



Council Offices, Almada Street
Hamilton, ML3 0AA

Thursday, 22 March 2018

Dear Councillor

Planning Committee

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

Date: Tuesday, 13 February 2018

Time: 10:00

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

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

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

Yours sincerely

Lindsay Freeland
Chief Executive

Members

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

Substitutes

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

BUSINESS

1 Declaration of Interests

2 Minutes of Previous Meeting

5 - 12

Minutes of the meeting of the Planning Committee held on 19 December 2017 submitted for approval as a correct record. (Copy attached)

Item(s) for Decision		
3	Application Hearing CL/16/0170 - Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road at Overburns Farm, Lamington, Biggar Report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	13 - 84
4	Application HM/17/0460 - Residential Development Including Demolition of the Former School Annexe Building and Adjoining Snooker Club, Conversion of Listed Building to Form 16 Flats Together with the Erection of 12 Flats and 6 Cottage Flats and Associated Infrastructure at Former Glengowan Primary School, Academy Street, Larkhall Report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	85 - 100
5	Application HM/17/0448 - Residential Development Comprising Conversion of Building to Form 16 Flats, Together with the Erection of 12 Flats, 6 Cottage Flats and Associated Infrastructure, Demolition of the Former School Annexe Building and Adjoining Snooker Club (Listed Building Consent) at Former Glengowan Primary School, Academy Street, Larkhall Report dated 30 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	101 - 112
6	Application CL/17/0383 - Erection of Primary School Building Incorporating Nursery, Formation of MUGA Sports Pitch, Formation of Vehicular Access and Car Parking, Landscaping and Boundary Fencing at Land at Elsrickle, Biggar Report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	113 - 126
7	Application HM/17/0484 - Erection of 48 Houses at Carlisle Road, Strutherhill, Larkhall Report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	127 - 140
8	Application CL/17/0477 - Section 42 Application to Vary Conditions 1, 27, 37 and 45 of Planning Consent CL/15/0273 to Revise Wind Farm Layout, Increase Turbine Height and Export Capacity and to Delete Conditions 17 to 21 of Wood Fuel Drying Facility at Douglas West and Dalquhandy Disposal Point Renewable Energy Project, Former Dalquhandy Opencast Coal Site, West of Junction 11 of M74, South Lanarkshire Report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	141 - 190
9	Application HM/17/0488 - Mixed Use Development Incorporating Residential Dwellings, Hotel, Office, Care Home, Retail, Restaurant/Cafe, Open Space and Associated Works (Planning Permission in Principle) at University of the West of Scotland, Almada Street, Hamilton Report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)	191 - 216

- 10 Application CR/17/0233 - Alterations to Accommodate Attic Conversion Including the Formation of a Rear Dormer at 23 Burnside Road, Rutherglen** 217 - 224
Report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 11 Application HM/17/0536 - Application Regarding a High Hedge Situated Along the South West Boundary of Silverwood Court, Bothwell at Silverwood Court, 25 Langside Road, Bothwell** 225 - 230
Report dated 30 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 12 Local Government and Communities Committee - Call for Views on the Planning (Scotland) Bill** 231 - 242
Report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 13 The South Lanarkshire Development Plan Scheme 2018** 243 - 258
Report dated 5 February 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 14 Review of Planning Application Decision Making Process Guidance** 259 - 262
Report dated 25 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)
- 15 Tree Preservation Order – Broughton Road, Biggar** 263 - 266
Report dated 29 January 2018 by the Executive Director (Community and Enterprise Resources). (Copy attached)

Urgent Business

16 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name: Pauline MacRae

Clerk Telephone: 01698 454108

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

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PLANNING COMMITTEE

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 19 December 2017

Chair:

Councillor Alistair Fulton

Councillors Present:

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

Councillors' Apologies:

Stephanie Callaghan, Fiona Dryburgh, John Ross (ex officio), David Shearer, Sheena Wardhaugh

Attending:**Community and Enterprise Resources**

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

Finance and Corporate Resources

J Davitt, Media Officer; P MacRae, Administration Officer; G McCann, Head of Administration and Legal Services; K McLeod, Administration Assistant

1 Declaration of Interests

The following interests were declared:-

<i>Councillor(s)</i>	<i>Item(s)</i>	<i>Nature of Interest(s)</i>
Allison	Application CL/17/0436 – Erection of Detached House (Amended Planning Application) at Holm Road, Crossford	Pre-determination of application
Nelson	Applications:- ♦ CL/17/0436 – Erection of Detached House (Amended Planning Application) at Holm Road, Crossford ♦ HM/17/0446 – Change of Use of House to 3 Flats at 36 Church Street, Larkhall	Conflict of interest Conflict of interest

2 Minutes of Previous Meeting

The minutes of the meeting of the Planning Committee held on 21 November 2017 were submitted for approval as a correct record.

The Chair and officers responded to members' questions in relation to the minutes and, where clarification was required, undertook to provide this information.

The Committee decided: that the minutes be approved as a correct record subject to the inclusion of the following wording at the conclusion of paragraphs 2 and 3 respectively of item 5:-

- ◆ "The submission from Halfway Community Council, which arrived late due to records of the address not having been updated, was reported verbally to the Committee"
- ◆ "A query was raised regarding the shared surface and roads layout and the Highways Officer commented that the layout had been designed by Miller Homes in accordance with the requirements set out in National Guidance"

3 Application CL/17/0436 - Erection of Detached House (Amendment to Planning Application CL/17/0090) at Holm Road, Crossford

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0436 by N Pringle for the erection of a detached house (amendment to planning application CL/17/0090) at Holm Road, Crossford.

The Committee decided: that planning application CL/17/0436 by N Pringle for the erection of a detached house (amendment to planning application CL/17/0090) at Holm Road, Crossford be granted subject to:-

- ◆ the conditions specified in the Executive Director's report
- ◆ referral of the application to the Scottish Ministers, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009, as SEPA had advised against the grant of planning permission by objecting in principle on the basis of potential flood risk, to allow the Scottish Ministers the opportunity to consider whether to call in the application for their own determination

[Reference: Minutes of 15 August 2017 (Paragraph 7)]

Councillors Allison and Nelson, having declared an interest in the above application, withdrew from the meeting during its consideration

4 Application HM/17/0510 - Erection of 118 Bedroom Hotel and Associated Parking at Hamilton Park Racecourse, Bothwell Road, Hamilton

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0510 by Hamilton Park Racecourse Company Limited for the erection of a 118 bedroom hotel and associated parking at Hamilton Park Racecourse, Bothwell Road, Hamilton.

The Committee decided:

that planning application HM/17/0510 by Hamilton Park Racecourse Company Limited for the erection of a 118 bedroom hotel and associated parking at Hamilton Park Racecourse, Bothwell Road, Hamilton be granted subject to the conditions specified in the Executive Director's report.

5 Application EK/17/0346 - Erection of 30 Residential Units (1 and 2 Bedroom) with Associated Open Space, 45 Parking Spaces and New Road at Vancouver Drive, East Kilbride

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0346 by South Lanarkshire Council for the erection of 30 residential units (1 and 2 bedroom) with associated open space, 45 parking spaces and new road at Vancouver Drive, East Kilbride.

The Committee decided:

that planning application EK/17/0346 by South Lanarkshire Council for the erection of 30 residential units (1 and 2 bedroom) with associated open space, 45 parking spaces and new road at Vancouver Drive, East Kilbride be granted subject to:-

- ♦ the conditions specified in the Executive Director's report
- ♦ Conditions 10 and 11 being amended as follows:-
 - "10 That no construction vehicles associated with the development hereby approved shall access the site between the hours of 08.00 to 09.15 (on all days) and 14.45 to 15.30 (on Mondays, Wednesdays and Fridays) and 14.45 to 16.30 (on Tuesdays and Thursdays), unless otherwise agreed. Furthermore, no construction vehicles shall be parked up waiting for the access to open or for any other reason on the public road network"
 - "11 That before any development commences on site, a Traffic Management Plan (TMP) shall be submitted to and approved by the Council as Planning Authority and thereafter shall be maintained to the satisfaction of the Council. The TMP shall include time restrictions for incoming and outgoing vehicular site traffic between the hours of 08.00 to 09.15 (on all days) and 14.45 to 15.30 (on Mondays, Wednesdays and Fridays) and 14.45 to 16.30 (on Tuesdays and Thursdays) unless otherwise agreed"

[Reference: Minutes of 11 June 2013 (Paragraph 5)]

6 Application HM/17/0392 - Erection of 14 Flats with Associated Roads and Infrastructure at Stonefield Road, Blantyre

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0392 by Clyde Valley Housing Association and Wilson Developments (Scotland) Limited for the erection of 14 flats with associated roads and infrastructure at Stonefield Road, Blantyre.

The Committee decided: that planning application HM/17/0392 by Clyde Valley Housing Association and Wilson Developments (Scotland) Limited for the erection of 14 flats with associated roads and infrastructure at Stonefield Road, Blantyre be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 21 June 2016 (Paragraph 8)]

7 Application CL/17/0150 - Formation of Horse Trotting Track, Equestrian Centre, Restaurant/Bar, Participants' Stables, 8 Residential Units for Participants, Owner's/Manager's House, Parking Area, Access Road, Associated Earth Works and Land Filling (Amendment to Planning Application CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0150 by M Kelly for the formation of a horse trotting track, equestrian centre, restaurant/bar, participants' stables, 8 residential units for participants, owner's/manager's house, parking area, access road, associated earth works and land filling (amendment to planning application CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark.

The Committee decided: that planning application CL/17/0150 by M Kelly for the formation of a horse trotting track, equestrian centre, restaurant/bar, participants' stables, 8 residential units for participants, owner's/manager's house, parking area, access road, associated earth works and land filling (amendment to planning application CL/14/0112) at High Netherfauld House Farm, Douglas, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of 6 October 2015 (Paragraph 3)]

8 Application HM/17/0446 - Change of Use of House to 3 Flats at 36 Church Street, Larkhall

A report dated 5 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application HM/17/0446 by T Devine for the change of use of a house to 3 flats at 36 Church Street, Larkhall.

Officers referred to a late representation from H Miller, on behalf of residents of Church View, but advised that this did not raise any additional issues.

The Committee decided: that planning application HM/17/0446 by T Devine for the change of use of a house to 3 flats at 36 Church Street, Larkhall be granted subject to the conditions specified in the Executive Director's report.

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

9 Application CL/17/0457 - Demolition of Offices and Garage and Erection of 18 Flats, Formation of 18 Car Parking Spaces and Landscaping at 11 Kirkton Street and 9 Union Street, Carluke

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0457 by South Lanarkshire Council for the demolition of offices and a garage and the erection of 18 flats, formation of 18 car parking spaces and landscaping at 11 Kirkton Street and 9 Union Street, Carluke.

The Committee decided: that planning application CL/17/0457 by South Lanarkshire Council for the demolition of offices and a garage and the erection of 18 flats, formation of 18 car parking spaces and landscaping at 11 Kirkton Street and 9 Union Street, Carluke be granted subject to the conditions specified in the Executive Director's report.

10 Application CL/17/0467 - Permanent Siting of Portable Building for Use as a Hot Food Takeaway at 6A Strawfrank Road, Carstairs Junction, Lanark

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application CL/17/0467 by A Chekansky for the permanent siting of a portable building for use as a hot food takeaway at 6A Strawfrank Road, Carstairs Junction, Lanark.

The Committee decided: that planning application CL/17/0467 by A Chekansky for the permanent siting of a portable building for use as a hot food takeaway at 6A Strawfrank Road, Carstairs Junction, Lanark be granted subject to the conditions specified in the Executive Director's report.

[Reference: Minutes of Clydesdale Area Committee of 11 April 2006 (Paragraph 4)]

11 Application EK/17/0161 - Residential Development of 155 Houses, Associated Access Roads, Footpaths and Landscaping at Land at East Overton, Glassford Road, Strathaven (Approval of Matters Specified in Conditions Relating to Planning Consent EK/12/0003 (Planning Permission in Principle))

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0161 by BDW Trading Limited and Paterson Partners for a residential development of 155 houses, associated access roads, footpaths and landscaping at land at East Overton, Glassford Road, Strathaven (approval of matters specified in conditions relating to planning consent EK/12/0003 (planning permission in principle)).

On 27 March 2012, the Committee had approved planning application EK/12/0003 for a residential masterplan, leisure, business use and vehicular access from Glassford Road, phased over 20 years (planning permission in principle) at land at East Overton, Glassford Road, Strathaven. Application EK/17/0161 for 155 houses on the site formed phases 2 and 3 of the overall masterplan site.

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

The Committee decided:

- (1) that planning application EK/17/0161 by BDW Trading Limited and Paterson Partners for a residential development of 155 houses, associated access roads, footpaths and landscaping at land at East Overton, Glassford Road, Strathaven (approval of matters specified in conditions relating to planning consent EK/12/0003 (planning permission in principle)) be granted subject to:-
 - ♦ the conditions specified in the Executive Director's report
 - ♦ prior conclusion of a Section 75 Planning Obligation, between the Council, the applicants and the site owners which would involve varying the existing Section 75 Planning Obligation to include details of the affordable housing provision and revise the development phasing of the overall Masterplan approved under planning consent EK/12/0003
 - ♦ the developers meeting the Council's legal costs associated with the Section 75 Planning Obligation
- (2) that it be noted that, in accordance with the agreed procedure, should there be no significant progress by the applicant towards the conclusion of the Planning Obligation within 6 months of the date of the meeting at which the application was considered, the proposed development could be refused on the basis that, without the planning control or developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable; and
- (3) that it be noted that, if the Planning Obligation had not been concluded within the 6 month period but was progressing satisfactorily, the applicant would be offered the opportunity to enter into a Processing Agreement, if this was not already in place, which would set an alternative agreed timescale for the conclusion of the Planning Obligation.

[Reference: Minutes of 27 March 2012 (Paragraph 5) and 7 July 2015 (Paragraph 15)]

12 Application EK/17/0325 - Erection of Upper Storey Front Extension, Two Storey and Single Storey Side Extensions and Rear Upper Storey Balcony at 7 Tulliallan Place, East Kilbride

A report dated 11 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on planning application EK/17/0325 by Mr and Mrs Carroll for the erection of an upper storey front extension, 2 storey and single storey side extensions and a rear upper storey balcony at 7 Tulliallan Place, East Kilbride.

A request for a hearing had been received in relation to the proposal, however, the application did not meet the criteria for a hearing.

Councillor Fulton, seconded by Councillor Dorman, moved that the application be granted subject to the conditions specified in the Executive Director's report and additional conditions to protect the existing trees at the property. Councillor Allison, seconded by Councillor Nelson, moved as an amendment that consideration of the application be continued pending the outcome of an investigation into the removal of a protected tree at the site. On a vote being taken by a show of hands, 4 members voted for the amendment and 18 members voted for the motion which was declared carried.

The Committee decided:

that planning application EK/17/0325 by Mr and Mrs Carroll for the erection of an upper storey front extension, 2 storey and single storey side extensions and a rear upper storey balcony at 7 Tulliallan Place, East Kilbride be granted subject to:-

- ♦ the conditions specified in the Executive Director's report
- ♦ the following additional conditions:-
 - "5 That no trees on the site shall be lopped, topped or felled without the prior written consent of the Council as Planning Authority
 - 6 That the existing trees within the site must be protected in accordance with methods set out in BS5837/1991 during and until completion of all site operations and building works

Reasons

5 To ensure the protection and maintenance of the existing mature trees within the site and to retain effective planning control

6 To ensure that adequate steps are taken to protect existing trees on the site throughout the period of the proposed building operations"

13 Tree Preservation Order - Muirkirk Road, Strathaven

A report dated 5 December 2017 by the Executive Director (Community and Enterprise Resources) was submitted on a Provisional Tree Preservation Order (TPO) on a beech tree located immediately north of Muirkirk Road, Strathaven, approximately 50 metres west of the junction with Muirkirk Gardens, as detailed on the plan attached to the Executive Director's report.

The Provisional TPO was required to ensure that the tree, which was considered to contribute to the character, amenity and sense of place within the local area, was adequately protected. The site was identified in the Adopted South Lanarkshire Local Plan as being a housing development site and a proposal of application notice had been submitted in July 2017 for a residential development at the site.

The Committee decided:

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

14 Urgent Business

There were no items of urgent business.

Report

3

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

Application No	CL/16/0170
Planning Proposal:	Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Patersons of Greenoakhill Limited
- Location : Overburns Farm
Lamington
Biggar
ML12 6HP

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

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

A Legal Agreement securing:

- the establishment of a Technical Working Group (TWG) for the site

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

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

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not

already in place. This will set an alternative agreed timescale for the conclusion of the Legal Agreement.

3 Other Information

- ◆ Applicant's Agent: Pleydell Smithyman Limited
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 3 - Green Belt and Rural Area
 - Policy 4 - Development Management and Placemaking
 - Policy 15 - Natural and Historic Environment
 - Policy 16 - Travel and Transport
 - Policy 17 - Water Environment and Flooding

Supplementary Guidance 1: Sustainable Development and Climate Change

SDCC 2 - Flood risk
SDCC 3 - Sustainable drainage systems
SDCC 4 - Water supply
SDCC 6 - Air quality

Supplementary Guidance 2: Green Belt and Rural Area

GBRA 1 - Economy/business related developments

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Non-Statutory Planning Guidance for Minerals

MIN 1- Spatial framework
MIN 2 - Environmental protection hierarchy - Category 1, 2 and 3 sites
MIN 3 - Cumulative impacts
MIN 4 - Restoration
MIN 5 - Water environment
MIN 7 - Controlling impacts from extraction sites
MIN 8 – Community benefit
MIN 11 - Supporting information
MIN 12 - Transport
MIN 13 - Legal agreements
MIN 15 - Site monitoring and enforcement

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

◆ Consultation(s):

Scottish Government

Clydeplan Strategic Development Plan Authority

Countryside & Greenspace

Network Rail

RSPB Scotland

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

West of Scotland Archaeology Service

Scottish Tourist Board

SP Energy Network

S.E.P.A.

