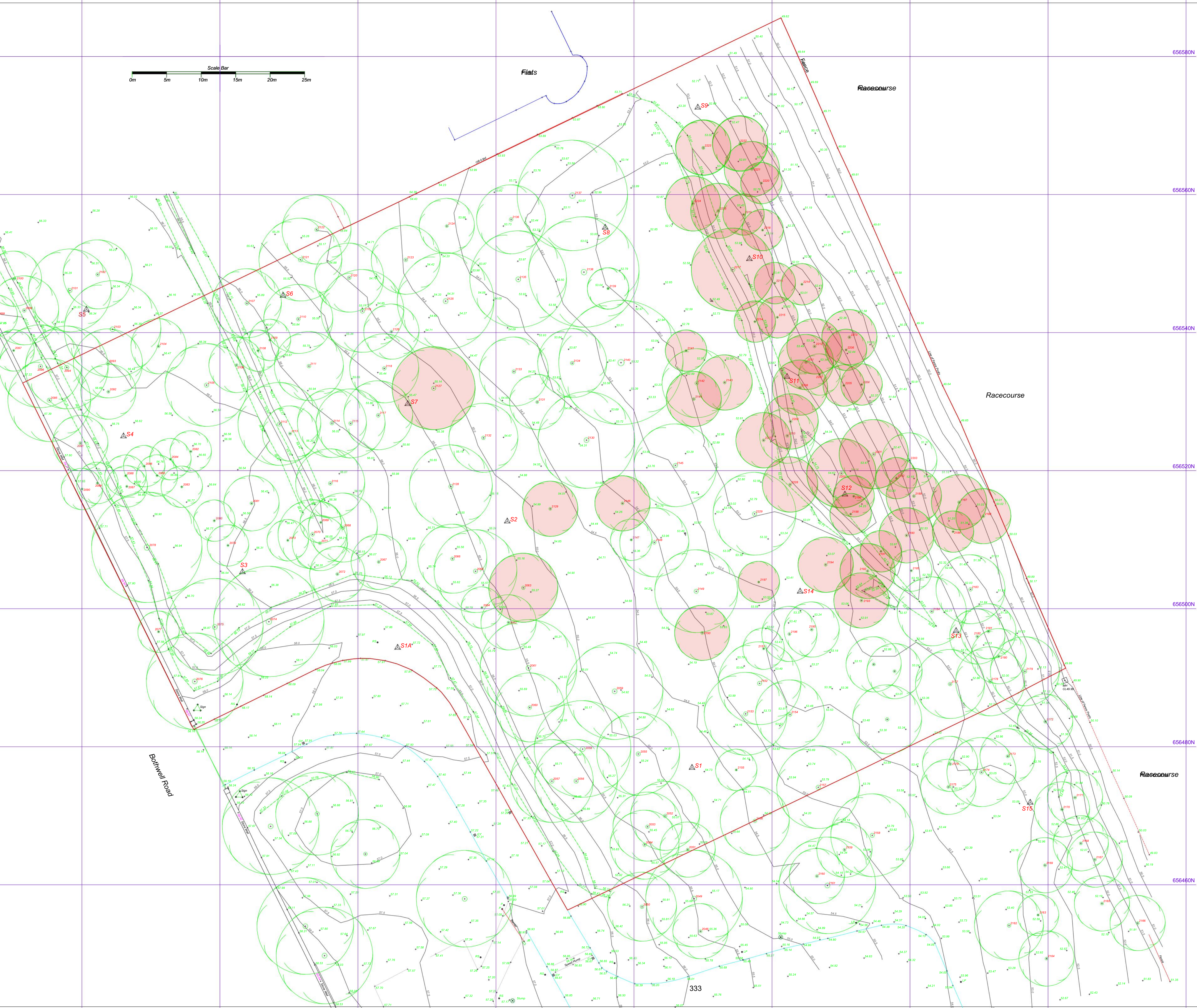
Scale Drawn by

Quoted @ A1 AT

Dwg Number Revision

PP-02

H



arka

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Tel 01324 639228 01324 620151
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KEY TO TREE CLASSIFICATIONS

- 2149
A Grade A: High Category
- 2133
B Grade B: Moderate Category
- 2223
C Grade A: Low Category
- +REF Removed Trees

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SCALE 1:250 @ A1 : 1:500 @ A3
5m 10m

REVISIONS

Rev A 26/06/21 Tree removals reduced

PLANNING

Project Project Number

BOTHWELL ROAD 0891

HAMILTON

Drawing

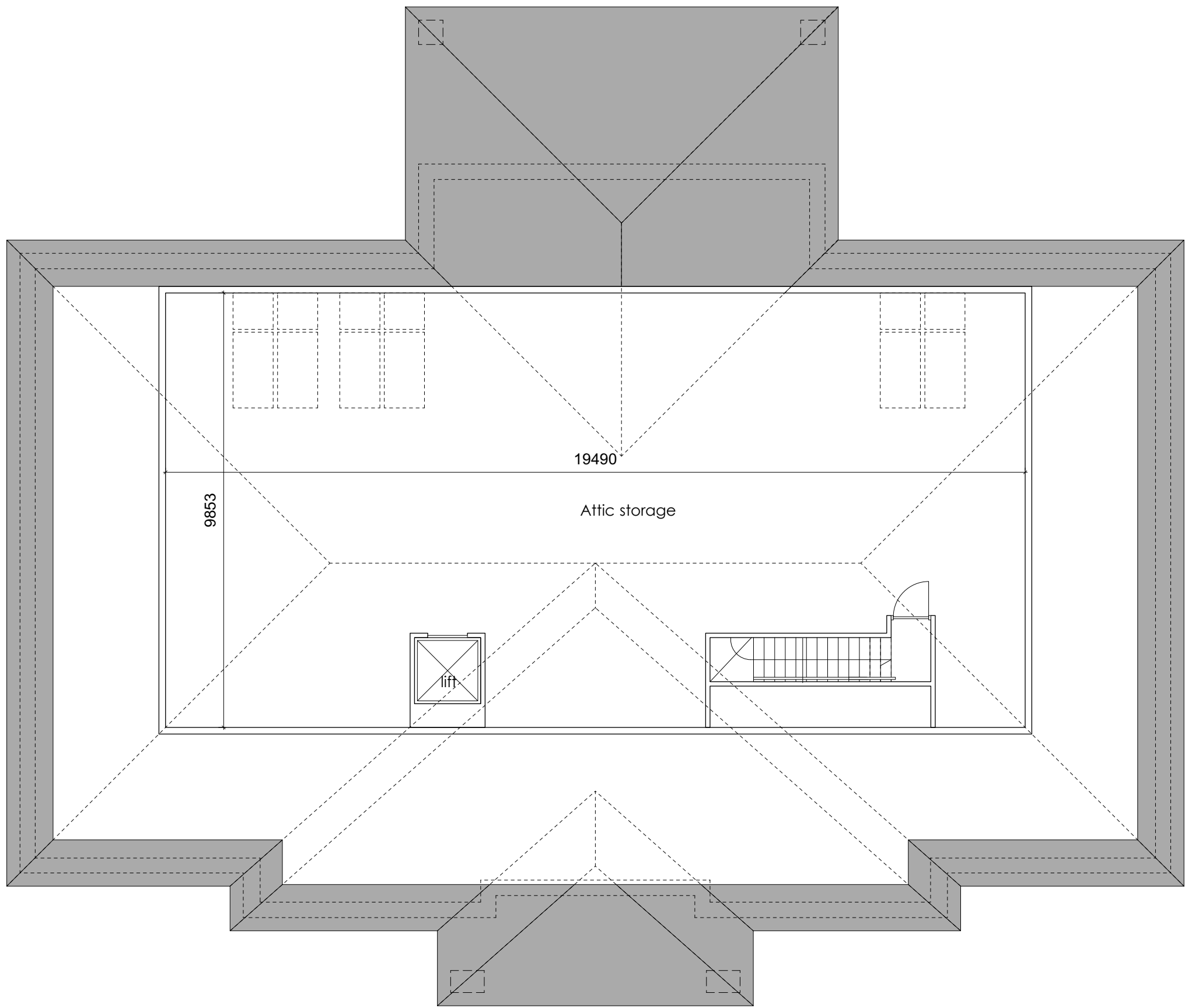
TREE AND GENERAL SURVEY PLAN

Scale Drawn by

Quoted @ A1 AT

Dwg Number Revision

PP-03 A

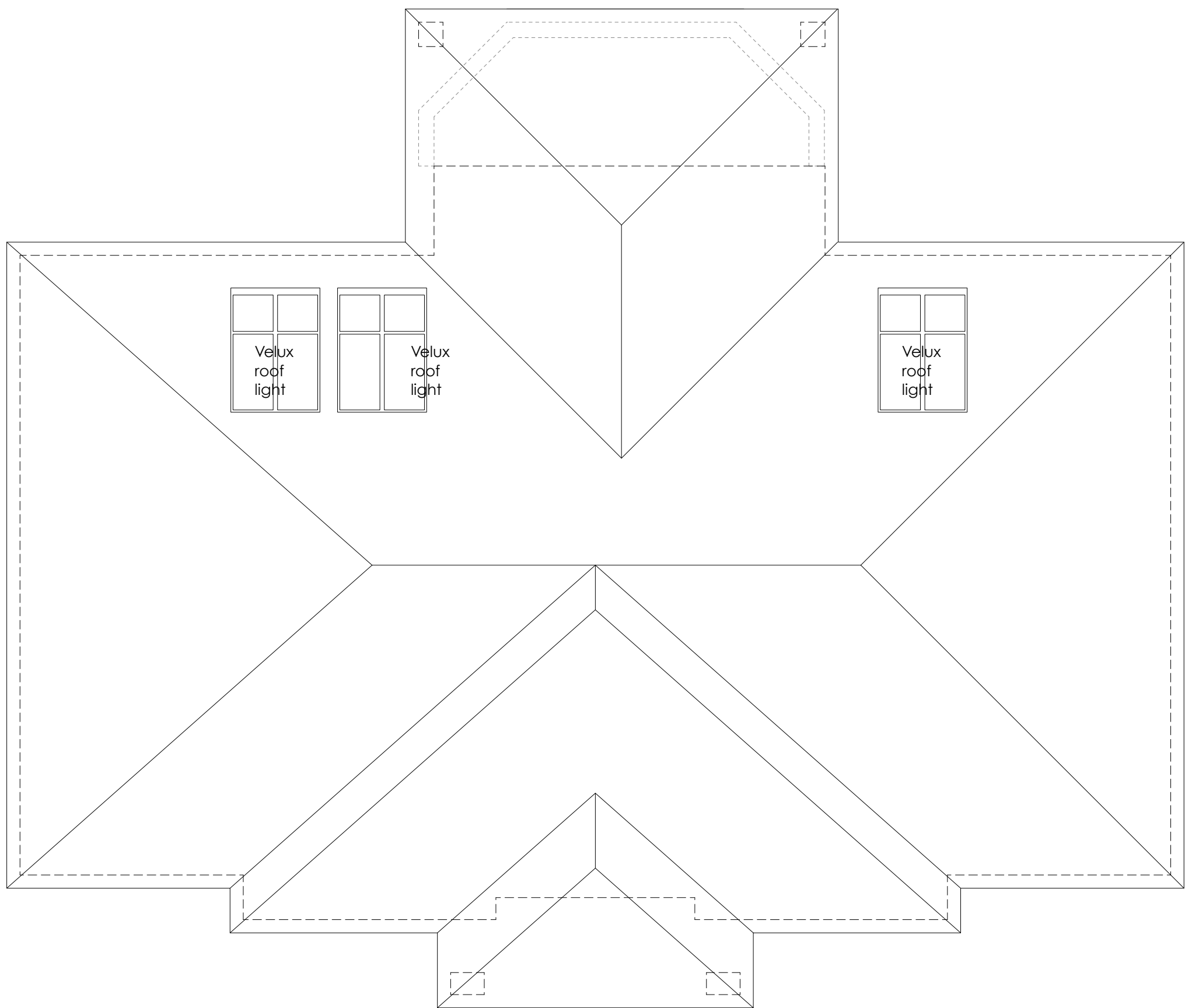


Proposed **Attic plan** - @ 1:100

Dwelling 1



Dwelling 2 to be mirrored version of above



Proposed **Roof plan** - @ 1:100

Dwelling 1



Dwelling 2 to be mirrored version of above

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SCALE 1:100 @ A1 : 1:200 @ A3
0 5m

REVISIONS

Rev A	26/06/21	Dwellings reduced
Rev B	30/06/21	Plan revs.

PLANNING

Project Project Number

BOTHWELL ROAD 0891

HAMILTON

Drawing

ATTIC & ROOF PLANS: DWELLING No. 1

Scale Drawn by

Quoted @ A1 AT

Dwg Number Revision

PP-06

B



Proposed **West Elevation** @ 1:100

F R O N T

Dwelling 1

Dwelling 2 to be mirrored version of above

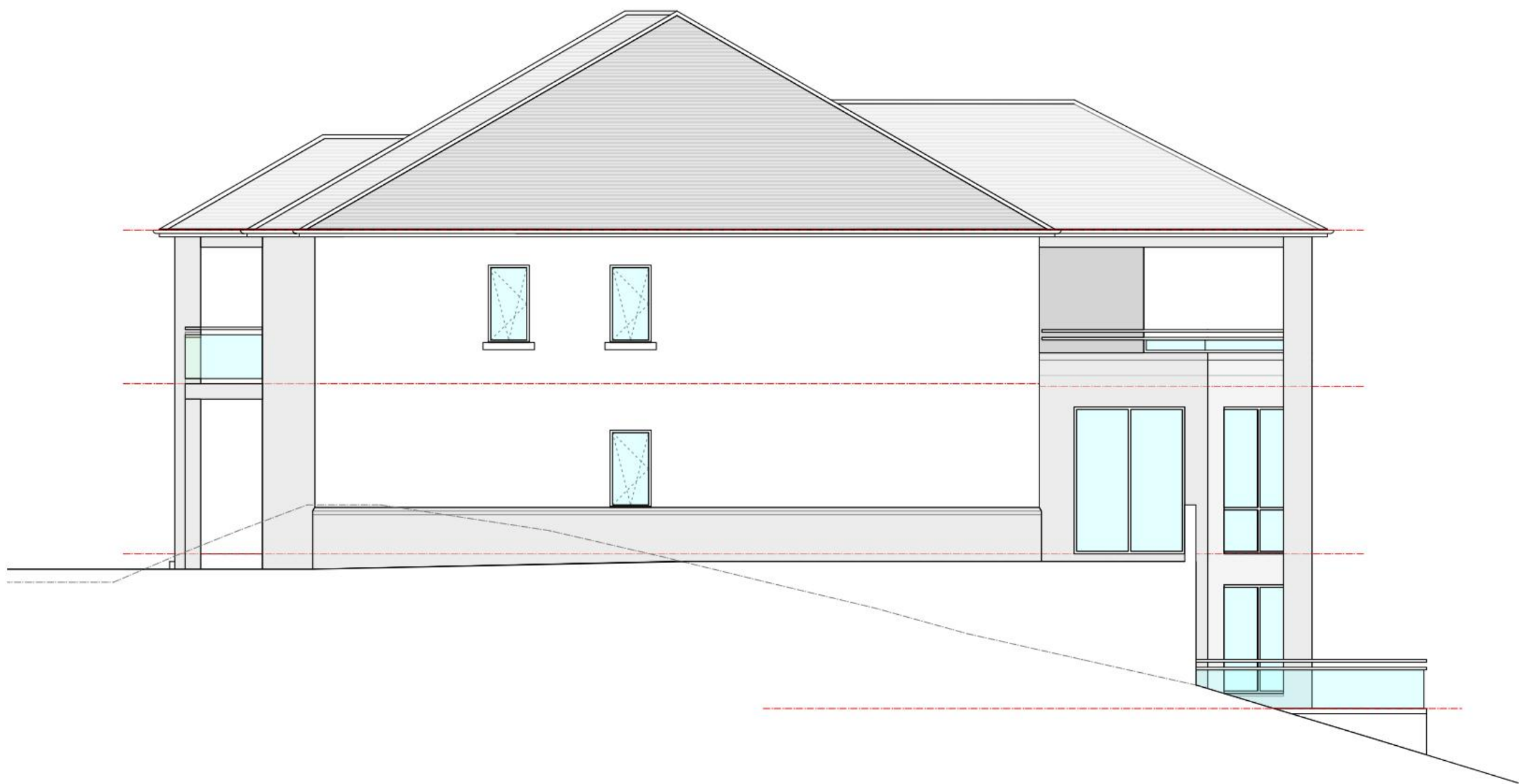


Proposed **East Elevation** @ 1:100

R E A R

Dwelling 1

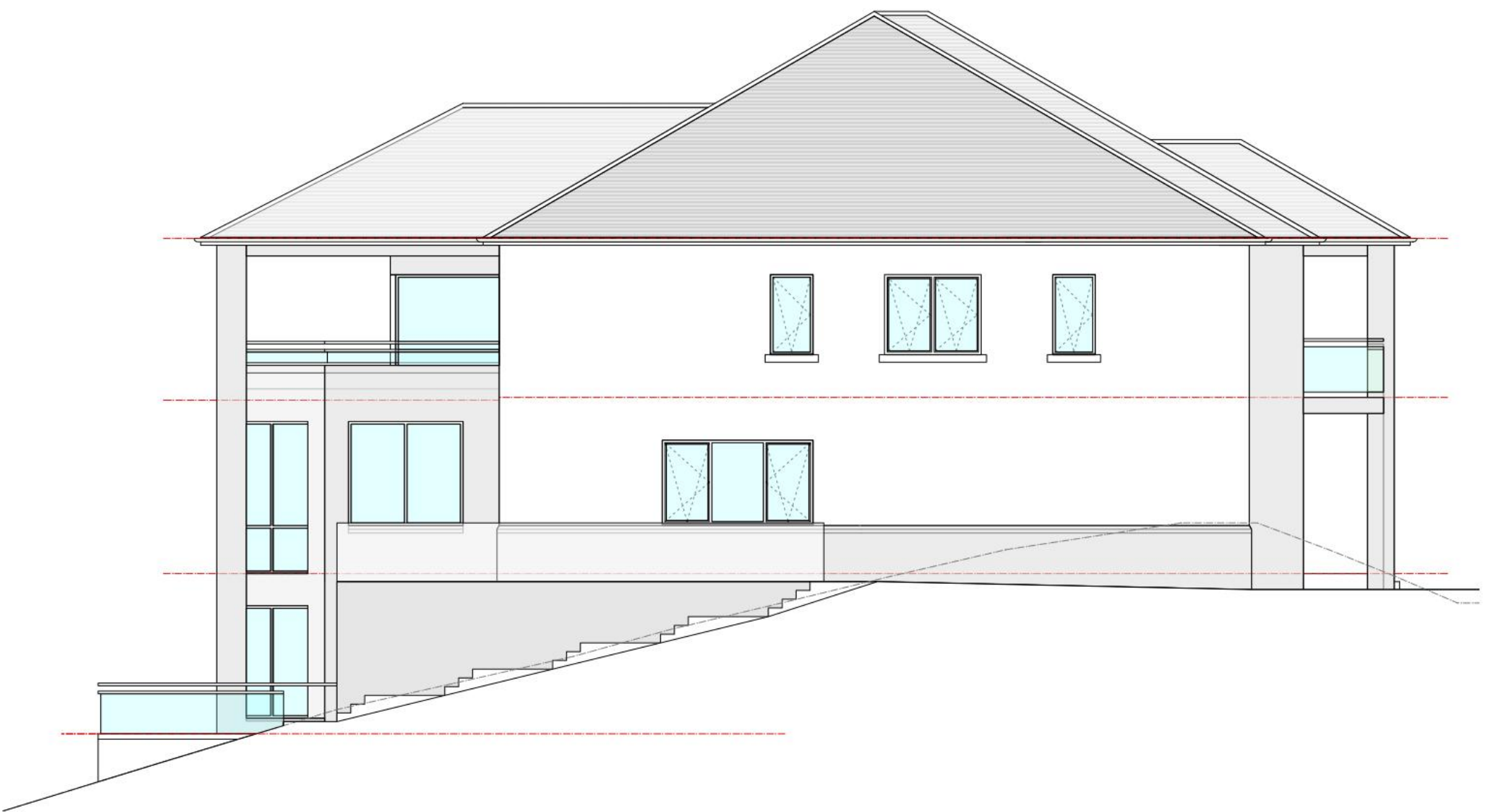
Dwelling 2 to be mirrored version of above



Proposed **South Elevation** @ 1:100

Dwelling 1

Dwelling 2 to be mirrored version of above



Proposed **North Elevation** @ 1:100

Dwelling 1

Dwelling 2 to be mirrored version of above

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SCALE 1:100 @ A1 : 1:200 @ A3
0 5m

REVISIONS

Rev A	18/12/20	Revised Elevations
Rev B	05/01/21	External terrace added
Rev C	26/06/21	Dwellings reduced
Rev D	30/06/21	Basement added & elevation revs.