Transport Scotland

Symington Community Council

National Grid UK Transmission

Scottish Wildlife Trust

Environmental Services

River Clyde Fisheries Management Trust

Historic Environment Scotland

Scottish Natural Heritage

Roads Development Management Team

Estates Services

Duneaton Community Council

British Telecom

Planning Application Report

1 Application Site

- 1.1 The application site is located along the southern bank of the River Clyde, approximately 500m to the south of Symington, 1.3km to the west of Coulter and 2km to the north east of Lamington. The M74 motorway is located 11km to the west of the application site and Biggar is located 4.5km to the north east.
- 1.2 The site is located wholly in land designated as rural within the adopted South Lanarkshire Local Development Plan 2015 (SLLDP). The application site is also located within the Upper Clyde Valley and Tinto Special Landscape Area (SLA) and is designated as Prime Agricultural Land (PAL). The Tinto Site of Scientific Interest (SSSI) is located approximately 2km to the north of the site and an area of woodland classified under the Ancient Woodlands Inventory is located approximately 225m to the east of the application site.
- 1.3 The application site extends to approximately 60 hectares and is currently, predominantly in agriculture use. Access is proposed from the A702 Trunk Road, with a proposed access track leading from the road in a north, western direction before turning east into the full portion of the application site. The proposed access road is approximately 1.75 km in length and would require the formation of a new access point onto the A702. The application site extends in a north eastern direction with a meander of the River Clyde forming the northern boundary of the site. The eastern boundary and parts of the southern boundary of the site roughly follow the course of the Easterton Burn.
- 1.4 The majority of the application site is relatively flat and is located within the River Clyde's flood plain. The site rises slightly as the proposed access road meets the A702.
- 1.5 The closest individual residential properties are Langholm Farm, located 690m to the west of the application site, Broadfield Farm, located 660m to the west of the application site, Symington Mains, located 400m to the north of the application site, Nether Hangingshaw, located 600m to the east of the application site and Overburn Cottages, located immediately south of the new access road junction, on the other side of the A702.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the extraction of approximately 3,175,000 tonnes of sand and gravel from an extraction area of circa 34ha of the application site. It is proposed to extract the sand over a 10 and a half year period. A pre-extraction site set up period of circa 9 months and a final restoration period of around 12 months would result in a full development time period of approximately 12 and a half years. It is proposed to screen, wash and sort the sand and gravel on site for onwards distribution via the public road network.
- 2.2 It is proposed that the sand and gravel extraction would be worked in eight distinct phases. As each phase is exhausted, it is proposed to start soil stripping and overburden removal of the subsequent phase to be then used to back fill the previous phase. This allows for progressive restoration of the site and limits the area of land open to excavations at any one time. The sand and gravel proposed to be extracted extends below the natural water table within the site. It is the intention to 'wet' work the site rather than pump it dry and that groundwater encountered through the extractions would remain in situ as the excavations progress. The restoration proposed is to create

a land form that is naturally filled by ground water to create a water body over the majority of the excavation area. The average extraction depth throughout the site is approximately 8 metres which would also result in the proposed water body having the same average depth once filled with water.

2.3 The proposed phasing for the quarry is as follows:

- Site Preparation Phase – would last approximately 9 months and would include;
 - formation of a new access road and junction onto the A702,
 - establishment of the Plant Site, formed over an area of approximately 1.2ha in the southern part of the application site and would consist of:
 - Processing plant for crushing, screening, washing and sorting sand and gravel;
 - On site water management facilities for processing plant;
 - A stockpile area for sorted sand and gravel;
 - Portable building to provide office and staff welfare facilities;
 - Weighbridge and wheel cleaning facilities;
 - provision of electricity and other services to the operation;
 - initial soil strip and overburden removed from Phase 1 extraction,
 - establishment of advance screening bunds using stripped soil and overburden,
 - advance screen planting throughout application site,
 - installation of a field conveyor to transport sand and gravel from extraction areas to processing plant,
 - installation of stock proof fence adjacent to River Clyde,
 - advance works on the banks of the River Clyde, including, planting between the extraction area and the River Clyde of riverside flora to provide strength and stability to the bank and to reduce the risk of erosion and stabilize and strengthen areas of current, local bank erosion.
- Phase 1 (Extraction and progressive restoration) – involves an extraction area of 6.2 ha and works eastwards from the western boundary of the application site. It is proposed to win some 335,000 tonnes of sand and gravel from this phase over a 15 month period.
- Phase 2 (Extraction and progressive restoration) – involves an extraction area of 3.6ha and works east, along the southern boundary of the extraction area, from Phase 1. It is proposed to win some 240,000 tonnes of sand and gravel from this phase over a 9 month period. It is proposed to utilise this phase's soil and overburden on restoration levels for Phase 1.
- Phase 3 (Extraction and progressive restoration) – involves an extraction area of 5.2ha and continues to work east, along the southern boundary of the extraction area, from Phase 2. It is proposed to win some 300,000 tonnes of sand and gravel from this phase over a 12 month period. It is proposed to utilise this phase's soil and overburden on final restoration levels for Phase 1 and backfilling Phase 2.
- Phase 4 (Extraction and progressive restoration) – involves an extraction area of 5.1ha and continues from Phase 3 to the north to create an extraction area that covers the full north eastern tip of the extraction area. It is proposed to win some 470,000 tonnes of sand and gravel from this phase over an 18 month period. It is proposed to maintain this phase's soil and overburden to achieve this phase's restoration levels.

- Phase 5 (Extraction and progressive restoration) – involves an extraction area of 4.7ha and is a portion of land in the north, west of the extraction area adjacent to Phase 1. It is proposed to win some 535,000 tonnes of sand and gravel over a 21 month period. It is proposed to utilise this phase's soil and overburden on further restoration levels for Phase 3 as well as restoration levels within the phase.
- Phase 6 (Extraction and progressive restoration) – involves an extraction area of 4.8ha and works east, along the northern boundary of the extraction area, from Phase 5. It is proposed to win some 580,000 tonnes of sand and gravel from this phase over a 24 month period. It is proposed to utilise this phase's soil and overburden on further restoration levels for Phase 3 as well as restoration within the phase.
- Phase 7 (Extraction and progressive restoration) – involves an extraction area of 2.9ha and continues east from Phase 6 to the extent of the Phase 4 extraction works. It is proposed to win some 400,000 tonnes of sand and gravel from this phase over a 15 month period. It is proposed to utilise this phase's soil and overburden on further restoration of Phase 3 as well as restoration within the phase.
- Phase 8 (Extraction and progressive restoration) – involves an extraction area of 1.7ha and involves the removal of the extraction site's central field conveyor and working the underlying reserves through the 'spine' of the site. It is proposed to win some 315,000 tonnes of sand and gravel from this phase over a 12 month period. It is proposed to utilise this phase's soil and overburden on final restoration of Phase 3.

Final Restoration – involves final restoration of the site and is expected to last a further year following completion of phase 8. The proposed restoration is to create a naturally filled water body some 19.5ha in area. It is proposed to have several shallow, shingle bed areas along the southern shore of the water body with small islets and islands dotted also throughout the southern shore with 2 small islets also proposed on the northern shore. A 30m stand-off between the water body and the River Clyde is proposed as part of the restoration of the site. The stand-off will be vegetated with grass, shrubs and tree planting. The proposed stand-off land is to sit at 202.0m above Ordnance Datum (AOD) which is 0.5m higher than the proposed water level of the water body which is proposed to sit at 201.5m AOD. A footpath with viewpoints is envisaged to follow the full circumference of the water body and it will link into an access track in the southern corner of what would have been the extraction area which would link the site to the A702. Visitor car parking facilities are proposed within the Plant Site area. The restoration strategy proposed is to create a wetland habitat to encourage biodiversity and provide access opportunities for a community wildlife area. A 5 year aftercare period is proposed following final restoration of the site. It is proposed that a TWG would be established to take forward the ongoing consultation and reiteration of the restoration concept. Successful establishment of the restoration habitats would also be monitored through the TWG and adjustments to the proposals would be made where necessary.

Post restoration - It is proposed that following the aftercare period the site shall be designed as a recreational area providing picnic opportunities and areas for wildlife observation with the creation of additional habitats. It is proposed that a Technical Working Group be established for the restoration scheme. Successful establishment of the restoration habitats would also be monitored through the TWG and adjustments to the proposals would be made where necessary. It is proposed that members of interested conservation bodies and regulators would be invited to the TWG including

representatives of SLC, SEPA, SNH, RSPB and the SWT. The applicant has noted a desire for the site to come under the eventual management of a wildlife body such as the RSPB or SWT.

- 2.4 It is proposed that the site be worked between the hours of 07.00 – 19.00 hours, Monday to Friday and 07.00 – 13.00 hours on Saturday, with no working on Sunday. Exportation of material is proposed between 07.00 – 17.00 hours, Monday to Friday and 07.00 – 13.00 hours on Saturday. The applicant has stated that it is estimated that the quarry would provide employment for 15 full time employees over the 12.5 year lifetime of the site works, 7 quarry based staff (site management, mineral production and processing and office support) and 8 HGV drivers involved in the haulage of the minerals to the market place. Whilst not quantified, it is also stated that the quarry could create indirect employment in terms of goods and service supply.
- 2.5 As noted above, access and egress for the quarry would be via a new access road onto the A702 Trunk Road. It is proposed to extract a maximum of 320,000 tonnes per annum from the quarry which would result in 12,524 heavy goods vehicle trips (25,048 two way trips in and out of the site for each vehicle) each year. This would result in a daily trip generation of 44 (88 two way trips) over a working year. It is estimated that 60% of these vehicles would travel to/from the south of the Site (turning right onto the A702) for market areas connected via the M74. The remaining 40% are predicted to travel to/from the north of the site (turning left onto the A702) for Market Areas in central and eastern Scotland.

3 Background

3.1 National Policy and Guidance

- 3.1.1 Scotland's Third National Planning Framework (NPF3) states that minerals make an important contribution to the economy, provide construction materials, energy supply as well as supporting employment. NPF3 recognises that the rural landscape is not just a recreational resource but also has a vital role to play in providing minerals as construction materials.
- 3.1.2 Scottish Planning Policy 2014 (SPP), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application. PAN 1/2011 'Planning and Noise' also provides additional advice on best practice for developments that may generate noise but should be read in tandem with PAN 50 for mineral developments.
- 3.1.3 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 3.1.3 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on all these issues and how they should be addressed when assessing mineral applications.
- 3.1.4 PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.
- 3.1.5 PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

- 3.1.6 All the national policy advice has been considered in the assessment section of this report.
- 3.2 Development Plan**
- 3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (Clydeplan) is the strategic development plan and has a strong focus on future growth and a broad spatial framework. Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained, including a 10 year landbank of construction aggregates. In addition minerals development will be supported where they are in accordance with Clydeplan's Vision and Spatial Development Strategy and individual proposals balance economic benefit against the protection of the environment and local communities from potential impacts.
- 3.2.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
 - Policy 2 Climate Change
 - Policy 3 Greenbelt and Rural Area
 - Policy 4 Development Management and Placemaking
 - Policy 15 Natural and Historic Environment
 - Policy 16 Travel and Transport
 - Policy 17 Water Environment and Flooding
- 3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
 - Supplementary Guidance 2: Green Belt and Rural Area
 - Supplementary Guidance 3: Development Management, Placemaking and Design
- 3.2.4 The approved Non-statutory Planning Guidance – Minerals (2017) contains the following policies against which the proposal should be assessed:
- Policy MIN1 – Spatial framework
 - Policy MIN2 – Environmental protection hierarchy
 - Policy MIN3 – Cumulative impacts
 - Policy MIN4 – Restoration
 - Policy MIN5 – Water environment
 - Policy MIN7 – Controlling impacts from extraction sites
 - Policy MIN 8 – Community benefit
 - Policy MIN11 – Supporting Information
 - Policy MIN12 – Transport
 - Policy MIN13 – Legal agreements
 - Policy MIN15 – Site monitoring and enforcement
- 3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.
- 3.3 Planning History**
- 3.3.1 The County Council of Lanark granted planning permission (P/M/60/980) for the extraction of sand and gravel for a portion of the application site in January 1961. At that time, the River Clyde had a substantial meander and followed the eastern

boundary of the application site. The 1961 permission was connected to Symington Mains Farm. The works granted by this permission were completed in the 1960's. In addition, the dredging of a stretch of the River Clyde immediately upstream of the application site was also undertaken during the late 1960's and early 1970's, under planning permission P/65/1070.

- 3.3.2 With regard to the current planning application boundary, this has been subject to previous applications and an appeal. A planning application for a sand and gravel quarry was first submitted in July 2009 (CL/09/0318). This application was refused as a result of insufficient information being submitted in support of the proposal to allow for its proper assessment. On the basis of the information submitted it was considered that the development was likely to cause an unacceptable landscape and visual impact, detrimentally impact on the River Clyde, through pollution and potential effects on the morphology of the water course, create an adverse impact on the local road network, create an adverse impact on tourism and recreation, and result in a permanent and irreversible loss of Prime Agricultural Land. It was also concluded that positive benefits to the local community would not be provided and that it would result in limited ecological benefits following restoration and aftercare. On this basis, the planning application was refused on 8 July 2010.
- 3.3.3 Following the refusal of the previous application, the applicant submitted a revised application (Ref: CL/11/0305) seeking to address the previous reasons for refusal. The revised application proposed to extract 3.3 million tonnes of sand and gravel over an 11 year period.
- 3.3.4 The planning application was refused at Planning Committee on the 27 March 2012. The reasons for refusal were;
1. Adverse impact on otters (a European Protected Species),
 2. Adverse landscape and visual impact
 3. Adverse impact on Water Environment, particularly the River Clyde
 4. Inappropriate final landform
 5. Loss of Prime Quality Agricultural Land (PQAL)
 6. Adverse impact on tourism and recreation
 7. Adverse impact on the environment and local communities
 8. Adverse impact on river morphology and inability to secure maintenance of river bank engineering solution.

In addition to the reasons for refusal, the Council took the view that there was a sand and gravel landbank of more than 10 years in South Lanarkshire.

- 3.3.5 The applicant appealed this refusal (DPEA Ref: PPA-380-2021) and after a Public Local Inquiry and Hearing the Reporter dismissed the appeal on 9 January 2013. The Reporter dismissed many of the Council's reasons for refusal: the Reporter, however, upheld that the proposed development would create an unacceptable landscape and visual impact. This was largely based on concerns over the unnatural, man-made appearance of the loch that would be left, adjacent to the River Clyde, following completion of the quarry operations.
- 3.3.6 In his decision the Reporter consequently dismissed refusal reasons 1, 3, 5, 6, 7 and 8 referred to above. The Reporter also concluded that there was not an identified land bank of permitted quarries within South Lanarkshire that were capable of meeting the identified need for sand and gravel over the next ten years.

- 3.3.7 Section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended by Part 3, 15 of the Planning etc. (Scotland) Act 2006) precludes any 'similar application' being submitted to a Planning Authority within 2 years of any appeal decision.
- 3.3.8 This application, however, was not only submitted after the expiry of the 2 year period but also incorporates revised proposals for the restoration of the site specifically intended to address the concerns noted by the reporter over the appearance of the loch, following restoration, which formed the basis for the decision to dismiss the previous appeal.
- 3.3.9 Due to its nature and scale, the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community.
- 3.3.10 In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The following measures were taken by the applicant;
- 16/04/2015 – A copy of the Proposal of Application Notice was sent to South Lanarkshire Council, Duneaton Community Council, Biggar Community Council, Libberton, Quothquan & Thankerton Community Council and Symington Community Council,
 - 13/05/2015 and 20/05/2015 – A notice was displayed in the Lanark Gazette advertising the intention to hold a public event on 26 May 2015,
 - 26/05/2015 – A public event was held in the Symington Hall. Approximately 30 individuals attended the event, and 8 consultation responses were received by the applicant from attendees.
- 3.3.11 Having regard to the above, it is considered the applicant has met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.12 The application, by nature of its size (over 25 hectares), falls within the threshold of Schedule 1 of the Environmental Impact Assessment (EIA) regulations. Submission of an Environmental Statement (ES) is mandatory for all Schedule 1 developments. The applicant has therefore submitted a statement in tandem with this application, which expressly states that it is an Environmental Statement for the purposes of the EIA Regulations. The application was also advertised as an EIA development within the Lanark Gazette and the Edinburgh Gazette as required by The (then) Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011. Whilst not affecting the processing of this application, it is worth noting that the 2011 Regulations have been superseded by The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017.
- 3.3.13 Whilst again an application for sand and gravel extraction, the applicant has stated throughout this planning submission that the design iteration, especially the restoration proposals takes cognizance of the Appeal Decision and that the proposal is therefore materially different from what was previously submitted.

3.4 Management of Extractive Waste

- 3.4.1 The Management of Waste from Extractive Industries (Scotland) Regulations 2010 (Waste Regs) require that all proposed mineral planning applications/ decisions must include a Waste Management Plan (WMP) or request for a waiver. The Waste Regs

define 'extractive waste' as 'waste produced from an extractive industry and resulting from prospecting, extraction, treatment and storage of mineral resources and working of quarries'. Therefore in the case of this planning application the 'extractive waste' would constitute the overburden and soils dug out to extract the sand and gravel and the silts created from the washing of the sand and gravel. The proposals do not involve the chemical processing of any minerals and therefore the silt is natural following the washing process.

- 3.4.2 In this instance the applicant is proposing to use silt and overburden to part fill the void from the sand and gravel extraction to create the restoration profile. The soil will then be utilised for the restoration of the dry area of the site. Regulation 8 of the Waste Regs states that the Planning Authority may, in granting planning permission, 'waive any further requirements of these Regulations' if the Planning Authority is 'satisfied that the extractive waste will be managed without endangering human health and without using processes or methods which could harm the environment'.
- 3.4.3 Taking account of the above and having reviewed the operational methods proposed the use of silt and the re-use of the over burden and soils for restoration is considered to allow for the suitable management of all on site extractive waste without endangering human health and without using processes or methods which could harm the environment (chemical washing). In addition as there are no other wastes that would require to be controlled by the Regulations, it is appropriate in this instance to allow a waiver from the WMP, should planning permission be granted.

4 Consultation(s)

- 4.1 **Environmental Services** – provided comments with regards to the impact of the development in relation to issues of noise, dust/air quality and lighting. Environmental Services have stated that due to the rural nature of the site restricting operating hours to 7am to 6pm weekdays and 8am to 1pm on Saturdays are more suitable hours of operation. They raise no objections to the proposals, including the additional environmental information, subject to the use of conditions controlling noise limits and provision and maintenance of noise and dust management schemes.
Response: Noted. Conditions relating to noise limits and noise and dust management schemes form part of this recommendation, should planning permission be granted. It is also considered that the restriction on operating times proposed by Environmental Services is reasonable and further minimises any impact the proposals may have on the amenity of the surrounding area.
- 4.2 **Roads and Transportation Services** – note that the proposed access would be onto the A702 which is a Trunk Road and not therefore within the remit of South Lanarkshire Council but instead administered by AMEY South East Unit on behalf of Transport Scotland.
Response: Noted. Transport Scotland were consulted as part of this application and their comments are below.
- 4.3 **Transport Scotland** – have no objections to the proposals subject to the use of appropriate conditions regarding the proposed access being built to a specific standard and design and details of the construction phasing for the access and any temporary traffic management for the access works being submitted before any work starts on site.
Response: Noted. The conditions requested by Transport Scotland form part of the recommendation of approval.

- 4.4 **Roads and Transportation (Flood Risk Management Services)** – no objection subject to conditions to comply with the Council’s Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.
Response: Noted. If planning permission is granted, a condition to address this matter shall be attached
- 4.5 **Scottish Environmental Protection Agency (SEPA)** – originally objected to the application on the grounds of flood risk and potential impact upon the morphology of the River Clyde. Following meetings with the applicant and the submission of additional environmental information relating to flooding and morphology, SEPA have removed their objection on both grounds.
Response: Noted. The additional environmental information submitted included a ‘Water Environment Adaptive Management Plan’ (WEAMP) which details proposed mitigation and management measures to address the impact of the quarry on the water environment, including flooding and morphology. The recommendation of approval, therefore, includes a condition requiring all mitigation and management measures within the WEAMP be carried out as part of the development if approved.
- 4.6 **Scottish Natural Heritage (SNH)** – do not formally object to the application proposals but advise that they consider the restoration scheme would be an uncharacteristic feature within the surrounding area and therefore result in a significant adverse impact on landscape character as well as on views and visual amenity. SNH are content with the protected species studies carried out and are content with the proposed mitigation subject to conditions requiring final details of the mitigation to be approved before any development starts on site.
Response: Noted. Conditions relating to protected species form part of the recommendation. With regard to landscape and visual impact these concerns are assessed within Section 6 of this report.
- 4.7 **Network Rail** – originally objected to the application on lack of information relating to the morphology of the River Clyde and any potential impact this could have on railway infrastructure (mainly Lamington Viaduct). Following the submission of additional environmental information relating to morphology of the River Clyde, Network Rail have removed their objection to the proposals and have no further comments to make.
Response: Noted.
- 4.8 **Royal Society for the Protection of Birds (RSPB)** – have no objections to the proposals subject to a requirement for the establishment of a Technical Working Group (TWG) for the site, approval of a restoration management plan by the established TWG and provision of a restoration bond for the site. The RSPB also request the use of a condition to ensure that all vegetation clearance of the site takes place outwith the bird nesting season, which is between the end of March and mid July.
Response: Noted. The recommendation requires the formation of a TWG, further approval of a final restoration scheme, including after care management and the provision of an adequate financial guarantee to ensure the site can be restored. In addition the avoidance of the bird breeding season for vegetation clearance is included as a condition forming part of this recommendation.
- 4.9 **Countryside and Greenspace** – comments that the proposed landscaping appears acceptable in principle but require further information on landscaping to ensure any planting used is suitable and enhances biodiversity.
Response: Noted. Conditions requiring further approval of all landscaping and planting form part of this recommendation.

- 4.10 **Historic Environment Scotland** – state that the proposals do not raise historic environmental issues of national significance and therefore do not object.
Response: Noted.
- 4.11 **West of Scotland Archaeological Service** – state that the proposed development falls within an area of archaeological significance and therefore a programme of archaeological works is carried out prior to any mineral extraction commencing.
Response: Noted. A condition requiring the approval and then completion of a programme of archaeological works, prior to any mineral extraction, forms part of this recommendation.
- 4.12 **Scottish Government** – no comments to make.
Response: Noted.
- 4.13 **Duneaton Community Council** – object to the proposed development. Duneaton Community Council states that the site is located in an area well used for recreation and noted for its high quality scenery. They go on to state that they have concerns with regards to pollution and noise and dust for the local community. The Community Council refers to the potential impact on wildlife, impact of flooding and potential impact on tourism and rural jobs as other areas of concern.
Response: Noted. These issues are considered in the assessment section of the report in paragraphs 6.5.2 to 6.5.7, 6.5.18 to 6.5.31, 6.6.13 to 6.5.39, 6.5.32 to 6.5.36, 6.5.40 to 6.5.53 and again 6.5.2 to 6.5.7 respectively.
- 4.14 **Symington Community Council (SCC)** - whose boundary is shared with the development site, object to the proposed development. SCC state that their main areas of concern are noise and air pollution, Road Safety with HGVs using the A702, landscape and visual impact within an area of scenic value and impact on wildlife. Although SCC object to the proposed development they have stated that if approved they would wish hours of operation restrictions to be improved to 8am to 5pm Weekdays, 8am to 12pm Saturdays and no working on Sundays to ensure traffic does not travel through Symington and that a restoration bond is provided.
Response: Noted. These issues are considered in the assessment section of the report in paragraphs 6.6.13 to 6.6.21, 6.5.37 to 6.5.39, 6.5.18 to 6.5.31 and 6.5.32 to 6.5.36 respectively.
- 4.15 **Estate Services** - have no objections with the application as there are no Council assets affected.
Response: Noted
- 4.16 **Scottish Water** – No objections.
Response: Noted.
- 4.17 **SP Energy Networks** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant's expense.
Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority.
- 4.18 The following consultees made no comments in relation to this planning application:

Scottish Tourist Board
Scottish Wildlife Trust
National Grid
British Telecom
River Clyde Fisheries Management Trust

5 Representation(s)

- 5.1 The application was advertised as both a Schedule 3 and EIA development as well as for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the Lanark Gazette on 11 May 2016 and the Edinburgh Gazette on 13 May 2016. Four Mineral site notices were also posted on 6 May, 2016.
- 5.2 Following the receipt of additional environmental information, further advertisement was carried out on the 4 October 2017 (Lanark Gazette) and 6 October 2017 (Edinburgh Gazette).
- 5.3 Following this publicity 287 letters of objection have been received from 281 separate third parties and 1 letter of support. Included within the letters of objection are 1 from David Mundell MP, 1 from Aileen Campbell MSP and 3 from Claudia Beamish MSP. Bruce Crawford MSP has also submitted an objection on behalf of a constituent. Biggar and District Civic Society have submitted an objection letter and 2 letters, including a request for a Hearing, have been submitted by The Clyde River Action Group (CRAG).
- 5.4 The points raised in the objection letters are summarised below.

Objection from Savilles on behalf of Clyde River Action Group (CRAG) (2)

(a) No material change from previous applications.

Response: It is considered that the current proposals are a further iteration of a previous scheme that was refused by South Lanarkshire Council and subsequently dismissed at appeal. The Appeal Decision refuted several refusal reasons and based the appeal's dismissal on landscape and visual reasons. The applicant considers that these current proposals address the landscape and visual issues deliberated in the Appeal Decision. A full assessment of the proposals is contained within Section 6 of this report below.

(b) The site is not designated within the Development Plan for mineral extraction.

Response: SPP directs Mineral LDP's to identify "Areas of Search". However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considers that within this guidance the whole area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. The application site is not located within an area designated as being unsuitable for minerals development. A full assessment of the merits of the proposal is contained within Section 6 of the report below.

(c) The development includes the loss of prime agricultural land.

Response: The Appeal Decision concluded that the application could not be considered to meet the relevant criteria for Prime Agricultural Land and was designated in name only. Paragraph 6.5.13 considers this issue in further detail below.

(c) Long term adverse visual impact upon the landscape and Special Landscape Area (SLA).

Response: This is assessed in detail in paragraphs 6.5.18 to 6.5.31 below.

(d) Involves development within a flood plain, loss of flood plain and increases flood risk.

Response: This is assessed in detail in paragraphs 6.5.40 to 6.5.53 below.

(e) Lack of need for minerals within South Lanarkshire aggregate landbank.

Response: SPP states that Local Authorities are required to maintain a landbank of construction aggregates equivalent to a minimum of at least ten years supply. An updated calculation of the current South Lanarkshire landbank was carried out in September 2017 which noted that the Landbank was at 10.1 years supply. This is assessed in further detail in paragraphs 6.6.2 to 6.6.6 below.

(f) The proposals would have an inappropriate impact in relation to Air Quality (Dust) and Noise pollution.

Response: Noise and dust have been assessed as part of these proposals in line with PAN50 and are assessed in detail in paragraphs 6.6.12 to 6.6.21 below.

Letters from elected representatives (6)

(g) David Mundell MP objects to the application and states that the reasons for objecting are (1) nothing has changed since the original application in 2009 (2) the proposed development could result in an increase in flood risk within the area (3) the A702 is in a poor condition which would worsen if additional HGV traffic increases its use (4) the cumulative impact of another quarry in an area with 2 working quarries within 8 miles of the application site (5) the cumulative impact of the proposals adjacent to the Clyde Wind Farm and the further industrialisation of a rural area (6) previous history of the applicant, specifically in relation to a restoration project at Moffat.

Response: Noted. The issues raised are discussed in section 6 of the report. It should be noted that the previous history of the applicant is not a planning matter.

(h) 3 letters have been received from Claudia Beamish MSP (1st on receipt of the application, 2nd on receipt of the additional environmental information and 3rd following SEPA's comments on the additional environmental information). The letters object to the application and state previous concerns have not been addressed, namely (1) the landscape and visual impact of the development (2) the impact on the River Clyde, (3) the impact on the local road network, (4) the restoration proposals would result in an inappropriate landform, (5) it would create a permanent adverse effect on the local environment, and (6) it would not provide benefits to the local economy.

Response: Noted. The issues raised are discussed in section 6 of the report.

(i) Aileen Campbell MSP objects to the application and states that the MSP conducted a survey with constituents in which, amongst other questions, 82 respondents stated they disagreed with the application site being developed as a quarry with 4 agreeing that it should be developed. Respondents to the MSP's survey also raised several areas of concern with the proposal including (1) Increase in traffic and Road Safety (2) the environmental impact of the quarry (3) the repeated nature of application submissions (4) dust and noise (5) impact on protected species, namely otters (6) impact on local tourism and subsequently the local economy (7) previous history of the applicant.

Response: Noted. The issues raised are discussed in section 6 of the report. As noted above, however, it should be noted that the previous history of the applicant is not a planning matter.

(j) Bruce Campbell MSP objects to the proposals on behalf of one of his constituents and states that the constituent's reasons for objecting are (1) damage to wildlife (2) impact on river (3) loss of views (4) traffic in a rural area (5) noise and dirt will spoil the area for locals and visitors.

Response: Noted. The issues raised are discussed in section 6 of the report.

Biggar and District Civic Society - object to the proposed development on the grounds that the application is similar to the 2 previous applications, landscape and visual impact on the SLA, impact on the water environment, including the pollution of the water environment and loss of flood plain, development would adversely affect wildlife, particularly wintering birds, noise pollution, impact on recreation and tourism, increased vehicle movements on local road network and the lack of need for a quarry at this location.

Response: Noted. The history of the application site and previous applications is detailed in section 3.3 above. The other issues raised are considered in the assessment section of the report in paragraphs 6.5.18 to 6.5.31, 6.5.40 to 6.5.53, 6.5.32 to 6.5.36, 6.5.2 to 6.5.7, 6.5.37 to 6.5.39 and 6.6.1 to 6.6.6 respectively.

Individual letters of representation (281)

The points raised in the individual letters, which have not been summarised within points a) to j) above, are summarised below.

(k) The proposed development would result in damage to the local road network.

Response: The development would result in, on average, 44 trips (88 two-way movements) of additional HGV traffic using the road network on a daily basis. This would be an additional 1% over that currently experienced on the A702. Transport Scotland does not object to the proposed development. Paragraphs 6.5.37 to 6.5.39 further assess this issue in more detail below.

(l) The proposals would have an impact on Road Safety in the area.

Response: As with k) above this is assessed further in paragraphs 6.5.37 to 6.5.39.

(m) The proposals would have a detrimental impact upon the ecology of the area.

Response: The impact of the proposed development in relation to Ecology is considered in detail within paragraphs 6.5.30 to 6.5.36 below.

(n) The proposals are within an area designated for its scenic value and will have an unacceptable visual impact.

Response: The impact of the proposed development in relation to Landscape and Visual Impact is considered in detail within paragraphs 6.5.18 to 6.5.31 below.

(o) Erosion of the river into the quarry and subsequent silting and pollution of the river.

Response: A Morphological Assessment has been submitted as part of the planning application to assess the potential for the River Clyde to erode the standoff area between its bank and the quarry. This is considered in detail within paragraphs 6.5.40 to 6.5.53 below.

(p) Impact on amenity in terms of noise, dust and light pollution.

Response: Issues of amenity, including noise, dust, air and light pollution have been assessed as part of these proposals and are assessed in detail in paragraphs 6.6.12 to 6.6.21 below.

(q) Requirement to fence the site and the potential environmental effects the fencing could have.

Response: Regulation 18 of The Quarries Regulations 1999 requires a “*barrier suitable for the purpose of discouraging trespass*” to be “*placed around the boundary of the quarry*”. The Quarries Regulations 1999 fall within the remit of the Health and Safety Executive. As with other quarries, any fencing should not be to the detriment of any of the environmental mitigation measures required on or around the site, and any fencing, whilst required for security, will also require to have some form of access for wildlife, as well as not impede any of the flood mitigation measures. A fence of this type could be erected around the site, under Class 56 of *The Town and Country Planning (General Permitted Development) (Scotland) Order 1992* and an application for planning permission would not therefore be required. In order, however, to control permitted development at minerals sites in these instances, should planning permission be granted, a condition removing these rights regarding fencing shall be attached to ensure further assessment is required.

(r) The proposed development could pose a danger to Lamington Viaduct in terms of flooding.

Response: Paragraphs 6.5.40 to 6.5.53 assess the proposals impact on the water environment, including flooding. A Flood Risk Assessment was submitted as part of the application and SEPA are satisfied, following receipt of additional information, that the proposals are acceptable in relation to flooding issues. In addition, Network Rail does not object to the application.

(s) The impact on trout and salmon fishing.

Response: The impact of the development on the ecology and rural recreation of the area is assessed throughout Section 6 of the report below.

(t) The impact on tourism and loss of jobs.

Response: The impact of the development on tourism is assessed throughout Section 6 of the report below.

(u) The applicant’s previous history with other sites.

Response: This is not a material consideration for the assessment of a planning application. If planning consent is granted appropriate planning conditions, legal agreement including restoration bond shall be put in place to ensure that this development is appropriately controlled and monitored.

(v) Financial interest between the applicant and the water environment consultant they’ve employed.

Response: The Environmental Statement submitted (including water environment assessments) have been assessed by independent, statutory consultees as part of the consideration of this planning application.

(w) Affect on property prices in the area/ increase in house insurance premiums.

Response: This is not a material consideration for the assessment of a planning application.

(x) Cost to taxpayer due to multiple applications.

Response: This is not a material consideration for the assessment of a planning application. As set out in paragraphs 3.3.7 to 3.3.12 the applicant’s submission is in accordance with planning legislation.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission for the phased extraction of sand and gravel by quarrying methods, the erection of associated plant, and the formation of a site and access road at Overburns Farm, Lamington. The main determining issues in assessing this proposal are whether it accords with the development plan, the site history, including the past Appeal Decision (as detailed in paragraphs 3.3.5 and 3.3.6 above), its landscape and visual impact, impact on the water environment, including flooding, impact on the natural environment, including prime agricultural land, impact on the local community, including tourism and recreation, and impact on the road network, and the supply of sand and gravel available to meet the Council's required 10 year construction aggregate landbank.

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

6.3 National Planning Policy

- 6.3.1 Scotland's Third National Planning Framework (NPF3) states that Scotland's rural environment is more than a recreational resource and has a role to play in fulfilling the need for construction materials as well as supporting Scotland's ambition for diversification of the energy mix.

- 6.3.2 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

- 6.3.3 SPP also states the need for an adequate and steady supply on minerals to be available to meet the needs of the construction, energy and other sectors. It also states that Local Development Plans should maintain a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas. SPP continues that extraction should only be permitted where impacts on local communities and other isolated receptors, local landscape character and the natural and water environment can be adequately controlled or mitigated. SPP does not prescribe a set separation distance between settlements and quarries. It states that the specific circumstances of individual proposals, including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise should be taken account of.

- 6.3.4 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water as well as securing the sustainable restoration of sites to beneficial after-use following extraction.

- 6.3.5 PAN 50 'Controlling the environmental effects of surface mineral workings' provides detailed advice relevant to this application. PAN 50 takes a prescriptive approach in suggesting best practice for controlling such environmental effects. Accordingly, PAN

50 sets out an agenda for the most important issues that need to be satisfactorily addressed. These are: road traffic; blasting; noise; dust; visual impact and water contamination. It sets out quantitative and methodological requirements in terms of: noise, dust, road traffic impact and blasting within its respective Appendices.

- 6.3.6 PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites and Annex C advises on the control of traffic at surface mineral sites. Annex D advises on the control of blasting at surface mineral sites which is not relevant to the assessment of this proposal as blasting is not required as part of the proposals.
- 6.3.7 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.
- 6.3.8 PAN64 advises that Planning Authorities ensure that mineral operators treat reclamation of sites as an integral part of the overall planning process to be addressed comprehensively through a planning application submission.
- 6.3.9 It is therefore considered that the proposal, in principle, complies with National Planning Policy, in terms of being a development that could provide a supply of aggregates (sand and gravel) to the local construction market which would contribute to the SPP's aim of supporting the maintenance of a 10 year landbank of permitted reserves. The SPP defers to the Development Plan in terms of being the appropriate mechanism for assessment of a minimum ten year landbank and therefore further assessment of the current landbank is found in section 6.5 below. The overall acceptability of such a development must however also meet the other detailed policy and advice within SPP, PANs 50, 64 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

6.4 **Strategic Development Plan**

- 6.4.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan and has a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained and minerals development will be supported where they are in accordance with, inter alia, Local Development Plans. The GCVSDP is a strategic document and apart from supporting delivery of sustainable mineral extraction, it does not provide a level of detail for the assessment of a specific site of this nature and location but instead defers to the Local Development Plan in this respect.
- 6.4.2 Policy 15 also states that a landbank for construction aggregates equivalent to at least 10 years extraction shall form part of the required adequate and steady supply of minerals. Policy 15 states that Supplementary Guidance shall be published to set out how this landbank is to be achieved. Currently there is no available Supplementary Guidance prepared by the GCVSDP at this time.