PLANNING

Project Project Number

BOTHWELL ROAD

0891

HAMILTON

Drawing

ELEVATIONS

Scale

Quoted @ A1

Dwg Number

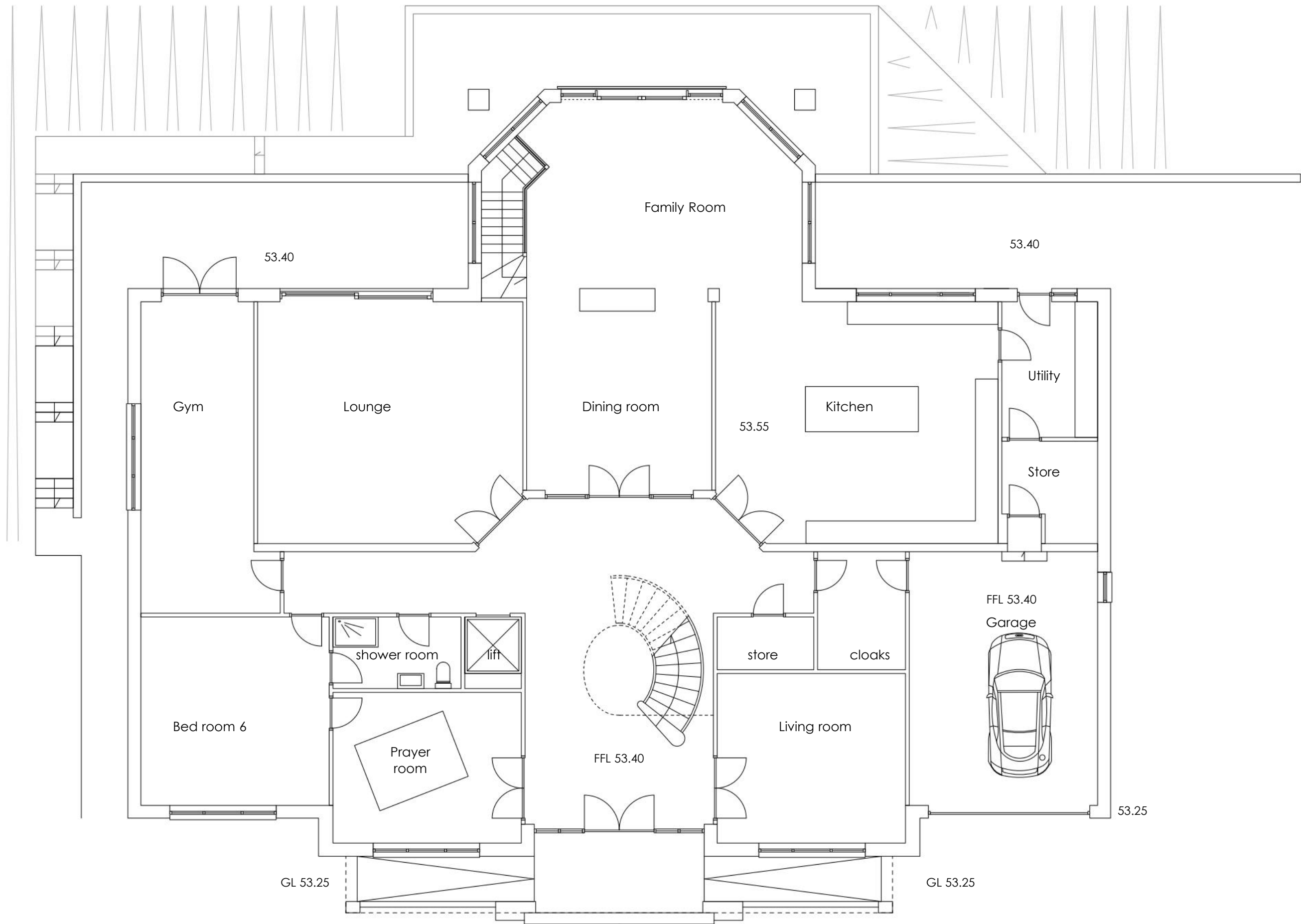
PP-05

Drawn by

AT

Revision

D

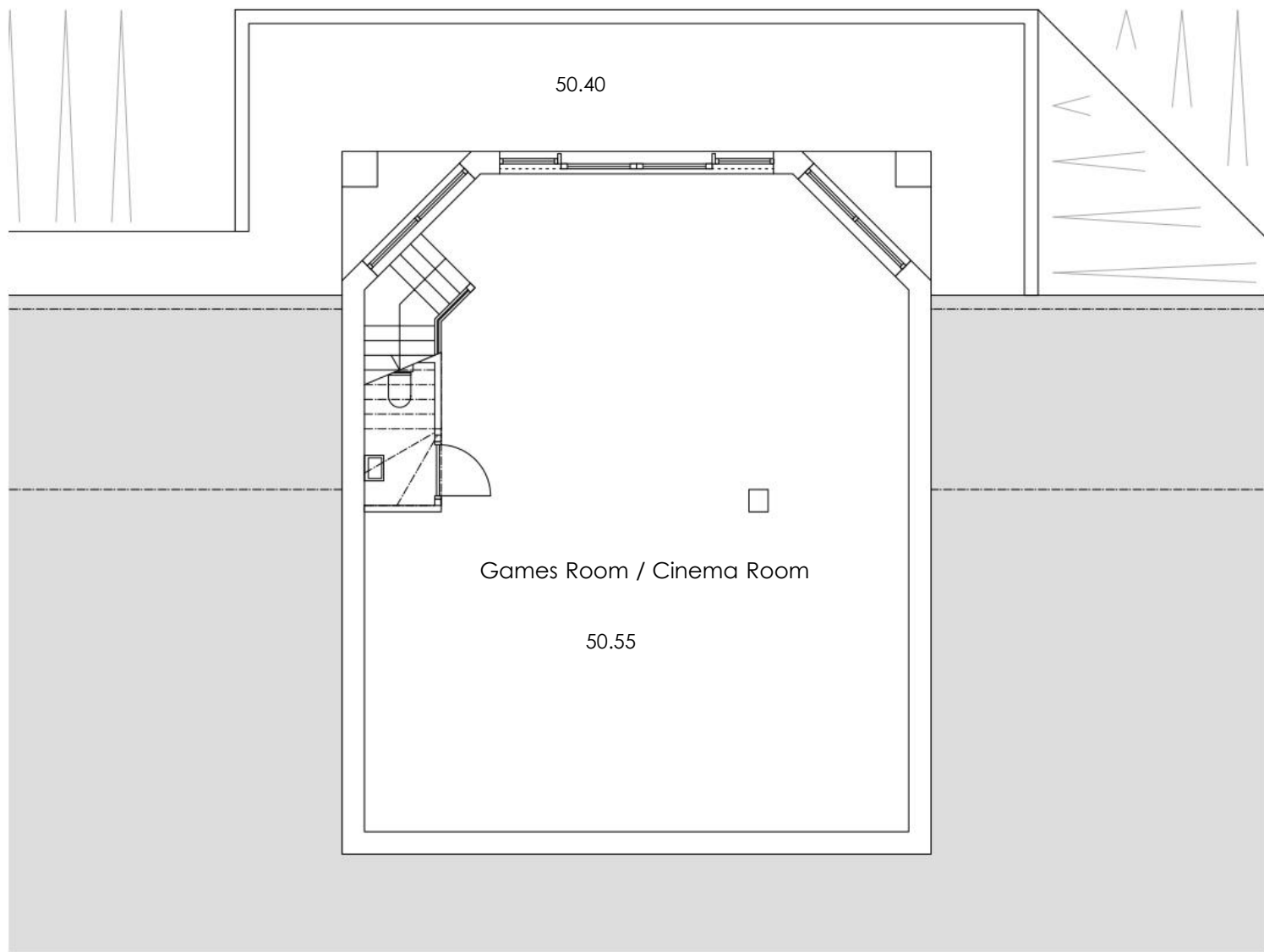


Proposed **Ground floor plan** - @ 1:100

Dwelling 1



Dwelling 2 to be mirrored version of above

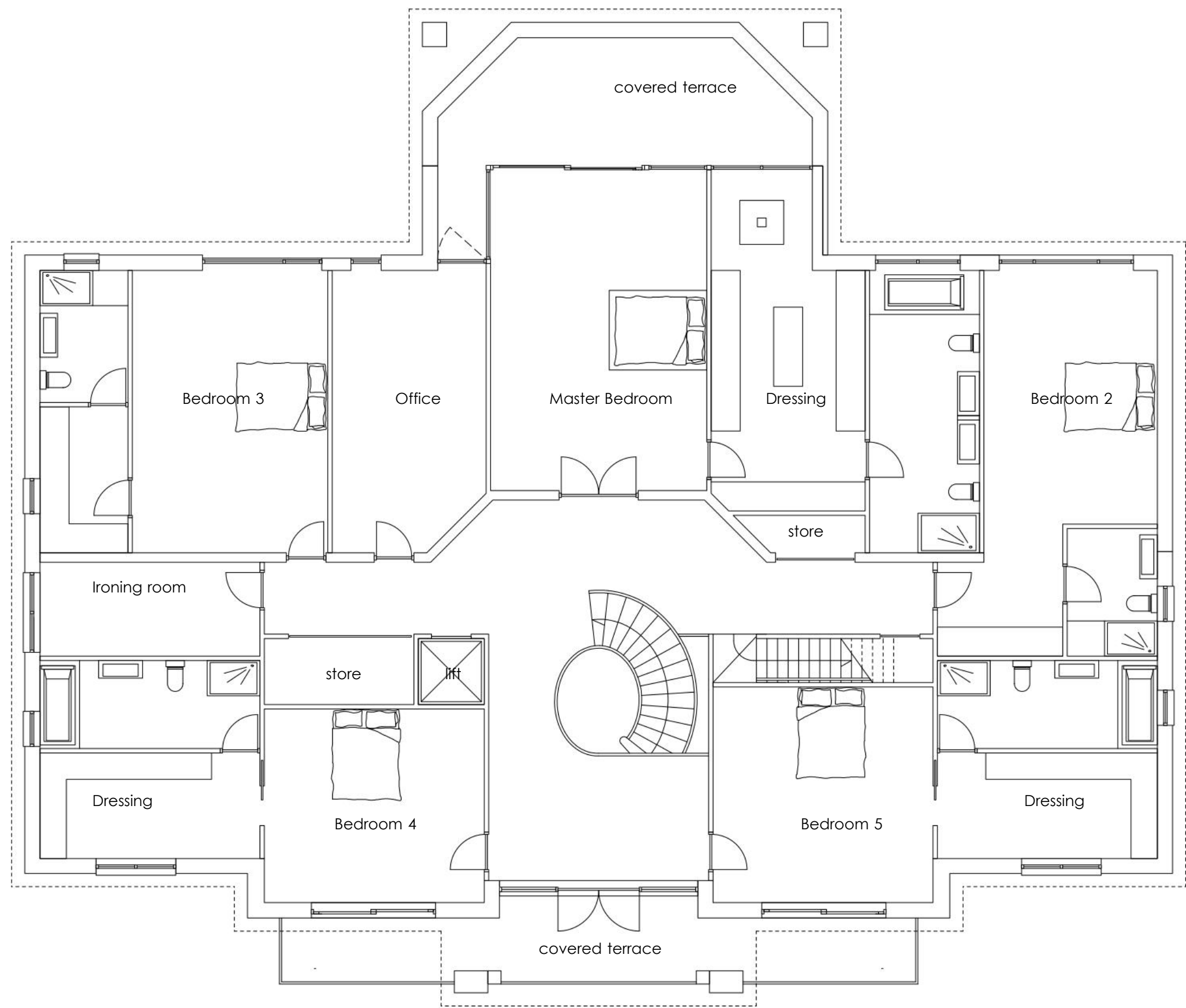


Proposed **Basement floor plan** - @ 1:100

Dwelling 1



Dwelling 2 to be mirrored version of above



Proposed **1st Floor plan** - @ 1:100

Dwelling 1



Dwelling 2 to be mirrored version of above

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SCALE 1:100 @ A1 : 1:200 @ A3
0 5m

REVISIONS

Rev A	10/12/20	Revised plans
Rev B	18/12/20	Revised plans
Rev C	21/12/20	Revised plans
Rev D	05/01/21	Revised plans
Rev E	26/06/21	Dwellings reduced
Rev F	30/06/21	Basement added & plan revs.

PLANNING

Project Project Number

BOTHWELL ROAD 0891

HAMILTON

Drawing

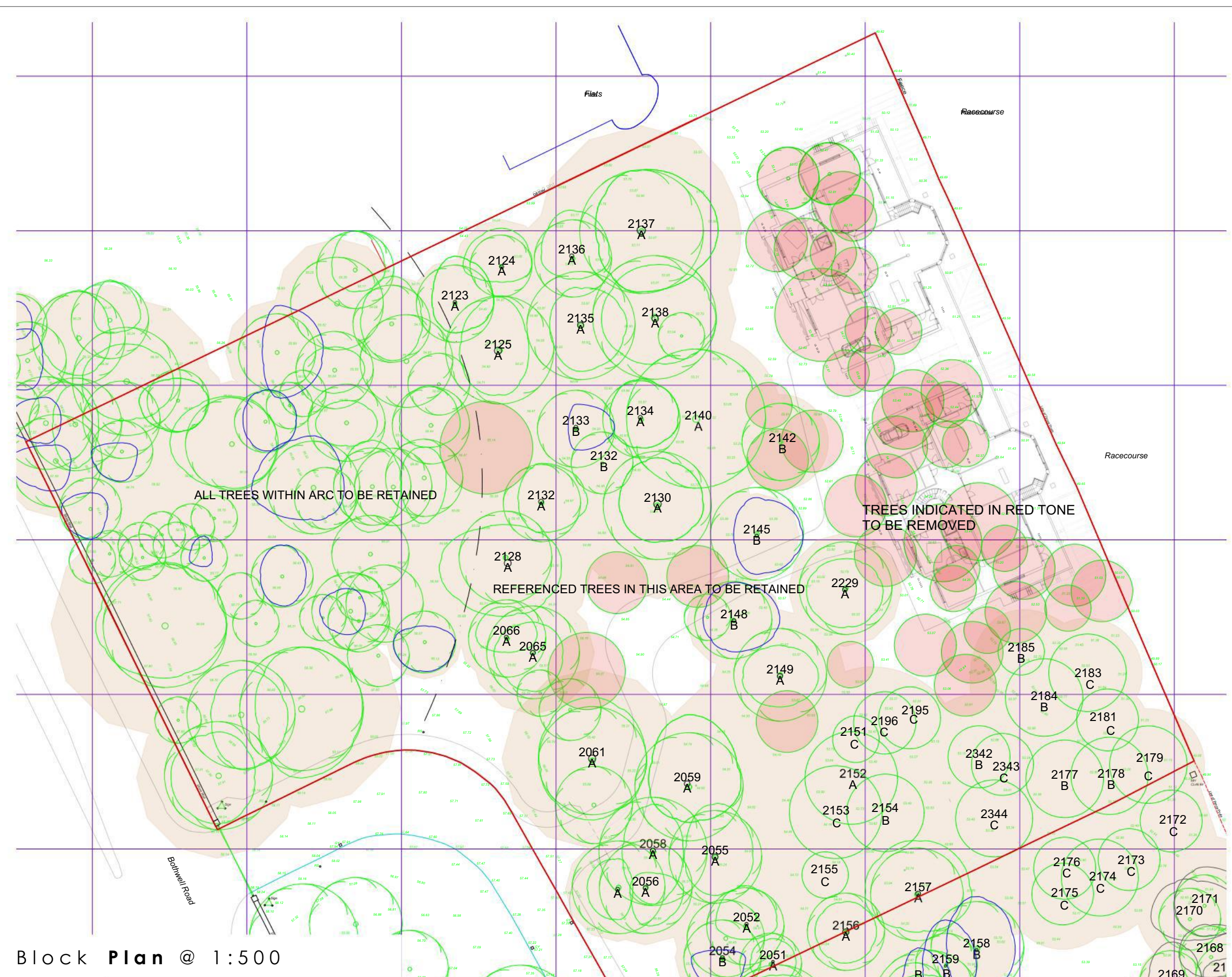
FLOOR PLANS: DWELLING No. 1

Scale Drawn by

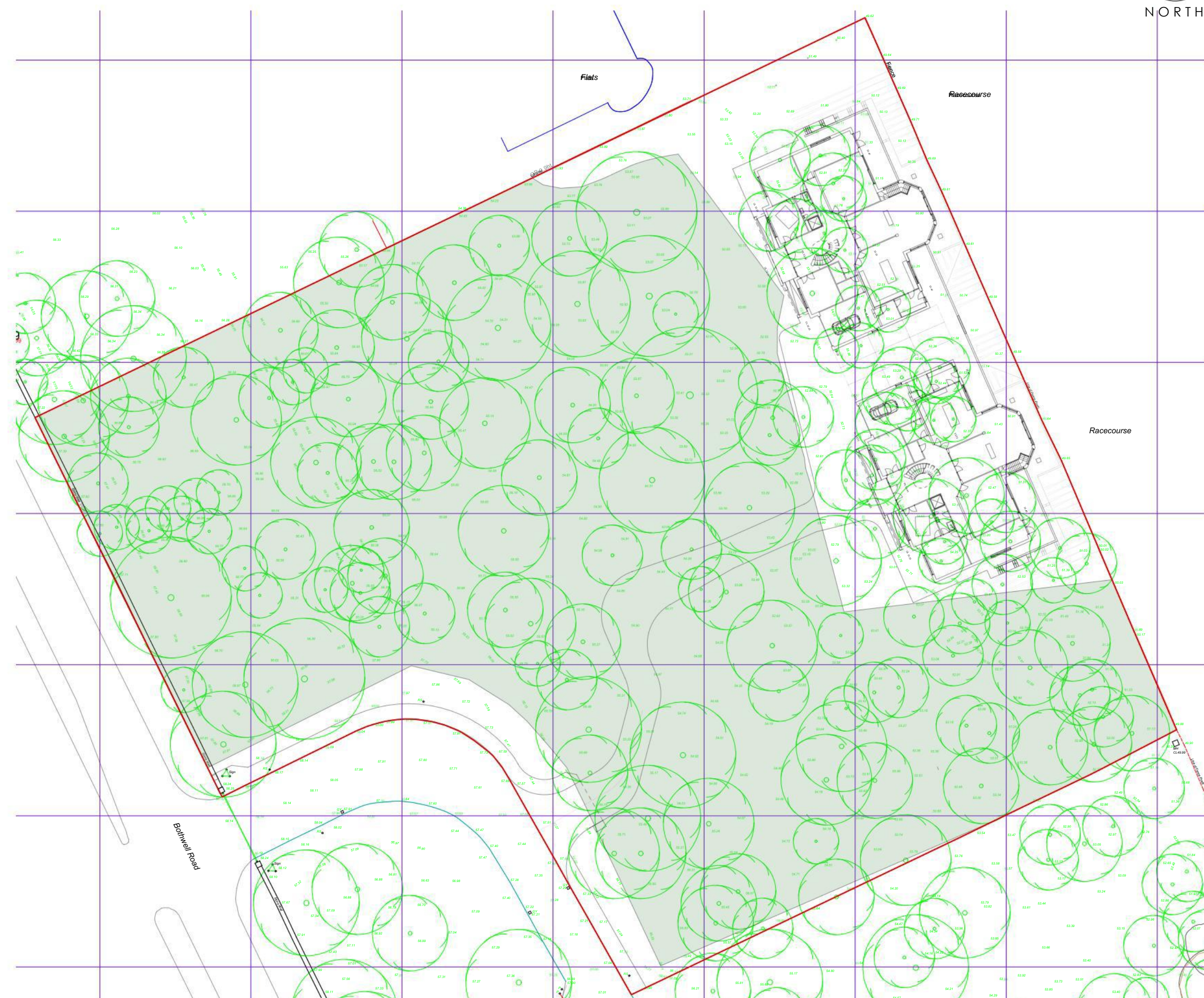
Quoted @ A1 AT

Dwg Number Revision

PP-04 F



Proposed dwelling footprints with retained trees with RPA shown and removed trees indicated in red. Refer to 'Tree Survey Report Rev July 2021' for details of proposed tree removals

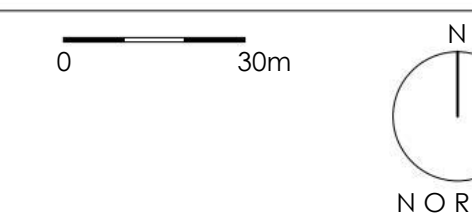


Block **Plan** @ 1:500

Tree survey with proposed dwelling footprints overlaid
Green tone indicates LDP 'Green Network' designation (Policy 13),
White area : General Urban Area (Policy 3)



Location **Plan** @ 1:1250

Block **Plan** @ 1:500

Dwelling footprints with Root Protection Areas of retained trees overlaid

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SCALE 1:500 @ A1 : 1:1000 @ A3



REVISIONS

Rev A	07/12/20	Ground plans amended
Rev B	18/12/20	Ground plans amended
Rev C	05/01/21	External works added
Rev D	26/06/21	Dwellings moved
Rev E	30/06/21	Plan revs.

PLANNING

Project	Project Number
BOTHWELL ROAD	0891
HAMILTON	

Drawing

LOCATION AND BLOCK PLANS

Scale	Drawn by
Quoted @ A1	AT
Dwg Number	Revision

PP-01	E
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Also appears in the papers at Appendix 2 (a) Report of Handling

	Delegated Report	Reference no.	P/21/0029
		Date	11 March 2022

Planning proposal: Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Location: Land 120M Northeast of 55 Bothwell Road
Bothwell Road
Hamilton
South Lanarkshire

Application Type: Detailed planning application

Applicant: Mr. Shahid Chaudhary

Location: Land 120M Northeast Of 55 Bothwell Road
Bothwell Road
Hamilton
South Lanarkshire

Decision: Application refused

Report by: Area Manager (Planning & Building Standards)

Policy reference:

South Lanarkshire Local Development Plan 2 (adopted 2021)

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Place Making
Policy 13 - Green Network and Greenspace
Policy 14 - Natural and Historic Environment
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding
Policy NHE13 - Forestry and Woodland
Policy NHE14 - Tree Preservation Orders
Policy NHE20 - Biodiversity
Policy DM1 - New Development Design

Assessment

Impact on privacy?	No
Impact on sunlight/daylight?	No
Impact on amenity?	Yes
Traffic issues?	No
Adheres to development plan policy?	No
Adverse comments from consultees?	Yes

Consultations

Summary of response

Roads Flood Risk Management

The applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage

design or made any indication of intended drainage proposals. Due to insufficient information, we would defer our decision to this current planning application until these issues have been addressed. (The applicant's agent was advised of the above comments).

CER Biodiversity Officer

The site has long been identified as being of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. It is considered that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.

The area is potentially Ancient Woodland, and at the very least of long-established origin. It is not on the mapping system as such as it is too small to have been included. This does not detract from its value as a key part of the woodland network in this area; the associated ground flora, soil, microbes and fungi are therefore likely to be an irreplaceable biodiversity asset. Planting of new woodland will not recreate the habitat. The Biodiversity Strategy identifies woodland as a key ecosystem and presumes that there will be no loss of ancient woodland. This is supported by Policy NHE13 in LDP2. Policy NHE20 of LDP2 deals with development and biodiversity. As the response from Scottish Forestry notes, this development would likely lead to a permanent net loss of biodiversity. No mitigation proposals have been proposed that would compensate for the loss of ancient woodland habitat and soils.

Scottish Forestry Central Scotland
Conservancy

The main issue of concern to SF in relation to development planning is that of deforestation and the potential effects it could have on the ecology and landscape of local and wider environs. The planning area (site) is located in an area of woodland designated as a Tree Preservation Order (TPO) and it should also be noted that the woodland is on the National Forest Inventory. The TPO places the responsibility for all decisions relating to the management and retention of the woodland on the Local Authority. As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department when making its decision on the proposal. In addition, a proposal for compensatory planting should be part of any development approval that results in the permanent deforestation of woodlands. The Supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results in a permanent net biodiversity loss not a gain. The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management.

Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands in and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

Roads Development Management Team

Have no objection to the application subject to conditions requiring the submission of further details of the proposed access arrangements for pedestrians on Bothwell Road and details of refuse storage/collection. Informatives relating to wheel washing, parking for staff/operatives and storage of construction materials should also be attached should consent be issued.

Arboricultural Services

The revised proposal is still unacceptable and should be strongly refused. I support Scottish Forestry's statement that permanently removing woodland results in a permanent net biodiversity loss. The site has a place in the landscape as a stepping stone of habitat in the existing woodland network. I support the Biodiversity Officer's comments that the site has long been identified as a SINC/LNCS. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS; though the formal process for doing so has not been completed. I would therefore consider that the site is of local value in the South Lanarkshire context and should be recognised as such by the Planning process.

Based on historical mapping and emails with NatureScot, the woodland at this site is at least LEPO and may be of ancient origin. The associated ground flora, soil, microbes and fungi are, therefore, likely to be an irreplaceable biodiversity asset; new woodland will not recreate the habitat. The only further information that has potential to contribute to decision making would be an ecological and mapping exercise to determine the value of the woodland as LEPO or AW. The applicant should note that this has the potential to further confirm the value of the woodland as an irreplaceable biodiversity asset. As stated in the AWI guidance, many woodlands of LEPO have similar value to AW and should be treated as such. I support Scottish Forestry comments that the planning area is located in an area of woodland designated as a TPO, it should also be noted that the woodland is on the National Forest Inventory.

As the proposal will result in the permanent deforestation of 16% of the woodland, the Scottish Governments Control of Woodland Removal Policy should be taken into consideration by the planning department. The supporting statement notes that the agreement to manage the remaining woodland will ensure a net benefit for the development. Permanently removing woodland results is a

permanent net biodiversity loss not a gain. The Applicant has noted an alternative to managing the remaining 84% of the woodland themselves by gifting 49% of the woodland area that is not part of the development footprint to the community for their own use and management. Consideration by any future manager/s of the woodland should be given to its silvicultural management and associated liabilities such an undertaking would present. Grant monies are available from Scottish Forestry to support the active management of Woodlands In and Around Towns by community groups but due to the size of woodland in question the available grants are unlikely to cover all the works, and additional funding or expertise may need to be sought.

The construction of the driveway/access road does not accord with best practice and would be detrimental to retained trees. The development would be detrimental to the setting of the Tree Preservation Order and amenity of the area. The proposed development will open the woodland to windthrow. The proposed development will put the remaining trees under threat from removal due to being considered overbearing and perceived as a potential risk by future landowners, particularly in high wind. The juxtaposition of the trees and proposed development is unacceptable, and the trees will be under threat from removal by future owners due to light obstruction and minor season nuisance etc. The proposal will result in the detrimental removal of 16% of the woodland. The council has agreed to increase tree cover in its urbanised areas to 20% by 2032 as part of the Clyde Climate Forest. This proposal does not support the Council's action. The proposal will have an adverse impact on a valued woodland and individual trees of high biodiversity and amenity value.

Environmental Services

Have no objection to the application subject to the inclusion of informatives relating to appropriate hours for audible construction activity and restrictions related to the site being located within a smoke control area.

Scottish Water

Have no objection to the application. They have advised that there is a 225mm VC foul sewer within the site boundary and that no building, private garden or other obstruction should be located within 3 metres of this asset.

Representation(s):

►	44	Objection letters
►	4	Support letters
►	0	Comment letters

Planning Application Delegated Report

1 Material Considerations

- 1.1 The applicant seeks detailed planning permission for the erection of two dwellinghouses with associated studio flats above attached garage, raised decking at the rear and the formation of access on land located within a prominent position on Bothwell Road (B7071) which is one of the main arterial routes running through the town of Hamilton.
- 1.2 The site is bounded to the north by several blocks of flatted dwellings, to the south by the grounds of Hamilton College, to the east by the grounds of Hamilton Park Racecourse and to the west by Bothwell Road. It is located within an area of woodland which runs alongside Bothwell Road's eastern edge. This woodland is the subject of a Tree Preservation Order (TPO Reference HM/35). The part of the site which would be used to form the access to the proposed dwellings from Bothwell Road is covered by the Green Network.
- 1.3 The proposed six-bedroom dwellings would be located on an area of land located between the flatted dwellings at Hamilton Park South and the car park to Hamilton College. The proposed dwellings would be positioned on the eastern side of the plot overlooking Hamilton Racecourse and Strathclyde Park Golf Course. Vehicular and pedestrian access would be taken through the woodland off an existing access on Bothwell Road that currently serves Hamilton College. The supporting information advises that an agreement is in place between the applicant and Hamilton College to access the site from the existing entrance.
- 1.4 The dwellings would be two storeys in height incorporating traditional hipped roofs with windows on all elevations, including roof lights on the rear elevation and balconies incorporated on the front and rear elevations. A lower ground floor is also proposed for the buildings with windows and doors leading out to an enclosed balcony/patio formed within the rear garden. Steps would be accommodated at ground floor level to provide access to the rear garden. The proposal includes integral garages with nine car parking spaces formed between each dwelling.
- 1.5 The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. As discussed above, the woodland is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The relevant policies in terms of the assessment of the application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 13 - Green Network and Greenspace, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy NHE13 - Forestry and Woodland, Policy NHE14 Tree Preservation Orders, Policy NHE20 - Biodiversity, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems of the adopted South Lanarkshire Local Development Plan 2. The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 3 of this report.
- 1.6 In terms of the application site's planning history, the site has been the subject of several planning submissions which have been refused for reasons relating to road safety and due to the loss of the woodland which makes a significant contribution to the amenity of the area and has a high conservation value as a whole.

- 1.7 A detailed application on behalf of First Style (Scotland) Ltd for the formation of a new vehicular access was refused consent on 23 November 2011 under HM/11/0257. A subsequent detailed application for a vehicular access by the same applicant was also refused in July 2012 under HM/12/0056. This decision was the subject of an appeal to the Scottish Government (PPA-380-2022) which was dismissed by the Reporter on the 27 September 2012. In addition to the above, an application for the erection of two dwellings (planning permission in principle) under HM/13/0005 was refused on 28 March 2013. This decision was the subject of an appeal to the Planning Local Review Body (PLRB). Having reviewed the application, the PLRB upheld the decision and dismissed the appeal on 13 September 2013. The most recent detailed application for the formation of a vehicular access/egress was refused under application P/19/0420 on 4 October 2019.

2 Representation(s)

- 2.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under the heading Non-notification of Neighbours. Neighbours were also re-notified following the submission of an amended site layout. As a result of this publicity 48 letters of representation were received comprising 44 letters of objection and 4 letters of support. A petition against the proposal was also received. The grounds of representation are summarised as follows:

- (a) **The proposals will lead to the destruction of the local environment, in particular the protected woodland and scrubland. The applicant goes to great lengths to criticise the findings of South Lanarkshire Council's Arboricultural and Biodiversity Officers as well as the report by Scottish Forestry in relation to the condition of trees and the disruption which will be caused to the woodland by the proposed development. There is nothing in the revised application (drawings) which addresses the objections to the original application submitted in January 2021 and the applicant questioning the integrity and experience of Council staff is surprising. This latest application refers throughout to the creation and maintenance of a Woodland Management Plan to be implemented following the development of the houses. It should be noted that the applicant has now owned this site for many years and in that time has never made any attempt to carry out any maintenance to this woodland.**

Response: The consultation responses to the application from Scottish Forestry, and the Council's Arboricultural and Biodiversity Officers have been highlighted above. In summary, it is considered that the proposal would have an adverse impact on the visual amenity of the area and would prejudice the integrity of the woodland in which the site is located and which is a protected local resource and of high conservation value.

- (b) **The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps, and not Housing. This application is, therefore, in direct conflict with the Local Plan at a time when the preservation of green areas is more vital than ever before. The development will destroy the site which is designated as High Amenity Value, High Conservation Value and High Landscape Value.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. It is considered that the woodland in which the application site is located makes a significant contribution to the amenity of the area and would be adversely affected by the proposed development of two houses and the associated access road.