6.5 **South Lanarkshire Local Development Plan**

- 6.5.1 At a local level the application requires to be assessed against the policy aims of the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance. In addition as the adopted South Lanarkshire Minerals

Local Development Plan (SLMLDP) 2012 is over 5 years old and the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance do not include mineral policies the proposed development will also be required to be assessed against the policies of the Council's approved Non-Statutory Planning Guidance – Minerals (2017) (NSPG). The NSPG has been prepared to be used as a material consideration in the determination of mineral proposals until the proposed South Lanarkshire Local Development Plan 2 is approved and mineral guidance can be incorporated within the local development plan.

- 6.5.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is for development within the Rural Area as designated within the SLLDP and is therefore required to be assessed against Policy 3 below.
- 6.5.3 SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Rural Area, unless they relate to uses which must have a countryside location. Supplementary Guidance 2: 'Green Belt and Rural Area' (SG2) further expands and supports the objectives of SLLDP Policy 3. SG2 Policy GBRA1 'Economy/ Business Related Developments' states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale.
- 6.5.4 Minerals can only be worked where they are found and are therefore location specific. Evidence has been shown within the submitted Environmental Statement that there are sand and gravel deposits located within the application site and therefore the rural location for mineral extraction has been justified.
- 6.5.5 The ES has a chapter assessing the socio-economic aspect of the proposals. It is stated that the development would create 15 full time direct jobs (7 on site personnel and 8 drivers). It is also expected that indirect jobs would be created or maintained by local businesses supplying services to the quarry and potential, additional spend within the area. The socio-economic assessment has not identified any significant effects upon local tourism and recreation. The Appeal Decision noted that agriculture was the most significant employer to the local area and the quarry would not have an impact on agriculture within the area. It further concluded that whilst the quarry (during operations and post operations) would have an impact on the landscape, that 'during operations the proposal would not have a significant harmful impact on tourism and that following restoration there would be a slight benefit'.
- 6.5.6 Tourism and recreation are also important employers within the local area. In general, it is considered that there are no tangible indicators that quarrying can have a direct, significant negative impact upon tourism and recreation interests within an area. In addition, in terms of this particular proposal, the development would have no direct impact on recreational facilities as it does not interrupt any paths, equestrian bridle ways or water ways. The A702, as well as being a direct route between the M74 and Edinburgh, is promoted as the Clyde Valley Tourist Route' and any development on this route does therefore have the potential to impact upon this tourist designation. It is considered however, that only the site access would have a visual impact upon road users. The access is of a standard design to meet road requirements and is therefore not considered to be of a scale or nature that would detract from the visitor experience of the tourist route. In addition, the proposed restoration scheme incorporates a visitor car park, footpath network and opportunities for recreational use, including wildlife observation. These would have a more positive impact upon the tourist economy of the area than the site as it sits at present. The location of the site with direct access from the A702 tourist route further enhances its potential as a recreational location when restored. The development's impact upon the visual

landscape and any consequent negative impact on tourism is considered further below.

- 6.5.7 In this instance the principle of the proposal is considered acceptable as there is a demonstrable locational need due to the presence of deposits of sand and gravel within the site and minerals can only be worked where they are found. In line with the Appeal Decision it is considered that these proposals would not significantly discourage recreational use within the area or have a significant negative impact upon the local economy of the area; whereas there are tangible economic benefits such as the employment of 7 direct jobs on site, 8 direct driving jobs and a restoration scheme designed to add a further recreational opportunity into the area. The overall requirement and acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.5.8 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by being sustainably located, having no significant adverse impacts on the water and soils environments, air quality and Biodiversity (including Natura 2000 sites and protected species).
- 6.5.9 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5.10 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse affect on Category 2 sites or a significant adverse affect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.5.11 Given the inter-relationship between Policies 2, 4 and 15 it is considered appropriate to assess the proposals collectively in relation to their criteria. The criteria of these policies are protected designations, Built Heritage/ archaeology, Visual and Landscape Impact and Natural Heritage/ Ecology. With regard to impacts on amenity (noise, dust etc.) this criteria is assessed under Policy MIN7 of the NSPG below (paragraphs 6.6.12 to 6.6.21).
- 6.5.12 In relation to the category of protected designations, there are no category 1 sites within the application site or within close proximity of the application site. The following category 2 designations are found within or in the vicinity of the site and the proposal's impact upon these is assessed in the following paragraphs.
- 6.5.13 The application site is on land designated as Prime Agricultural Land (PAL) which is a category 2 designation within the hierarchy. The proposed restoration of the site does not result in returning the land to agriculture and would therefore result in the loss of prime agricultural land which is considered an adverse affect on a category 2 designation and as such would not normally be supported. The application site is, however, on land that is susceptible to flooding. It is noted that the Appeal Decision

stated that the broad-based classification of agricultural land does not take into account site specific factors such as susceptibility to flooding, as is the case here. The Appeal Decision concluded that although the application site was on land broadly classified as PAL, given it had been affected by temporary flooding as often as five times a year and on average suffered damage from severe winter flooding every five years, the land could serve little agricultural purpose other than to provide grazing land. The Appeal Decision therefore ruled that the classification did not take into account the site's specific circumstances and that the application site was only PAL in name, and therefore its retention was not to be considered of national importance. It is therefore considered that the application site's susceptibility to flooding does render it less productive agricultural land than the PAL classification. Whilst the permanent loss of Prime Agricultural Land is contrary to Policy 15 it is considered acceptable given it is not of the quality and usability normally associated with land designated as Prime Agricultural Land.

- 6.5.14 There is 1 Category A listed building (Symington House) within 2 kilometres of the site and 5 scheduled monuments (Castle Hill earthwork, Lamington Tower, Culterpark Hill, Baitlaws Cairn and a fifth untitled earth works some 820 metres south-west of Castle Hill). It is considered that distance, topography and screening provided by vegetation protect all these heritage assets from having their setting materially impinged upon by the proposed developments at both the operational stage and following restoration of the site. Historic Environment Scotland have been consulted as part of the application process and are in agreement that the setting of the Category A listed building and the scheduled monuments will not be adversely affected by the development proposals. West of Scotland Archaeological Service (WOSAS) also shares this opinion which was mirrored in the Appeal Decision. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.
- 6.5.15 The application site is located some 1.7 kilometres from the nearest boundary of the Tinto Hills Site of Special Scientific Interest (SSI). The SSSI is designated for its examples of periglacial (edge of glacier) geology as well as its dry upland habitat. It is considered that the geological and upland habitat features, as well as it being over 1.7 kilometres from the application site, would not result in the qualifying interests of this SSSI being affected by the proposals. SNH have raised no objections in relation to the SSSI. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.
- 6.5.16 There are no other category 2 sites that would be affected by the proposals. With regard to category 3 sites, there are 23 Category B and 25 Category C listed buildings within 2 kilometres of the application site. All are a minimum of 0.9 kilometres from the application site and it is considered that this distance ensures that there is no material impact upon the setting of any listed building. Lamington Conservation Area lies approximately 0.9 kilometres from the application site but it is considered that this distance, surrounding topography and existing vegetation ensures the Character of the Conservation Area is not adversely affected by the proposals. This view is also held for Coulter Conservation Area which lies some 1.8 kilometres from the site boundary. It is also noted that both Conservation Areas are designated for their buildings' character and historic inter-relationship and not due to their wider setting within the countryside.
- 6.5.17 Whilst there are no other designated cultural or archaeological sites within the application site, it is located within an area of archaeological sensitivity based on the density of sites and finds of prehistoric and medieval date in the surrounding landscape. The Environmental Statement that forms part of the application submission states that in order to mitigate and ensure that there are no adverse impacts upon the archaeological sensitivity of the site a programme of archaeological

site investigation is proposed prior to any sand and gravel extraction. This programme of works would accurately establish the nature and survival of archaeological remains within the site. WOSAS agree that the implementation of this programme would mitigate any impacts on potential archaeological features the development may create. Again this is in line with the Appeal Decision. It is therefore considered that the proposals can meet with the relevant policy criteria in this instance. Should planning permission be granted an appropriate planning condition shall be imposed to control this matter.

- 6.5.18 The application site is within the Upper Clyde Valley and Tinto Special Landscape Area (SLA). An SLA is a Category 3 designation within the protection hierarchy of SLLDP Policy 15. The Policy states that in Category 3 areas, development will only be permitted where there is no significant adverse impact upon the designation following mitigation. Whilst landscape in general is a planning consideration when assessing development proposals, SLA's are specifically designated to ensure that these landscapes in particular are not damaged by inappropriate development and to encourage positive landscape management.
- 6.5.19 As well as being within an SLA the majority of the application site is located within the Broad Valley Upland Landscape Character Area (LCA). The characteristics of the Broad Valley Upland landscape are its broad, flat bottomed valley enclosed by rounded foothills and rolling farmlands to the north with the Southern Uplands to the south. The general openness of the valley is noted as having the potential for significant visual impacts. The main guidelines for mineral developments for this LCA state that large scale mineral sites should be discouraged as they would be particularly visible within this landscape. Undulating ground and close proximity to shelterbelts offer the best opportunities for screening in the area and advance planting and restoration should be utilised to ensure there is no loss of landscape quality or character.
- 6.5.20 The remainder of the application site (proposed access and a short section of the access track into the site) is within the Southern Uplands LCA. It is considered that a new access on a busy Trunk Road (A702) and its associated single track access road would not be of a scale that would have a significant visual impact or affect the landscape character of the surrounding area. It is therefore considered that the access proposals would be acceptable as proposed and no further assessment of this small part of the application site is required. The following landscape and visual assessment below therefore concerns the majority of the application site that is located within the Broad Valley Uplands LCA.
- 6.5.21 Whilst inter-related, landscape impacts and visual impacts are separate. Landscape impact relates to changes in the characteristics, character and qualities of the landscape whilst visual impact relates to the appearance of these changes. A landscape change is the physical effect a proposal has on the landscape whilst visual amenity relates to the perception of the change. A landscape impact has no visual impact effect if there are no views of the development. For the purposes of this assessment, the 2 issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan. The proposals are to extract sand and gravel and then create a water body with wetland habitat rather than return the land to farmland. Given the proposals are not to return the land back to its previous state any landscape and visual impact therefore must also consider the new land use proposals post extraction. The following assessment is therefore two fold and separated into the extraction period and then the restoration period.

- 6.5.22 As noted the general openness of the valley in which the application sits renders any proposed development likely to have the potential to have a significant visual impact, and affect landscape character. Due to the nature of the valley being enclosed by uplands, there is also potential for the visual impact to extend to these uplands as the application site would feature in these elevated views from surrounding hills such as Tinto. Therefore it is considered that the proposals for a 60 hectare sand and gravel quarry would have the potential to have a significant landscape and visual impact upon the surrounding area. A Landscape and Visual Impact Assessment (LVIA) formed part of the ES submission. The LVIA baseline study notes that the application site is located within a 'strongly settled landscape with many manmade elements present within the landscape' and that 'these physical characteristics and contrasting patterns within this area of the Upper Clyde Valley help define this area as a large-scale landscape dominated by the distinct outlines of Tinto, Scaur and Dungavel Hills.' The LVIA concludes that the extraction period would have notable to substantial adverse visual impact with the level of the notable to adverse impact being dependent on what phase of the extraction was underway, but all within this degree of impact. The LVIA concluded that the restoration phase of the proposals would vary between having a neutral to minimal, to very slight to slight beneficial landscape and visual impacts, with the beneficial aspect increasing the further afield the restoration was viewed.
- 6.5.23 The planning submission proposes mitigation to minimise the impact. During the operational phase of the proposals only 11 hectares of the 60 hectare site would be developed at any one time with the remainder either restored or awaiting extraction to commence. This progressive restoration of the site minimises its visual impact by a reduction in scale. The Appeal Decision noted that phasing of extraction works would initially minimise the quarry's landscape impact as the extraction was to be progressive, with the site area increasing exponentially as extraction increased through the site. The Appeal Decision did note however that as only the extraction was progressive, with no progressive restoration, the visual impact increased as the site was worked. By amending the scheme to include progressive restoration in tandem with progressive extraction the landscape impact of the extraction is minimised to only 11 hectares of the 60 hectare site at any one time. Landscaped bunds are proposed to screen the on-site equipment from the surrounding area and these will be grassed to ensure they appear natural. Screen planting around the site is designed to complement the bunding and again aid screening as well as soften the proposals appearance in the landscape. It is considered that this screening would be an effective way of shielding the site from immediate views. Whilst it would not reduce the site's visual impact from higher views given the site sits in the middle of a flat valley it is considered that it would be a measure that would materially soften its impact in the wider uplands. It is further considered that these are proven effective methods of screening at mineral sites. It is also noted that the operational lifetime of the site is approximately 12.5 years which limits the visual impact the operational phase would have on the surrounding area to this period. It is considered that 12.5 years can be considered short term, in terms of landscape change although it is noted that it is not viewed as short term in terms of visual impact.
- 6.5.24 SNH have carried out a review of the LVIA and ES and state that the proposals would result in significant adverse impacts upon the landscape. SNH do also note that 'the 'softening' of the edges of the restored lagoon and the peripheral planting' has improved its appearance and SNH therefore consider 'that the post-restoration water body would be likely to look less engineered than the previous proposal' (the 2011 application). However SNH conclude that the current proposal 'would still be likely to give rise to adverse landscape and visual impacts given:

- Its uncharacteristic nature and scale would be out of keeping with the local and wider landscape character of the 'Broad Valley Upland' landscape character type (LCT).
- The proposal would not restore the land to its current land use and thus is contrary to the advice in the South Lanarkshire Landscape Character Assessment in respect of restoring the grain and character of the site's former appearance.
- It would be centrally located in the Upper Clyde Valley and Tinto Special Landscape Area (SLA) - an area of highest landscape quality and value in South Lanarkshire.
- It would be a new and incongruous focal point in elevated views from surrounding hills.
- It would be likely to be an uncharacteristic feature in views from the West Coast Mainline – a key tourist route through the Clyde Valley.

6.5.25 Whilst concluding that the proposals are likely to 'give rise to adverse landscape and visual impacts', it is noted that SNH have not objected to the proposals on these, or any other grounds. SNH also state that the proposals would not be likely to affect the overall integrity of the SLA but would adversely change the character of the southern part of the SLA.

6.5.26 It is considered that the operational phase of the development shall have a visual and landscape impact upon the surrounding area. The progressive restoration, planting and screening does nevertheless afford an opportunity to minimise the visual impact of the development within the immediate area and it is considered that the visual impact within the immediate area would be acceptable due to these mitigation methods. As noted, these mitigation methods would soften the site's visual and landscape impact. They would not, however, totally remove the site from view, specifically from the higher levels on either side, as the valley rises. Consideration therefore has to be given to the level of impact the operational phases would have on these higher slopes. It is considered that the working of the site in phases does reduce the scale of the development considerably from 60 hectares to 11 hectares at any one time. It is considered that this results in a smaller scale development within a large scale landscape. Given the reduction in site footprint and the distance the site is from the views from the uplands (over 2.5km away) it is considered that the landscape and visual impact of the operational phase is reduced from these elevated viewpoints. However, it is noted that the operational phase will still have a visual impact and would introduce a new feature into an established landscape. Therefore, on balance, it is considered that the operational phase of the proposals would result in a neutral visual impact (in the immediate environs) at best and a slightly adverse impact in the wider area.

6.5.27 As noted previously and by SNH, if the site was returned back to agriculture following extraction it could be considered that there was no long term visual and landscape impact for the site. The LCA advice to restore a site to its previous use is solely based on visual and landscape practice and doesn't take account of any other aspect of restoration proposals. In this instance returning the site to agriculture would not be as beneficial in biodiversity terms as the proposed wetland habitat and water body. It is, therefore, considered that an assessment of the visual impact of the proposed restoration proposals needs to be taken into account given it would not revert back to its previous land use.

6.5.28 With regard to the Landscape and Visual Impact of the restoration phase of the proposals, it is considered that these would have a permanent effect upon the landscape as they are not temporary in nature. It is acknowledged that water bodies

adjacent to meanders of the River Clyde within this valley are not typical with the landscape character. It is therefore considered that the proposed water body will have an impact upon the character and visual landscape of the area. Consideration must therefore be given to what impact the water body would have on the landscape. The LVIA states that the levels of effect in visual impact terms was deemed to be not significant mainly through tree planting which is expected to screen the water body from view so that it is viewed as grassland within the pastoral valley floor. SNH disagree with the LVIA and state that the waterbody would be visible over a considerable distance due to the flatness of the floodplain/ valley floor, and that from upland areas such as Tinto the water body would be widely visible, especially as the viewer's eye is naturally drawn to the River Clyde from these viewpoints. The introduction of a new water body would draw the eye and detract from existing views. SNH state that it would be unlikely for the water body to be mistaken as an ox bow lake or natural lochan.

6.5.29 Consideration must therefore be given to the level of impact the introduction of a water body would have on the visual aspect of the area as well as the landscape. It is considered that due to the broad valley with uplands on either side the water body would always have a visual impact from these uplands, even with screening. Consequently consideration needs to be given to the scale of the impact. The water body has been designed to appear as natural and unengineered feature. This does lessen its visual impact, especially given its location adjacent to a meander of the River Clyde and on land susceptible to flooding several times a year. Whilst it may not be mistaken as an ox bow lake, a water body with wetland habitat having its location adjacent to a large river such as the Clyde on a flood plain can be perceived to be compatible to the reading of the valley landscape. Although it is noted that there are no other water bodies of this type or scale along this stretch of the Clyde valley, taking account of its scale, location and design the water body can also sit within a large scale valley dominated by open, pasture land. It is therefore considered that the water body would read as a feature within the pasture rather than a feature dominating the pasture land and valley. Furthermore the proposed water body would have islets, shallow shingle areas and promontories which would help break up the mass of water and together with the proposed planting would provide further softening of the water body with in views from the immediate environs.