- (c) **There are road safety issues in relation to the site access through the grounds of Hamilton College and at a busy junction onto Bothwell Road which would represent an unnecessary additional danger to parents and pupils entering and leaving the**

premises. Existing traffic flows are already a cause for concern and represent a serious risk of accident and injury to members of the public. The works would add further congestion to a busy area with school children, turning vehicles and other residential properties etc.

Response: As highlighted above, Roads Development Management have advised that they have no objection to the application subject to conditions requiring the submission of details of the access arrangements for pedestrians on Bothwell Road and details of refuse storage/collection. Informatives relating to wheel washing, parking for staff/operatives and storage of construction materials would also have to be attached to any consent that was issued.

- (d) **Overall disregard to Global Warming and the pursuit of improving the environment especially when the International COP26 Conference is being held in Glasgow this year.**

Response: The proposal's impact on the natural environment is discussed in Section 3 of this report.

- (e) **Removal of the woodland and the erection of the buildings proposed would have an adverse effect on the character of the area. The new proposal involves reducing the overall footprint of the new houses and relocating them outwith the Green Network/Green Space boundaries. The revised plans and relocation of the buildings does not address any of the overall concerns and objections previously submitted in relation to damage to the environment, wildlife and woodland. The new houses would be located beyond the building line of the existing flats and would be detrimental to the current outlook and landscape of the area.**

Response: Whilst the amended layout shows the proposed houses located outwith the Green Network the area of the site which would be used to form the access to the proposed dwellings via Bothwell Road is covered by the Green Network. The impact of the proposal on the existing woodland is discussed in detail in Section 3 below.

- (f) **No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium Risk on the SEPA Flood Maps. Regular significant local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. The proposed amendment involves building on a steep slope. This gradient currently acts as a natural drainage route for flood water. The proposed buildings would block the natural drainage route, thereby increasing the flooding risk to Hamilton Park South properties. Therefore, there are concerns regarding how the developer might reroute the flooding, displaced by any new build, to prevent it encroaching on our land.**

Response: Roads Flood Risk Management were consulted on the application and advised that the applicant should submit a flood risk assessment, sustainable drainage design, drainage details and appendices A, C and E from the Council's developer design guidance. The applicant has not proposed a drainage design or made any indication of intended drainage proposals and therefore due to insufficient information they recommend that any decision should be deferred until these issues have been addressed. The applicant's agent was advised of the above comments, however, to date the required information has not been submitted. That said it should be noted that any drainage proposals/arrangements have potential to impact on the trees in the site due to underground pipes etc.

- (g) **Impact on Residents - we would like to take this opportunity to request that the applicant actions the following, as a matter of some urgency: fulfil the 'burdened property' legal obligation to protect the land from any changes or development and withdraw the planning application and desist from any future plans or planning applications to change or develop the land; fulfil the 'burdened property' legal obligation to maintain the land: undertake all urgent maintenance, including all**

related to significant health and safety risks; create and undertake a medium and long term maintenance programme to meet all outstanding needs and issues; and reimburse Hamilton Park South residents for all maintenance costs incurred to date.

Response: Whilst the above points are noted they are not material planning considerations and are essentially legal matters which require to be addressed between the parties concerned.

- (h) **There must be plenty of other opportunities to build such expensive properties in other suitable areas where there is much less intrusion, infringement to nature and impact on local property owners.**

Response: The merits of the application are discussed in Section 3 of this report.

- (i) **During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside, and near their homes, to limit transfer of infection. This land is utilised on a daily basis, by the public, to access green space for fresh air and exercise. Any development will prohibit this use. It is also worth noting that, due to COVID restrictions, several owners are stranded abroad or in England, and unable to travel home. This will limit the number of objections being submitted. The COVID pandemic is therefore disadvantaging the process of public consultation/response to this application. The general public who utilise this facility, on a daily basis, etc. will largely, or wholly, be unaware of this application. This is compounded by the fact that locals are prevented from meeting, and some organisations and bodies have not been accessible, due to the ongoing COVID lock down, and a cyber-attack.**

Response: The merits of the application are discussed in Section 3 of this report. In terms of publicity, statutory neighbour notification procedures were undertaken and the application was advertised appropriately in the Hamilton Advertiser under the heading Non-notification of Neighbours. It must be acknowledged however that the use of this privately owned land for leisure/walking purposes is at the sufferance of the owner.

- (j) **Although the proposed development is low density the north facing gable wall of the house, adjacent to Hamilton Park South development would be in close proximity to the dividing fence at Hamilton Park South, and only a further 1½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of double patio doors at ground level and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South, which have large floor to ceiling windows. The new development will therefore result in overlooking, and a loss of privacy, for the 8 flats looking directly onto the proposed development.**

Response: Based on the information on the submitted drawings the distance between the proposed northern most dwelling and the closest flat in the Hamilton Park South development is approximately 15 metres. The windows on the gable elevation of the proposed dwelling would also be offset from any windows on the existing flatted block. Due to the distance between the existing and proposed dwellings and the orientation of the buildings it is considered that the proposed development would have no significant adverse impact on adjacent properties in terms of overlooking and loss of privacy if approved.

- (k) **The proposal will result in a loss of light and overshadowing, especially for the flats on the lower levels. The loss of sunlight (internal and external) for residents is of particular concern.**

Response: Due to the distance between the existing flatted dwellings and the proposed dwellings and the orientation of the buildings it is considered that the proposal will not have any significant adverse impact on the amenity of the residents of those flats in terms of loss of light and overshadowing, especially giving the impact of the existing trees.

- (l) **It looks like there is no provision for a garden at all on the plans. I find this slightly hard to believe that a huge detached house would be built with no or minimal garden. In theory the garden could be as close as 2m to the nearest flats. Bedrooms & Living Rooms are the rooms which face onto the woodland.**
Response: I have concerns regarding the area of usable garden ground proposed and this matter is discussed further in Section 3 below.
- (m) **Noise pollution, light pollution and air pollution (cars, etc.) would also adversely impact Hamilton Park South residents and beyond.**
Response: Subject to the inclusion of informatives relating to appropriate hours for audible construction activity and restrictions related to the site being located within a smoke control area no adverse comments were raised by Environmental Services in this regard. Any additional traffic and associated pollution/noise however would be relatively marginal in the context of the immediate neighbourhood.
- (n) **There appears to be evidence of ongoing confusing information being submitted.**
Response: The level and degree of all information submitted in relation to the proposal is considered to be sufficient to enable the Planning Service to make an appropriate assessment of the application.
- (o) **It is noted that no environmental statement has been submitted, however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland), records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. Any development would devastate this rich and diverse eco system. The risk to existing habitat (deer etc), conservation and destruction of the landscape would significantly outweigh any amendments being presented. The local area must continue to retain the conservation and habitat value as any erosion of this and or capitulation at this point simply paves the way for further erosion of these elements.**
Response: It is acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. Again, the merits of the application in relation to such matters are recorded in Section 3 below.
- (p) **This woodland area should be maintained by the owner not the residents of Hamilton Park South. There has been no evidence of maintenance or care that has been carried out on the land as was supposed to which could contribute to a decline in health of the area. This negligence could then make the area in poorer condition and more likely to result in planning being granted. However, the cause of this decline and linkage to lack of maintenance by the applicant should be considered. I believe that the application, if successful, would lead to the possibility of future applications for extended development of the forested area.**
Response: The merits of the application are discussed in Section 3 of this report. The suggested non-maintenance of the land involved is not a material planning consideration in terms of the assessment of the application and instead is a legal matter which requires to be resolved by the parties concerned.
- (q) **The access is still granted through a private arrangement with the school which could be revoked at any time leading to further development required to gain access to established houses so should not be seen as a sustainable solution.**
Response: Any private arrangement that the applicant has in place with the school regarding the proposed access to the site is a legal matter and not a material planning consideration in terms of the assessment of the application.
- (r) **The area will not look like natural woodland anymore. Although the trees scheduled for removal are category C trees which are deemed lower quality, this does not**

mean they should be removed. Even in the tree report commissioned and paid for by the applicant - it does not state this. It merely states in his 'opinion' the removal wouldn't matter. I'm not sure this is good enough, seems like a judgement call to me. If this is the case, I would always side with the 'keep things as they are' argument.

Response: The proposal is not supported by the Council's Arboricultural Manager and others as it is considered to be unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development.

- (s) **The Tree Report conducted by Keith Logie was commissioned and paid for by the applicant/proposed developer. While there is nothing untrue in the report, quite a bit of the conclusion seems to be stated as 'in my opinion', which is not exactly conclusive; the report is slanted towards being favourable to the person who paid for it.**

Response: The submitted Tree Report, its contents and conclusions, have been assessed as part of the application process. It is fair to record that the Council's Arboricultural Managers comments do not accord with the report.

- (t) **The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment. If planning permission is granted for 2 houses and a road this strengthens the applicant's case to further develop the land. The TPO is weakened by having some development already on the land. A TPO is granted primarily for environmentally aesthetic purposes, I would argue having part of the area developed would be in opposition to the reason the TPO was granted.**

Response: The TPO was promoted to protect these trees for amenity and environmental reasons. Indeed the application site and its associated habitats do make a significant contribution to the amenity of the area and would be adversely affected by the proposed development.

- (u) **Applicant's solicitor's submissions 8 Feb 2021 (x2) the solicitor asserts....'right to a reasonable use of their property' - however, all the evidence available indicates the applicant continues to not adhere to the legal duty and responsibility to: 1. Protect the land from any/all development 2. Carry out maintenance 3. Comply with public health & safety/landowner's duty of care (Occupier's Liability (Scotland) Act 1960), e.g. see above multiple unmet maintenance needs identified 2019 (some urgent), including potential risk to pedestrians & road users on Bothwell Road**

Response: Whilst the above points are noted they are once again legal matters which require to be addressed between the parties involved divorced from the planning process.

- (v) **Crucial organisations have not been contactable, since the circulation of the Neighbour Notification Notice, due to unprecedented factors e.g. SEPA, Woodland Trust, RSPB. Vital support to our objections is therefore unavailable at this time.**

Response: It is considered that an appropriate level of consultation has been undertaken in relation to the scale of proposal involved and the issues highlighted may have delayed input/comment rather than prevented same.

- (w) **Large scale destruction and damage indicated by Tree Reports, Tree Report – confusion or omission of key findings Current report states 'a number of trees and shrubs would require to be removed, but the best trees will be retained, and the impact in arboricultural terms would be relatively small.' This is in stark contrast to the previous tree report(s) commissioned by the applicant, the most recent being 2019.**

Response: The submitted tree survey has been assessed by the consultees and their consultation responses are highlighted at the beginning of this report.

- (x) **Right of Way** – The designation of the site as Amenity Land implies that access rights to woodland, in favour of residents of Hamilton Park South, and the wider public exist, and ‘Prescriptive Servitude’ could be applied for to gain permanent access, as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds, Strathclyde Park, and Chatelherault. There are multiple entry points onto the site leading to informal pathways created by regular users, and providing unhindered access to Greenspace, with families, walkers, joggers and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for many years.
Response: Such aspects are essentially legal related aspects. The fact is that no recorded right of exists on the site.
- (y) **No consideration of this application should be given by South Lanarkshire Planning Department until an official and binding commitment, acceptable to Hamilton Park South residents, is received from the applicant stating that all terms in the Design Statement will be fulfilled. Should this fail to materialise, South Lanarkshire Planning Department assume the Design statement is a tactic rather than a commitment and treat all terms of the Design Statement as dubious. Even if an official statement as outlined above is given to South Lanarkshire Planning Department, all objections received for other reasons would be fully considered. Any planning consent (after full consideration of all objections received) would be subject to the legal transfer of ownership, acceptable to Hamilton Park South residents, of all agreed areas prior to the commencement of any works.**
Response: Matters relating to a possible land transfer are legal matters which require to be agree/resolved between the parties concerned and should not unduly influence the determination of this application. There is no guarantee at this date that such an agreement would be concluded.
- (z) **I am concerned about the value of our properties at Hamilton Park South being affected by these houses due to a loss of privacy with new entrances and removal of green land.**
Response: Loss of value is not a material planning consideration.
- (aa) **This application must be viewed in the context of an attempt to open up a green belt area for housing development. The last application by the applicant for a turning area off the Bothwell Road for vehicles to allow then to maintain the forested area was rejected by the Planning Committee.**
Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2 and is not green belt as suggested. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The planning history of the site has been detailed previously.
- (bb) **Removal of the woodland and the erection of the buildings proposed would have an adverse effect on the character of the area. It is evident that this woodland area is thriving in wildlife, an aspect which should not be overlooked. A suitably qualified ecologist - holding a degree in ecology and covered by a professional code of conduct e.g. CIEEM, IEMA, LI - should be appointed and consulted to confirm the ecological value of this area before any proposals are given a second review. I'd expect this to include multiple site visits whereby the ecologist can base their findings on inspections at appropriate times of the year when different plant and animal species are present and evident.**

Response: It is considered that the proposal has been assessed appropriately in relation to its impact on the woodland and its associated habitats by Forestry Scotland, and the Council's Arboricultural and Biodiversity Officers.

- (cc) **As a general rule of thumb, any trees more than 10 years old are considered to be of ecological value. To achieve the basic level of sustainable practice in new builds, all features of ecological value within a construction zone must be protected from damage during clearance, site preparations and construction activities in line with BS 42020:2013. This is evidently impossible to achieve based on the current planning proposals. The long term impact on biodiversity must be appropriately assessed and this should include for all development proposals in the construction zone therefore, the council should rightly reject this proposal and revert back to the architect and their client to ascertain the ultimate extent of the development area and their future aspirations for the use of the surrounding land. Only then can the impact and damage of the development on the current environment be fully, and correctly, assessed.**

Response: As above, I am satisfied that the proposal has been considered appropriately in relation to its impact on the woodland and its associated habitats by Forestry Scotland, and the Council's Arboricultural and Biodiversity Officers.

- (dd) **The site is designated as Amenity Land for the 40 flats at Hamilton Park South and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land.**

Response: Once again matters relating to land ownership are legal considerations which require to be resolved between the parties concerned.

- (ee) **The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and 'Prescriptive Servitude' could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.**

Response: The application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The merits of the application are discussed in Section 3 of this report.

- (ff) **This land was gifted by the builders of the properties on Hamilton Park North and South to a Tree Preservation Society, its use is prohibited, and the owner in purchasing the land should have performed their diligence to understand permitted use. The Council should be acting to protect the limited remaining green space between existing developments and the environmentally sensitive area towards the River Clyde which has an active ecosystem including red squirrels and deer, which would be damaged by further development and human activity.**

Response: Noted. The Council were not involved in the sale of this site.

- (gg) **The final development state is not clear. For example, see P/19/0420, which asked to build a gate between Hamilton Park and the College without further details. Such appears to be the case here with two large buildings proposed, which could be**

sliced into smaller apartments, and second, which will be precedent for further development. It is not reasonable to have several unvetted residents housed behind the secure gate of Hamilton College, which is located directly at its entry towards Bothwell Road. Such a scheme would not conform with best practices on school grounds' security during lesson hours.

Response: It is not possible to prejudge the applicants/landowner's attention and therefore this concern cannot influence the determination of the application. In a similar manner the school entrance gates and the impact/influence of same of access etc is for the school to assess and respond accordingly.

- (hh) **The area identified for development in the drawings and in particular the entire area adjacent to the racecourse, is officially identified and listed with coordinates as an active badger set on the UK's National Badger Protection Database.**

Response: The existence of a Badger set has not been highlighted previously in the related ecology studies. It may be that the information is out of date. Nevertheless, if planning permission was to be granted appropriately worded conditions would be attached to the permission to address the above matter.

- (ii) **I would like to strongly support this application as my grandson and my 2 nephews are pupils at Hamilton College senior school. As it is just now after school hours especially in the winter months the school grounds especially in the wooded area is being used by local teenagers as a place to congregate. Therefore, it would be beneficial for these properties to be built as it would become a safer place overall for the school, the pupils and the local residents.**

Response: The above points are noted. Ultimately it is for Police Scotland to address allegations of misbehavior/public safety concerns rather than the planning process.

- (jj) **The Tree Preservation Order no 35 registered on 28 November 1991 is referred to in the Titles of the flats in the flatted development where many of the objectors reside and which therefore would have been taken into account by the Council when considering the application by Bellway Homes for that development.**

Response: It is accepted that the TPO referred to would have been a consideration in the determination of the planning application that authorised the said flats. It should also be noted that the Council's local plan policies have become more prescriptive during this time period with more emphasis placed on the protection of the natural environment.

- (kk) **Some doubts have been expressed about the nature of the applicant's offer to donate the remaining woodland to the residents. This offer was first made on 12th September 2016 to the solicitor acting for the residents. It has been confirmed that the general principle of reaching an agreement was of interest to the residents. The applicant has agreed now to all of the resident's requirements but the residents solicitor has still to confirm his clients' final agreement. The last remaining issue was regarding an area of ground which my clients originally wanted to retain but the applicant agreed to the resident's request to include that area and this was communicated to their solicitor with fresh plans on 3 February 2020.**

Response: Once more this is a legal matter between the parties concerned.

- (ll) **Scottish Forestry and the Tree Survey Report make it clear that there is a path whereby the proposed development can proceed in a sympathetic manner and for the ultimate benefit of the woodland and the neighbouring proprietors. Many objectors appear to consider the applicant's private property as their amenity ground but there is no titular basis for this. There is no legal connection between the neighbouring flats and the development site. Reference was made to the Lands Tribunal case which remains sisted pending the consideration of the applicant's offer to donate the woodland to the residents mentioned above as it has always been the applicant wish to progress through consensus rather than dispute.**

Should agreement not be reached the Tribunal case will resume and the applicant fully expects to be successful in that. The woodland area has no commercial value as such and in fact is a financial burden in the absence of any reasonable prospect of development and it is neither fair nor reasonable for objections seeking to preserve unentitled amenity at the applicant's expense.

Response: The above land ownership/title burden issue is a separate legal matter which requires to be resolved between the parties concerned.

- (mm) Previous planning concerns regarding access to the site have now been addressed and the applicants have worked hard to put in place access arrangements which are safe and which will have no significant impact on traffic flow as some objectors have suggested. I would submit that any objections on grounds of privacy or prospect be disregarded as not being legitimate or reasonable. Most objectors are residents of a relatively recent flatted development about which many of the concerns expressed could equally have been made. I am more than happy to support this application.**

Response: It is accepted that this application proposes revised access arrangements (when compared with previous submissions) and the Council Roads and Transportation Services have offered no insurmountable comments having no adverse comments from a road engineering perspective. This however is only one consideration in relation to the assessment and determination of this application.

3 Assessment and Conclusions

- 3.1 In simplistic terms the main determining issues in relation to this application are its compliance with local plan policy, its impact on amenity, especially in terms of the woodland covered and protected by a Tree Preservation Order, and road safety.
- 3.2 As discussed above, the application site is located within the urban area in the adopted South Lanarkshire Local Development Plan 2. The site is also located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35) and part of the site is covered by the Green Network. The relevant policies in terms of the assessment of the application have been highlighted in Section 1.5 above.
- 3.3 In terms of the principle of residential development on the site, the site is located within the General Urban Area. In this regard, Policy 3 states that within the urban areas and settlements identified on the proposals map, residential developments on appropriate sites will generally be acceptable. However, the policy goes on to say that particular consideration will be given to likely impacts on the amenity of the area. This will include locally important greenspace, local services and facilities, proposed servicing, parking arrangements and access. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted. Whilst the general principle of residential development in this urban area reflects the general land use designation, for the reasons highlighted above by Forestry Scotland, the Council's Arboricultural Service and the Council's Biodiversity Officer in addition to the reasons provided in the following paragraphs, it is considered that the formation of two house plots and associated access/driveways on this site would be unacceptable in terms of the holistic requirements of this policy.
- 3.4 With regard to the detailed design of the proposal, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design, local context and landscape character of the area and to promote quality and sustainability in its design. In general design terms it is considered that the form, design and finish materials of the buildings proposed are considered to be acceptable. However, whilst the proposed dwellings are considered to be acceptable in terms of their design there are concerns regarding the layout for the proposed development. The layout for the two dwellings was

revised with a view to ensuring that the development would have less of an impact on important areas of woodland or important individual trees within the site and the proposal's impact on the woodland is discussed in the following paragraphs below. When assessing the amended layout of the proposal against the terms of the above policies there are concerns regarding the amount of usable garden ground being provided for the dwellings and the impact that the proposal would have on the context and landscape character of the immediate area. Specifically, the amended site layout shows the proposed dwellings re-positioned closer towards the northern and eastern boundaries of the site. The site layout originally submitted with the application showed the side elevation of the most northerly dwelling positioned approximately 24 metres from the northern boundary of the site and the main bulk of the rear elevation of the building positioned approximately 17 metres from the eastern boundary of the site, with a projected element of the building located approximately 12 metres from that boundary. However, the amended layout involves the two dwellings being re-positioned within the site and closer to the site boundaries with a reduced area of usable garden ground proposed. The amended layout shows the side elevation of the most northerly dwelling located approximately 12 metres from the northern boundary, rather than 24 metres, and the main bulk of the rear elevation of the building located within approximately 7.5 metres of the eastern boundary, with the projected element of the building located approximately 2 metres from that boundary. In order to reduce any impact on important areas of woodland or important individual trees within the site the repositioning of the dwellings has resulted in a considerable reduction in the amount of usable rear garden ground being provided for the two dwellings contrary to the standards set out in the Council's Residential Design Guide. This is of importance as the two houses are of significant size and accordingly the potential rear garden space and depth should be commensurate with the size of the house proposed. For the above reasons, it is considered that the proposal fails to meet the terms of Policies 5 and DM1.

3.5 As highlighted, part of the site is covered by the Green Network and in this regard Policy 13 states that where applicable, development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:

- placemaking,
- mitigating greenhouse gases and adapting to the impacts of climate change,
- supporting biodiversity,
- enhancing health and quality of life,
- providing water management including flood storage, and buffer strips,
- development of blue-green networks using existing watercourses,
- improving air quality,
- providing areas for leisure activity,
- providing areas for allotments and community growing areas, and
- promoting active travel.

3.6 The application site is undoubtedly located within an area of woodland which is the subject of a Tree Preservation Order (TPO Reference HM/35). In this regard, Policy NHE14 states that trees and woodlands that are considered to be of significance will be protected from inappropriate development through the enforcement of existing Tree Preservation Orders (TPOs). Any development likely to affect existing protected trees should be accompanied by a full tree survey with written justification for any losses.

3.7 The Planning Statement submitted is supported by a Tree Survey which identifies that the woodland in which the development is being located forms two distinct parts, broadly speaking comprising one area of mature and good quality trees worthy of protection and

management, and another relatively poor quality area of dense and quite young self-seeded trees which appear to be growing on land which had been significantly disturbed in the past few decades. It is within this latter area that the two houses are proposed. As discussed above, the supporting Statement advises that the proposal for the two houses was revised to ensure that the development would not have any significant impact on important areas of woodland or important individual trees. The Tree Survey advises that the proposal would result in the removal of a total of 44 trees and identifies that the vast majority of trees to be removed are category C, which are defined by the relevant British Standard as being of poor quality, and these are generally considered by the Tree Survey not to be worthy of retention.

- 3.8 In addition to the above, Policy NHE13 states that development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. Proposals likely to impact on woodlands, hedgerows or individual trees should be accompanied by a full tree survey and written justification for any losses. Proposals should accord with the Council's Tree Strategy. In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal. Removal for development purposes will only be permitted where it would achieve significant and clearly defined public benefits. In this instance, the submitted Planning Statement and Tree Survey have been carefully assessed by the consultees and it is considered that the proposed development of this area would undermine the integrity of the woodland and would be unacceptable in terms of this policy. The 'opening-up' of the woodland and removal of edge trees would predispose remaining trees to increased wind loading and potential failure. The juxtaposition of the trees and the proposed development is considered to be unacceptable, and the trees would be under threat from removal by future owners due to light obstruction and potential season nuisance etc. In this instance, the proposal would result in the detrimental removal of 16% of the woodland. The Council has agreed to increase tree cover in its urbanised areas to 20% by 2032 as part of the Clyde Climate Forest, therefore, the proposal does not support the Council's actions in this regard. To develop the site as proposed would have a significant and adverse impact on the visual amenity and landscape character associated with the existing woodland. In view of the above, it is considered that the proposed development of the site would be contrary to Policy NHE13.
- 3.9 Policy NHE20 deals with development and biodiversity and states that in order to further the conservation of biodiversity development proposals should demonstrate that they have no significant adverse impact on biodiversity, including cumulative impacts. Development proposals likely to lead to significant loss of biodiversity will only be supported if adequate mitigation and offsetting measures are agreed with the Council. Development proposals should consider opportunities to contribute positively to biodiversity, conservation and enhancement, proportionate to the scale and nature of the proposal. The Council's Biodiversity Officer has advised that the site has long been identified as of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site. It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. On this basis, the proposal is considered to be contrary to Policy NHE20 as it would result in an unacceptable loss of woodland within the site and would likely lead to a permanent net loss of biodiversity.
- 3.10 As discussed above, the application site comprises of an area of established woodland which is considered to represent a valuable wildlife habitat containing several veteran native trees. Through the consultation process it has been acknowledged that this area of woodland provides a strong landscape context for the adjacent residential area as well as making a valuable contribution to the overall amenity of the area in general with Forestry

Scotland, the Council's Arboricultural Services and the Council's Biodiversity Officer expressing considerable concerns that any work in this area could have an adverse impact on the surrounding trees and the integrity of the woodland as a whole. It is also acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. In view of all of the above, it is considered that the development of the site as proposed does not accord with the above policies and on this basis the proposal cannot be supported.

- 3.11 The issues raised by third party representations in respect of the threat to the woodland/wildlife as a whole by the formation of the two house plots are also considered to be fully justified and in general terms they support the concerns expressed by Forestry Scotland, the Council's Arboricultural Service and the Council's Biodiversity Officer.
- 3.12 In conclusion, whilst it is acknowledged that the application site is located within the General Urban Area where the principle of two house plots could generally be accommodated if the constraints highlighted previously were not applicable, the proposal is unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development. In view of all of the above, it is considered that the proposal cannot be supported and that detailed planning permission should be refused as the proposal is contrary to Policies NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 as it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity.
- 3.13 Finally two previous applications for residential development at the site have been refused and related appeals dismissed. Although the details of the proposed vehicular access with this application have been revised, the generality of residential development and its negative impact on individual trees, the woodland overall and biodiversity remain. Such aspects were material to the determination of these historical applications and appeals. There has been no material change in such aspects since the previous decisions (although it could be advanced that the focus/move towards increased protection of the natural environment has intensified due to the new Local Development Plan 2). The determination of planning applications must be on a consistent footing/basis and there are no planning reasons whatsoever to come to a different conclusion in relation to the proposals impact on trees, wildlife, natural habitat/environment or the amenity of the wider area.