6.5.30 In relation to the view points on the elevated sides of the valleys it is considered that the water body would be visible and introduce a new feature into the landscape. The assessment is whether this new feature on its own would be materially detrimental to the character of the landscape as a whole. The upland views are some 2km at the closest and stretch to over 6km away. It is noted that these distances may blur the visual distinctions between the islets etc. and therefore the mass of water may appear more solid form these views. It is nevertheless considered that whilst it may draw the eye, the water body is not of a scale that it would dominate the scene and therefore harm the character and visual aspect of the landscape. It is also considered that the scale and design of the water body are such that whilst introducing a new feature into the landscape the impact would not be significantly or materially adverse to the intrinsic nature and character of such a large, broad valley. Whilst it is considered to not have an adverse impact it is difficult to consider the introduction of the water body as having a beneficial effect to the landscape and visual character of the area. Whilst softened as previously stated, it is still an uncharacteristic feature within the valley. Therefore its introduction can be seen as having a neutral impact.

6.5.31 It is therefore considered that the proposals would have at best a neutral effect in terms of landscape and visual impact and at worst a slight adverse impact. As with all development the assessment of its acceptability has to be based on a fact and degree consideration of the benefits and adverse impacts of a scheme to form a reasoned,

balanced view. In this instance it is considered that the benefits of the scheme in terms of mineral supply and habitat creation, with additional biodiversity, and the mitigation provided through the progressive restoration plan minimises the proposals impact on the landscape to a degree that is sufficient to outweigh the residual landscape and visual impacts identified. . The restoration scheme itself also presents a more natural solution than that previously assessed by earlier applications and the Appeal Decision. It is therefore considered that the design of the proposals significantly minimises landscape character and visual impacts to a degree, which when combined with the benefits of the scheme in terms of mineral supply and habitat creation with additional biodiversity outweigh the adverse impacts identified.

6.5.32 SLLDP Policy 15 also notes that development which will have significant, adverse impacts on international and national protected species will not be permitted. As noted there is one statutorily designated site within 2km of the application boundary (Tinto SSSI), although it's qualifying designation is not on the basis of being a wildlife habitat but instead for its geology and flora.. There are no non-statutory designated sites within 2km of the application boundary. The site mostly comprises improved grassland which is poor in terms of providing quality habitat land for wildlife. Whilst not providing quality habitat land, the rural setting of the application site does, however, naturally lend itself to be a potential habitat for wildlife as well as providing foraging land. In this regard, as part of an Ecological Impact Assessment within the ES, the applicant has carried out desk top and site surveys that conclude the site is considered to provide suitable foraging and potential breeding habitat for protected species (namely otters, badgers, bats and barn owls).

6.5.33 Through the phased extraction proposed, the development will result in the loss of only a small area of agricultural land at any one time, and therefore, there will be a negligible adverse impact on the habitat resource of the site due to the widespread availability of similar habitat in the surrounding area. The restoration proposals involve the creation of new habitat in the form of a lochan with aquatic vegetation and wetland shallows which it is considered would result in the provision of better quality habitat than currently provided by the existing species poor, agricultural land. The restoration proposals include the creation of artificial otter holts, a badger sett and installation of bat boxes and osprey nesting platforms to provide habitat opportunities for species known to be in the locale. Additional planting is proposed to introduce additional habitat into the area that is more suitable for bird roosting and foraging than is presently found on site. It is therefore considered that the proposed restoration of the site provides a long term positive impact in that there will be a net increase in the availability of suitable habitat for wildlife, including for mammals, birds and invertebrates as well as aquatic.

6.5.34 The Ecological Impact Assessment also found evidence of signal crayfish and therefore there is a likelihood that there are crayfish within the stretch of the Clyde adjacent to the application site. Signal Crayfish are a non-indigenous and invasive North American species. It is expected that the introduction of additional habitat for otters and bird species will increase crayfish predator numbers within the immediate area thus aiding biological control of this invasive species.

6.5.35 The Ecological Impact Assessment within the submitted ES contains mitigation measures to minimise any negative effects the proposals may have on protected species. As well as the erection of bat boxes, a badger sett and otter holts these also include timing of works outside bird breeding season, employing an ecological clerk of works, an otter protection plan, bat surveys and a badger protection plan. SNH are content with the proposed mitigation subject to planning conditions being put in place to control this mitigation and conditions requiring further details being included within

the otter and badger protection plans. If planning permission is granted appropriate planning conditions to control these matters shall be imposed.

- 6.5.36 It is therefore considered that, in this instance, the proposals are considered acceptable as they would not significantly impact on the ecology of the area within the long term, propose suitable mitigation methods for protected species and propose a restoration scheme that would provide a higher standard of natural environment and habitat in the long term than that currently in evidence on the application site. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.
- 6.5.37 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. A Transport Assessment forms part of the ES submission which calculates that the proposed development would result in an increase of traffic equating to an additional 1% on the A702 at the maximum annual extraction rate of 320,000 tonnes a year. The Transport Assessment states that the maximum exportation of 320,000 tonnes would result in 44 one way (88 two way) daily HGV movements.
- 6.5.38 As the proposed access is taken directly onto the A702 Trunk Road it is not within the remit of South Lanarkshire Council. It is maintained by Transport Scotland and they have been consulted as part of the assessment of this planning application. Transport Scotland are content with the findings of the Transport Assessment and have no objections to the proposals subject to the use of appropriate conditions regarding the proposed access being built to a specific standard and design and details of the construction phasing for the access and any temporary traffic management for the access works being appropriately controlled. Transport Scotland's conditions form part of the recommendation for approval. Should planning consent be granted it is also recommended that a condition limiting the maximum extraction and exportation rate of sand and gravel from the site to 320,000 tonnes is imposed to ensure the site is managed in the manner stated within the Transport Assessment submitted.
- 6.5.39 It is therefore considered that the proposals comply with the relevant criteria of the Development Plan in this regard.
- 6.5.40 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding, drainage and air quality. Policies SDCC 2 Flood Risk, SDCC 3 Sustainable Drainage Systems, SDCC 4 Water Supply and SDCC 6 Air Quality are considered relevant in relation to this proposal.
- 6.5.41 Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere.
- 6.5.42 Policy SDCC3 Sustainable Drainage Systems states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.5.43 Issues of water management are separated into two types. The first is hydrology which solely deals with the management of surface water, including ground water and watercourses. The second is hydrogeology which relates to subterranean water and

the inter-relationship of rock strata and underground water resources. For the purposes of this assessment the two issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan.

- 6.5.44 A hydrological and hydrogeological assessment have been carried out and submitted as part of the ES submission. As noted, the application site is located on the southern bank of the River Clyde and therefore the majority of the site is designated as being at a high risk of river flooding. As stated, development within a high risk flood area would generally not be supported. In this instance, however, the proposals are for mineral extraction where there is little harm should the site be flooded. The mineral extraction depths are below the water table and therefore involve 'wet working' throughout most of the site. Unlike residential or other development projects, there would be no attempt to prevent floodwater entering the site in a flood event through the use of barriers etc. This would therefore ensure that the development proposals would not further exacerbate flooding within the area or divert flooding elsewhere. Mineral extraction is therefore considered a water compatible use and is acceptable within a flood risk location.
- 6.5.45 In its current form the application site provides capacity to cope with flood waters from the River Clyde when it breeches its banks, and is of an adequate size and gradient to contain water and prevent flood water extending further away from the River Clyde resulting in properties being vulnerable from the risk. The introduction of the plant areas and screening bunds that form part of this proposal would see a reduction in this floodplain storage during a flood event. The proposals involve the loss of approximately 9,000 metres cubed of floodplain storage. Following discussions with SEPA and a reconfiguration of the site screening and infrastructure this has been reduced to a loss of approximately 3,404 metres cubed of floodplain storage. To account for this loss of floodplain storage, compensatory floodplain storage forms part of the proposed extraction design. Following discussions with SEPA the applicant has redesigned internal screening bunds to provide approximately 12,473 metres cubed of additional, compensatory floodplain storage. SEPA are therefore content that there is adequate compensatory floodplain storage created as part of the proposals to ensure any existing floodplain storage that is removed as part of these proposals is compensated for. To ensure that there is not a loss of floodplain storage prior to the compensatory storage being created, should planning permission be granted, a condition is recommended to ensure the compensatory floodplain storage land is created at commencement of the works. As restoration proceeds further areas of floodplain storage would be created and SEPA are content that the restoration plan proposed provides additional floodplain storage. SEPA are content that the compensatory floodplain storage will offset the temporary loss of any floodplain storage during the extraction period.
- 6.5.46 In terms of subterranean water, the restoration plan of the site proposes to create a water feature by allowing the natural groundwater to flood the extraction void. This proposed restoration plan therefore allows the lochan to be filled naturally with water.
- 6.5.47 As well as assessing flooding and groundwater, due to the application site's proximity to the River Clyde, river morphology must be assessed. Consideration therefore requires to be given to the interaction of the river and the quarry both during extraction operations and in the long term once the site is restored. River morphology describes the shapes of rivers and how they change in shape and direction over time. A 30m stand-off between the water body and the River Clyde is proposed as part of the restoration of the site. The stand-off will be vegetated with grass, shrubs and tree planting. The planting has been designed to further protect the integrity of the

banking/standoff between the site and the River Clyde with specific vegetation being used to further bind the soils and strengthen the standoff area.

6.5.48 A Morphological Assessment was submitted as part of the ES and following further discussions with SEPA it was updated in 2016 and a new Morphological Assessment was submitted. The Morphological Assessment originally submitted with the planning application was based on the information provided within the 2011 submission and it is noted that SEPA did not object to that application. This view was also supported in the Appeal Decision.

6.5.49 The updated Morphological Assessment provided outlines previous bank erosion of this part of the River Clyde in tandem with current river energy rates which allow a prediction to be carried out of the likelihood of the river eroding the standoff area and enveloping the quarry within its channel. The Assessment also includes predictions of water quality levels, in terms of potential effects on sediment transport (silt) if the river widens and therefore its energy (flow) rate decreases at the widened points. The predictions show a timescale in excess of 130-150 years before the River Clyde would erode the standoff area and incorporate the quarry within its channel (if erosion is unchecked). SEPA agree with the methodology and predictions set out within the updated Morphological Assessment. It can therefore be considered that there is no issue regarding the River Clyde breaching the quarry during the extraction phases and the 30m standoff is considered acceptable to safeguard this happening.

6.5.50 With regard to the potential breaching of the River Clyde, the updated Morphological Assessment proposes, as mentioned above, that riparian planting is proposed as part of this application to strengthen the banking and standoff between the River Clyde. An Adaptive Management Plan (AMP) is proposed as part of the longer term management of the site following restoration. The AMP proposes continual monitoring of the interaction between the River Clyde and the site with hard engineered bank stabilization being proposed, if required. The AMP notes that the morphology of the River Clyde is not wholly predictable as the river may change dynamics due to other changes along its full course that cannot be predicted. The river cannot therefore be guaranteed to behave in a set manner. The AMP also notes that the timescales for river morphology changes are long term - over 150 years - and therefore any solutions must be capable of being adapted to suit future occurrences. By being adaptable, the AMP is able to take into account real time changes in the river's morphology and ensure that through the management of the site it continues to meet the European Union Water Framework Directive (or any future replacement legislation within the UK) which sets out, inter alia, river water and river basin management requirements. Again the proposed adaptability of the AMP is also designed to ensure that the applicant, as riparian (river bank) owner on this section of the river, meets their legal requirement of providing an undiminished water flow, in terms of quality and quantity, to downstream riparian owners, by real time monitoring of the river's morphology.

6.5.51 SEPA note and appreciate the timescales and variable nature of river morphology but are content that the updated Morphological Assessment predictions for the working life of the quarry are reasoned and that the standoff is adequate to ensure the River Clyde does not erode the 30m banking in the extraction period of the quarry. SEPA are also content that the longer term management of the site will be informed by the on-going review of channel conditions that will be undertaken through the AMP, and note that additional mitigation may be required such as hard engineered solutions for bank protection in order to reduce the risk of migration into the water body, over longer timescales. SEPA agreed with the methodology, assessment and predictions in relation to sediment transport. Therefore, SEPA have no objections to the application subject to a condition requiring the submission and further approval of an AMP. A

condition requiring this forms part of this recommendation should planning consent be granted.

6.5.52 South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. Should planning consent be granted appropriate conditions shall be imposed to control this matter.

6.5.53 It is therefore considered, having taken account of SEPA's assessment of the proposals and the measures set out in the application in regard to flooding and morphology changes that, subject to the imposition of appropriate conditions, the proposals comply with the relevant criteria of the Development Plan in this regard.

6.6 Non-Statutory Planning Guidance – Minerals 2017

6.6.1 SPP directs Local Authorities to identify "Areas of Search" for minerals. However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considered that within the Non-Statutory Planning Guidance – Minerals 2017 (NSPG) the whole Local Authority area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. All minerals development must be environmentally acceptable and must also accord with the provisions of Policy MIN 2 "protecting the environment". Policy MIN 2, Table 3.1 and the environmental constraints map set out the relevant categories of environmental protection to which Policy MIN 2 applies. As referenced above, SLLDP Policy 15 sets out the assessment in relation to Environmental Protection in relation to SLLDP Policy and it is considered that in this instance the assessment to be carried out is largely the same within the NSPG. It is therefore considered that for the reasons detailed above in paragraphs 6.5.12 to 6.5.25 the proposed development would not affect any Category 1 site or adversely affect any Category 2 or 3 sites. It is also considered that for the reasons detailed in paragraphs 6.5.32 to 6.5.36 and 6.5.40 to 6.5.53 that the proposed development would not be detrimental to Protected Species or any Flood Risk Area, respectively. In terms of impact upon settlements this matter will be considered in paragraphs 6.6.13 to 6.6.21 below.

6.6.2 SPP states "minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment" (paragraph 234). In addition SPP states: "Plans should support the maintenance of a land bank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search" (paragraph 238). The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) Policy 15 also states the need for a construction aggregate landbank equivalent to at least 10 years of extraction. The need to maintain a minimum 10 year landbank of construction aggregate (sand and gravel) is therefore national and strategic policy.

6.6.3 In response to this, South Lanarkshire Council seeks through NSPG Policy MIN 1- 'Spatial Strategy' to ensure that a supply of minerals continues to be available to serve local, national and international markets and so contribute to delivering sustainable economic development. In this context, the Council will take into account the need to maintain a land bank at all times within South Lanarkshire equivalent to at least 10 years extraction, based upon the most up to date information available. At the same time, this objective has to be balanced against consideration of environmental issues and the potential effect of mineral extraction on communities.

- 6.6.4 The Appeal Decision stated that a reasonable 10 year landbank of construction aggregate in South Lanarkshire would equate to some 17 million tonnes (1.7 million tonnes per year).
- 6.6.5 In February 2017, South Lanarkshire Council published a Minerals Local Development Plan Monitoring Statement (MS). This document included an estimation of the aggregate landbank within South Lanarkshire which was considered to stand at 10.9 years (18,196,000 tonnes). Since publication in February 2017, several factors have occurred that may impact upon this aggregate landbank.. Two sand and gravel sites have been exhausted in the lifetime of the plan (Snabe and Annieston) and have therefore been removed from the addendum figures. Furthermore following the requirement for Scottish Ministers to re-determine planning application CL/12/0525, 1,400,000 tonnes of consented sand and gravel reserves at Hyndford Quarry were removed from the South Lanarkshire Council landbank. Therefore, in August 2017, the Council wrote to all the mineral operators within South Lanarkshire, requesting details of their operations. The survey requested details of annual outputs and remaining mineral reserves from the various quarries across South Lanarkshire. A response was received from 100% of the sand and gravel operators within South Lanarkshire. Following these responses, it was found that consented reserves have decreased from the MS predictions to 16,680,000 tonnes, following the exhaustion of reserves at Annieston and the removal of the Hyndford planning decision as well as continued extraction by operators. At maximum permitted extraction rates, there is a land bank equivalent to 10.1 years (as at September 2017). No new sand and gravel reserves have been granted planning permission since September 2017 and therefore South Lanarkshire is not currently maintaining the required 10 year landbank. As it is over 3 months since the landbank was estimated at 10.1 years it is now considered to be below the 10 year figure as no additional reserves have been added.
- 6.6.6 It is therefore considered that new aggregate reserves are required within the South Lanarkshire area to add to a depleted landbank and meet the required minimum supply set out within National and Strategic Policy as well as the criteria of NSPG Policy MIN1. The opportunity to provide an additional 3.175 million tonnes of sand and gravel to the aggregate landbank is therefore supported at a national and local level.
- 6.6.7 NSPG Policy MIN3 'Cumulative Impacts' states that in assessing all mineral proposals SLC will consider the cumulative impact that the development may have on communities (and other isolated receptors), natural and built heritage designations, sensitive landscapes, the existing road network and other resources as prescribed within MIN2 in relation to other existing mineral developments and permissions.
- 6.6.8 The application site is located approximately 2.5km to the south of the Anniston Farm sand and gravel quarry, which is located to the north of Symington. The Anniston Farm operation has now exhausted permitted reserves and is entering its after care period following restoration. No other mineral operation is located within 5km of any nearby settlement and it is therefore considered that any cumulative impact is unlikely from mineral development. Whilst not part of the criteria of NSPG Policy MIN3, the Appeal Decision assessed the potential cumulative impact of the proposals in relation to the Clyde Windfarm, which is situated at a high elevation, several kilometres to the south of the site. The Appeal Decision concluded that where the application site and the windfarm could be seen together, there would not be a cumulative visual effect as the wind turbines are very large moving structures which occupy isolated and elevated positions far from the visual context of the Clyde Valley and are seen as a distant backdrop to the valley rather than as a part of it. The circumstances remain the same and taking account of the background outlined above and the nature of this proposed development it is considered that there would not be a cumulative visual effect.