4 Reason for Decision

- 4.1 The proposal is contrary to Policy NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity. The proposal is also contrary to Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace of the adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Delegating Officer: Steven Clark

Date: 18 March 2022

Previous References

P/19/0420

HM/13/0005

NOR/HM/13/001

PPA-380-2022

HM/12/0056

HM/11/0257

List of background papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 15.01.2021 & 01.09.2021
- ▶ Press Advertisement, Hamilton Advertiser dated 28.01.2021

▶ Consultations

Roads Flood Risk Management	26.05.2021
Arboricultural Services	04.05.2021 & 20.02.2022
CER Biodiversity Officer	22.04.2021 & 18.10.2021
Scottish Forestry Central Scotland Conservancy	02.02.2021
Roads Development Management Team	12.02.2021
Environmental Services	25.01.2021
Scottish Water	19.01.2021

▶ Representations

Mr. John Lawlor, 29 Hamilton Park South, Hamilton, ML30FH	Dated: 04.02.2021
Mr. John Hall, McAuley McCarthy & Co, 58/60 High Street, Renfrew, PA4 8 Q,	Dated: 05.02.2021
Mr. John Lawlor, 29 Hamilton Park South, Hamilton, ML30FH	Dated: 04.02.2021
Mrs. Jean Russell, 65 Hamilton Park South, Hamilton, ML3 0FH	Dated: 24.01.2021
Mrs. Rhona Hall, 34 Hamilton Park North, Hamilton, ML3 0FG	Dated:

	03.02.2021
Mrs. Bridget Power, 40 Hamilton Park North, Hamilton, ML3 0FG	Dated: 04.02.2021
Mr. Donald MacLellan, 54 Hamilton Park North, Hamilton, ML3 0FG,	Dated: 08.02.2021 08.02.2021
Mr. Mark Evans, 49 Hamilton Park North, Hamilton, ML3 0FG	Dated: 27.01.2021
Mr. Andrew McLaughlin, 27 Hamilton Park South, Hamilton, ML30FH	Dated: 28.01.2021
Mr. John McFarlane, 9 Hamilton Park South, Hamilton, ML3 0FH	Dated: 28.01.2021
Mrs. Elaine Renwick, 45 Hamilton Park North, Hamilton, ML3 0FG	Dated: 30.01.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Gordon Anderson, 6 Hamilton Park North, Hamilton, ML3 0FG	Dated: 02.02.2021
Iain Hall, 34 Hamilton Park North, Hamilton	Dated: 04.02.2021
Ms. Morven McPherson, 51 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021
Ellie Bryce, Received Via Email	Dated: 28.01.2021
Mark Horgan, 35 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Alan McCulloch, 41 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Yvonne McKeown, 61 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 08.02.2021 08.02.2021
Morven McPherson, 51 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 05.02.2021 05.02.2021
Jordan Bryce, 55 Hamilton Park South, Hamilton, ML3 0FH	Dated:

	28.01.2021 28.01.2021
Anita and Stephen Hughes, 57 Hamilton Park South, Hamilton, ML3 0FH	Dated: 04.02.2021 04.02.2021
Rebecca Lennon, 45 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021 04.02.2021
Anne Trevorrow, 53 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 04.02.2021 04.02.2021
Alasdair Houston, 73 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 01.02.2021 01.02.2021
Mr. Paul Williamson, 67 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH	Dated: 01.02.2021 01.02.2021
Mr. Charles Starr, 41 Hamilton Park North, Hamilton, ML3 0FG	Dated: 31.01.2021 31.01.2021
Hamilton Park South Action Group, Received Via Email	Dated: 24.09.2021
Mrs. Lesley Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 04.02.2021
Mr. Graham Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 04.02.2021
Mr. David Adams, 21 Hamilton Park North, Hamilton, ML3 0FG	Dated: 04.02.2021
Cameron McCann, 45 Hamilton Park South, Hamilton, ML3 0FH	Dated: 04.02.2021
Mr. George Cumming, 16 Hamilton Park North, Duchess Park, Hamilton, ML3 0FG	Dated: 04.02.2021
Mr. Daniel Smith, 44, Dunlop Crescent, Lanarkshire, G33 6GS	Dated: 07.02.2021
Mr. John Hall, McAuley McCarthy & Co, 58/60 High Street, Glasgow, G77 6FP	Dated: 05.02.2021
Dr Tahira Idrees, 49 Hamilton Park South, Hamilton, ML3 0FH	Dated: 19.02.2021 19.02.2021
Mr. Brian Hall, 4 Hamilton Park North, Hamilton, ML3 0FG	Dated:

	31.01.2021
Mrs. Kate O'Connor, 71 Hamilton Park South Bothwell Road, Hamilton Park South, Hamilton, ML3 0FH	Dated: 28.01.2021
Mr. Russell White, 31 Hamilton Park South, Hamilton, ML3 0FU	Dated: 25.01.2021 25.01.2021
Miss Katie McTear 10 Hamilton Park North, Hamilton, ML30FG	Dated: 29.01.2021 29.01.2021
Mr. Colin Taylor, 59 Hamilton Park South, Hamilton, South Lanarkshire, ML3 0FH,	Dated: 03.02.2021
Mr. John Hall, 58-60 High Street, Renfrew, PA4 8QP	Dated: 12.02.2021
Sandra Nimmo, 14 Hamilton Park North, Hamilton, South Lanarkshire, ML3 0FG	Dated: 15.02.2021
Hamilton Park South Action Group, Received Via Email	Dated: 25.03.2021
James and Claire Shirazi, 21 Silverbirch Grove, Quarter, Hamilton, South Lanarkshire, ML3 7XZ	Dated: 07.05.2021 07.05.2021
Kate O'Connor, Via Email	Dated: 19.10.2021
Mrs. Lesley Patrick, 51 Bothwell Road, Hamilton, ML3 0BB	Dated: 22.09.2021 22.09.2021

Contact for further information

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

Jim Blake, Planning officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453657

Email: jim.blake@southlanarkshire.gov.uk

Planning Application

Application number: P/21/0029

Reasons for refusal

01. The proposal is contrary to Policy NHE13 - Forestry and Woodland - of the adopted South Lanarkshire Local Development Plan 2 as the proposal would adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located.
02. The proposal is contrary to Policy NHE20 - Biodiversity - of the adopted South Lanarkshire Local Development Plan 2 as the proposal would result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value and would likely lead to a permanent net loss of biodiversity.
03. The proposal is contrary to Policy 5 and Policy 13 of the Adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

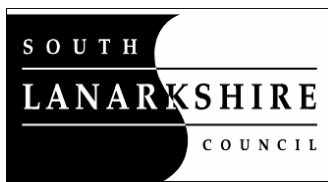
Reason(s) for decision

The proposal is contrary to Policies NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity.

Informatives

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PP-01	REV E	Refused
PP-02	REV H	Refused
PP-03	REV A	Refused
PP-04	REV F	Refused
PP-05	REV D	Refused
PP-06	REV B	Refused



Community And Enterprise Resources
Executive Director **David Booth**
Planning And Economic Development

Adam Toleman
Arka Architects
The Loft
The Tattie Kirk
Cow Wynd
Falkirk
FK1 1PU

Our Ref: P/21/0029
Your Ref:
If calling ask for: Jim Blake
Date: 24 March 2022

Dear Sir/Madam

Proposal: Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.
Site address: Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton, South Lanarkshire, ,
Application no: P/21/0029

I would advise you that the above application was refused by the Council and I enclose the decision notice which sets out the reasons for refusal. Please note that the Council does not issue paper plans with the decision notice. The application is refused in accordance with the plans and any other documentation listed in the reasons for refusal imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at www.southlanarkshire.gov.uk

If you consider that you can overcome the reasons for refusal and that it is not the principle of the development that is unacceptable, you may submit an amended application. If you do amend your proposals and re-apply within one year of this refusal, then you will not have to pay a fee, provided the proposal is of the same character or description as the application which has just been refused.

As your application has been refused, you may appeal against the decision within 3 months of the date of the decision notice. The attached notes explain how you may appeal.

Should you have any enquiries relating to the refusal of your application or a potential amended submission, please contact Jim Blake on 01698 453657

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Email jim.blake@southlanarkshire.gov.uk Phone: 01698 453657



We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015, selecting option 7, quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

Head of Planning and Economic Development

Enc:

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

To: **Mr Shahid Chaudhary**

Per: **Adam Toleman**

**27 Lochore Avenue,
Paisley, PA3 4BY,**

**The Loft, The Tattie Kirk,
Cow Wynd, Falkirk, FK1
1PU,**

With reference to your application received on **08.01.2021** for planning permission under the above mentioned Act:

Description of proposed development:

Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access.

Site location:

Land 120M Northeast Of 55 Bothwell Road, Bothwell Road, Hamilton, South Lanarkshire, ,

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

REFUSE PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, for the reason(s) listed overleaf in the paper apart.

Date: 24th March 2022

Head of Planning and Economic Development

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

**South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development**

South Lanarkshire Council

Refuse planning permission

Paper apart - Application number: P/21/0029

Reason(s) for refusal:

01. The proposal is contrary to Policy NHE13 - Forestry and Woodland of the adopted South Lanarkshire Local Development Plan 2 as the proposal would adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located.
02. The proposal is contrary to Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 as the proposal would result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value, and would likely lead to a permanent net loss of biodiversity.
03. The proposal is contrary to Policy 5 and Policy 13 of the Adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Reason(s) for decision

The proposal is contrary to Policy NHE13 - Forestry and Woodland and Policy NHE20 - Biodiversity of the adopted South Lanarkshire Local Development Plan 2 in that it would have an adverse impact on the amenity of the area, would prejudice the integrity of the woodland, which is a protected local resource and of high conservation value, and would lead to a permanent net loss of biodiversity. The proposal is also contrary to Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace of the adopted South Lanarkshire Local Development Plan 2 in that: (i) it does not have due regard to the landscape character of the area; (ii) would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss and (iii) would have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area.

Notes to applicant

Application number: P/21/0029

Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain other relevant information.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
PP-01	REV E	Refused
PP-02	REV H	Refused
PP-03	REV A	Refused
PP-04	REV F	Refused
PP-05	REV D	Refused
PP-06	REV B	Refused



COMMUNITY AND ENTERPRISE RESOURCES
EXECUTIVE DIRECTOR David Booth
Planning and Economic Development

Important notes

Town and Country Planning (Scotland) Act 1997

1. Compliance with conditions

Under the provisions of the Town and Country Planning (Scotland) Act 1997 (Section 145), failure to comply with any condition(s) imposed on any planning permission may result in the service by the Council of a "Breach of Condition Notice" requiring compliance with the said condition(s).

There is no right of appeal against such a Notice and failure to comply with the terms of the Notice within the specified time limit will constitute a summary offence, liable on summary conviction to a fine not exceeding £1000.

2. Procedure for appeal to the planning authority

- (a) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997, within three months from the date of this notice. The notice of review should be addressed to:

Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

To obtain the appropriate forms:

Administrative Services at the above address.

Telephone: 01698 454108

E-mail: pauline.macrae@southlanarkshire.gov.uk

- (b) If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100349318-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The construction of 2no. 2+1/2 storey detached dwelling houses.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arka Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Adam	Building Name:	The Loft
Last Name: *	Toleman	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Tattie Kirk
Extension Number:		Address 2:	Cow Wynd
Mobile Number:		Town/City: *	Falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 1PU
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr	Building Name:	
First Name: *	Shahid	Building Number:	27
Last Name: *	Chaudhary	Address 1 (Street): *	Lochore Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Paisley
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA3 4BY
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">0</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px; width: 100px;">8</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Local Authority Collection

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Adam Toleman

On behalf of: Mr Shahid Chaudhary

Date: 07/01/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: * (Max 500 characters)

Tree Survey report

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Adam Toleman

Declaration Date: 07/01/2021

Payment Details

Online payment: IDOX00007521

Payment date: 08/01/2021 14:30:00

Created: 08/01/2021 14:30



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100349318-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arka Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Adam	Building Name:	The Loft
Last Name: *	Toleman	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Tallie Kirk
Extension Number:		Address 2:	Cow Wynd
Mobile Number:		Town/City: *	Falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 1PU
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr	Building Name:	
First Name: *	Shahid	Building Number:	27
Last Name: *	Chaudhary	Address 1 (Street): *	Lochore Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Paisley
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA3 4BY
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100349318-001, application for Planning Permission, submitted on 08/01/2021

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Design Statement

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Adam Toleman

Declaration Date: 21/01/2021



Montrose House 154 Montrose Crescent Hamilton ML3 6LB Tel: 0303 123 1015 Email: planning@southlanarkshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100349318-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arka Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Adam	Building Name:	The Loft
Last Name: *	Toleman	Building Number:	
Telephone Number: *		Address 1 (Street): *	The Tattie Kirk
Extension Number:		Address 2:	Cow Wynd
Mobile Number:		Town/City: *	Falkirk
Fax Number:		Country: *	Scotland
		Postcode: *	FK1 1PU
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Shahid	Building Number:	27
Last Name: *	Chaudhary	Address 1 (Street): *	Lochore Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Paisley
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA3 4BY
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100349318-001, application for Planning Permission, submitted on 08/01/2021

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Revised site layout plan, dwelling plans and elevations taking into account re-positioning of the proposed dwellings to the north-west corner of the site. Updated tree survey report. A planning statement from the Planning Consultant.

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Adam Toleman

Declaration Date: 18/08/2021

Appendix 6

Further Representation

Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review
- ◆ Hamilton Park South Action Group
- ◆ Ellie Bryce
- ◆ 60 Pro-Forma Letters from Objectors to the proposal

Notice of Review – Land 120M Northeast Of 55 Bothwell Road, Hamilton.

Statement of Observations

Planning appeal - Erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access (P/21/0029).

1 Planning background

- 1.1 Mr. Shahid Chaudhary submitted a planning application (reference: P/21/0029) on 8 January 2021 to South Lanarkshire Council for the erection of two dwellinghouses with associated studio flats above attached garage, raised decking at rear and formation of access at land 120M Northeast of 55 Bothwell Road, Hamilton. After due consideration of the application in terms of the Development Plan and all other material planning considerations, planning application P/21/0029 was refused by the Council under delegated powers on 24 March 2022 for the reasons listed in the decision notice.
- 1.2 The report of handling dated 11 March 2022 explains in detail all material planning considerations and the reasons/justification for the decision. The reasons for refusal are listed in the decision notice.
- 1.3 The report of handling and decision notice are available elsewhere in the papers accompanying the Notice of Review

2 Assessment against the development plan and other relevant policies

- 2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended requires that an application for planning permission is determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the Adopted South Lanarkshire Local Development Plan 2 (2021) and its associated supplementary guidance. The provisions of the Clydeplan, the Strategic Development Plan, are not directly applicable given the nature and scale of the proposal (now appeal).
- 2.3 The appeal site is located within the General Urban Area in the adopted South Lanarkshire Local Development Plan 2. This reflects the urban nature of the general area and contrary to the appellants assertion it does not automatically have a presumption in favour of development. Indeed, the related policy (Policy 3) clearly states: 'Within the urban areas and settlements identified on the proposals map, residential developments *on appropriate sites* will generally be acceptable. It also advises that 'Particular consideration will also be given to likely impacts on the amenity of the area. This will include locally important greenspace ...' Furthermore, it is clearly stated that 'Developments which would

be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted'. Finally, 'Development proposals must also accord with other relevant policies. It is clearly misleading for the appellant to suggest that the proposal is acceptable in terms of Policy 3.

- 2.4 The woodland in which the site is located is the subject of a Tree Preservation Order (TPO Reference HM/35) with the largest part of the site covered by the Green Network. The site is also covered by a number of other policy considerations which are set out and discussed in detail within the report of handling. Those policies are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 3 - General Urban Areas and Settlements, Policy 5 - Development Management and Place Making, Policy 13 - Green Network and Greenspace, Policy 14 - Natural and Historic Environment, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy NHE13 - Forestry and Woodland, Policy NHE14 Tree Preservation Orders, Policy NHE20 – Biodiversity, Policy DM1 - New Development Design, Policy DM15 - Water Supply, Policy SDCC2 - Flood Risk and Policy SDCC3 - Sustainable Drainage Systems.
- 2.5 As part of the planning application process, consultations were undertaken and statutory neighbour notification was carried out. In addition, the application was advertised in the Hamilton Advertiser under the heading Non-notification of Neighbours. As a result of the above publicity, 48 letters of representation were received by the Council comprising 44 letters of objection and 4 letters of support. A petition against the proposal was also received. These consultation responses and objections were material to the assessment of the application and provide a broad illustration of the views held by neighbours adjoining the site and the concerns of Scottish Forestry Central Scotland Conservancy, the Council's Arboricultural Officer and the Council's Biodiversity Officer. The Report of Handling concisely summarises the issues raised and provides an appropriate planning response.

3 Observations of applicants 'Notice of Review'

- 3.1 In the submitted 'Notice of Review' and associated supporting information the applicant has identified a number of matters in support of their request for a review. The applicant's statement of reasons for requesting a review of the application have been summarised below and detailed comments from the Planning Service on each of these issues are as follows:
- 3.2 **There is already a presumption in favour of development**
The 2 houses proposed will be constructed within the eastern section of the Site within land zoned as "General Urban Area" where there is a presumption in favour of development (Policy 3, LDP2). This part of the

woodland area is of poor quality, hence we assume why it was zoned within the general urban area and not part of the Council's identified green network. By comparison, the remainder of the Site between the proposed 2 houses and the Bothwell Road comprises of better-quality mature trees and is accordingly zoned as Green Network (Policy 13, LDP2). Trees within this area will remain undamaged by the proposed development. Indeed, the Applicant went so far as to alter his proposed layout to ensure that was the case.

As detailed in paragraph 2.3 above the appeal site is within the General Urban Area where in theory the principle of two house plots could generally be accommodated if all other material planning considerations were acceptable. That said, as highlighted in the Council's Report of Handling the proposal seriously challenged and undermined other policy provisions and considerations. In this regard the proposal is considered to be unacceptable as the woodland in which the application site is located and its associated habitats make a significant contribution to the amenity of the area and would be adversely affected by the proposed development. The appellant states that the remainder of the site between the proposed 2 houses and Bothwell Road comprises better quality mature trees and is accordingly zoned as Green Network and that trees within this area will remain undamaged by the proposed development. This is inaccurate as trees within this area would be lost as a result of the construction of the proposed driveway/access road which does not accord with best practice and which would be detrimental to retained trees. In addition, and based on experience, the required infrastructure relating to water supply, sewerage, surface water drainage, electricity and gas would all have an adverse impact on the woodland. In terms of surface water drainage, the appellant has not proposed a drainage design or made any indication of intended drainage proposals to date and due to insufficient information being submitted with the associated planning application the Council's Flood Risk Management Section had to defer their full consultation response to the application until these issues have been addressed.

- 3.3 As noted in the Report of Handling in relation to the design of the proposed development, the layout for the two dwellings was indeed revised by the applicant in order to reduce the impact on important areas of woodland or important individual trees within the site. However, in order to reduce any impact on important areas of woodland or important individual trees the proposed repositioning of the dwellings has resulted in a considerable reduction in the amount of usable rear garden ground being provided for the two dwellings contrary to the standards set out in the Council's Residential Design Guide. This is of importance as the two houses are of significant size and accordingly the potential rear garden space and depth should be commensurate with the size of the houses proposed. For those reasons the proposal fails to meet the terms

of Policies 5 and DM1 of the adopted Local Development Plan. Therefore, whilst it is again acknowledged that the site is located within a General Urban Area the proposed layout does not comply with local development plan policy due to the constraints highlighted above and in the report of handling.

- 3.4 The appellant suggests that the woodland where the houses will be positioned is of poor quality. In response it must be emphasized that this woodland will be the mature trees of the future and even if they are poor quality at present, they will still provide a varied and valuable habitat for all forms of animals, birds etc. and are therefore a valuable habitat and amenity asset to the overall area/woodland.

3.5 **The proposal will produce a net environmental gain (woodland management and biodiversity)**

The Applicant is proposing to remove very few trees and those that will be removed are of lower quality. These are in fact located on ground that has been fundamentally altered and regraded/relevelled just a few decades ago. Therefore, the trees to be removed are merely self-seeded, largely scrub like and there appears to have been no active management of them. The detailed Tree Survey submitted in support of the application proves this. Please refer to the photograph below showing the scrub woodland area where the 2 dwellings are proposed to be built. The trees within the woodland that will remain are mature and of better quality. These will be undamaged by the proposed construction works and enhanced by woodland management. In this regard the Applicant has offered to work with the Council to create a Woodland Management and Biodiversity Plan, designed to ensure that the remaining woodland area, stays as healthy as possible for as long as possible. It will also introduce specific measures to enhance biodiversity and encourage public access. The Tree Report and Ecology Report submitted in support of the application included suggestions with regard to these issues.

The proposal would result in the detrimental removal of 16% of the woodland. Permanently removing woodland results in a permanent net biodiversity loss not a net gain. No mitigation proposals have been proposed that would compensate for the loss of potentially ancient woodland, or at the very least of long-established origin, habitat and soils. The site has a place in the landscape as a steppingstone of habitat in the existing woodland network. The site has long been identified as a Site of Importance for Nature Conservation (SINC) and Local Nature Conservation Area (LNCS). It was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS; though the formal process for doing so has not been completed. The site is of local value in the South Lanarkshire context and should be recognised as such. The appeal statement refers to the trees to be removed as merely self-

seeded, largely scrub like with no evidence of active management of them. However, whilst it is acknowledged that this part of the site contains some poorer quality trees it is nonetheless considered that the area involved is of value as part of the woodland network where the associated ground flora, soil, microbes and fungi are likely to be an irreplaceable biodiversity asset. It must also be highlighted that management of these trees is the responsibility of the appellant as owner of the site irrespective of the outcome of this appeal.

3.6 Woodland management and biodiversity works secured by applicant's financial offering

It is understood that the Applicant had offered to transfer the remaining woodland area to the Council or a community body. The practicalities/delivery of that could prove difficult, mainly because such parties appear unlikely to want the land. Accordingly, it is proposed by the Applicant that the woodland remains in private ownership and that he makes monies available to complete agreed woodland management and biodiversity improvement works. This obligation and financial commitment can be secured legally for example via a s.75 agreement ensuring that works are implemented. It is possible for example that the monies could be held in an Escrow account which can be drawn down upon by the Council if needs be.

Whilst the above points are noted the proposal is still contrary to local development plan policy for the reasons listed in the decision notice and the suggested woodland management plan is not of sufficient weight or merit to overcome the policy provisions of the adopted Local Development Plan. Indeed the suggestion for financial investment and a related Section 75 agreement is new information and was not made available prior to the determination of application P/22/0029. The relevance of this aspect is therefore questionable in terms of this appeal.

3.7 The remaining woodland will be protected

The entire woodland is protected by a Tree Preservation Order (TPO). That is a blanket Woodland TPO of the type often used for simplicity to cover an entire area of woodland, but it does not recognise or discriminate between good areas and bad areas of woodland. The vast majority of the woodland will remain after construction of the 2 dwellings (circa 86%) and will still be protected by the TPO. Also, please note that strict tree protection measures will be implemented to ensure that no trees within the remaining woodland can be damaged by the Applicant's proposed construction works.

The site comprises of an area of established woodland which makes a very valuable contribution to the overall character and amenity of the area in general.

The site is, therefore, considered to be worthy of its Tree Preservation Order (TPO) designation. Whilst it is accepted that tree protection measures could potentially be put in place to ensure that no trees within the remaining woodland were damaged by construction works this does not alter the fact that there would be an adverse impact on the woodland in any case as a result of the proposed development due to tree loss. As discussed, the construction of the proposed driveway/access road and the required infrastructure relating to water supply, drainage, electricity and gas would have an additional adverse impact on the woodland. The proposed development would open the woodland to windthrow and would put the remaining trees under threat from removal due to being considered overbearing and perceived as a potential risk by future landowners, particularly in high wind. The juxtaposition of the trees and proposed development is considered to be unacceptable and the trees would be under threat from removal by future owners due to light obstruction and minor season nuisance etc. Again it must be emphasised that the Council's Arboricultural Manager and Bio-diversity Officer amongst others did not support the proposal due to its unacceptable impact on the trees.

3.8 There will be no unacceptable impact on the landscape character of the area

The loss of a small area of scrub woodland and the introduction of the 2 dwellinghouses will have negligible impact on the landscape character of the area. The proposed dwellings will effectively nestle against a backdrop of mature trees. Their inclusion into the landscape will not damage any key landscape features. It should be noted that there is already built form within the locale, some of it much greater in scale than the Applicant's proposal and permitted by the Planning Authority only relatively recently. That built form appears to exist successfully without causing any significant landscape concerns. In this regard the immediate area is very varied and contains a large school, large blocks of residential flats, Hamilton Racecourse (and its various built forms, many of which are substantial), a golf course, green space and the M74.

The wider locality is urban in nature and it is therefore not surprising that there is a range and variety of building/structures. Undoubtedly however the appeal site is an area of established woodland which provides a strong landscape context for the area as well as making a valuable contribution to the overall character and amenity of the area in general. The photographs at appendix 3 in the papers clearly show the quality of the woodland involved in terms of the positive contribution that it makes to placemaking, landscape character and the visual amenity of the area. Through the consultation process it has been acknowledged that this area of relatively undisturbed woodland provides a strong landscape context for the adjacent residential area as well as making a valuable contribution to the overall amenity of the area in general with Forestry

Scotland, the Council's Arboricultural Services and the Council's Biodiversity Officer expressing considerable concerns that any work in this area could have an adverse impact on the surrounding trees and the integrity of the woodland as a whole. To develop the site as proposed would introduce two very large houses into a mature woodland setting where the trees are of such amenity value that they have been protected by a Tree Preservation Order for many years. Clearly the contribution of the woodland to the landscape character and amenity of the area was recognised by the Council many years ago and to introduce urban development into the site/wider woodland would have a significant, adverse and irreversible impact on the landscape character of the area primarily as a result of tree loss.

3.9 There will be no unacceptable impact on the visual amenity of the wider area due to tree loss

It would be rare to find a development proposal that will have a lesser impact on the visual amenity of its locale. The proposed houses will be invisible from Bothwell Road to the west. It would be a stretch to argue that it is likely to cause a visual amenity problem with regards to the adjacent Hamilton College carpark to the south. Or indeed the 4 story flats to the northwest. As previously mentioned, the area is very varied and contains a large school, large blocks of residential flats and Hamilton Racecourse (and its various built forms, many of which are substantial).

As stated previously, the site comprises of an area of established woodland which provides a strong landscape context for the adjacent residential area as well as making a valuable contribution to the overall amenity of the area in general. The photographs clearly show the quality of the woodland involved in terms of the positive contribution that it makes to placemaking and the enhancement to health and quality of life through visual amenity. There are significant concerns that any work in this area could have an adverse impact on the surrounding trees and the integrity of the woodland as a whole. Consequently, it is considered that the proposal would have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss.

3.10 No adverse impact on the Green Network

The area where the 2 proposed houses are located is outwith the Green Network. The remaining woodland is within the Green Network and will be protected from construction works, enhanced via a Woodland Management and Biodiversity Plan and remain protected by a TPO.

The Green Network is a series of high quality connected greenspaces which delivers a range of multiple benefits. This includes contributing towards placemaking, helping to improve air quality, mitigating greenhouse gases

through carbon storage, supporting biodiversity enhancing health and quality of life and providing flood storage and areas for leisure activity. As discussed in Paragraph 3.2 above, whilst the amended site layout shows the proposed houses located outwith the Green Network the area of the site which would be used to form the access to the proposed dwellings is covered by the Green Network. The construction of the proposed driveway/access road and the required infrastructure relating to water supply, drainage, electricity and gas would be through the Green Network area and would result in tree loss with resultant additional adverse impact on the woodland and consequently the Green Network. The proposed development would open the woodland to windthrow and would put the remaining trees under threat from removal due to being considered overbearing and perceived as a potential risk by future landowners, particularly in high wind. In view of all of the above, it is considered that the proposal would have an adverse and irreversible impact on the Green Network as a result.

3.11 No adverse impact on the future designation of the site as part of a Local Nature Conservation Area

The possibility of the site being designated as part of a Local Nature Conservation Area is not adversely affected by the proposal; indeed it is enhanced. The Applicant is proposing to implement an agreed Woodland Management and Biodiversity Plan, the terms of which would be agreed with the Planning Authority. The Applicant submitted both a Tree Report and an Ecology Report in support of his application which included suggested works in these regards.

The site has long been identified as being of local biodiversity interest and is currently noted as a potential Local Nature Conservation Site (LNCS). As stated previously it was assessed for its biodiversity value in 2019 and passed the criteria for becoming notified as an LNCS, though the formal process for doing so has not been completed. The proposal would result in the detrimental removal of 16% of the woodland. It is acknowledged that the relatively undisturbed woodland provides many benefits including habitat for many forms of wildlife. The area is potentially Ancient Woodland, and at the very least of long-established origin. Its value as a key part of the woodland network in this area cannot be underestimated; the associated ground flora, soil, microbes and fungi are therefore likely to be an irreplaceable biodiversity asset. It is undeniable that the proposal would result in the unacceptable loss of woodland within the site along with a permanent net loss of biodiversity. For the above reasons and those discussed previously it is considered that the proposal will have an adverse impact on the future designation of the site as part of a Local Nature Conservation Site.

4 Summary and Conclusions

- 4.1 In relation to the consultation process undertaken as part of the assessment of the associated planning application the Council's Report of Handling notes that Scottish Forestry, the Council's Arboricultural Service and the Council's Biodiversity Officer were unable to support the appellant's proposal due to the proposal's impact on trees, wildlife, natural habitat/environment or the amenity of the wider area. Similar concerns in relation to the proposal were highlighted in many of the 48 letters of representation and petition submitted.
- 4.2 Also highlighted in the Report of Handling were the two previous planning applications for residential development at the site that were refused and the related appeals that were dismissed. Although the details of the proposed vehicular access with the planning application were revised, the generality of residential development and its negative impact on individual trees, the woodland overall and biodiversity remain. Such aspects were material to the determination of these historical applications and appeals. There has been no material change in such aspects since the previous decisions (although it could be advanced that the focus/move towards increased protection of the natural environment has intensified due to the adopted South Lanarkshire Local Development Plan 2 and worldwide climate concerns). The determination of planning applications must be on a consistent footing/basis and there are no planning reasons whatsoever to come to a different conclusion in relation to the proposal's impact on trees, wildlife, natural habitat/environment or the amenity of the wider area.
- 4.3 As required by planning law, application P/21/0029 has been assessed in terms of the development plan and all other material considerations. In this respect the Report of Handling provides a detailed summary of all relevant considerations and a reasoned justification as to why the appeal proposal did not accord with Local Development Plan policy. The proposed development is contrary to the provisions of the adopted South Lanarkshire Local Development Plan 2. It is, therefore, respectfully requested that the Planning Local Review Body support the decision to refuse consent and dismiss the applicant's request to overturn the refusal of planning permission P/21/0029 based on the information contained in the report of handling and associated reasons for refusal.

Hamilton Park South

Hamilton

11 July 2022

Dear Planning Local Review Body Members

**Planning Application Reference Number P/21/0029 - Land at Bothwell Road.
Hamilton**

Applicant Mr Shahid Chaudhary – Erection of two dwelling houses, with associated studio flats above attached garages, raised decking at rear, and formation of access.

We refer to the above Planning Application submitted to South Lanarkshire Council 8 January 2021, with a subsequent amended application submitted 18 August 2021, Refusal Notice 24 March 2022, and application for Review of the Planning Authority's decision 23 June 2022. We acknowledge this as the latest in a series of planning applications, over many years, for this site.

Thank you for the email advising that the applicant has requested a Review of South Lanarkshire Council's decision. As part of the review, we would be most grateful if you would consider this document, in conjunction with all our previous submissions, the attached individual letters, and the attached supporting letter from Stephanie Callaghan, MSP for Uddingston and Bellshill constituency.

For ease of reference, this response will follow the underlined headings of the applicant's Letter to Members, dated 22 June 2022:

Introduction Page 1 of 5

We note that the 'site', bounded in red, does not equate to the applicant's land in full. Should the entire area have been used to calculate percentage tree loss, this will have compromised the figures considerably, as a significant section is of scrubland, and not woodland. The percentage tree loss data may therefore be an underestimate.

Proposal "merits of which there are many" – All the facts available to us, to date, indicate any development would constitute no benefit whatsoever, and wide ranging losses, e.g. environmental, ecological, visual, amenity, landscape, historical, social, plus health and wellbeing.

There is Already a Presumption in Favour of Development Page 2 of 5

We note the partial/selective reference to policy within the Local Development Plan 2. This omission includes crucial information regarding when a presumption in favour of development does not apply. We fully support South Lanarkshire Council's decision in appropriately applying the policy in this case. In addition, we would highlight that the relocation of the buildings does not address any of the overall concerns and objections

previously submitted, in relation to damage to the environment, wildlife and woodland, etc.

"Trees within this area (Green Network) will remain undamaged by the proposed development." – All the data available to us indicates that significant damage would be caused to the trees within the Green Network, due to tree removal, root damage, and loss of natural habitat. In addition to the impact of the proposed buildings, we are also concerned in relation to the construction of an entrance road through the Green Network, gardens, parking, and turning points, etc.

The Proposal will Produce a Net Environmental Gain (Woodland Management and Biodiversity) Page 2 of 5

"The applicant is proposing to remove very few trees and those that will be removed are of lower quality"

"the trees to be removed are merely self-seeded, largely scrub like, and there appears to have been no active management of them."

"Please refer to the photograph below showing the scrub woodland area where the 2 dwellings are proposed"

"These will be undamaged by the proposed construction works and enhanced by woodland management."

"The Applicant had offered to work with the Council to create a **Woodland Management and Biodiversity Plan**"

"specific measures to enhance biodiversity and encourage public access"

The statements above do not reflect our detailed knowledge of this protected amenity area. We would like to highlight the following:

- Our previous submissions re the tree loss calculations
- The contrast between the latest Tree Report submitted by the applicant, and the more comprehensive Tree Report submitted by the applicant in 2019, which recorded the site as of **High Amenity Value; High Conservation Value; and High Landscape Value** (bold text quoted from original document)
- The scientific conflict, i.e., it would seem impossible to destroy part of an area, split off the remainder into separate discreet units, and equate this with net gain. The areas in question are interdependent, living entities, teeming with rich and diverse wildlife
- The ecology report submitted as part of the application is, by its own admission, limited, and does not fully reflect the area in question
- The lack of "active management" is solely due to the applicant's disregard for his legal responsibility to maintain the area, in line with good silvicultural practice. In view of global warming, COP 26, and increasing awareness of the environmental crisis, it could be argued that there are also associated moral and ethical duties, which have been neglected

- The photograph exhibited is of a very small, restricted area linked to the proposed development, and is not representative of all the trees and habitat involved
- It is difficult to imagine that any remaining trees would be 'undamaged' by construction, particularly in view of the inevitable root damage, etc. – see our previous submission
- The vital omission that the applicant already has an ongoing legal responsibility for **Woodland Management**, for many years, which he appears to have made no attempt to fulfil or adhere to. We would urge South Lanarkshire Council to disregard this offer, as:
 - This relates a separate legal issue (Title Deed Burdens)
 - There is no evidence to date, to suggest the applicant would adhere to any future woodland management agreement with the Council
 - Making such an offer is confusing in terms of duties and transparency. We are concerned that an active legal requirement (wholly unfulfilled to date) may be being utilised as leverage in relation to planning permission
 - Hamilton Park South residents continue to pay an annual cost for some maintenance, due to the applicant's disregard for his responsibilities. The cumulative expense now totals many thousands of pounds
 - Creating a woodland maintenance plan with South Lanarkshire Council would involve precious Council staff time and expertise, which, as Council Tax payers, we would find unacceptable. This responsibility already exists in law, therefore there is no need to incur unnecessary Council costs, particularly during the current economic crisis

Woodland Management and Biodiversity Works Secured by Applicant's Financial Offering Page 3 of 5

The applicant "makes monies available to complete agreed woodland management and biodiversity improvement works. This obligation and financial commitment can be secured legally"

We urge South Lanarkshire Council to disregard this offer as immaterial to this Review, due to the following:

- This obligation is already "secured legally", and is wholly the responsibility of the applicant
- This is a separate legal issue
- It is not acceptable for the applicant to pass legal responsibility on to South Lanarkshire Council
- There is no evidence, to date, to support the applicant's commitment to woodland management
- This would impose unnecessary costs on Council budget, during an economic crisis, as Council staff would be involved in managing the woodland (if monies were made available by the applicant)

- There is evidence to suggest that South Lanarkshire Council may be at risk of future legal dispute with the applicant, similar to the ongoing issues faced by Hamilton Park South, and other local residents for many years.

The Remaining Woodland will be Protected Page 3 of 5

"The entire woodland is protected by a Tree Preservation Order (TPO)."

"The vast majority of the woodland will remain after construction of the 2 dwellings (circa 86%)"

"no trees within the remaining woodland can be damaged by the Applicant's proposed construction works"

We are deeply concerned by the above claims, i.e.:

- The complete disregard for the Tree Preservation Order
- The complete disregard for the Title Deed Burdens, preventing any development or change, and requiring ongoing woodland management
- Evidence suggesting that at least 20% of the site (outlined in red) would be destroyed to accommodate the buildings, whilst additional loss will be required for the necessary entrance road, parking, gardens and turning points. The net loss will therefore be significantly greater than the 16% referenced
- It would seem impossible to predict and claim that no additional trees within the Green Network would be damaged

There Will Be No Unacceptable Impact on the Landscape Character of the Area Page 3 of 5

"The loss of a small area of scrub woodland and the introduction of the 2 dwellinghouses will have negligible impact on the landscape character of the area."

"built form within the locale" "permitted by the Planning Authority only relatively recently."

We are concerned by the above statements, as follows:

- The loss would not be 'small', or constitute 'scrub', and would encompass mature trees, etc
- The impact on the landscape character of the area would be considerable, and not 'negligible'
- The most recent construction in the wider area was over 2 decades ago, prior to the globally accepted science around global warming/climate crisis, and prior to changes in national and local policy and legislation, as a result of the environmental emergency

There Will Be No Unacceptable impact on the Visual Amenity of the Wider Area Due to Tree Loss Page 3 of 5

"It would be rare to find a development proposal that will have a lesser impact on the visual amenity of its locale."

"It would be a stretch to argue that it is likely to cause a visual amenity problem with regards to the adjacent Hamilton College carpark to the south. Or indeed the 4 story flats to the northwest."

We are concerned by the above comments, as:

- They are limited/selective and do not demonstrate an awareness or acknowledgement of the wider area, and are consequently subjective
- Omit to mention that the proposed development would be visible from not only Hamilton College, and Hamilton Park South, but also from Hamilton Park North, Hamilton Park Racecourse, Strathclyde Park Golf Course, Hamilton Mausoleum, and surrounding areas, The Furlongs, and surrounding properties, Strathclyde Country Park, M74 motorway, North Haugh Nature Reserve, the towns of Motherwell and Bellshill, and beyond.
- The proposed buildings would be located beyond the building line of the existing flats, and would therefore be further damaging to the current outlook, landscape and visual amenity of the area

No Adverse Impact on the Green Network Page 3 of 5

"The area where the 2 proposed houses are located is **outwith the Green Network**. The remaining woodland is within the Green Network and will be protected from construction works, enhanced via a Woodland Management and Biodiversity Plan and remain protected by a TPO."

We are concerned by the above statement, due to the following:

- The proposed development does not sit solely outwith the Green Network. It will require an entrance road, parking, gardens and turning points which will all cause permanent and irreversible destruction to this valuable amenity area, which formed part of the Duke of Hamilton's estate
- It is misleading to claim that the remaining woodland will be protected from construction works, as the entrance road, etc. above, would sit fully within the Green Network
- The construction would also damage vital above ground and underground eco systems, including tree roots and other dense vegetation
- See previous comments re Woodland Management and TPO

No Adverse Impact on the Future Designation of the Site as Part of a Local Nature Conservation Area Page 4 of 5

"The possibility of the site being designated as part of a Local Nature Conservation Area is not adversely affected by the proposal, indeed it is enhanced."

"...**Woodland Management and Biodiversity Plan**, the terms of which would be agreed with the Planning Authority."

"We cannot see the woodland within such records....(1750 Roy maps or the 1st Edition OS maps of 1860).... If it is not, additional ecological and mapping work will not make the woodland an AW or LEPO." (Ancient Woodland or Long-established woodlands of plantation origin)

We are concerned by the above comments, as:

- There is no evidence to support enhancement of any kind
- All the evidence available to date, indicates the proposal would devastate the area, and have a permanent, considerable and adverse impact on the environment as a whole. The resulting separation of the land into multiple discreet areas would further destroy the ecology
- See previous comments re Woodland Management
- Even if the Planning Authority agreed future terms of a woodland management plan, all the evidence available indicates the risks in terms of compliance, and legal implications may be extremely high
- We acknowledge, and endorse the CER Biodiversity Report, from South Lanarkshire Council's consultation process, which states the site;
 - passed the criteria for becoming notified as a Local Nature Conservation Site in 2019
 - Is of local value in the South Lanarkshire context and should be recognised as such by the Planning process
 - Is potentially Ancient Woodland, and at the very least of long-established origin. It is not on the mapping system, due to being too small to have been included, 'This does not detract from its value as a key part of the woodland network in this area; the associated ground flora, soil, microbes and fungi are therefore likely to be an irreplaceable biodiversity asset.'

Concluding Remarks Page 4 of 5

"the proposal complies with planning policy."

We wish to disagree, in the strongest terms, with the above statement, and several other claims within the Concluding Remarks. We believe the claims to be in direct conflict with the policies referenced, as concluded by South Lanarkshire Council in March 2022.

Conclusion

This proposal would destroy an invaluable and complex area of trees, wildlife, and biodiversity; part of the historical natural environment of the Duke of Hamilton's estate, which has never been developed, and is protected by TPO and Title Deed Burdens from any form of change or development. This area of **'high amenity value, high landscape value and high conservation value'** has been visited and studied by Scottish universities. It is of tremendous environmental, historical, social and health/wellbeing significance, to the residents of South Lanarkshire and beyond.

Based on all the evidence available to date, we believe the proposal does not address any of the overall, and specific concerns and objections previously submitted, in relation to damage to the environment, wildlife and woodland.

The applicant appears to go to great lengths to question and undermine the findings of South Lanarkshire Council, e.g. Arboricultural and Biodiversity Officers' reports, as well as the report by Scottish Forestry in relation to the condition of trees and the disruption which would be caused to the woodland, by the proposed development. The applicant questioning the integrity and experience of Council staff remains surprising.

The photographs below show trees overhanging the wall onto the pavement on Bothwell Road, down to a height of 4 feet from the ground. This is presenting an ongoing hazard to pedestrians and cyclists using the pavement, and possibly to motorists on the road. It offers no confidence that the applicant would be likely to implement any Woodland Management Plan, as part of the proposed new development. Given the failure to address any maintenance issues to date, including works highlighted as 'urgent' in the 2019 comprehensive Tree Report, we have concerns regarding health and safety, in addition to the impact on the woodland.



The proposed development involves building on a steep slope. This gradient currently acts as a natural drainage route for flood water. As previously stated, flooding is a recurring issue in this area. The proposed buildings would block the natural drainage route, thereby increasing the flooding risk to local properties. We have been unable to locate a Flood Risk Assessment within the documentation.

We would like to take this opportunity to respectfully request that the applicant actions the following, as a matter of some urgency:

1. Fulfil the 'burdened property' legal obligation to protect the land from any changes or development, i.e.:
 - a. Withdraw Planning Application P/21/0029
 - b. Desist from any future plans or planning applications to change or develop the land
2. Fulfil the 'burdened property' legal obligation to maintain the land, in line with good silvicultural practice i.e.:
 - a. Undertake all 'urgent' maintenance documented in 2019
 - b. Undertake all urgent maintenance originating from 2019 to date, including all related to significant health and safety risks
 - c. Create and implement the necessary medium and long term maintenance programme, to meet all outstanding needs and issues
 - d. Reimburse Hamilton Park South residents for all maintenance costs incurred to date
 - e. Remove the large number of stakes and extensive amounts of plastic tape, which have been in situ since October 2020, and are detrimental to the woodland (inserted by the applicant's contractor)

We wish to once again highlight and record the significant adverse impact of the applicant's actions and omissions on South Lanarkshire residents over many years, in the repeated attempts to develop this protected site. Local residents have suffered high levels of ongoing stress, anxiety, and financial loss, in addition to extensive loss of time and energy, due to the actions and omissions of the applicant, since taking ownership many years ago. We would also like to emphasise that a considerable percentage of our local residents are elderly and/or vulnerable.

In the interests of equity, fairness and justice, we would be most grateful if we could be included in any site visit or hearing, as requested by the applicant, as part of this Review. Such inclusion would be particularly pertinent, due to the confusing information that we, and our specialist legal team, are aware of.

In closing, we would once again reference Sir David Attenborough who recently stated that 'the natural world is in crisis, because of us', and we are facing 'irreversible damage to the natural world, and the collapse of our societies'. The solution is 'within our power, if we start making the right choices'. We would respectfully implore the Council to support local residents, by continuing to make 'the right choices'.

We wholeheartedly thank South Lanarkshire Council for accepting and considering the above comments, and all previous objections, which we hope will be given full consideration, during the Review.

With thanks, and kind regards

Hamilton Park South Action Group

From: Ellie Bryce
Sent: 30 June 2022 15:48
To: McLeod, Stuart
Subject: P/21/009

Dear Mr McLeod

I strongly object to the following proposal regarding the erection of two dwelling houses on the land between Hamilton Park South (My residence) & Hamilton College.. I object to the planning on the grounds mentioned below:

Tree Preservation - the trees are home to many of Scotland's beautiful wild life and cutting down these trees would mean these animals would be living out with their natural habitat. The habitat of badgers, an endangered and protected animal. In addition, there are several young deer that live in this land and families of badgers which are one of Scotland's most protected species. This sight is zoned as a 'Green Network' and not for housing. It is also marked as a 'Conservation Area' so how can someone possibly build on top of this.

Access - this proposal will make this location of housing attractive for trespassers and could harm the wellbeing and safety of Hamilton Park's residents and properties.

Road safety - this area is neighbour to a school of children from the ages of 3-18 years and this proposed house build will only increase the chances of accidents when children are entering and leaving their school. Furthermore, drop offs and pick ups will be even more dangerous and chaotic for the people entering Hamilton from one of its main points. There could also be an increase in vehicle collisions with this proposed shares entrance with Hamilton College as even more traffic will need to cross the dual carriageway and turn into the building causing even more queues and back logs.

Property value - I am also concerned about the value of our properties at Hamilton Park South being affected by these houses due to a loss of privacy with new entrances and removal of green land.

Kind regards,

Ellie Bryce

57 Hamilton Park South
Hamilton
Lanarkshire
ML3 0FH

THIS IS THE FIRST OF 60 SIGNED PRO-FORMA REPRESENTATIONS FROM OBJECTORS TO THE PROPOSAL

To Stuart McLeod, Planning Team South Lanarkshire Council

Planning Local Review Panel – Land 120 metres North West of 55 Bothwell Road, Hamilton.

Planning Ref P/21/0029 – Erection of two dwelling houses and studio flats.

Thank you for your email advising that following the Refusal of Planning Permission for the above development, the Applicants have requested a Review of the Council's decision to refuse the application.

As one of many objectors to the Application I wish to record my continued opposition to the proposals, which have now been a constant source of anxiety to residents for several years.

PLEASE SEE ATTACHED BACKGROUND DOCUMENT FROM HAMILTON PARK SOUTH ACTION GROUP

I would like to emphasise the following points when the Review is being carried out.

1. This site was never intended for development of any kind as it is designated as Amenity Land for residents of the adjacent flats at Hamilton Park South. This is confirmed in the land's Title Deeds, however the owners made a speculative purchase of the land for residential development without any guarantees that the conditions on the Title Conditions could be overcome. This was a risk which they chose to take.
2. The reasons for refusal of the application demonstrate clearly why the development will not be supported on strong Environmental issues.
 - (a) Policy NHE13 – Proposal would affect integrity; amenity; landscape; and conservation value of the woodland;
 - (b) Policy NHE20 – Loss of woodland which is a protected local resource would have unacceptable net loss of biodiversity in the area;
 - (c) Policy 5 and 13 of Adopted South Lanarkshire Local Development Plan – Proposal does not have regard to the landscape character of the area; would have negative and unacceptable impact on visual amenity of wider area; and would have adverse and irreversible impact on green network and future designation of this site as a Local Nature Conservation Area.

These are strong and unquestionable issues which demonstrate the cumulative negative effect which the development of this site would create. I would strongly urge the Review Panel to take all of this into consideration when carrying out the review.

3. One aspect of the Planning Application which local residents also opposed was the impact which the increased traffic as a result of additional residential units would have on an already busy road and junction. Please also take this into consideration when reviewing the Application.

Many thanks and I look forward to hearing the outcome of the review.

Kind regards

NAME



IAIN HALL

ADDRESS

34 Hamilton Park North
ML3 0FG

DATE

9/7/22

The following is a list of names of those who handed in the same letter as the first pro forma.

Jean Russell
Rhona Hall
Bridget Power
Gordon Anderson
Lesley Patrick
Graham Patrick
George Cumming
Dr Tahira Idrees
Yvonne McKeown
Rebecca Lennon
Anne Trevorrow
Kate O'Conner
Alan McCulloch
Russell White
Sandra Nimmo
Kate Mc Geown
Morven McPherson
P Williamson
Cameron McCann
Mark Evans
Alistair Houston
Catherine Cumming
Shona Anderson
A Kerr
Marjorie Good
Ann Anderson
H Duddy
George Davenport
James Daly
Roderick Frame
Margaret Frame
Paul Wier
Catherine Benham
William Benham
N Costello
B Gallacher
E Gallacher
S Gallacher
Pamela Stewart
Stephen Murray
M Barras
Carmen Barras
Dawn Allan
Anne Marie Donellan
Rita Faccenda
Wendy Richard
Baillie Douglas
Angela White
Mohammed Arshad
Ceri Evans
Elizabeth Bannatyne
Sharon Dean
Anne Graham
Colin Graham
Anne Stein
Hugh Rocks
A Gallagher
Plus one that we could not read

Appendix 7

**Applicant's Comments on Further Representations
Submitted by Interested Parties in the Course of the
Notice of Review Consultation Process**

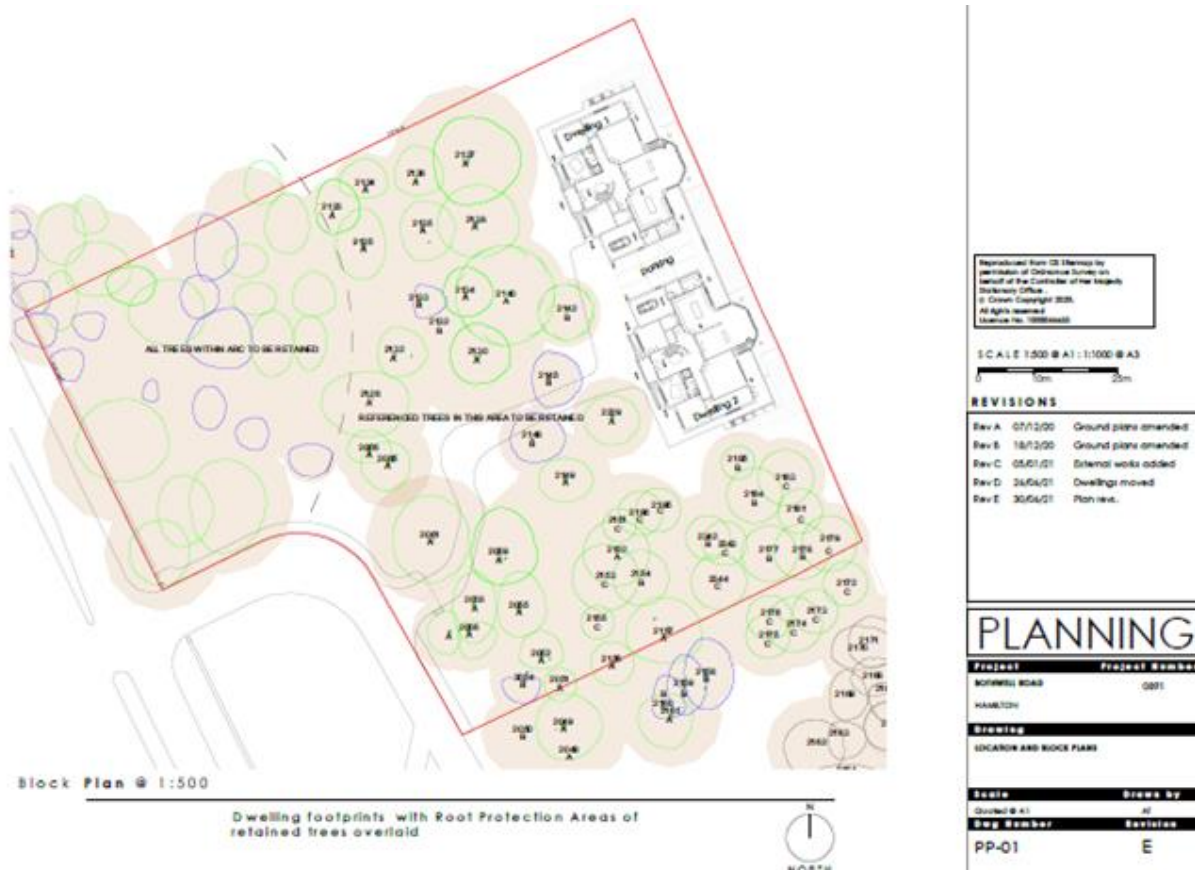
04.08.2022

FAO: Local Review Board Members
Executive Director (Corporate Resources)
Council Headquarters
Almada Street
Hamilton
ML3 0AA

Dear Members

RESPONSE TO REPRESENTATIONS - Refusal of Erection of Two Dwellinghouses with Associated Studio Flats Above Attached Garage, Raised Decking At Rear and Formation Of Access at Land 120M Northeast of 55 Bothwell Road – Planning Application Reference: P/21/0029

The Applicant has felt it necessary to respond to the representations received on Friday 22nd July 2022 regarding his application to construct two dwellings as shown on the site layout below, at Bothwell Road, Hamilton. As well as the information contained within this Letter and appended to it, Members are also directed to the Applicant's Statement of Case submitted previously.