- 6.6.9 NSPG Policy MIN4 'Restoration' states that planning permission will only be granted for mineral extraction where proper provision has been made for the restoration and aftercare of the site, including financial guarantees being put in place to secure restoration. Restoration proposals should not be generic and should relate to the specific characteristics of the site and the locale. Restoration proposals should consider providing opportunities for enhancing biodiversity, community recreation and access where at all possible. The proposed restoration plan for the site is to create a lochan and create new wetland and other habitats. It is considered that the lochan and wetland habitats provide new opportunities for biodiversity within the area. Agriculture land, with its constant cultivation, provides poor habitats for animals and bird species. This proposed restoration scheme is therefore seen as an opportunity to enhance the wildlife potential of the area. The applicant has proposed the creation of a Technical Working Group (TWG) to fully inform the restoration and after use of the site. It is expected that the TWG would comprise of technical professionals such as SEPA and Council Officers. The RSPB have also expressed an interest in being part of any TWG given the opportunities that exist for habitat creation for birds. The setting up of a TWG would be secured via a legal agreement and forms part of this recommendation.
- 6.6.10 Whilst it is proposed that the site will be progressively restored as the extraction is carried out, it is considered prudent to add a condition should consent be granted to ensure a restoration bond is provided by the applicant. The restoration bond quantum would be required to cover full restoration of the site should the site not be completed by the applicant.
- 6.6.11 NSPG Policy MIN 5 'Water Environment' states that mineral proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Flood Risk and the Water Environment have been addressed under SLLDP Policy 17 within paragraphs 6.5.40 to 6.5.53 of the report above.
- 6.6.12 NSPG Policy MIN 7 'Controlling Impacts from Extraction Sites' seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust, vibration and air pollution. Mineral Operators are to ensure that appropriate monitoring regimes are proposed and if permitted shall be in place for the lifetime of the mineral operations. As there is no blasting proposed or required on site, vibration does not require to be considered
- 6.6.13 The SPP (para 242) does not impose prescriptive buffer zones between mineral sites and settlements but states that there should be provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals such as topography, location etc. PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites. As with the SPP PAN50 does not have prescriptive advice on distances between quarry sites and residential properties. PAN50 Annex A defines 'daytime' as between the hours of 7am to 7pm with 'night time' as 7pm to 7am. PAN50 does state that in some areas 8am may be a more appropriate start time than 7am for 'daytime' hours, although the PAN does not prescribe in which areas this may refer to. As a general rule, PAN50 defines the working week as Monday to Friday and Saturday morning. PAN50 advises that 'daytime' noise should normally be 55dB (decibel) or under and 'night time' noise should be 42dB or under. The 55dB figure for both 'daytime' and 'night time' is the standard set within the World Health Organisation (WHO) document: Environmental Health Criteria 12; Noise. PAN50 advises that in exceptionally quiet rural areas (where daytime background noise levels are below 35dB) that a more stringent 'daytime' noise level of 45dB should be set. PAN 1/2011 also establishes best

practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

6.6.14 A noise assessment has been undertaken and submitted as part of this planning application. The noise assessment measured the existing noise levels at residential properties, in close proximity to the development. The background noise levels were not below the 35dB as prescribed in PAN50. Thereafter assessment was made of the sound power output from the types of plant equipment to be used in the proposed development and, using this information; predictions were made of the likely operational noise levels which would be received at the individual properties. Where it was not possible to gain access to residential properties the noise assessment has been based on the lowest daytime noise limit (45dB) set out by PAN50 which ensures the most stringent assessment criterion possible and is therefore considered as good practice. The nearest residential property to the site is Overburns Farm who have an ownership/ financial interest with the applicant and therefore is not classed as a noise sensitive receptor due to this connection. The nearest unconnected, residential properties are Symington Mains (located approximately 350m north of the application site boundary, across the River Clyde), Nether Hangingshaw (located approximately 650m east of the application site boundary), Langholm (located approximately 500m to the north of the proposed access track and approximately 650m west of the main application (extraction and plant area) boundary) and Overburns Cottages (located directly across the A702 from the proposed access road and approximately 850m south, west from the main application (extraction and plant area) boundary. It should be noted that these distances are to the site boundary and therefore each property will be a minimum of these distances from the extraction area at any one time due to the proposed extraction phasing. It is also noted that the maximum extraction period of any phase is 24 months with most being less. Screening bunds are proposed as part of the application to reduce noise by acting as a buffer for noise and their performance also formed part of the noise predictions.

6.6.15 The noise levels predicted to be generated and the distance of the proposed quarry to adjacent properties are within the derived criteria limits set out within PAN50 in relation to the measured background noise. Environmental Services have advised that they are satisfied with the assessment, findings and mitigation contained within the Environmental Statement and that they are in line with PAN50 (Annex A) as well as best practice as advised in PAN1/2011. It is therefore considered that given the location of the site, in tandem with the proposed noise mitigation (screening bunds), the noise generated by the proposal is within the parameters advised by PAN50. The proposed hours of operation are 7am to 7pm Monday to Friday and 7am to 1pm on a Saturday only. As previously stated, whilst having no prescribed qualification or definition of 'local circumstances', PAN50 does state that definitions of 'daytime' (normally 7am to 7pm) 'may depend on local circumstances' and 'in some areas 8am may be more appropriate than 7am'. Environmental Services consider that the application site is in a location that can be properly defined as rural with the adjacent land comprising non intense agriculture, light rural industry and sporadic settlements. In this instance, Environmental Services are content with the 7am start Monday to Friday but consider that the local circumstances of the area deem a later start on a Saturday being more appropriate and recommend an 8am start on a Saturday. Environmental Services also consider the local circumstances to result in a 7pm finish Monday to Friday as not being in keeping with the level of activity within the adjacent area and therefore recommend that operations shall cease no later than 6pm Monday to Friday. Whilst PAN50 is silent in relation to an earlier than 7pm 'daytime' finish taking account of the local circumstances, it is considered that when considering the appropriateness of this option the principle to be applied would be similar to that used to establish if a 7am/ 8am start as would be appropriate in rural areas. It is therefore

considered that whilst the noise levels meet the derived criteria of PAN50, allowing a 7pm finish for operations would be introducing a level of activity within a rural area that it does not normally experience at this time. It is therefore reasonable to limit the end of operations to 6pm Monday to Friday as well as delaying the commencement of operations on a Saturday until 8am. A suitable condition on these amended operating hours therefore forms part of this recommendation, should planning consent be granted. In addition a further condition to ensure the noise mitigation methods within the ES are carried out also forms part of this recommendation to ensure that the noise levels are under that as prescribed within PAN50 and stated within the Noise Assessment. Other mitigation methods proposed in addition to the noise attenuation, screening bunds include maintenance of equipment, white noise reversing signals, internal roads kept in a good state of repair, to minimize any unwanted rattles from plant movements, and minimising drop heights when loading.

- 6.6.16 Annex B of PAN50 provides advice on keeping dust emissions from surface mineral workings within environmentally acceptable limits. It notes that dust is caused directly by the extraction process but that there are additional indirect causes of dust such as the haulage of minerals and other handling of minerals as well as stripping soils. The PAN outlines best practice for dust monitoring, mitigation and control. Examples of monitoring methods includes using sticky pads to collect and then gauge air borne dust levels, directional gauges to assess wind direction and basic visual monitoring of the site. The main way to control and mitigate for dust on site is to dampen the surface with water as that minimises dust emissions. Other methods are minimizing drop heights, limiting vehicle speeds, sheeting of vehicles and wheel washing facilities.
- 6.6.17 A dust assessment forms part of the planning application submission, within the Environmental Statement. The dust assessment outlines the dust related issues associated with a site of this nature, mainly fugitive dust (dust that escapes from the site) which is usually airborne but can also be from bad transportation techniques such as unwashed vehicular wheels or lack of sheeting of vehicles. Wind has the main potential to create fugitive dust by lifting dust particles from surfaces. This can depend on the speed of the wind, the condition of the surface and the size of particle. The nuisance effects of dust are usually measured with reference to dust deposition or soiling.
- 6.6.18 The dust mitigation within the dust assessment proposes to use dust suppression measures that are successfully employed within other sand and gravel quarries and are in line with those advised by PAN50. The dust suppression/ mitigation measures include the use of water bowsters to wet the site, reduced drop heights from excavators to dump trucks, sheeting of laden lorries and operation of a covered field conveyor reducing the number of dump truck movements within the site. As with the noise assessment, the location of the nearest sensitive residential receptor is approximately 350 metres from the site boundary. As referenced within PAN50, this distance is in line with the DoE Report 'The Environmental Effects of Dust from Surface Mineral Workings' (1995) which advises that the majority of dust particles fall within a 100 metre radius of mineral extraction sites. Environmental Services are content with the dust assessment and mitigation measures as proposed subject to a dust management condition. A condition forms part of this recommendation to ensure that the dust management and mitigation techniques are employed throughout the lifetime of the site, should planning consent be granted.
- 6.6.19 The Scottish Government's Guidance Note 'Controlling Light Pollution and Reducing Energy Consumption' (March 2007) states, inter alia, that lighting should be carefully directed where needed only and be designed to minimise light pollution. The over use of lighting is also to be avoided.

- 6.6.20 No night time working is proposed yet the early morning and late afternoon periods during winter will require artificial lighting to be employed. Lighting is proposed as part of the application for these winter periods. In order to minimise the impact of any lighting within the surrounding area it is proposed to use down lighters to shine into the site only and timers to ensure the lighting is only on during operational times. Environmental Services have raised no concerns regarding the lighting proposals. An appropriate condition forms part of this recommendation requiring a lighting plan to be submitted for approval to ensure full control of all lighting, should planning consent be granted.
- 6.6.21 It is therefore considered that the proposals are in accordance with National Policy and the Development Plan in this regard.
- 6.6.22 NSPG Policy MIN 8 'Community Benefit' states that SLC will encourage operators to contribute to the South Lanarkshire Rural Communities Trust (SLRCT), Quarry Fund or the Council's Renewable Energy Fund or similar mechanism. Contributions or lack of contributions are not taken into account when assessing the acceptability or otherwise of proposals in relation to planning terms. This matter can only be noted. The applicant has not stated any proposals to contribute to any form of community trust. As previously stated this is not a material consideration when assessing this planning application.
- 6.6.23 NSPG Policy MIN 11 'Supporting Information' states that planning application submissions shall be accompanied by sufficient information and supporting documents to enable an application to be assessed and determined. This information should include, but not be limited to, a statement of intent, a method of working, measures to protect local amenity, landscape and visual impact assessment, details of restoration and aftercare and any ecological surveys necessary. The application submission included a Planning Statement, an Environmental Statement and phasing plans as part of the suite of documents forming the application submission. The application submission therefore meets the NSPG criteria in this regard.
- 6.6.24 NSPG Policy MIN 12 'Transport' requires an assessment of potential traffic and transportation impacts of any new proposal to accompany the application for planning permission, including any cumulative impact. Proposals will not be supported by SLC if they are considered to create significant adverse traffic and transportation impacts. This assessment has been carried out under Policy 16 of the SLLDP within paragraphs 6.5.37 to 6.5.39 above and the proposals are also in compliance with this policy subject to the conditions required by Transport Scotland. It is considered that other appropriate conditions relating to wheel washing etc. are necessary to ensure that the proposals do not lead to additional mud or other debris being dropped on the public road network. Should planning consent be granted appropriate conditions shall be attached.
- 6.6.25 NSPG Policy MIN 13 'Legal Agreements' seeks the use of legal agreements, where appropriate, to control aspects of the development which cannot be adequately controlled through the use of planning conditions. It is considered that a legal agreement is the most appropriate method of securing a Technical Working Group for the duration of the extraction, restoration and after care periods for the site.
- 6.6.26 NSPG Policy MIN 15 'Site Monitoring and Enforcement' states that SLC will monitor minerals sites to ensure that they are carried out in accordance with planning legislation, approved plans, conditions and where appropriate, legal agreements. If planning permission is granted, appropriate monitoring procedures would be put in place to ensure this is carried out.

6.7 Conclusion

- 6.7.1 In conclusion, the proposal is considered acceptable in meeting the relevant criteria of the Development Plan and national guidance in relation to minerals supply. The proposal would not cause any detrimental impacts in terms of road safety and proposes appropriate mitigation measures and phasing to minimise any potential impacts upon residential amenity. The proposed working methodology and mitigation measures in relation to flooding and water environment issues are considered robust and satisfy the requirements of SEPA subject to the further approval of an Adaptive Management Plan which the applicant is agreeable to. The development proposals incorporate appropriate mitigation measures to protect and enhance protected species within the site. The proposed after-use of the site involves the introduction of quality wetland habitat into the area which is considered to enhance biodiversity to a greater degree than currently exists on site. The proposals result in the addition of 12 full time jobs within the rural area for the lifetime of the site. In terms of landscape and visual impact, whilst mitigation is provided, the proposals will have an impact upon the character of the area both during the extraction operations and following restoration of the site. It is considered that whilst the development will have a slight, negative impact upon the visual landscape, it is not to a degree that would materially alter the character of the surrounding area and on balance the merits of the proposal outweigh the visual impact in this instance. On this basis it is therefore considered that the applicant has amended the design of the restoration scheme to result in a recreation facility that addresses the outstanding concern regarding the harmful effect and impact of the previously proposed engineered and artificial water body which was upheld in the site's previous Appeal Decision. Whilst the loss of Prime Agricultural Land is contrary to the protection hierarchy of SLLDP Policy 15, on balance, it is considered acceptable in this instance, given it is not of the quality and usability normally associated with land designated as Prime Agricultural Land.
- 6.7.2 In view of the above and taking account of the particular and unique characteristics of the proposed development and the application site, it is recommended that planning permission be granted subject to the conditions set out in the attached paper.

7 Reasons for Decision

- 7.1 The proposal complies with national planning policy and advice; and with the principles of the approved Glasgow and Clyde Valley Strategic Development Plan 2017, plus the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2015 and the Non-Statutory Planning Guidance on Minerals. The restoration scheme has taken account of and addressed the landscape and visual impact issues raised by the previous DPEA decision.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

05 February 2017

Previous References

- ◆ P/M/60/980
- ◆ P/65/1070
- ◆ CL/09/0318
- ◆ CL/11/0305

List of Background Papers

- Application Form
- Application Plans
- South Lanarkshire Local Development Plan (adopted 2015)
- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Non Statutory Planning Guidance – Minerals (approved 2017)
- Neighbour notification advert dated 11.05.2016

‣ Consultations

Scottish Natural Heritage	03/06/2016
Symington Community Council	06/06/2016
West of Scotland Archaeology Service	23/05/2016
SP Energy Network	12/05/2016
Roads & Transportation Services (Traffic and Transportation Section)	12/07/2016
RSPB Scotland	02/06/2016
S.E.P.A. (West Region)	10/10/2016
Roads and Transportation Services (Clydesdale Area)	16/05/2016
Duneaton Community Council	31/05/2016
Transport Scotland	11/05/2016
Roads & Transportation Services (Flood Risk Management Section)	18/05/2016
Transport Scotland	24/05/2016
Historic Environment Scotland	26/05/2016
S.E.P.A. (West Region)	10/06/2016
Scottish Water	05/10/2017
Roads and Transportation Services (Clydesdale Area)	11/05/2016
S.E.P.A. (West Region)	27/10/2017

► Representations

- Representation from : Sharon Bradley, 5 Colliehill Road
Biggar
ML12 6PN, DATED 26/05/2016
- Representation from : Barbara Foote, 7 Broughton Road
Biggar
ML12 8AN, DATED 26/05/2016
- Representation from : Andy Spence, DATED 09/05/2016
- Representation from : Anthony Bowers, Turret Cottage
Biggar Road
Symington
Biggar
ML12 6LW, DATED 09/05/2016
- Representation from : Ann Dobinson, , DATED 03/06/2016
- Representation from : Mrs. M J Allen, 18 Moss Side Road
Biggar
ML12 6GF DATED 03/06/2016
- Representation from : Frances Erskine, DATED 03/06/2016
- Representation from : Jaco.co, Floor E
Argyle House
38 Castle Terrace
Edinburgh
EH3 9SJ, DATED 03/06/2016
- Representation from : Tom Platt, DATED 03/06/2016
- Representation from : Beatrice Christie, DATED 03/06/2016
- Representation from : H McLachlan, Shuttlefield Cottage
Lamington
ML12 6HW, DATED 03/06/2016
- Representation from : Olivia Kekewich, , DATED 03/06/2016
- Representation from : Scott Macleod, 42 Drymen road
Bearsden
G612RW, DATED 03/06/2016
- Representation from : Biggar and District Civic Society, DATED 03/06/2016
- Representation from : Daniel Gould, DATED 03/06/2016
- Representation from : Alison Paterson, Over Abington Farm
Abington, DATED 03/06/2016
- Representation from : John Robertson, DATED 03/06/2016

Representation from : M Hutchinson, Swinburne House
Skirling
Biggar
ML12 6HB, DATED 03/06/2016

Representation from : Auraengus Kenchington, DATED 03/06/2016

Representation from : Mr and Mrs J Sands, 8 Colliehill Road
Biggar
ML12 6PN, DATED 06/06/2016

Representation from : Lauren Goldthorpe, Received via email, DATED 06/06/2016

Representation from : Nic Goodwin, Springwellbrae Cottage
Broughton
ML12 6HH, DATED 06/06/2016

Representation from : Mr Walter W Laing, 141 Old Manse Road
Netherton
Wishaw, DATED 06/06/2016

Representation from : Anne Mackintosh, Received via email, DATED 06/06/2016

Representation from : Ian Mackintosh, Received via email, DATED 06/06/2016

Representation from : Anne Bartie, 10A Abington Road
Symington
ML12 6JX, DATED 06/06/2016

Representation from : Fiona Richardson, Received via email, DATED 08/06/2016

Representation from : Mrs Mary Moncrieff Morgan, 10 Stanehead park
Biggar
ML12 6PU, DATED 01/06/2016

Representation from : Mrs Ruth Blake, North Cottage
Coulter Mains
Biggar
ML12 6PR, DATED 01/06/2016

Representation from : Douglas Mackenzie, Broadfield Cottage
Symington
Biggar
ML12 6JZ, DATED 01/06/2016

Representation from : John D Middlemise, Lamington & District Angling
Improvement Assoc
25 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : M & O Hunter
67 Main Street
Symington
Biggar
ML12 6LL, DATED 13/05/2016

Representation from : Margaret Robertson
14 Burnside Terrace
Biggar
Biggar
ML12 6by, DATED 17/05/2016