Pre-prepared/Manufactured Objections - It is noted by the Applicant that the above mentioned representations, akin to a great many other objections submitted in relation to his planning application, are standard pro-forma objection letters. It is acknowledged by him that the small number of undoubtedly highly motivated instigator(s) of these mass-produced objections are within their rights to have done what they have. However, it is highly questionable whether many of the parties that have been asked to sign these pre-prepared representations would themselves have been sufficiently motivated to prepare and submit objections on their own. It is well known within Planning Authorities that this method of encouraging objection, produces an artificially inflated number of objections and as such they carry less weight than the self-penned variety.

Greater Acceptability of Proposal Compared to Recent Developments Adjacent Bothwell Road - The Applicant also wishes to highlight that some of the representations have come from parties who live in the flatted housing scheme adjacent Hamilton Racecourse. Many of these flatted blocks are highly visible from the surrounding area, in particular Bothwell Road. They are also built upon what was mature woodland, which was completely decimated, to make way for these flatted housing schemes. Therefore, there appears to be a degree of selective memory being employed by certain objectors and also the Planning Authority when inferring that the Applicant's proposal will be unsightly, damaging to amenity and the environment. By comparison, the Applicant's proposed two houses will be completely invisible when viewed from Bothwell Road. There will be no unacceptable impact on the landscape character of the area. There will be no unacceptable impact on the visual amenity of the wider area due to tree loss. It will result in the loss of only secondary poor quality self-seeded trees and will introduce woodland management and other measures which will result in a net environmental gain for the area, including improvements to biodiversity (all of which will be addressed later in this letter). Further, if the development is permitted a payment will be made by the Applicant to Hamilton College in return for access rights to the application site, thereby benefiting an important educational establishment which is a registered charity.

There is Already a Presumption in Favor of Development - Members' attention is drawn again to a very important point. The 2 houses proposed will be constructed within the eastern section of the Site within land zoned as "General Urban Area" where there is a **presumption in favour of development** (Policy 3, LDP2). This is planning fact. This part of the woodland area is of poor quality, hence we assume why it was zoned within the general urban area and not part of the Council's identified green network.

There Will Be No Adverse Impact on the Green Network – The objectors appear to have concerns about the proposal's adverse impact on the Green Network. The Applicant draws Member's attention to the fact that the area where the 2 proposed houses are located is outwith the Green Network. The remaining woodland is within the Green Network and will be protected from construction works, enhanced via a Woodland Management and Biodiversity Plan and remain protected by a TPO.

No Adverse Traffic Impact – It is noted that the objectors have stressed concerns about the impact of increased traffic on the junction with Bothwell Road, attributable to the Applicant's proposed two houses. The houses will share the Hamilton College access and result in an almost imperceptible percentage increase in traffic using that junction. Further, the Roads Authority are content with the proposals.

There Will Be No Adverse Impact on the Future Designation of the Site as Part of a Local Nature Conservation Area – NatureScot (Scotland's Nature Agency) indicates that a "*Local Nature Conservation Area's designation signals to planners and developers where there are natural features of some merit. It encourages them to consider early on these sensitive sites and opportunities to enhance the local environment.*" Further, they state that "*The designation*

doesn't affect how landowners and land managers manage the land within an LNCSS on a daily basis."

The possibility of the site being designated as part of a Local Nature Conservation Area is not adversely affected by the proposal, indeed it is enhanced via the Applicant's proposed Woodland Management Plan and Biodiversity Strategy (see comments below).

Woodland Management Plan and Biodiversity Strategy – In this instance the Applicant is proposing to implement an agreed Woodland Management Plan and Biodiversity Strategy which will enhance the local environment. This will change positively how the owners manage the land and will be at their entire cost. To show the sincerity with which this proposal is made, a Woodland Management Plan and Biodiversity Strategy is appended to this letter. The terms of the Woodland Management Plan and Biodiversity Strategy would be agreed with the Planning Authority.

Funding Problems in Relation to Woodland Management

As the Woodland Management Plan and Biodiversity Strategy indicates many suburban/urban woodlands are in disarray due to lack of management, and the woodland in question is a perfect example of that. The mature woodland currently lacks any positive management, resulting in the current depauperate ground flora and the spindly drawn seedling and sapling trees (mainly of non-native species), starved of light by dense shading, much of which is from non-native trees.

Essentially, woodland management **costs money** and there needs to be a financial support for such management which is currently sadly missing. The Applicant's proposed small-scale development will bring in much needed money for management of the woodland resource (see comments below).

Woodland Management and Biodiversity Works Secured by Applicant's Financial Offering

It is understood that the Applicant had offered to transfer the remaining woodland area to the Council or a community body. The practicalities/delivery of that could prove difficult, mainly because such parties appear unlikely to want the land.

Accordingly, it is proposed again by the Applicant that the woodland remains in private ownership and that he makes monies available to complete agreed woodland management and biodiversity improvement works. This obligation and financial commitment can be secured legally for example via a s.75 agreement ensuring that works are implemented. It is possible for example that the monies could be held in an Escrow account which can be drawn down upon by the Council if needs be.

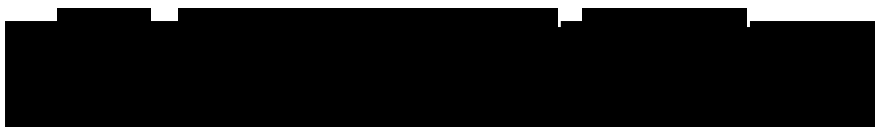
Limited Impact on Trees

The project includes removal of two mature trees (including a non-native horse chestnut that is in poor health (Category U) and a native ash (Category C), which is in poor form, as well as an area of neglected hawthorn-dominated scrub woodland to make way for the new residential development. At least 86% of the woodland in the Application Site will remain and be positively managed in the long-term.

The Remaining Woodland will be Protected by the Existing Tree Preservation Order

The entire woodland is protected by a Tree Preservation Order (TPO). That is a blanket Woodland TPO of the type often used for simplicity to cover an entire area of woodland, but it does not recognise or discriminate between good areas and bad areas of woodland.

The vast majority of the woodland will remain after construction of the 2 dwellings (circa 86%) and will still be protected by the TPO. Also, please note that strict tree protection measures



will be implemented to ensure that no trees within the remaining woodland can be damaged by the Applicant's proposed construction works.

Woodland Biodiversity/Conservation

Baseline ecological surveys identified roosting bats and small numbers of breeding birds as ecological constraints at the site and confirmed that the habitat structure was currently **poor for wildlife** with dense shade eliminating the ground flora and suppressing the understory in many areas of the woodland.

The Woodland Management Plan and Biodiversity Strategy proposes appropriate long-term woodland management. The existing woodland resource will then benefit through pro-active management, and biodiversity will benefit from the habitat enhancement through actions such as establishing new native trees and shrubs, installation of bat and bird boxes, and creating dappled lighting so that the ground flora can be encouraged through the planting of bluebell and other wildflower bulbs and seed, and so develop a woodland that is not only a visual asset for the local community but will help the Local Authority to fulfil its statutory duty to biodiversity.

Protection of Bats – Bats Will Not Be Adversely Affected

The Applicant submitted an Ecology Report in support of his application which included suggested works in these regards. This indicated that bats were unlikely to be problematic. Recognising that the issue of bats is an important one, a Bat Roost Survey for the proposed development site was undertaken, a copy of which is appended to this letter. That report presents the findings of the surveys and has a Bat Protection Plan. That will guide the developmental process to ensure no harm comes to any roosting bat and ensures that a firm commitment to appropriate bat roost compensation is provided before, during, and after development.

A considerable extent of woodland will remain around the development once complete which will ensure that foraging habitat for bats will continue to be present. This will be further enhanced by woodland management that will open up space within the woodland by understory thinning, which will enhance the woodland for use by foraging bats in the long-term.

Toolbox Talks – Breeding Birds and Bats

To further prove the Applicant's sincerity on the issues of breeding bird and bat protection/enhancement, Toolbox Talk documents regarding breeding birds and bats have been appended to this letter, which would be provided to the contractors involved in the construction of the proposed two houses.

Title to the Land – It is noted that objectors refer to legal matters relating to the Title Deeds to the application site which they say might restrict development. The Applicant makes no comment on that other than to say any such Title restriction(s), which may or may not exist, are not material planning considerations and should be disregarded.

Concluding Remarks - Given the foregoing it is apparent the proposal complies with planning policy.

The proposal is justifiable in planning terms on its own merits and should be granted planning permission.

There are no objections to the proposal from SLC Roads Development Management Team, SLC Environmental Services or Scottish Water.

The proposal would not adversely affect the integrity, amenity, landscape and conservation value of the woodland in which the application site is located. **It therefore complies with LDP2 Policy NHE13 - Forestry and Woodland.**

The proposal would not result in an unacceptable loss of woodland, which is a protected local resource and of high conservation value, and would not likely lead to a permanent net loss of biodiversity. **It therefore complies with LDP2 Policy NHE20 - Biodiversity.**

The proposal has due regard to the landscape character of the area. It would not have a negative and unacceptable impact on the visual amenity of the wider area primarily as a result of tree loss. It would not have an adverse and irreversible impact on the green network and future designation of the site as part of a Local Nature Conservation Area. **It therefore complies with LDP2 Policy 5 - Development Management and Place Making and Policy 13 - Green Network and Greenspace** in these (and all other regards).

The proposal also complies with the below planning policies:

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 14 - Natural and Historic Environment
Policy 15 - Travel and Transport
Policy 16 - Water Environment and Flooding
Policy NHE14 - Tree Preservation Orders
Policy DM1 - New Development Design

Yours sincerely

Mark McGleish
CERTUS

Bat Roost Survey for Proposed Development Site

At Bothwell Road

Hamilton

South Lanarkshire

ML3 0AY

July - August 2022

Prepared by Baker Ecology

Executive Summary

Baker Ecology Ltd. was commissioned in July 2022 to complete an update to a daylight bat roost potential inspection of trees at a proposed development site adjacent to Bothwell Road, Hamilton as part of baseline data collation prior to the development of the site. The project includes removal of a small number of trees to make way for a new residential development.

The daylight inspections confirmed seven trees still had potential roost features (PRF) present that bats could use to access and roost in, of which six were considered of Moderate or High roost potential and so required further survey work. Following a high due regard for the possibility that bats could roost in trees we completed a series of bat presence/absence surveys during the key bat survey season (May – September inclusive) to confirm whether any roosting bats were in fact present. These surveys found two active Soprano Pipistrelle roosts (in tree 2063) within the Application Site, each used by one bat. Roosting bats are therefore an ecological constraint for the proposed development of the Application Site and it will be necessary to apply for a licence to destroy the bat roosts once planning has been approved. This report presents the findings of the surveys, and has a Bat Protection Plan appended that will guide the developmental process to ensure no harm comes to any roosting bat, and that a firm commitment to appropriate bat roost compensation is provided before, during, and after development.

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1. Introduction

Baker Ecology Ltd. was commissioned in July 2022 to complete an update to a daylight bat roost potential inspection of trees at a proposed development site adjacent to Bothwell Road, Hamilton (NS 71678 56543, Figure 1. and Plates) as part of baseline data collation prior to the development of the site. The project includes removal of a small number of trees to make way for a new residential development.

The daylight inspections confirmed seven trees still had potential roost features (PRF) present that bats could use to access and roost in, of which six were considered of Moderate or High roost potential and so required further survey work. Following a high due regard for the possibility that bats could roost in trees we completed a series of bat presence/absence surveys during July and August 2022 to confirm whether any roosting bats were in fact present. These surveys found two active Soprano Pipistrelle roosts present in tree 2063 within the Application Site. Roosting bats are therefore an ecological constraint for the proposed development of the Application Site, and it will be necessary to apply for a licence to destroy both bat roosts once planning has been approved. This report presents the findings of the surveys, and has a Bat Protection Plan appended that will guide the process to ensure no harm comes to any roosting bat. It also makes firm commitment to compensatory roost provision during and after development of this site.

2. Relevant Policy and Guidance

This ecological assessment has been undertaken with regard to the legislative requirements given in the following:

- The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations);
- The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations as amended (2004, 2007, 2008, 2011, and 2012);
- Nature Conservation (Scotland) Act, 2004;
- Wildlife and Countryside Act 1981 (and subsequent amendment through The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007, 2009, & 2011);
- Wildlife & Natural Environment (Scotland) Act (2011);
- Wild Mammals (Protection) Act, 1996;
- The Convention on the Conservation of European Wildlife and Natural Habitats (The Berne Convention), 1979;
- The Land Reform (Scotland) Act, 2003;
- Scottish Planning Policy (June 2014) replaces NPPG14 and SPP (February 2010);
- The UK Biodiversity Action Plan (BAP), revised priority list 2007;
- The South Lanarkshire Biodiversity Strategy 2018 - 2022 (SLBS);
- The UK Biodiversity Action Plan (UK BAP), revised priority list 2007; and the
- Scottish Biodiversity List 2007

2.1. Biodiversity Status

The UK Biodiversity Action Plan (BAP) is the UK Government's commitment to the Convention on Biological Diversity signed in 1992. It is comprised of two types of Action Plans developed to set priorities for nationally and locally important habitats and wildlife:

Species Action Plans

- Produced for UK BAP Priority Species: information on the threats facing 382 species and action plan targets to achieve a positive conservation status;
- Grouped Species Action Plans - common policies, actions and targets for similar species, for example for Eyebrights, or Commercial Marine Fish. There are nine grouped action plans;
- Species Statements - overview of the status of species and broad policies developed to conserve them for two groups of species.

Soprano Pipistrelles are a UK Biodiversity Action Plan priority species but Common Pipistrelle bats have now been removed from the list (2007). Daubenton's bat is a species of UK conservation concern.

Habitat Action Plans

- Broad Habitat Statements - summary descriptions of 28 natural, semi-natural and urban habitats and the current issues affecting the habitat and broad policies to address them; and
- UK BAP Priority Habitat Action Plans - detailed descriptions for 45 habitats falling within the Broad Habitat classification and detailed actions and targets for conserving these habitats.

Local Biodiversity Action Plans

Each Local Biodiversity Action Plan (LBAP) partnership, usually but not always at the local authority level identifies and establishes actions to conserve local priorities and also link this action to the delivery of national Species and Habitat Action Plan targets wherever possible. Grouped action plans at this level include bats, and Waders, for example.

Soprano & Common Pipistrelle bats were key species in the previous South Lanarkshire Biodiversity Strategy as all UK key BAP species were classed as key species locally. In the latest version of the strategy an ecosystem approach is taken, which encompasses conservation of key species by conservation of habitats.

2.2. European Protected Species: The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations)

Full consideration of European Protected Species (EPS) must be given as part of the planning application process, not as an issue to be dealt with at a later stage. The European Protected Species of animal of potential relevance to this survey area were bat species found in Central Scotland.

European Protected Species are protected in Annex IVa in the EC Habitats and Species Directive, which is transposed into UK legislation by the Conservation (Natural Habitats &c.) Regulations 1994 (Schedule II of The Habitats Regulations). The full details of this legislation can be viewed at:

http://www.opsi.gov.uk/SI/si1994/Uksi_19942716_en_4.htm

This legislation was amended on the 14th February 2007 (The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2007.), and explanatory guidance on this was published by the Scottish Government in April 2007. The amendment removed all EPS from Schedule 5 of the Wildlife & Countryside Act 1981. There are therefore now no defences in the WCA 1981 whatsoever for any actions impacting on EPS, and protection is afforded by the following legislation only:

Under Regulation 39 of the Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) it is now a criminal offence (subject to specific exceptions) to:

(a) deliberately or recklessly to capture, injure or kill a wild animal of a European protected species; (only defences are mercy killing, capture for tending a disabled animal or circumstances where the animal is captive bred and lawfully held).

(b) deliberately or recklessly–

- (i) to harass a wild animal or group of wild animals of a European protected species;
- (ii) to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- (iii) to disturb such an animal while it is rearing or otherwise caring for its young;
- (iv) to obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;
- (v) to disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; or
- (vi) to disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;

(c) deliberately or recklessly to take or destroy the eggs of such an animal; or

(d) to damage or destroy a breeding site or resting place of such an animal.

It should be noted that only the offence of damaging or destroying a breeding site or resting place of an EPS is a strict liability offence. The remaining offences are offences only where they are carried out “deliberately” or “recklessly”.

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on EPS or their places of shelter/breeding, whether or not they are present in these refuges. This includes for developmental work. Under Regulation 44 of The Habitats Regulations, the provisions in Regulation 39 (protection of animals) do not apply to anything done for any of the purposes defined in Regulation 44 provided that any action is carried out “under and in accordance with the terms of a licence granted by the appropriate authority”.

Three tests must be satisfied before a development licence for disturbance of an EPS or damage to a site/destruction of a site used by EPS will be granted. Note: A license application will fail unless all three tests are satisfied.

- Test 1 - the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). This regulation states that licences may be granted by NatureScot where the activities to be carried out under any proposed licence are for the purpose of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless NatureScot is satisfied “that there is no satisfactory alternative”; and
- Test 3 - Regulation 44(3) (b) states that a licence cannot be granted unless NatureScot is satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

Note: Breach of Licensing Conditions

A new regulation 46A came into force on 15th May 2007. This now makes it an offence to breach any conditions attached to a licence. Licence conditions should therefore be adhered to at all times.

2.3. Additional Legal Protection

- Additional protection is afforded through the Bern Convention (1979), enacted in Scotland through the Nature Conservation Act (Scotland) 2004;
- Appendix III, the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1980), Appendix 2; and
- The Bonn Convention's Agreement on the Conservation of Bats in Europe (London, 1991).

It is also a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing.

In all cases where bats are found to occupy trees or buildings and there is a developmental issue, NatureScot must be informed before any development takes place. A licence to permit development may then be obtained from NatureScot if appropriate.

3. Bats in Scotland

3.1. UK Bat Populations and Roost Significance

Ten species of bat are known from Scotland (Table 3.1).

Table 3.1. Population estimates for the 10 species of UK bats found in Scotland (from Wray et al. 2010)

Status in the UK	Scotland
Common (>100,000 bats)	Common Pipistrelle Soprano Pipistrelle
Rare (10,000 – 100,000 bats)	Natterer's Bat Brown Long-eared Bat Daubenton's Bat
Rarest (<10,000 bats)	Noctule Bat Leisler's Bat Nathusius' Pipistrelle Whiskered Bat Brandt's Bat

Of these, five species are relatively widespread in Central Scotland:

- Common Pipistrelle Bat (*Pipistrellus pipistrellus*) 45 kHz;
- Soprano Pipistrelle Bat (*Pipistrellus pygmaeus*) 55 kHz;
- Daubenton's Bat (*Myotis daubentonii*);

- Brown Long-eared Bat (*Plecotus auritus*); and
- Natterer's Bat (*Myotis nattereri*)

Another four also occur in Central Scotland (again all of which are known to occur in South Lanarkshire) but tend to have restricted distributions, or less is known about their distribution:

- Nathusius's Pipistrelle Bat (*Pipistrellus nathusii*) 38 kHz – (Edinburgh, Stirlingshire, Fife, Perth & Kinross, Renfrewshire, Midlothian, and possible but unconfirmed in Ayrshire);
- Noctule Bat (*Nyctalus noctula*) (more of a southern Scottish distribution but recorded in Ayrshire, Lanarkshire, Glasgow, Stirlingshire, West Lothian and East Dunbartonshire);
- Whiskered Bat (*Myotis mystacinus*) – within the Ayrshire, Lanarkshire, Stirlingshire, and Midlothian areas; and
- Leislers Bat (*Nyctalus leisleri*) (more of a southern Scottish distribution but known from East Renfrewshire, and North Ayrshire, and possible but unconfirmed in South Lanarkshire).

The 10th Scottish species Brandt's Bat (*Myotis brandtii*) is considered to be rare, with only a few records and roosts known, and its known distribution is currently limited to southern Scotland and western Perthshire.

From publicly available information nine of these species are known to occur in South Lanarkshire, with the only one absent or not recorded being Brandt's Bat.

3.2. Bat Roost Types

Nine main types of roost have been identified (Collins 2016). These are:

- Day roosts (March – November but more-so in the summer): used for resting during the day, and may be occupied daily by solitary or small numbers of males, or may be used infrequently as part of a chain of roost sites alternated daily but are rarely occupied at night. Whole colonies of some species such the Leisler's bat will change roost during the day including taking young with them;
- Night roosts (March – November): a place where bats rest or shelter during the night but are rarely present during the day. Can be used by solitary bats or entire colonies, and are often indicated by large accumulations of insect remains and some droppings;
- Feeding roosts (May – November): a place where individual bats or small groups may rest or feed during the night between bouts of foraging, in times when weather changes, or just for a temporary rest. May be used by solitary bats to whole colonies but are rarely used during the day;
- Transitional/occasional roosts (spring or autumn generally but may be used April-October): Some roosts may be transitional, when small numbers are present for a limited period, usually during the spring and autumn.
- Swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as being important for mating, with large numbers of male and female bats gathering from late summer to autumn.
- Mating roosts (September – October): where mating takes place from late summer and may continue through the winter;

- Maternity roosts (May - August): the most obvious roost type. These consist almost exclusively of females, most of which give birth and raise a single young but sometimes may include males in some species of bats. These colonies usually disperse by the autumn, although some species may remain in one roost all year round;
- Hibernation roosts (October – March); roost sizes may vary from individual to groups but must have a high humidity and constant cool temperature above freezing but generally less than 4°C; and
- Satellite roosts (May – August): alternative roosts near to maternity roosts used by a few breeding females or small groups of females throughout the breeding season;

Note: swarming sites (August – November) tend to be around caves and mines and may be used for hibernation as well as gathering for mating.

In Scotland, most species of bats roost by concealing themselves in crevices and are not easy to find. The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Hibernating bats however leave little or no trace of their presence. Other possible signs are a characteristic odour like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

The importance of each roost type was categorised by Wray (2010):

Table 3.2. Determination of level of importance of bat roost type (from Wray et al. 2010)

Geographic Frame of Reference for Roost Importance	Roost Type
Local	Feeding perches Individual bats of common species Small numbers of common species (non-maternity) Mating sites of common species
County	Feeding perches of rare/rarest species Small numbers of rare/rarest species (non-maternity) Hibernation sites for small numbers of common/rarer species Maternity sites of common species
Regional	Large swarming sites Mating sites for rarer/rarest species Maternity sites of rarer species Significant hibernation sites for rarer/rarest species or all species assemblages
National	Sites meeting SSSI guidelines Maternity sites of rarest species
International	SAC sites

Roosts may occur in a wide variety of places, particularly temporary roosts during dispersal and migration but can be categorised into three main groups:

- Those in quarries, caves, mineshafts, tunnels, and bridges;
- Those in buildings; and
- Those in trees

This study focused on potential roosting in trees.

3.3. Bats and Trees: Potential Roost Features (PRF)

Trees may provide safe dry places for bats to roost, although some bats prefer to roost in buildings when suitable buildings are present. Some bats remain roost faithful for prolonged periods, while others may have several alternate roost sites, and others may range much further using roosts several kilometres apart as weather conditions, food availability, and seasons change. Potential roost sites in trees may include:

- Crevices in bark;
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Dense ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

4. Survey Methods

All methodology followed Bat Conservation Trust Bat Surveys: Good Practice Guidelines (Collins 2016). Note on the Bat Survey Guidelines from Bat Conservation Trust (January 2016):

“Professional judgement and surveyor experience: The guidelines are not a prescription for professional bat work. They do not aim to override professional judgement and cannot be used to replace experience. Deviations from the methods described are acceptable providing the ecological rationale is clear and the ecologist is suitably qualified and experienced. In some cases it may be necessary to support such decisions with evidence, particularly if they may lead to legal challenge.”

The survey and report were completed by bat worker Dr Paul Baker (MCIEEM) of Acorna Ecology, a bat surveyor with more than 17 years' experience.

4.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

The aim of this survey was to determine if any tree had potential value for use by roosting bats or evidence of any actual bat presence by a detailed inspection of the exterior of the tree from ground level. The survey looked for features that bats could use for roosting (PRFs) and categorised the trees according to their individual potential value for use by roosting bats (Table 4.1. below). Mature trees within the Application Site and immediately adjacent to the boundary of the Site were checked for PRFs such as crevices, holes, splits, tears, and ivy that could be used by bats to enter roosting sites such

as those listed above, along with field signs of bat occupancy such as urine streaking, grease marks, smooth or worn surfaces, or droppings caught on bark or on webs. Where appropriate, inspections were made using binoculars.

Trees with no bat roost potential were not recorded individually.

Table 4.1. Tree/Building suitability assessed according to the Categories listed in the BCT Guidelines (Collins 2016)

Suitability	Description of Roosting Habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^a and / or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e., unlikely to be suitable for maternity or hibernation ^b). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential ^c
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^a and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^a and surrounding habitat.

a For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

b Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2015, in Collins 2016). This phenomenon requires some research in the UK but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in large buildings in highly urbanised environments.

c This system of categorisation aligns with BS 8596:2015 Surveying for bats in trees and woodland (BSI, 2015).