Representation from : Steve Cox
Birkhill House
Coalburn
South Lanarkshire
ML11 0NJ, DATED 01/06/2016

Representation from : Mrs Moira Donoghue,
Bank Cottage
8A Biggar Road
Carnwath
ML11 8LU, DATED 23/05/2016

Representation from : M.H.Cormack, DATED

Representation from : Harry Edward Shields, Philippa Ann Shields
Fenella Kim Shields
Elsbeth Margaret Shields
DATED 23/05/2016

Representation from : Mrs Irene Riddell, Brookside
Lamington
ML12 6HW, DATED 31/05/2016

Representation from : Manorview Hotels,
Bowfield Hotel & Country Club
Bowfield Road
Howwood
PA9 1DZ, DATED 31/05/2016

Representation from : Mrs Carpenter, DATED 31/05/2016

Representation from : Niall and Jean Lyon, Broadfield Farm
Symington
Biggar
Lanarkshire
ML12 6JZ DATED 31/05/2016

Representation from : Simon Butterworth, Luskentyre
Cormiston Road
Biggar
ML12 6NS DATED 31/05/2016

Representation from : Lorna Godfrey, 19 Station Road,
Biggar
ML12 6BW
, DATED 31/05/2016

Representation from : Julie Wight , Townfoot farm
Symington

Biggar
ML12 6LL
, DATED 30/05/2016

Representation from : Ros and Mark Leach , 97 Main Street
Symington
Biggar
South Lanarkshire
ML12 6LL, DATED 26/05/2016 19:22:02

Representation from : Douglas Shaw, 43 Knocklea
Biggar
ML12 6EF, DATED 01/06/2016

Representation from : John Pollock, 3/3 17 Paisley Road
Barrhead
G78 1HG, DATED 01/06/2016

Representation from : Jo MacSween, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 01/06/2016

Representation from : Calum Lindsay, 2/1 363 Dumbarton Road
Glasgow
G11 6BA, DATED 01/06/2016

Representation from : Tinto Trout Fishery, Loch Lyoch Cottage
Thankerton
Biggar
ML12 6NH, DATED 01/06/2016

Representation from : Andrew Lennox, 50 Meadowpark Road
Bathgate
EH48 2SJ, DATED 01/06/2016

Representation from : Jean Oliver, 43 Knocklea
Biggar
ML12 6EF, DATED 01/06/2016

Representation from : Thomas MacKay, ., DATED 01/06/2016

Representation from : James Horan, ., DATED 01/06/2016

Representation from : Yvonne Laing, 255 Shields Road
Motherwell, DATED 01/06/2016

Representation from : Colin Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016

Representation from : Maciej Alexander, , DATED 01/06/2016

Representation from : Susan Kekewich, , DATED 02/06/2016

Representation from : Alexander Anderson, Glebe House
Lamington
Biggar
ML12 6HW
, DATED 02/06/2016

Representation from : Harold Harris, , DATED 02/06/2016

Representation from : Jon McCosh , received via email , DATED 09/06/2016

Representation from : Drew Burnett, Received via email, DATED 15/04/2016

Representation from : Dale Galloway, Coulter Mains House and Lodge House
Coulter
Biggar
ML12 6PR, DATED 31/05/2016

Representation from : Mrs J E Airlie, 12 Langvout Gate
Biggar
ML12 6UF, DATED 31/05/2016

Representation from : Dr Andrew Highton, Geological Consultant
Border Geo-Science
2 Oxengate Cottages
Elsrickle
Lanarkshire
ML12 6QZ
, DATED 31/05/2016

Representation from : Robert Riddell, , DATED 02/06/2016

Representation from : Beth Anderson, Glebe House
Lamington
Biggar
ML12 6HW
, DATED 02/06/2016

Representation from : Hugo Kekewich, , DATED 02/06/2016

Representation from : Angus Bell, Newholm of Culter,
Biggar,
ML12 6PZ.
, DATED 02/06/2016

Representation from : Charlie Fleetwood, , DATED 02/06/2016

Representation from : Dr P Strigner, , DATED 02/06/2016

Representation from : Sarah Hebeisen , Auchinleck Cooperative
20 Stanley Road
Edinburgh
EH6 4SG
, DATED 02/06/2016

Representation from : Heather Strigner, , DATED 02/06/2016

Representation from : Jasmine Gould MA, , DATED 02/06/2016

Representation from : Michelle Taylor, UK taxpayer
UK voter
U.K. Resident
Lover of the British countryside
, DATED 02/06/2016

Representation from : Scott Mackay, , DATED 02/06/2016

Representation from : Mrs Anna McCosh, 12 Stephen Avenue
Biggar
ML12 6AS, DATED 17/10/2017

Representation from : James Yuille , 'Lorien'
6 Mid Road
Biggar
ML12 6AW
, DATED 12/05/2016

Representation from : Stuart Harrison, For and on behalf of Automatic Protection
Limited , DATED 12/05/2016

Representation from : David and Kim Collins, Wayside Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Chris Trickey , 84 Dumfries Road
Elvanfoot, DATED 12/05/2016 08:51:55

Representation from : Graham May, Willow Cottage
Millrigg Road
Wiston
ML12 6HT, DATED 13/05/2016

Representation from : Sarah Henry, 57 Gardenside Avenue
Carmyle
G32 8EA, DATED 18/05/2016

Representation from : Anthony Henry, 57 Gardenside Avenue
Carmyle
Glasgow
, DATED 18/05/2016

Representation from : M G Young, 6 Castle Yett
Biggar
ML12 6QQ, DATED 18/05/2016

Representation from : Miss Molly Armstrong, 9 Moss Side Drive
Biggar
ML12 6GD, DATED 18/05/2016

Representation from : Anne Neville, 10 Albion Court
Biggar
ML12 6GU, DATED 18/05/2016

Representation from : Jennifer Meikle, Glengonnar
Coulter
Biggar
ML12 6PZ, DATED 18/05/2016

Representation from : Rory Conn, Tweedbank
Main Street
Symington
ML12 6LJ
, DATED 25/05/2016

Representation from : On Behalf of constituent of Bruce Crawford MSP, , DATED
21/06/2016

Representation from : Ian D Parker, 254 Colinton Road
Edinburgh
EH14 1DL
, DATED 13/04/2016

Representation from : Craig Ritchie, 106 Burnhead Rd
Symington
ML12 6FS
, DATED 13/04/2016

Representation from : Lorraine Murray, 33 Rowhead Terrace
Biggar
ML12 6DU, DATED 13/04/2016

Representation from : Ken Hebbes, 22 Coulter road
Biggar
ML12 6EP
, DATED 13/04/2016

Representation from : M Abed Ullah , Taj Mahal Biggar Ltd
101 High Street
Biggar
ML12 6dl
, DATED 13/04/2016

Representation from : Peter McCallum , , DATED 13/04/2016

Representation from : Paul O'Donnell, Dawn Group
220 West George Street
Glasgow
G2 2PG, DATED 22/04/2016

Representation from : Margaret B Bowen, ., DATED 11/05/2016

Representation from : Edward B Bowen, ., DATED 11/05/2016

Representation from : Rosemary Gow, 8 Edinburgh Road
Abington
Biggar
ML12 6SA, DATED 11/05/2016

Representation from : Tim King, 53 Biggar Road

Symington
ML12 6FT, DATED 18/05/2016

Representation from : Gordon Lang, 8 Biggar Road
Carnwath
ML11 8HJ, DATED 18/05/2016

Representation from : Kathleen Ellwood, 6 Kirk Bauk
Symington
Biggar
ML12 6LB, DATED 18/05/2016

Representation from : Kenny Dunlop, , DATED 31/05/2016

Representation from : David Doig, , DATED 31/05/2016

Representation from : Gavin Smith, , DATED 31/05/2016

Representation from : S Doig, DKR
Coulter
, DATED 31/05/2016

Representation from : Elma Wight, Townfoot farm
Symington
ML126LL
, DATED 30/05/2016

Representation from : John Martin, The Old Post Office House
Roberton
ML12 6RS
, DATED 31/05/2016

Representation from : Laura Wight, , DATED 31/05/2016

Representation from : Gavin and Sheila Hill, , DATED 30/05/2016

Representation from : Pauline Vassiliades, Coulter Mains House
Coulter
Biggar
ML12 6PR, DATED 30/05/2016

Representation from : Belinda Connor, 10 Blairhead View
Shotts
ML7 5B6
, DATED 30/05/2016

Representation from : Ewan Robertson, 8 Glen Lane
Uplawmoor
Glasgow
G78 4DF
, DATED 30/05/2016

Representation from : Lynn Robertson, , DATED 30/05/2016

Representation from : Robin Strigner, Kirkwood House
Coulter

Biggar
ML12 6PP
, DATED 31/05/2016

Representation from : Jasmin Cann, 7, Lindsaylands Road,
Biggar
ML12 6EQ
, DATED 30/05/2016

Representation from : Cathy Williams B.Sc. MIEEM, , DATED 30/05/2016

Representation from : Melanie Telford , , DATED 31/05/2016

Representation from : Elma Wight, , DATED 31/05/2016

Representation from : John Wight, , DATED 31/05/2016

Representation from : Mrs Catherine Wight, , DATED 31/05/2016

Representation from : Carolyn Futti, 40 Sherifflats Road
Thankerton
Biggar ML12 6PA
, DATED 31/05/2016

Representation from : John and Elizabeth Thoumire, , DATED 31/05/2016

Representation from : Brian Lindsay, 34 Sherrifflats Road
Thankerton
Biggar
Lanarkshire
ML12 6PA
, DATED 30/05/2016

Representation from : Steve Vassiliades, Coulter Mains House
Coulter
Biggar
ML12 6PR, DATED 31/05/2016

Representation from : Rose Mary Tompsett, , DATED 19/04/2016

Representation from : Historic Scotland, email, DATED 13/10/2017

Representation from : Concerned local resident of Upper Clydesdale, Received
via email, DATED 02/06/2016

Representation from : Karen Lamb, Received via email, DATED 02/06/2016

Representation from : Gavin Legg, Hawthorn Cottage
Lamington, DATED 02/06/2016

Representation from : Eleanor Legg, Hawthorn Cottage
Lamington, DATED 02/06/2016

Representation from : Karl T Pipes, 71 Main Street
Symington
Biggar

ML12 6LL, DATED 02/06/2016

Representation from : William Edward Alexander and Maciej Alexander,
Greengables
Symington
Biggar
ML12 6JU, DATED 02/06/2016

Representation from : Ms T Armstrong, 9 Moss Side Drive
Biggar
ML12 6QD, DATED 03/06/2016

Representation from : Zdenka Stuart, South Cottage
Hardington Estate
Lamington
Biggar
ML12 6HS, DATED 03/06/2016

Representation from : Ian Stuart, No address provided, DATED 03/06/2016

Representation from : Jo Macsween, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 03/06/2016

Representation from : Charles Coubrough, Chairman of Charles Coubrough & Co
Ltd
Tintoside
Symington
Biggar
ML12 6HX, DATED 27/05/2016

Representation from : Bob Brownlie, , DATED 27/05/2016

Representation from : James Baxter, Wiston
Biggar
ML12 6HU
, DATED 27/05/2016

Representation from : Roger Duerden, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 27/05/2016

Representation from : Jane Tallents, 3 Milkhall Cottages
Penicuik
EH26 8PX, DATED 01/06/2016

Representation from : William White, ., DATED 01/06/2016

Representation from : Jacqueline White, ., DATED 01/06/2016

Representation from : Dr Michael Marten, 7 Station Road
Balfron

G63 0SX, DATED 01/06/2016

- Representation from : G Miller, Biggar, DATED 01/06/2016
- Representation from : Steven Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016
- Representation from : Dr Janet Moxley, Wallace Cottage,
1 Gas Works Rd,
Biggar,
ML12 6BZ, DATED 03/06/2016
- Representation from : Catherine Bradley, 1 Kilbucho Mains Farm Cottages
Kilbucho
Biggar
Lanarkshire
ML12 6JH
, DATED 14/04/2016
- Representation from : Anne Dickson, , DATED 14/04/2016
- Representation from : Robert Dickson, , DATED 14/04/2016
- Representation from : Stuart Burgess, Flat 2/2
28 Woodford Street
Glasgow
G41 3HN
, DATED 14/04/2016
- Representation from : Sue Wigram, The Granary
Annieston Farm
Symington
Biggar
ML12 6LQ
, DATED 14/04/2016
- Representation from : Linda Miller , , DATED 14/04/2016
- Representation from : Angus McLeod, Broadfield Farm House,
Symington,
Biggar,
ML12 6JZ
, DATED 15/04/2016
- Representation from : Michael Best, ., DATED 13/05/2016
- Representation from : Vivien Mullaney, ., DATED 13/05/2016
- Representation from : Agnes Stewart, ., DATED 16/05/2016
- Representation from : Narelle Cunningham, ., DATED 16/05/2016
- Representation from : Ewan McBride, Sunflowers
Church Lane
Wiston

Biggar
ML12 6GA, DATED 16/05/2016

Representation from : Dawn Hakim, ., DATED 16/05/2016

Representation from : Robert Armour , lauder cottage
skirling
Biggar
ml126hd, DATED 18/05/2016 14:49:38

Representation from : Chris MacGregor Mitchell , Shaw House
Coulter
Biggar
ML12 6PZ, DATED 18/05/2016 15:22:19

Representation from : Fiona Thomson, Jim Thomson, Gordon Thomson, Cameron
Thomson, Angus Thomson, Received via email, DATED
19/05/2016

Representation from : G B Hill and Mrs Anne Hill, Broadlands
Broadfield Road
Symington
ML12 6JZ, DATED 19/05/2016

Representation from : Merlin Bonning, Kirkwood House
Biggar
Scotland
ML12 6PP
, DATED 02/06/2016

Representation from : Aileen Campbell MSP, ., DATED 14/06/2016

Representation from : William Allen , 18
Moss Side Road
BIGGAR
ML12 6GF, DATED 26/05/2016 15:54:22

Representation from : Donald Oxley , Beech Cottage
Lamington
Biggar
ML12 6HW, DATED 18/05/2016 20:26:30

Representation from : Gun Oxley , Beech Cottage
Lamington
Biggar
South Lanarkshire
ML12 6HW, DATED 18/05/2016 22:12:11

Representation from : Mrs P Higgins, 4 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : Owner/Occupier, 1 Colliehill Road
Biggar
ML12 6PN, DATED 01/06/2016

Representation from : Marion Brown, 116 Main Street
Symington
Biggar
ML12 6LJ, DATED 01/06/2016

Representation from : Owner/Occupier, 13 Millstone Park
Biggar
ML12 6AQ, DATED 01/06/2016

Representation from : Mr and Mrs Dewar, 21 Langvout Gate
Biggar
ML12 6UF, DATED 01/06/2016

Representation from : Fiona Black, 47 Main Street
Symington
ML12 6LL, DATED 01/06/2016

Representation from : David Wilson , Braefield
Cormiston Road
Biggar
ML12 6NS, DATED 01/06/2016 23:25:23

Representation from : Frances Sandilands, 73 Main Street
Symington
Biggar
ML12 6LL, DATED 07/06/2016

Representation from : Rt Hon David Mundell MP, 2 Holm Street
Moffat
DG10 9EB, DATED 05/05/2016

Representation from : Clare Yuille, Turret Cottage
Biggar Road, Symington
Biggar,
ML12 6LW
, DATED 10/05/2016

Representation from : David Barnes, Biggar Park
Biggar
ML12 JS
, DATED 10/05/2016

Representation from : Mrs C Barr, 10 Lodge Park
Biggar
ML12 6ER, DATED 12/05/2016

Representation from : James Dawnay, Symington House
by Biggar
ML12 6LW, DATED 17/05/2016

Representation from : Alex Laird and Josephine Laird, 21 Moss Side Road
Biggar
ML12 6GF, DATED 17/05/2016

Representation from : Anna Ludwig, 39 Main Street
Symington

Biggar
ML12 6LL, DATED 17/05/2016

- Representation from : Caroline J Parker BSc MRICS, Rosemount
254 Colinton Road
Edinburgh
EH14 1DL, DATED 17/05/2016
- Representation from : William Watt, , DATED 10/05/2016
- Representation from : Finlay Mccoll and Karen Yeman, , DATED 10/05/2016
- Representation from : Mary McLatchie, ., DATED 11/05/2016
- Representation from : Elizabeth McLatchie, ., DATED 11/05/2016
- Representation from : Heather Watt, Received via email, DATED 16/05/2016
- Representation from : Bill Osborne, Easthill Farm
Quothquan
Biggar
ML12 6NA, DATED 16/05/2016
- Representation from : Lesley Osborne, Easthill Farm
Quothquan
Biggar
ML12 6NA, DATED 16/05/2016
- Representation from : Robert Colquhoun, 29a Main Street
Symington
Biggar
ML12 6LL, DATED 16/05/2016
- Representation from : W and M Aitken, Received via email, DATED 16/05/2016
- Representation from : Steven and Lesley McCranor, Received via email, DATED 16/05/2016
- Representation from : Patricia Ross, Garth Cottage
Wiston
Biggar, DATED 16/05/2016
- Representation from : Katrina Docherty, Received via email, DATED 16/05/2016
- Representation from : Tom Docherty, Received via email, DATED 16/05/2016
- Representation from : Alexander J Kekewich BSc, , DATED 16/05/2016
- Representation from : Mr Malcolm and Sharon Mayo, Curlew Cottage
Church Lane
Wiston
ML12 6GA, DATED 16/05/2016
- Representation from : Aileen Hewitt, Received via email, DATED 16/05/2016

Representation from : Mrs Linda Bell, Penrhyn Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Isabel Young, 3 Skyehead Drive
Biggar
ML12 6PW, DATED 16/05/2016

Representation from : John B Bell, Penrhyn Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Ben McCosh , 10 Woodilee
Broughton
ML12 6GB, DATED 16/05/2016 23:52:13

Representation from : Jennifer Mackie, 10 Edinburgh Road
Biggar
ML12 6AX, DATED 18/05/2016

Representation from : Robert Armour, Received via email, DATED 19/05/2016

Representation from : John McLatchie, Langholm House
Lamington
By Biggar
ML12 6HW, DATED 31/05/2016

Representation from : Lindsay Macgregor, , DATED 31/05/2016

Representation from : Janet V Rae, "Craigengar"
16 Station Road
Biggar
ML12 6JN, DATED 01/06/2016