4.2. Bat Presence/Absence Surveys

Following national guidelines on levels of roost potential and appropriate survey effort the trees with PRF present required either one dusk emergence survey and one pre-dawn return to roost survey for those with moderate potential, or two dusk and one pre-dawn survey for those with high potential.

Note: SSF Bat -2 and Batbox Duet detectors were used during the surveys, with SSF Bat-2 detectors scanning all frequencies for echolocating bats, and allowing immediate switching to that frequency for identification purposes.

4.2.1. Bat Emergence Survey

The survey was completed on 4th August 2022 (MP, JB, CW, DM, PB, and RM) in suitable weather conditions for bat activity (temperatures 10°C or greater, light wind or no wind, and dry), and commenced from a half hour before sunset and continued for a minimum of 1.5 hours after sunset.

4.2.2. Bat Pre-dawn Return to Roost Survey

The pre-dawn return to roost survey took place on 20th July 2022 (MP, JB, CW, KM, TB, and RM) from 1.5 hours before sunrise until 15 minutes after sunrise in suitable weather conditions for bat activity (Collins 2016).

4.3. Limitations of Survey

The daylight tree inspection survey provided an indication of whether or not the property had potential for use by bats. Daylight inspections are not a substitute for presence/absence surveys, which they usually precede, and which were subsequently completed. There were therefore no significant constraints on the surveys as completed.

5. Results

5.1. Preliminary Ground Level Assessment of Trees for Bat Roost Potential

Seven trees had been found to have PRF (Figure 1.), with six scored as of Moderate and High potential for use by roosting bats:

Table 5.1. Trees with PRF

Note	Tree tag #	Tree Species	Tree Age	Features	Bat Evidence?	Roost Potential
TN 4	2215	Goat Willow	Immature	Hazard beam from snapped leader at c. 6m.	None	Low
TN 9	2137	Oak	Over-mature	Snapped and dropped limbs resulting in rot hole features. Cracks within main stem.	None	Moderate (assumed)
TN 10	N/A	Birch	Standing Deadwood	Several woodpecker holes through standing deadwood main stem.	None	High (assumed)
TN 13	2140	Oak	Over-mature	Rot hole at c. 10m facing east from a dropped limb.	None	High (assumed)
TN 14	2142	Oak	Over-mature	Flute with rot feature at top approximately 10m up main stem facing west.	None	High (assumed)
TN 15	2063	Horse Chestnut	Standing deadwood	Flaking bark throughout with several rot holes.	None	Moderate (assumed)
TN 17	N/A	Unknown	Standing deadwood	Woodpecker holes within main stem of standing deadwood.	None	Moderate (assumed)

5.2. Bat Survey Conditions and Timings

Table 5.2. Weather Conditions and Times of Surveys

Date	Temp start °C	Temp finish °C	Cloud cover (Oktas)	Dry/rain	Wind speed	Wind direction	Start time	End time
20/07/2022	15	16	8/8	Dry	0	-	0258	0513
04/08/2022	14	13	1/8	Dry	1	W	2119	2319

5.3. Bat Presence/Absence Surveys

5.3.1. Dusk Bat Emergence Survey

Roost R1 and R2 confirmed with Two Soprano Pipistrelles seen emerging from tree 2063.

5.3.2. Pre-dawn Bat Return to Roost Survey

Roost R1 and R2 identified in rotted branch union on the tree, with two Soprano Pipistrelles seen emerging – one from each roost.

6. Conclusions

The daylight roost potential survey determined that PRF were present and the bat presence/absence surveys subsequently completed confirmed two roost locations.

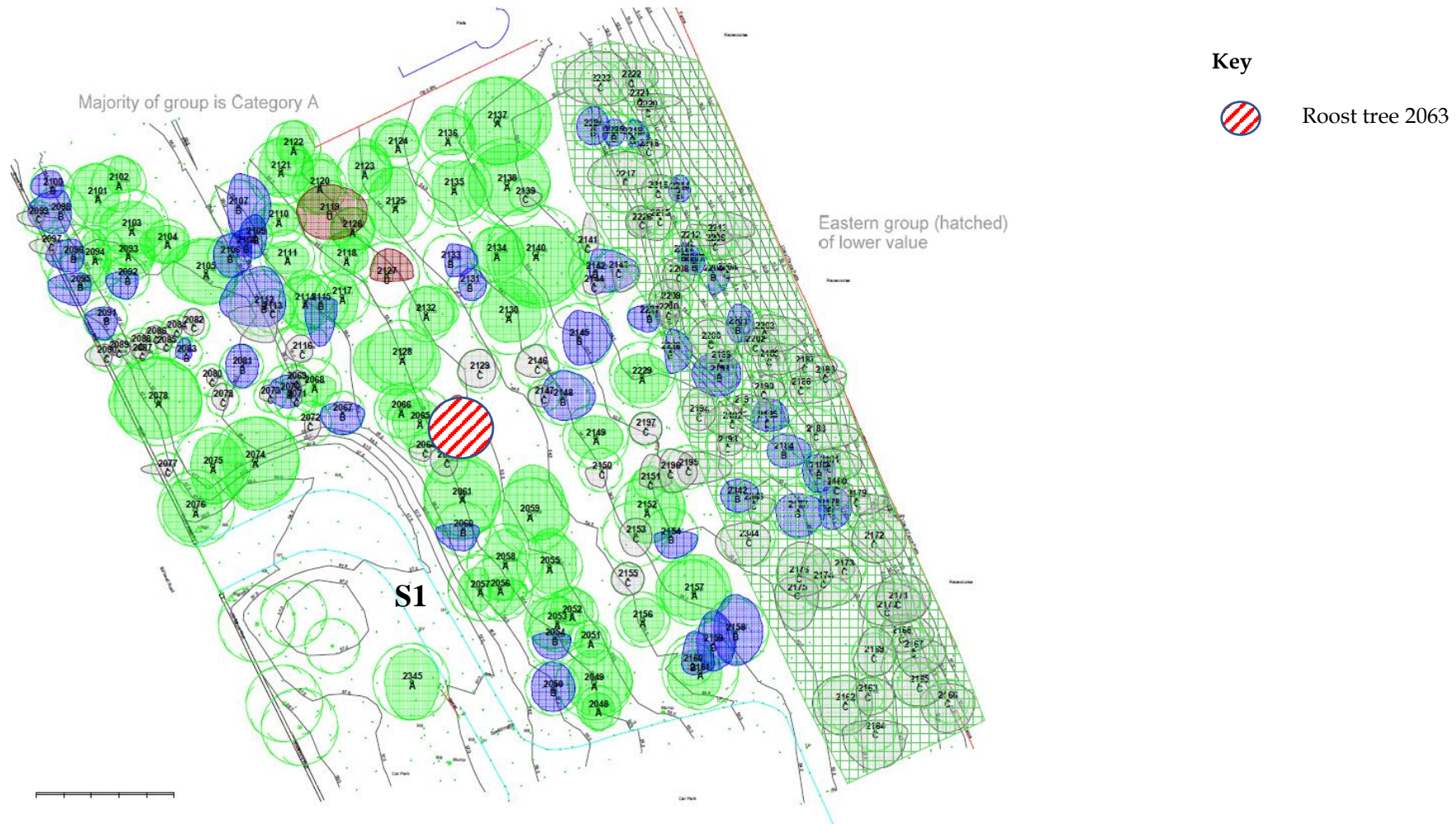
Roosting bats are clearly an ecological constraint for the development of the Application Site. The Bat Protection Plan appended to this report will not only guide the developmental process in regard to roosting bats but will specify the extent of roost compensation required – at this site this will be comprised of at least six multi-season bat boxes that will be placed on trees within 100m of the known roosts. Box locations will be selected for clear flight paths and ideally be in areas where bats are known to forage to facilitate the bats finding the boxes.

Note: A considerable extent of woodland will remain around the development once complete which will ensure that foraging habitat for bats will continue to be present. This will be further enhanced by woodland management that will open up space within the woodland by understory thinning, which will enhance the woodland for use by foraging bats in the long-term.

7. References/relevant reading

- Collins, J. (ed.) 2016. Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London. ISBN-13: 978-1-8727459-96-1
- Mitchell-Jones, A.J., and A.P. McLeish. (Eds.) 2004. Bat Workers Manual 3rd Ed. JNCC
- Stone, E.L. 2013. Bats and Lighting: Overview of current evidence and mitigation. Univ. Bristol 2014. www.bats.org.uk/publications_download.php/.../Bats_and_Lighting_EStone_2014.pdf
- Wray, S., Wells, D., Long, E. and Mitchell-Jones, T. 2007. EcIA: Specific issues associated with bats with bats. Presentation at the Mammal Society/Zoological Society of London/IEEM Symposium on Advances in EcIA for Mammals.
- Wray, S., Wells, D., Long, E. & Mitchell-Jones, T., 2010. Valuing Bats in Ecological Impact Assessment. In Practice, pp. 23-25.

Figure 1. Location of roost tree



Appendix 1. Bat Protection Plan Bothwell Road

Introduction

Two non-breeding Soprano Pipistrelle roosts in one tree have been confirmed as ecological constraints for a residential development due to the proposed felling of the tree for developmental purposes.

This work will require a European protected species license that will allow the works to be completed lawfully. This will require the submission of the Bat Survey Report with this Bat Protection Plan. This Bat Protection Plan details the proposed methodology for minimising the potential for harm to the bats, as well as detailing proposed compensation / mitigation.

Assessment of Roosts

- The roosting species present was Soprano Pipistrelle (maximum one bat in each of two roosts) in rotted parts of tree 2063; and
- Both roosts are considered non-breeding roosts based on numbers of bats present.

Bats as a Constraint

Both bat roosts are a constraint for tree felling works, which will be completed by the developer (under bat licence) as the tree has been classed as Category U by a qualified tree surveyor. We consider hibernation potential is unlikely in the rot due to exposure.

Impact Assessment, Mitigation, and Compensation

Following consultation with SNH Species Licencing Team in July 2017, the loss of non-breeding summer roosts used by small numbers of Soprano Pipistrelles is not considered to be significant. The work proposed is therefore not considered to have any potential for significant impact on the national, regional, or local conservation status of the species – not causing death, or roost loss without mitigation.

Compensation for roost loss and roost disturbance will be in the form of at least six woodcrete multi-season bat boxes installed on trees within 100m of the roost tree as per usual guidance (on trees that will not be later felled). Box locations will be agreed with the project licensed bat worker. Boxes will be in place prior to roost destruction or the start of works that may disturb any roosting bat.

Method Statement

- An application for a Regulation 44 license will be applied for as soon as planning is approved.
- All development site contractors will be briefed on the presence of the bat roosts prior to commencing any works at site. The initial briefing will be by a senior bat worker who will brief the Site Manager and senior staff, who will then arrange the briefing of the rest of the workforce, all of whom must sign and date an attendance record demonstrating that they have attended the briefing and understand their legal obligations in regard to bats, roost locations, stand-off zones, and they must follow the bat licence and associated Bat Protection Plan (BPP).
- Tree felling works in regard to roosting bats will be restricted to the tree (2063).

- Basic compensation for roost loss and disturbance is recommended as at least six woodcrete multi-season bat boxes preferably with all installed on trees within 100m of the roost trees but as per usual guidance at least one box must be installed within 100m of the roosts and in advance of any felling/disturbing works to allow the bats potential time to find the boxes.
- There should be no tracking or other site related works closer to the tree than 30m unless the bat licence is in place and on site.
- Tree felling works must be during the active bat season during weather conditions suitable for the survival of any roosting bat (i.e., no works during hibernation period in case roost is in use).
- Felling will be preceded by a single dusk and pre-dawn bat survey to determine numbers of bats present in each roost.
- If one or more bats are present in the roosts then the tree will be climbed and the roosts inspected. Alternatively, if the tree is accessible with a MEWP, then the roosts will be inspected by the licensed bat worker, who will try to locate the bat(s) and remove it/them and/or assess the depth and form of the cavity. The tree will then be felled sectionally to a point above the roost entrance where the tree climber considers the PRF to end and a 1m section below the entrance (or as otherwise determined by the licensed bat worker) will be cut out and carefully lowered under control to ground level where it will be set aside in a position where any bat remaining inside would be able to escape and leave the cavity safely after dark.
- Should more than 5 bats be in the roost works will be suspended and NatureScot consulted.
- If any bat required assistance to leave it will be placed in one of the bat boxes by the licensed bat worker.

Timing of Actions:

1. Licence application submission to NatureScot (August 2022 - TBC);
2. Installation of six compensatory bat boxes (prior to works so TBC);
3. Single dusk emergence and pre-dawn return to roost survey for both roosts immediately before felling works (TBC);
4. Felling contractor briefing by bat worker (TBC) – contractors will sign up that they have received and understood the briefing;
5. There will be signage placed on the boundary fence to the effect that a bat roost is present in the tree and that no works to the actual tree must take place without written authorisation from the project bat worker. No works should be taking place but this will ensure that no mistakes are made. Until such time as the bat licence is on site to permit lawful disturbance of these two roosts then no works that could constitute a disturbance should take place within approximately 30 50m of the tree.
6. Licenced bat worker inspection of roost cavities or supervision of contractors during sectional felling process. If bat(s) can be safely removed by the licenced bat worker then this will be done and the bat(s) transferred to one of the compensatory bat boxes (TBC);

7. Section with any bat to be cut out and lowered to ground and set aside safe if the bat(s) cannot be accessed by the licensed bat worker. These will be left for at least three days to allow any bats reasonable time to exit (dependent on weather conditions) (TBC);
8. Bat licence return will be done as per completion of works (TBC) – this presumes that development will be complete within a three year timeframe – if it will not be and any works that may disturb roosting bats within any of the three roosts remain to be done then a licence extension will be applied for by the end of May 2025 to allow time for processing before it expires, as this would then necessitate a new application submission once the existing licence has expired.

Maps/site plans (at an appropriate scale)

Site map and photographs provided.

Bothwell Road, Hamilton: Toolbox Talk: Bats

Bats and the law

All bats in the UK are protected. You must not harm any bat. It is a criminal offence (see Bat Advisory Sheet 1) and can result in an unlimited fine and up to 6 months in jail, as well as equipment being confiscated. It is also a corporate offence. Due to numbers of offences, there is a higher profile for bat-related crime and the rate of prosecution is increasing. Ignorance of the law is not an excuse, and can result in a prosecution for negligence.

Legal Duty

It is recommended that you ensure your lead contractor has read this Toolbox Talk and associated Bat Advisory Sheets 1-4 prior to starting any tree work on any site at any time of year, and makes sure their crew are aware of their legal obligations and have read this Toolbox Talk as a minimum. All contractors and subcontractors involved in any works where a bat roost is present must have a site briefing about bats, be told about legal obligations, licensing, and the Bat Protection Plan (and where these documents are kept on site. They must then sign a record sheet that they have been briefed and understand the contents of the briefing.

If you find evidence of bats such as droppings or if a bat flies away from any building or tree you start work on or are about to start work on **you must stop work immediately** and inform your site manager who must consult an ecologist and or NatureScot Species Licensing Team). You must not start work again until the consultation is complete and any bat licence for your work **in place with a copy of the licence on site**. Your work on that building or tree will require licensing and some supervision by a licenced bat worker.

Pre-works check on trees for potential for use by bats

This is best done by an ecologist but if this has not been done and the arbor crew are on site the crew leader must first walk the site and check for any trees that could be used by bats – full details of typical places where bats could roost are in the accompanying Bat Advisory Sheet 2. If trees with holes, cavities, or ivy cover etc. are present we do recommend a walkover survey by an ecologist before works commence. If this is not possible then a climbed tree inspection must be done by the arbor crew for each tree with holes or crevices where bats could hide. It is not a crime to do this but if evidence of any bat is found or bats are found then you must stop the inspection immediately, mark the tree, and inform your office – they will contact an ecologist and/or NatureScot.

Note 1: A climbed tree inspection cannot be done by the arbor crew if it is apparent that a bat roost is present **BEFORE** they start to climb as that would be an offence but they can do inspections if no roost is known (as long as they withdraw as soon as any bat is found. However, they are allowed to carry out inspections where roosts are known to be present under the supervision of a ground-based licensed bat worker.

Note 2: If the climbed inspection finds no evidence of bats but features such as holes are present it is best practice to then fell the tree gradually (soft fell) with any sections with cavities lowered to the ground in a controlled descent and placed aside with the hole exposed to allow any bat the potential to escape.

Timing of works

Where possible, work where bat presence is a possibility should ideally either be between mid-September and the end of October (into November is generally ok only IF weather conditions are mild) or between early March and mid-April as these are times when the bats are active but not breeding. This will not always be convenient or practical.

Where possible, avoid working on trees with cavities or buildings with cavities or crevices suitable for bats during mid-winter when bats hibernate – if you accidentally wake a bat in winter you may cause its death.

Works on any tree with a bat roost or within proximity of the roost

All works that could cause a disturbance to a bat roost or take place within a distance where the works may constitute a disturbance of it must be done with a licence in place (subject to NatureScot confirmation), a copy of the license must be kept on site at all times, and works that could impact the roost only take place under the guidance of a licenced bat worker. It would be an offence to start works while a licence application was under review. NatureScot are often able to issue emergency bat licences within a few days of being notified. Once a licence is in place the works can continue but will need to be under the guidance of a licenced bat worker.

Works completed under the direction of a licenced bat worker will require a licence return to be submitted to NatureScot, which the bat worker will sign at the end of the project.

No potentially disturbing work can take place within proximity of the tree until you receive further advice and most likely a bat licence: there are certain types of work that may disturb roosting bats at greater distances such as pile driving, demolition, and heavy vibration, so there is no set 30m standoff from any roost as the standoff distance where no works are permitted will vary with the type of action and its potential impact – i.e., heavy vibration, audible alarm beacons, high pitched high intensity noise all will have a much higher chance of disturbing a roosting bat than a workman using a hand tool such as a spade or even a hammer.

If you know you have bats anywhere on or near your site seek advice before working. A recent prosecution for a demolition offense was over £18000 in fines and can be viewed at <https://www.bats.org.uk/news/2019/04/development-company-fined-18-000-for-destroying-a-bat-roost>.

Bat Advisory Sheet 1: Bats and the law

All bats in the UK are protected. You must not harm any bat. It is a criminal offence and can result in an unlimited fine per bat harmed as well as up to 6 months in jail. It is also a corporate offence.

It is an offence to deliberately or recklessly:

- capture, injure or kill a wild bat;
- harass a wild bat or group of bats;
- disturb a wild bat in a roost (any structure or place it uses for shelter or protection);
- disturb a wild bat while it is rearing or otherwise caring for its young (this would be a 'maternity' roost);
- obstruct access to a bat roost or to otherwise deny the animal use of the roost;
- disturb such a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species;
- disturb a wild bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (note: this does not need to be deliberate or reckless to constitute an offence); and
- keep, transport, sell or exchange or offer for sale or exchange any wild bat or any part or derivative of one (if obtained after 10 June 1994).

In Scotland licenses may be granted by NatureScot to permit certain activities that would otherwise be illegal due to their potential impact on bats or their places of shelter/breeding, even if bats are not present at the time of the works.

It is a legal obligation in Scotland to consult with NatureScot before you do anything that might affect bats or their roosts such as:

- Removal of hollow, old, or decaying trees;
- Blocking, filling, or installing grilles over old mines or caves; and
- Building, alteration, maintenance, or re-roofing

In all cases where bats are found to occupy trees or buildings NatureScot must be informed before any work takes place that may disturb any roosting bat. A licence to permit work may then be obtained from NatureScot if appropriate.

Bat Advisory Sheet 2: Bats and Trees – where could bats be hiding?

Potential roost sites in trees include:

- Crevices in bark;
- Gaps under loose bark on dead branches or trunks;
- Rotted knot holes;
- Hollow trunks;
- Cracks, splits etc. in stems and branches;
- Rotted-out branches;
- Growth deformities, compression forks, cankers;
- Gaps between overlapping branches;
- Ivy coverage;
- Woodpecker and Squirrel holes;
- Bird nesting boxes/bat boxes already present; and
- Crow, Magpie, and Buzzard nests.

Signs to look for

The presence of droppings is a key sign to their presence but numbers of droppings vary widely and even some large roosts have little evidence of droppings to indicate their presence. Droppings may be at a roost entrance or may be stuck to bark below a roost hole. Bat droppings will turn to dust if crushed once dry. Mouse droppings look similar but will be hard and can't be crushed. Fresh moist droppings are harder to tell apart.



Other possible signs of a bat roost are a characteristic smell like ammonia. In addition, a clean or polished area at a place through which light can enter may suggest an entrance/exit hole.

Hibernating bats leave little or no trace of their presence.

If you are working on a site where a tree condition survey has been done the report should identify any tree with high wildlife potential but **be aware that these surveys are ground-based and are unlikely to confirm actual bat roosts**. Any tree with holes, loose bark, rot, or ivy cover could have bats present even in winter. Any tree with a confirmed bat roost present must not have any works take place that could disturb any roosting bat without a disturbance/roost destruction licence in place.

Bat Advisory Sheet 3: Procedures for sites with trees where bats may be present

1. Arborist ground-based survey of tree condition – may identify features that bats could use.
2. Alternatively, if no tree condition survey is available as guidance it is acceptable to have an ecologist carry out a pre-works site walkover survey to highlight trees with potential for use by bats. Such surveys can be done at any time of year but are best done before trees are in full leaf.

If bat roost potential is found then without further bat survey work to confirm presence / absence of roosting bats it is not possible to say that bats are or are not present. If it is between March and October a series of bat presence/absence surveys can be completed for smaller numbers of trees:

- i. A minimum of either two dusk and one pre-dawn survey or two dawn and one dusk survey with at least two weeks between each survey for trees with high roost potential, while for moderate 1 dusk and 1 pre-dawn minimum is recommended (no further effort is required for those trees with low roost potential as per guidelines);
- ii. Be completed between May and August/September; and
- iii. Dusk surveys be completed on dry nights of 10°C or more at dusk (no minimum temperature requirement for pre-dawn surveys)

Each tree with Potential Roost Features should be surveyed by at least one surveyor to provide adequate coverage, and two may be required where foliage is dense or trees particularly large.

Bat licensing may be required for any works to either fell or manage trees if any bat roosts are found, and works would not be permitted within 30m of any roost until such time as a developmental bat licence was in place to permit the disturbance.

3. Where possible, arbor work for smaller site where bat presence is a possibility should ideally either be between mid-September and the third week of November, or between early March and mid-April as these are times when the bats are active but not breeding.
4. Where possible, avoid working on trees with cavities suitable for bats during mid-winter when bats hibernate – if you accidentally wake a bat in winter you may cause its death.
5. Arbor squad – if your work is between November and early March and you arrive on site and find trees with holes, crevices, etc. present that bats could use and no survey has been done by an ecologist you should complete a pre-work start climbed tree inspection of any tree with cavities etc. to check that no bats are present before any works start. It is not an offence to climb a tree to check for bats. IF you find evidence of bats during a climbed inspection you must immediately stop the inspection, and call a qualified ecologist or NatureScot for advice.
UNTIL ADVISED OTHERWISE AND A LICENCE APPROVED NO POTENTIALLY DISTURBING WORKS MAY TAKE PLACE ON THE TREE OR ANY OTHER IN PROXIMITY.
6. If a climbed inspection finds no evidence of bats but holes are present it is best practice to then fell the tree gradually (soft fell) with any sections with cavities lowered to the ground in

a controlled descent and placed aside with the hole exposed to allow any bat the potential to escape.

7. If evidence of bats such as droppings, smell of ammonia at holes, or a bat being disturbed and flying from the tree then work must stop immediately and a qualified ecologist or NatureScot be called for advice. NatureScot are often able to issue emergency bat licences within 1-2 days of being notified. Once a licence is in place the works can continue but will need to be under the supervision of a licenced bat worker.
8. Works then completed under the direction of a licensed bat worker and licence return submitted to NatureScot.

Bat Advisory Sheet 4: Bat Welfare - what to do if you find a bat or are aware of bats in the work area

What should I do if I find a bat or hear what may be mice or bats?

If you are aware of one or more bats in any tree/building, or noises coming from a cavity/wall or some other structure and think it may be mice (or bats), in a tree section that has been felled, in a room, corridor, or on the ground anywhere then you should immediately call either a qualified ecologist or NatureScot Species Licensing Team for further advice. They will arrange for someone to visit the location where the bat(s) were found or will simply advise further.

If you are unable to reach NatureScot or an ecologist and you have a bat that is either stuck, injured, or in immediate danger based on where you found it then the second course of action is to contact the Bat Helpline (0345 1300 228) for further advice. They have details for over 250 volunteer Bat Carers operating throughout the UK, and may be able to refer you to someone local to you for further advice. The Helpline is open evenings, weekends, and bank holidays till 1030pm between May and September when bats are most active. If the line is busy please leave a message and if you have not been called back within one hour please try the Helpline again, because the sooner a bat is passed on for care the greater its chances of survival.

In emergencies, other options are your local vet, or the RSPCA National Helpline 0300 1234 999.

How can I help?

If a bat is injured, sick, vulnerable, or at threat due to location you will not be breaking the law by helping it.

Any bat that is found on the ground, or in an exposed area, especially during the day, is likely to need help.

As far as is possible you should avoid handling the bat but if it is necessary WEAR GLOVES due to the small risk of a rabies type virus. If the bat is on the ground, on an outside wall, or in an exposed area where it may be vulnerable, it should be contained in a box (see the instructions below).

About the bat

Adult bats have brown hairy bodies and delicate hair-free wings that are easily damaged, and are 35 – 45mm in length (image on left). Baby bats may be much smaller and when only 2-3weeks old (June) have hardly any hair and are greyish in colour (image on right) but gradually develop the brown hair as they grow.



~It is important to know if it's an adult or a baby bat that you have found. Babies need to be kept in a warm environment (high teens to low 20s Celsius). Adults can tolerate cooler temperatures down to 4 degrees Celsius; the sooner help can be found the better the chances of survival of the bat. Do not place bats outside in daylight as other animals or birds may eat them, and baby bats will not be able to fend for themselves. The best advice is to contain the bat(s) until help arrives:

Containing a bat

You will need:

- A shoe box, or similar sized box, with holes punched in the lid (or container of equivalent size);
- A cloth or tea towel; and
- A plastic bottle cap (milk bottle tops are perfect)

How to contain the bat

1. Contain the bat:

a) Like a spider, by placing a box on top of it and sliding a piece of card underneath.

b) Alternatively, cover the bat with a cloth/tea towel and carefully scoop it up and place it in the box. **(You should not handle the bat with bare hands.)**

2. Put kitchen roll or a soft cloth in the box for the bat to hide in.

3. Put in a small, shallow container e.g., a plastic milk bottle top with **a few drops of water** (not enough for the bat to drown in). Make sure the water is topped up regularly.

4. Keep the bat indoors somewhere quiet and dark; please do not put it in a hot car in the full heat of the day.

5. Most importantly, **call** for further advice.

Only a bat that has been confirmed as fit and healthy by a bat carer should be released, and never during the day, as birds may eat them if they are released, and they may also struggle to find a safe roost.

Please don't assume the bat is healthy and leave it outside to fly away.

Toolbox Talk: Breeding Birds

Breeding birds and the law

All breeding birds their eggs and dependent young are protected under the Wildlife & Countryside Act 1981. For common bird species, the W & C Act 1981 provides protection against deliberate disturbance to nesting birds where the action directly obstructs the birds from their access to nest or dependent young, and that any work that does not prevent birds accessing nests or young even if near to a nest is not an offence (pers. comm. SNH Species Licensing Team 2014). The protection extends to young birds that are already out of the nest but still dependent on their parents.

Breeding bird season

The main breeding bird season in Central Scotland should be considered to be mid-March – late July for many species but for other species such as Swallows and Woodpigeons may extend as far as beyond 30th September. If in doubt seek the advice of an ecologist. Breeding birds will usually be very agitated and call and may follow you, or may be seen carrying nesting materials or food for young. You may hear chicks calling.

Where do birds nest?

Trees/scrub/hedges

Nests are not always easy to find and birds may not nest in the most obvious locations. Birds may nest in:

- open branches of mature trees, scrubby short trees or in shrubs and bushes;
- tree forks;
- crevices and holes;
- behind loose bark;
- other nests can be concealed in dead leaves, rubbish, or on the ground in mosses or grasses, or be in vegetation beside or in water.

Buildings/man-made structures like bridges, tunnels, and culverts

Nests are not always easy to find and birds may not nest in the most obvious locations. Birds may nest in:

- Crevices and holes in walls and roofs;
- On roofs;
- Under eaves;
- On ledges internally and externally;
- behind loose felt or flashing;
- In loft spaces and at wall heads especially at building corners;
- Other nests can be concealed under bridges or in culvert walls, any other type of wall with crevices, or homes, sheds etc.

Signs that birds may be nesting or looking after young

Class	Category of Evidence
<i>Possible Breeding</i>	Species observed in breeding season in possible nesting habitat Singing males present or breeding calls heard in breeding season – The number of singing males taken to be indicative of the number of breeding pairs Collection of nest material
<i>Probable Breeding</i>	Pairs observed in suitable nesting habitat in breeding season Permanent territory presumed through registration of territorial behaviour (song etc.) on at least two different days, a week apart, at the same place Display and courtship Visiting probable nest site Agitated behaviour or anxiety calls from adults Building nest or excavating nest hole
<i>Confirmed Breeding</i>	Nest containing eggs Used nest or eggshells found (occupied or laid within the survey period) Nest with young seen or heard Adults carrying food for young or faecal sacs Distraction display/injury feigning/alarm calling by adults

Procedures for sites where breeding birds may be present

If you must start any works between March and September it is recommended that the works area has a pre-works breeding bird walkover survey done first by an ecologist. This will highlight if there is potential for any bird nest to be present based on bird activity at the time of survey. It may be necessary to then complete targeted survey work for specific areas to confirm presence / absence of bird nests.

If you do find a nest then works should cease within 25m of the nest and an ecologist should be consulted. They will check to see if the nest is in use (unless you have seen the bird sitting on the nest already) and will let you know if you can continue working nearby. It is important to mark the location so it can be identified later and inform any other contractor present of where the nest is. It may be necessary to set up a no-works area around the nest. The size of the no-works area will be dependent on the bird species and location.

Most breeding birds have a relatively short nesting cycle so delays are generally a matter of a few weeks.

Trees/scrub/hedges

If doing climbed tree inspections for bat roosts you may also find bird nests in holes. If you do find a nest then works should cease within at least 25m of the nest or a suitable distance where you can see you are not upsetting the parent birds. An ecologist should then be consulted. They will check to see if the nest is in use (unless you have seen the bird sitting on the nest already) and will let you know if you can continue working nearby. It is important to mark the tree/or shrub so it can be identified later and inform any other contractor present of where the nest is. It may be necessary to set up a larger or smaller no-works area around the nest – this is dependent on the bird species and location.

Ground with vegetation

Nests on the ground or in vegetation are harder to find and you may only see a bird fly up from under your feet or nearby. If the bird is agitated and hanging around there may be a nest present. Again, consult an ecologist if you see birds showing these types of behaviours.

Bare ground

Species such as Oystercatcher are very obvious black and white birds with an orange beak and easy to see calling “gleech gleeche”, and will run away from nests to distract you. Their nests are just a shallow scrape and may be hard to find. Plovers are much smaller and you may hear them rather than see them (thin high pitched peep and whistle call). Lapwing dive and swoop shouting “pee weep”. Again, consult an ecologist if you see birds showing these types of behaviours. Most breeding birds have a relatively short nesting cycle so delays are generally a matter of a few weeks.

Buildings

You may see a bird entering a building or a nest on a building, it may be carrying food in its beak or claws, and it may enter a nest and you may hear its young calling as they beg for food but sometimes there’s little evidence of such activity merely a bird entering and leaving the building. If there is a repeated pattern of entering and leaving this is also a good indication of probable breeding, so an ecologist should be consulted prior to any works in the vicinity of that activity.

Remember:

What to do if you suspect a nest or young are present:

Stop work immediately, contact your site manager and explain where the birds are and what you have seen. Your site manager **should notify an ecologist (07800 565 809)** or if that is not possible to do then they should call NatureScot for advice: 01463 725 364

Depending on the nature of the works or proximity to a bird nest it may be possible to continue works immediately under the guidance of an ecologist. If this is not possible, the ecologist will provide advice on safe working distances to minimise disruption to the birds as well as estimated timeframes that the constraint may remain present, as well as indicators that the breeding activity is over.

Plates: Ground-nesting larger birds

Oystercatcher with small young (nests April – August) – similar size to a Mallard Duck



Ringed Plover (nests late April – August) – similar size to Blackbird but hard to spot!



Lapwing (nests March – June) - similar size to Black-headed Gull



Attendance Record for Toolbox Talk for Breeding birds

The following persons have been briefed either by the Site Manager or by the project ecologist and understand the basic obligations and procedures to follow where breeding birds are involved including but not limited to: any restrictions on work due to nests or dependent young, procedures in the Breeding Bird Species Protection Plan that must be followed on site, where any nest or dependent young are and working constraints associated with their presence. They also acknowledge and accept that they are fully aware of the legal protection of birds and their obligation to ensure the safety of birds on this site through following procedure and making sure that no works to any active nest are done without an ecologist being consulted first and/or present.

[illegible]

Woodland Management Plan and Biodiversity Strategy

For a Proposed Development Site

At Bothwell Road

Hamilton

South Lanarkshire

ML3 0AY

August 2022

Prepared by Baker Ecology

Executive Summary

Baker Ecology was commissioned in July 2022 to complete a woodland management and biodiversity strategy for a proposed development site adjacent to the eastern side of Bothwell Road (B7071), Hamilton. Many suburban/urban woodlands are in disarray due to lack of management. Woodland management costs money and there needs to be a financial support for such management that is sadly missing. This exciting small-scale residential development project is for only two new residential homes and will bring much needed money in for management of the woodland resource. The project includes removal of two mature trees (including a non-native horse chestnut that is in poor health (Category U) and a native ash (Category C), which is in poor form, as well as an area of neglected hawthorn-dominated scrub woodland to make way for the new residential development. At least 86% of the woodland in the Application Site will remain and be positively managed in the long-term, with the two homes adjacent to mature trees that will provide a fantastic mature woodland setting for this development. However, the mature woodland currently lacks any positive management, resulting in the current depauperate ground flora and the spindly drawn seedling and sapling trees (mainly of non-native species), starved of light by dense shading, much of which is from non-native trees.

Baseline ecological surveys identified roosting bats and small numbers of breeding birds as ecological constraints at the site, and confirmed the habitat structure was currently poor for wildlife with dense shade eliminating the ground flora and suppressing the understory in many areas of the woodland. This document proposes appropriate long-term woodland management driven by the proposed development of two new homes, which will serve as the financial instrument to drive this management plan forwards. The existing woodland resource will then benefit through pro-active management, and biodiversity will benefit from the habitat enhancement through actions such as establishing new native trees and shrubs, installation of bat and bird boxes, and creating dappled lighting so that the ground flora can be encouraged through planting of bluebell and other wildflower bulbs and seed, and so develop a woodland that is not only a visual asset for the local community but will help the Local Authority to fulfil its statutory duty to biodiversity.

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1. Introduction

Baker Ecology was commissioned in July 2022 to complete a woodland management and biodiversity strategy for a proposed development site adjacent to the eastern side of Bothwell Road (B7071), Hamilton (NS 71678 56543, Figure 1. and Plates). The Application Site sites within a wooded area to the north of Hamilton College and south of residential development on Hamilton Park South.

Hamilton Racecourse lies to the east. The project includes removal of only two mature trees (including a non-native horse chestnut that is in poor health (Category U) and a native ash (Category C), which is in poor form, as well as an area of neglected willow/hawthorn-dominated scrub woodland to make way for the new residential development (approx. 1/9th or less of the woodland resource) to make way for the new residential development. The completed development will sit within the eastern side of the large remaining area of woodland (approx. 9/10 or more of the resource) that currently lacks management. Baseline ecological surveys identified roosting bats and small numbers of breeding birds as ecological constraints at the site, and confirmed the habitat structure was currently poor for wildlife with dense shade eliminating the ground flora and suppressing the understory in many areas of the woodland. This document proposes woodland management to benefit the woodland resource as well as enhance the woodland for biodiversity by using the proposed development as the financial instrument to drive this management forwards.

Note that this management plan is based on needs of the woodland for management and appropriate enhancement for biodiversity. The woodland is covered by a Tree Preservation Order that provides statutory tree protection. Any removal of tree within a TPO area must only be after approval for works to trees within a TPO as obtained from the Local Authority. Any felling or thinning proposed must be approved through consultation with the appropriate statutory consultees including the Local Authority and Scottish Forestry. This document merely serves as guidance to steer management of the resource to benefit both the woodland structure and associated biodiversity, and takes no account of the TPO status.

2. Site Status and Developmental Impact

2.1. Botanical

2.1.1. Summary of findings

The botanical survey findings were that the Application Site was broadleaved woodland with some understory conifer present at low levels (so should not be termed mixed woodland) and was comprised of two types of woodland – open woodland with larger mature trees and high canopy, and an area dominated by willow and hawthorn with a low dense canopy and poor or non-existent ground flora. Habitats and species were typical of urban fringe woodlands and the ground layer in particular was depauperate in terms of species diversity and numbers of plants with some areas under dense canopy shade almost devoid of ground layer plants, while the understory was poor in structure, species-poor, and suppressed so saplings were spindly due to the lack of light reaching them.

2.1.2. Habitats

The extended Phase I Habitat survey found three principal Phase I habitat types present in the survey area, and another five adjacent to it [including walls and fences, scrub, mixed woodland, and other habitats (roads and paths) but no nationally notable examples or extents of any habitat:

A1.1.1: Broadleaved plantation woodland: the woodland clearly has a planted origin (hence “plantation”) but now contains a lot of self-seeded broadleaved trees dominated by sycamore and beech.

J2.4: Fence: Along the northern edge of the Site there is a wooden panel fence separating the site from the neighbouring residential properties.

J2.5: Wall: The western site boundary comprises walls which separate the site from Bothwell Road and stand at least 10 feet from the ground when viewed from the level of the site.

2.1.3. Plant Species

No locally or regionally notable plant species were found and no non-native invasive species listed on Schedule 9 of the Wildlife & Countryside Act 1981 were found. Bluebell was present but sparse and is a species of interest in Scotland as a flagship species for local biodiversity initiatives in some local authority areas. Note some yew trees are present in the understory and should be protected during all works.

2.1.4. Tree Survey

The tree survey report completed in 2020 and updated in 2021 assessed the development as having a relatively low impact on the woodland resource. It concluded that *“most of the site is dominated by trees of Category A which are the key components of a good quality mature woodland. The best trees (and all Category A trees) will therefore be retained. If development is to proceed as planned, a number of lower quality trees will have to be removed. In this event, care must be taken to ensure that construction of roads and buildings and service connections do not damage the trees to be retained.”*

2.2. Faunal

2.2.1. Summary of Ecological Survey Findings

Overall, the Application Site has a very limited faunal ecological value. Current woodland structure offered little value for breeding birds but seven trees offered potential for use by fauna such as roosting bats. Other protected species considered in the preliminary appraisal included: Otter, Badger, Water Vole, Invertebrates, Amphibians, and Reptiles).

Only two groups were considered potential ecological constraints due to their seasonal presence: bats and breeding birds:

2.2.2. Bats

Roosting bats were a confirmed ecological constraint within the development site with two non-breeding Soprano Pipistrelle roosts identified in tree 2063 during July and August 2022, with only one bat present in each. Of the seven trees present that had bat roost potential present the development will result in the loss of Goat willow 2215, which had only low potential, and 2063 (Horse chestnut) which was high roost potential and in fact had two confirmed bat roosts present.

2.2.3. Breeding Birds

The Application Site had very low numbers of breeding birds present in July 2022, with only single birds of the following species confirmed: Blue Tit, Coal Tit, Goldcrest, Magpie, and Treecreeper, bearing in mind that birds were present breeding in adjacent woodland in other ownership where habitat offered more value to breeding birds.

2.3. Conclusions Based on Survey Findings

Although the Application Site has an overall low ecological value at present, it is used by small numbers of non-breeding bats. As the Horse chestnut 2063 is to be removed then a developmental licence will need to be applied for (NatureScot – see Bat Roost Survey report) and approved prior to any works to this tree or any other tree within 0 to perhaps 20+ metres away (i.e., any distance where the works could be construed to disturb a roosting bat). A high due regard must therefore be maintained for roosting bats, as well as for breeding birds between March and September in any year. The fieldwork completed to date does, however, clearly show that the woodland significantly lacks management and there are simple but effective opportunities to considerably enhance it for biodiversity through a series of simple management options that can be conditioned as part of planning approval for the development. This is considered to be a potentially significant gain for the loss of the small area of woodland of lower quality. For bats in particular, it is considered that the proposed development will provide significant potential for management and enhancement of the woodland resource to benefit suburban / urban fringe biodiversity.

3. South Lanarkshire Biodiversity Action Plan (LBAP)

The LBAP established the way forward was to focus on an ecosystem and integrated habitat network approach that will allow species to move through a landscape. At the Development Site it is considered that both soft landscaping enhancement and actual houses both have a role to play as part of the overall habitat and ecological niche availability, with some species following green corridors created by soft landscaping such as lawns and hedges/trees and others utilizing these corridors and also homes (for example, commuting and foraging bats).

The LBAP includes five key ecosystems, with the one of relevance to the Application Site being Woodland ecosystems. Although the ecosystems approach has been taken the LBAP still includes a draft list of priority species including Bats: Soprano & Common Pipistrelle bats were key species in the previous South Lanarkshire Biodiversity Strategy as all UK key BAP species were classed as key species locally. In the latest version of the strategy an ecosystem approach is taken, which encompasses conservation of key species by conservation of habitats.

4. Woodland Management

4.1. Tree Retention and Protection

Existing trees to be retained in proximity to the proposed developmental footprint have had their root protection areas (RPA) identified (See Site Tree Survey Report 2021) and a scheme of protection has been provided to the developer showing the extent of and location of robust barrier to protect these RPAs to ensure no damage during the developmental process (Tree Protection Plan). Detailed information regarding appropriate protection of trees is detailed within the BSI Standards Publication - BS 5837: 2012 Trees in relation to design, demolition and construction, as well as in – BS 3998: 2010 ‘Recommendations for Tree Work’ Recommendations should be followed and reference may also be required in regard to the NJUC ‘Guidelines for the Planning, Installation, and Maintenance of Utility Apparatus in Proximity to Trees’.

It would also be important to ensure that site contractors were aware of the best working practices for sites where trees are present and that common types of accidental damage that may occur to trees during development may include the following:

- abrasion of bark and wounds that leave wood tissue exposed;
- crushing of roots by vehicles / plant equipment and / or storage of materials;
- severing and removal of roots by excavation;
- broken branches leaving wood tissues exposed;
- poor pruning;
- fire damage;
- poisoning of roots from spillage or storage of fuel, oil, chemicals and any other potentially noxious materials;
- changes in soil levels around trees resulting in root death; and
- installation of impermeable surfaces

The part of the tree most susceptible to damage is the root system because:

- roots cannot be seen and their extent is not realized; and

- of a lack of understanding of root function and their importance for the health of the tree

The effects of damage can be serious but often it takes several years for this to become evident, with trees dying over a period of 5 - 10 or more years, and is not always linked back to the actual cause during development work. Often by the time the damage becomes evident the developer may no longer own the site leaving the new owner with the problem and the potential need for costly tree work. Lack of protection can also result in damage to bark and branches that can disfigure a tree and result in disease and decay that also reduce safe life expectancy.

We would also recommend adhering to the following best practice guidance to protect any tree being retained:

- No storage of soils or construction materials, or parking of machinery or other vehicles within the drip line of any retained tree during site preparation;
- Ground levels shall not be uplifted above existing ground levels of retained trees within the drip line of their canopies due to impact on root systems;
- The RPA protection areas must be clearly demarcated using Heras or similar fencing to prevent machinery from inadvertently tracking within root protection areas or within drip lines of retained trees;
- Any trees retained where branches may obscure access or works area must be appropriately trimmed by an arbor squad and not have branches broken off by machinery. Canopy lifting may be required;
- If any work within the drip line of any retained tree is essential then it is recommended that ground protection mats are used to minimise soil compaction and damage to root systems: <http://www.grassform.co.uk/ground-protection-mats.htm>; and
- The completed development should have appropriate stormwater and groundwater drainage systems such that there is negligible impact on the current groundwater system of the site. It is not only essential to prevent water logging that may result in tree death but also to prevent any long-term drying out of the ground that may impact tree health in the long-term due to over efficient drainage

4.2. Woodland Management

The overall aim is to manage the woodland to preserve the canopy cover and existing key trees, whilst enhancing the diversity of the woodland, particularly at ground level both in terms of species and structure through simple yet appropriate management tasks.

4.2.1. Canopy layer

The canopy layer is the key constraint restricting the development of the ground flora and understory layers. For some species with particularly dense shade (sycamore, Horse chestnut, and beech), we recommend an assessment be completed by a tree surgeon to determine if any crown lifting is feasible for only a limited number of the mature trees where its apparent they are having an adverse impact on the lower vegetation layers. For such species as sycamore and Horse chestnut in particular, limited sensitive pruning to lift the canopy would help reduce levels of shading at ground level.

It is noted that beech has a significant impact on the ground layer in the woodland but this is due to an allelopathic affect – the roots of the tree release a chemical to inhibit ground layer plant growth so minimising competition for its seedlings. This species is therefore undesirable in a woodland (see later for management).

It will then be possible to establish a low number of new specimen trees of native species such as oak and birch, which will contribute to the future canopy for the woodland as well as a future biodiversity benefit as they mature (and “naturally” replace other currently mature trees as these senesce and decline). We would recommend such trees are at least heavy standard size and preferably extra-heavy standard.

Note that many lime trees have significant epicormic masses near the base. These can impact ground layer vegetation; however, they are of potential value as cover for nesting birds so should not be removed.

4.2.2. Understory layer

The woodland currently has many spindly, suppressed and dying saplings present. Competition for light is intense at this level. We recommend extensive selective thinning of this layer by preferential selection for native species such as oak, birch, and lime which should be allowed to continue to grow unless badly mis-shapen, and complete removal of non-natives such as sycamore and all beech saplings (due to their potential for significant impact on the woodland structure in the long-term both in terms of shade and also in terms of loss of ground flora diversity). It will also be necessary to drastically thin hawthorn and any willow at this level. It will then be possible to establish a low number of new specimen trees of native species such as holly and rowan, which will contribute to the future understory canopy and a future biodiversity benefit as they mature. We would recommend such trees are at least heavy standard size and preferably extra-heavy standard.

At this layer the allelopathic non-native invasive *Rhododendron* can be found. This species should be eliminated from the woodland. The most cost effective way to do this is to drill holes in the stems and

inject Roundup herbicide, then sealing or capping the drill sites. Death should occur within 9 months. Once dead the bushes and associated leaf fall can be cleared up and removed. Such locations may provide ideal locations for establishment of new heavy standard or extra heavy standard replacement canopy trees depending on the relative position to existing canopy trees. If the presence of existing canopy trees prevents establishment of new canopy trees at these locations then native shrubbery may be a suitable alternative such as holly or hawthorn, subject to depth of shading. This would all be assessed on a micro siting level at the time of woodland management.

4.2.3 Ground Layer

The woodland should be checked every fifth year for new emerging saplings, at which time any non-native or problem species of young sapling such as beech and sycamore can be removed.

4.2.4. Tree Condition

It is recommended that the condition of all trees is examined by a resurvey (Formal Inspection and highly likely a Detailed Tree Condition inspection) on at least a five yearly basis if not every two years, and is imperative soon after any significant climatic event such as a storm that could destabilise or damage any tree, or result in hung branches that could injure or kill passers-by for example. This will help to fulfil the Landowner "Duty of Care" and the findings should be formally recorded each time this takes place.

5. Biodiversity Enhancement: Botanical

5.1. Soft Landscaping for Completed Development

The Landscape Works will be maintained and protected in accordance with BS7370 (Ground Maintenance) and BS4428 (General Landscape Operations), and shall include all operations required to ensure the establishment of healthy, vigorous plants and grassed areas. The maintenance of the proposed soft landscape tree and shrub planting is expected to be undertaken by the owners to a regime that will be established by the project Landscape Architect. Its direct relevance to this Biodiversity Strategy is ensuring that maintenance regimes for habitats that could be used by wildlife are taken into consideration and are appropriate.

5.2. Establishment of New Trees

This will ensure a diversification of age ranges of quality specimens in the woodland that will provide additional habitat niches for wildlife particularly birds and insects.

5.3. Establishment of Woodland Species-rich Ground Flora

5.3.1. Species-rich Hedgerow Mix

For use besides hedges/under them or in close proximity to the woodland edges where some light shade will be experienced would contribute to a significant enhancement of the ground flora. Where possible this will merge with areas of Flowering Lawn mix if it adjoins open grassland areas. This has a visual amenity benefit and biodiversity benefit for invertebrates and birds in particular. This mix should not be cut between April and late August.

5.3.2. Woodland Ground Flora

We recommend the use of both woodland flora seed and also planting of bulbs to enhance and diversify the woodland ground layer to that resembling a natural broad-leaved woodland. Scotia Seeds retails a Woodland Meadow Mix <https://www.scotiaseeds.co.uk/shop/woodland-mix/> that will thrive in deep shade and includes the general wide range of 19 wildflower and five grass species that should typically be in many of our native woodlands. This should be sown after the planting of bluebell bulbs, which should be densely and widely planted to create colourful swathes of vivid blue in the late spring. The wildflower mix should not be sown over the bluebell areas as the bluebells will tend to be so dense they will outcompete and exclude or kill other species. Rather the two-pronged approach will ensure a diverse woodland ground layer, with significant benefit to insects, and consequently birds and bats as well.

6. Biodiversity Enhancement: Faunal

6.1. Overall Faunal Benefit

The general potential value of the habitats will be for a range of species from invertebrates including butterflies and bees, to small mammals, bats, and birds, although all will have to find the site to be able to start to use it. Species groups such as invertebrates are often overlooked in nature conservation and the newly enhanced habitats would provide conditions suitable for a number of invertebrate species to breed.

6.2. Bats

6.2.1. Enhancement of the woodland for roosting bats

Enhancement is simply the installation of multi-season bat boxes through the woodland area to provide additional roosting habitat. All boxes should be of a woodcrete type construction not timber and be between 2 and 6m up trees with clear flight paths for the bats to access them,. It's recommended that the foraging patterns of bats and associated flightpaths are confirmed after tree works are complete as they may be radically different to those observed now. On this basis, the bat boxes can be placed where there's a high chance of bats detecting them while foraging. These bat boxes are not necessarily the ones associated with any developmental licence requirements for the developmental process.

6.2.2. Enhancement of the woodland for foraging bats

Careful planning will be required with the clearing of understory and establishment of replacement trees as this process can be used to create or enhance corridors that will facilitate bat foraging flight paths, particularly between bat boxes and any other roost sites subsequently discovered.

6.3. *Breeding Birds*

The woodland management proposed will enhance the woodland layers for a number of breeding bird species but the woodland may still lack cavities for hole-nesting birds. We recommend a range of bird boxes be installed including open fronted boxes for species such as Robin and Spotted Flycatcher, as well as traditional hole entrance boxes for species such as titmice and Starlings. These boxes should be placed in a selection of locations to include woodland edge, clearings, and denser cover areas for the species such as Robin. Advice can be provided at the time of selection of boxes and suitable locations for placement.

Note: The habitat enhancement should result in not only more cover for nesting birds but also in more food resources. However, it should be noted that species and numbers gradually build up as the habitat matures over a 10 – 15 year period, so the general benefit of such habitat creation usually isn't a quick fix but time will be required to see the full benefit.

6.4. *Critters*

We recommend the creation of a number of habitat piles in the woodland during the works to trees. These will include brash piles and also log piles and may be used by species such as Hedgehogs, small mammals such as mice and shrews, frogs, toads, and many invertebrates, so that a wide range of biodiversity has opportunity not just the showcase species such as birds and bats.

We do not consider it worthwhile creating any artificial sett for Badgers as if Badgers opt to occupy the woodland they are quite capable of making their own homes.

6.5. *People*

The local community is an important part of the area's biodiversity, and the applicant has made a commitment to enhancing public access to the woodland for recreational purposes. It is recommended that any paths created must be low impact, or simply trails with marker posts at regular intervals. Trails should avoid key ground flora but showcase areas such as carpets of dense bluebells. Paths will therefore be designed and routes selected only after the scheme for the proposed diversification of the ground flora has been established. Note that should trails be considered to be unsuitable for all-abilities then a path tray can be installed using geogrid to minimise impact on tree roots. Path surface

choice would need to be carefully selected in that case to ensure one with minimum maintenance requirements be chosen.