Representation from : Mrs Ailsa MacLeod, Lower Glengorm
14 Station Road
Biggar
ML12 6JNB, DATED 01/06/2016

Representation from : Hannah M McKenzie, Applegarth
9 Lindsaylands Road
Biggar
ML12 6EQ, DATED 01/06/2016

Representation from : Robert Norman, Springlea
Howgate Road
Roberton
ML12 6RS, DATED 01/06/2016

Representation from : Mrs A Mitchell, 60 Howgate Road
Roberton
ML12 6RS, DATED 01/06/2016

Representation from : Elizabeth St John, Spittal House
Biggar
ML12 6HB, DATED 01/06/2016

Representation from : Robert M Brown, 38 Cormiston Road
Biggar
ML12 6FF, DATED 01/06/2016

Representation from : Rochelle Pitcher, 38 Cormiston Road
Biggar
ML12 6FF, DATED 01/06/2016

Representation from : Mrs Janice & Mr John Currie, 7 Viewpark Road
Biggar
ML12 6BG, DATED 01/06/2016

Representation from : Peter Goddard, "Grianach"
Howgate Road
Roberton
Biggar
ML12 6RS, DATED 01/06/2016

Representation from : W Alexander, 28 Birthwood Road
Coulter
Biggar
ML12 6PT, DATED 01/06/2016

Representation from : M S Midalemiss, 25 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : A M Carson, 3 Stanehead Park
Biggar
ML12 6PU, DATED 01/06/2016

Representation from : Elizabeth E Bell, The Cottage
Lamington
ML12 6HW, DATED 01/06/2016

Representation from : Gerard McCosh, Highfield
Coulter
Biggar
ML12 6PZ, DATED 01/06/2016

Representation from : Mr Roy Maddox, 101A Main Street
Symington
Biggar
ML12 6LL, DATED 01/06/2016

Representation from : Chris McCosh, Windy Hangingshaw
Coulter
Biggar
ML12 6HN, DATED 01/06/2016

Representation from : Ian A Edgar & Mrs Sheena Edgar, Lamington Mains Farm
Lamington
Biggar
ML12 6HW, DATED 01/06/2016

Representation from : Bryce K McCosh, Huntfield
Quothquan
Biggar
ML12 6NA, DATED 01/06/2016

Representation from : Alison Habasque , 21 Bidders Gait
Lanark, DATED 02/06/2016 09:53:44

Representation from : Derrick and Pamela Norris, 14 Moss Side Crescent
Biggar
ML12 6GE, DATED 09/05/2016

Representation from : Ian and Christine Cameron, ., DATED 09/05/2016

Representation from : Miss S J Doig, 22 Cardon Drive
Biggar
ML12 6EZ, DATED 09/05/2016

Representation from : Graham Gibson, Millhill
Lamington
Biggar
ML12 6HW, DATED 10/05/2016

Representation from : Beryl Pipes , Limetree Cottage
71 Main Street
Symington
Biggar
ML12 6LL , DATED 20/05/2016

Representation from : David W Bell, The Cottage
Lamington
ML12 6HW , DATED 20/05/2016

Representation from : Anna McCosh , 12 Stephen Avenue
Biggar
ML12 6AS , DATED 20/05/2016

Representation from : Karl T Pipes , 71 Main Street
Symington
Biggar
ML12 6LL , DATED 20/05/2016

Representation from : Murdo MacKenzie, on behalf of Mr A M MacKenzie
Cipero
Jerviston Street
Motherwell
ML1 4BL, DATED 28/07/2016

Representation from : Ross Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016

Representation from : Amanda Brown & Paul David Brown, , DATED 01/06/2016

Representation from : Muir Smith Evans, 203 Bath Street
Glasgow

G2 4HZ, DATED 01/06/2016

Representation from : Michael Maxwell Stuart, Baitlaws
Lamington
Biggar
ML12 6HR
, DATED 01/06/2016

Representation from : Ros Bullen , 97 Main Street
Symington
Biggar
South Lanarkshire
ML12 6LL, DATED 01/06/2016 15:08:03

Representation from : Howard and Grace Goldstein, Clydeholm
Roberton
By Biggar
South Lanarkshire
ML12 6RR, DATED 15/06/2016

Representation from : David Grieve, 50 Main Street
Symington
ML12 6LJ, DATED 30/06/2016

Representation from : Scott Wright, Shawhill Smithy
Carmichael
Biggar
ML12 6PL, DATED 13/04/2016

Representation from : Jane Morrison-Ross, Received via email, DATED
13/04/2016

Representation from : Amanda Lawrie, Received via email, DATED 13/04/2016

Representation from : Kirsten M Vandome, Burnsands
Roberton
Biggar
ML12 6RS, DATED 13/04/2016

Representation from : Susan Bell, received via email , DATED 23/05/2016

Representation from : Malcolm Vennan, received via email, DATED 23/05/2016

Representation from : Lesley Anne Vannan, received via email , DATED
23/05/2016

Representation from : Max Fraser , received via email , DATED 24/05/2016

Representation from : Lara Boyd and James Boyd, Received via email, DATED
25/05/2016

Representation from : D A Cann, Bridge Cottage
Coulter
Biggar
ML12 6PZ, DATED 25/05/2016

Representation from : Owner - Occupier, Broadfield Farmhouse
Symington
Biggar
ML12 6JZ, DATED 25/05/2016

Representation from : Dr J H Filshie, 16 Coulter Road
Biggar
South Lanarkshire
ML12 6EP, DATED 26/05/2016

Representation from : Rebecca Main, , DATED 26/05/2016

Representation from : Andy Keane, , DATED 26/05/2016

Representation from : Stephen Forster, South Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR
, DATED 26/05/2016

Representation from : Sharon Forster, South Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR
, DATED 26/05/2016

Representation from : Steve , E-Health ICT
GP IT Support Manager
Kirklands
Bothwell
G71 8BB
, DATED 26/05/2016

Representation from : Matthew Connell, 7 Lawrie Street
Newmilns
Ka169JF
, DATED 26/05/2016

Representation from : Jessica Cadzow-Collins, , DATED 26/05/2016

Representation from : David and Dorothy Shannon, Woodburn
Quothquan
Biggar
ML12 6NA
, DATED 26/05/2016

Representation from : Mike Fuddy, 40 Sherittlats Road
Thankerton
Biggar, DATED 31/05/2016

Representation from : Colin White, ., DATED 31/05/2016

Representation from : William White, ., DATED 31/05/2016

Representation from : William Robinson, , DATED 04/10/2017

Representation from : Ruth P Bryden, Received via email, DATED 20/05/2016

Representation from : Craig Ritchie, Railway Cottage
Burnhead Road
Symington
ML12 6FS, DATED 20/05/2016

Representation from : Mr G H Renton, Received via email, DATED 20/05/2016

Representation from : Brian S Gallagher, Received via email, DATED 20/05/2016

Representation from : Mr. Gerard Mcmorrow , 5
Annieston Place
Symington
Biggar
LANARK
LANARKSHIRE, DATED 24/05/2016 13:03:59

Representation from : Claudia Beamish MSP, Received via email, DATED 07/06/2016

Representation from : Savills - on behalf of Clyde River Action Group 2015, 8
Wemyss Place
Edinburgh
EH3 6DH, DATED 07/06/2016

Representation from : Mrs Sarah Dawary, Symington House
by Biggar
ML12 6LW, DATED 07/06/2016

Representation from : Kate Deacon, Received via email, DATED 07/06/2016

Representation from : Chad McCail, 72 Station Road
Thankerton
ML12 6NZ, DATED 07/06/2016

Representation from : Marc Light , 7 The Acreage
Hunterlees Gardens
Glassford
Strathaven
ML10 6GE, DATED 06/05/2016 07:39:25

Representation from : Margaret J Young, Alton
Causewayend
Coulter
Biggar
, DATED 10/05/2016

Representation from : Margaret Robertson , 14 Burnside Terrace
Biggar
Biggar
ml12 6by, DATED 17/05/2016 22:36:34

Representation from : David and Sharron Cowley, Burnfoot Cottage

Lamington
Biggar
ML12 6HR, DATED 27/05/2016

Representation from : Mrs McMahon , 24 Boat Rd
Thankerton
BIGGAR
ML12 6QW, DATED 30/05/2016 11:43:01

Representation from : William Robinson , , DATED 26/09/2017

Representation from : John B Bell, , DATED 09/10/2017

Representation from : Linda P Bell , , DATED 09/10/2017

Representation from : Ms Claudia Beamish MSP, via email , DATED 31/10/2017

Representation from : Savills , On Behalf of Clyde River Action Group
8 Wemyss Place
Edinburgh
EH3 6DH, DATED 19/12/2017

Contact for Further Information

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

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

Ext 5903 (Tel : 01698 455903)

E-mail: james.wright@southlanarkshire.gov.uk

CONDITIONS

- 1 That the extraction of sand and gravel shall proceed only in accordance with the submitted details of phasing, direction and depth of working as shown in the Environmental Statement (prepared by Pleydell Smithyman April 2016) and no deviations from these details shall be permitted unless agreed in writing with the Council, as Planning Authority. For the avoidance of doubt all compensatory flood storage works shall be completed prior to extraction commences.
- 2 That all extraction operations on the site shall be discontinued no later than 12 years from the date of commencement and, within a period of 12 months from the discontinuance date, the entire site shall be restored in accordance with the approved restoration plan (approved through condition 3 below).
- 3 That within 3 months of the date of this permission, a final, full restoration plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.
- 4 That prior to the commencement of the development hereby approved, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
 - i) be granted in favour of the Council as Planning Authority
 - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
 - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
 - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

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

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

- 5 That before any work starts on site an updated Water Environment Adaptive Management Plan shall be submitted for the written approval of the Council, as Planning Authority, in consultation with SEPA and thereafter shall be carried out as approved for the lifetime of the development, hereby approved, unless amendments are agreed in writing by the Council, as Planning Authority in consultation with SEPA.
- 6 That before any work starts on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.
- 7 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
- 8 That the approved access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 6. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced. The work associated with the construction, supervision and safety audits, including any additional work identified by the audit as being necessary for the safety of the users of the trunk road, shall be delivered by the developer.
- 9 The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.
- 10 That the new access to the site shall be formed and the existing access closed off to the satisfaction of the Council as Planning Authority before any works commence on the site.
- 11 That prior to any works commencing on the construction of the access details of the proposed horizontal and vertical realignment of the A702 trunk road and type (and method) of construction shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
- 12 That prior to any works commencing fully detailed plans showing the construction phasing and temporary traffic management required for the realignment of the A702 trunk road shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

- 13 That from the date of commencement of operations on the site, until completion of the final restoration, a copy of this permission, and all approved documents and subsequently approved documents, shall be kept available for inspection on site during the approved working hours.
- 14 That prior to development commencing on site, a scheme for the monitoring of dust, shall be submitted for the written approval of the Council as Planning Authority and shall include the provision of physical dust monitoring should complaints arise. Thereafter, the scheme shall be carried out as approved for the lifetime of the development, hereby approved.
- 15 That prior to development commencing on site, details of all dust management measures shall be submitted for the written approval of the Council, as Planning Authority. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the dust management measures shall include the use of water bowsers, dampening extraction areas, sheeting of lorries and minimising load drop heights.
- 16 That prior to development commencing on site, detail of all noise attenuation measures shall be submitted for the written approval of the Council, as Planning Authority. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the site noise reduction measures shall include the use of electricity driven pumps, the use of sound reduced electricity generators, the fitting of acoustic housing around any noise source, fitting effective silencers on all vehicles, plant and machinery and the incorporation on all vehicles of reversing alarms that have reduced audible warning levels (these shall include a red stroboscopic warning light and/or white noise reversing systems).
- 17 That prior to development commencing on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile areas of any areas of earthmounding shall be submitted for the written approval of the Council as Planning Authority. Thereafter, the scheme as approved shall be fully planted in accordance with the approved programming, prior to the commencement of any extraction work on site and maintained as such for the lifetime of the development hereby approved. For the avoidance of doubt the scheme of landscaping shall include details of all greenbank planting as well as screen planting. The greenbank planting shall remain as approved by this condition unless changes to the Water Environment Adaptive Management Plan as required by condition 5 above require amendments or additions to this approved planting.
- 18 That without the prior written approval of the Council, as Planning Authority; No operations or activity, including exportation of materials (except water pumps for the management of water, security or in connection with essential maintenance within the plant site area) shall take place at the site, before 07:00 and after 18:00 Monday to Friday and before 08:00 and after 13:00 on Saturdays with no audible working at all other times. No activities, including exportation of materials, (except water pumps for the management of water, security or in connection with essential maintenance of on-site plant) shall take place on Sundays.

- 19 That with respect to the control of noise resulting from the operations at the site, the developer shall, except as provided for by the Temporary Operations as allowed by condition 20, below, not exceed the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site, as set out within Chapter 12 (Noise) of the approved Environmental Statement (Pleydell Smithyman April 2016) between 0700 to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on Saturday. There shall be no audible noise from the site at noise sensitive properties outwith these times.
- 20 For soil handling operations for the creation of any bunds and other works in connection with landscaping noise levels at all noise sensitive properties within the vicinity of the site, attributable to the winning and working of minerals during normal daytime working hours (0900 to 1700 hrs Monday to Friday inclusive) shall not exceed 70dB LAeq over any one hour period for a maximum 8 weeks per year.
- 21 That, in the event a written request is made by the Council, the operator shall submit details, within 21 days of the written request, setting out measures to minimise the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented within agreed timescales, to the satisfaction of the Council. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 22 That a six-monthly record of the amount of material leaving the quarry shall be submitted to the Council, as Planning Authority. The rate of exportation shall not exceed 320,000 tonnes per annum, unless agreed in writing by the Council as Planning Authority.
- 23 That prior to the commencement of development, a lighting plan shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, operations shall be undertaken in accordance with the approved lighting plan for the duration of extraction and restoration activities.
- 24 The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (March to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the satisfaction of the Council as Planning Authority.
- 25 That prior to development commencing on site, an otter protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the otter protection plan shall be an updated version of the 2012 otter protection plan associated with Planning Ref: CL/11/0305.
- 26 That prior to development commencing on site, a bat protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the bat protection plan shall incorporate the recommendations in sections 4.3, 4.9, 4.11 and 4.12 of Appendix 8.4 (Bat activity and Roost Survey Report) that forms part of the approved Environmental

- 27 That prior to development commencing on site, a badger protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the badger protection plan shall incorporate mitigation within section 2.6 of the 2012 otter protection plan associated with Planning Ref: CL/11/0305 and shall also include the following additional measures to further reduce potential impacts to badgers:
- The use of noisy plant and machinery in the vicinity of sett protection zones to cease at least two hours before sunset.
 - Security lighting to be directed away from setts.
 - Chemicals to be stored as far away from the setts and badger paths as possible.
 - Any temporarily exposed open pipe system to be capped in such a way as to prevent badgers gaining access, as may happen when contractors are off-site.
 - Badger gates may need to be installed in perimeter fencing; if so, specialist advice should be sought.
 - Water sources (for badgers) to be safeguarded.
- 28 That prior to development commencing on site, a Barn Owl protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the protection plan shall include the following additional measures to further reduce potential impacts to Barn Owls:
- The use of large protection areas
 - Alternative nesting sites to be provided
 - Alternative sites to be placed inside a building, preferably controlled by the applicant at Overburns Farm.
- 29 That prior to development commencing on site, a breeding birds protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the protection plan shall include the following measures to further reduce potential impacts to breeding birds:
- The protection measures detailed in the plan are sufficiently specific so as not to be open to interpretation
 - The plan shall state within what area around the nest works should initially cease until the Ecological Clerk of Works is able to advise on an appropriate permanent protection zone for the species concerned
 - Attention shall be given in the plan to how any shift of sand martins into the quarry once active would be managed given the potential for conflict between operation of the quarry and the need to protect nesting sites when in use.
 - the provision of artificial nesting sites as a possible solution to these issues.
- 30 That soils shall only be stripped, stockpiled and replaced when it is in a suitably dry and friable condition (suitably dry means that the top soil can be separated from the sub soil without difficulty so that it is not damaged by machinery passing over it), except with the prior written approval of the Council, as Planning Authority.

- 31 All soils, shall be retained on site and be used for the restoration of the site.
- 32 All containers being used to store liquids within the application site shall be labeled clearly to show their contents, and located in a bund which shall be at least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:
- The walls and base of the bund shall be impermeable
 - The base shall drain to a sump
 - All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
 - Vent pipes shall be directed down into the bund;
 - No part of the bund shall be within 10 metres of a watercourse;
- Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.
- 33 That within 3 months of the date of this permission, a full aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter be carried out as approved for a minimum of 5 years following final restoration of the site of the development, hereby approved.
- 34 Should, for any reason, the extraction of sand and gravel from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ceased. An updated scheme, plan and schedule for the restoration of the worked area, to date, shall be submitted for the written approval of the Council, as Planning Authority within 2 months of the effective cessation of quarrying operations.
- 35 That within one year from the date of commencement (and annually thereafter for the duration of extraction and restoration operations approved through this permission), an annual progress plan and environmental audit shall be submitted to the Council as Planning Authority. The annual progress plan shall detail:
- The extent of extraction operations undertaken that year;
 - Areas prepared for extraction, including any soil stripping;
 - The extent of backfilling;
 - The extent of restoration operations carried out;
 - Recent topographical site survey
 - Current and anticipated production figures;
 - Total tonnage dispatched within the proceeding year;
 - Estimation of remaining mineral reserves;
 - Compliance with statutory permissions and legal agreements;
 - Site complaint logs and actions taken
 - The effects of the development on the environment, including noise, dust and water monitoring
 - Measures taken to implement the restoration and aftercare provisions and the intended operations for the next 12 months
 - Details of groundwater levels within the site.
- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 55 and 56 shall be undertaken without the written permission of the Council, as Planning Authority.

37 That prior to the commencement of development, all details of plant and equipment to be used on site shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, all on site plant and equipment shall be in accordance with the details approved under this condition for the duration of extraction and restoration activities unless otherwise approved in writing by the Council, as Planning Authority. For the avoidance of doubt plant and equipment includes temporary, mobile plant and equipment as well as any static, permanent plant and equipment.

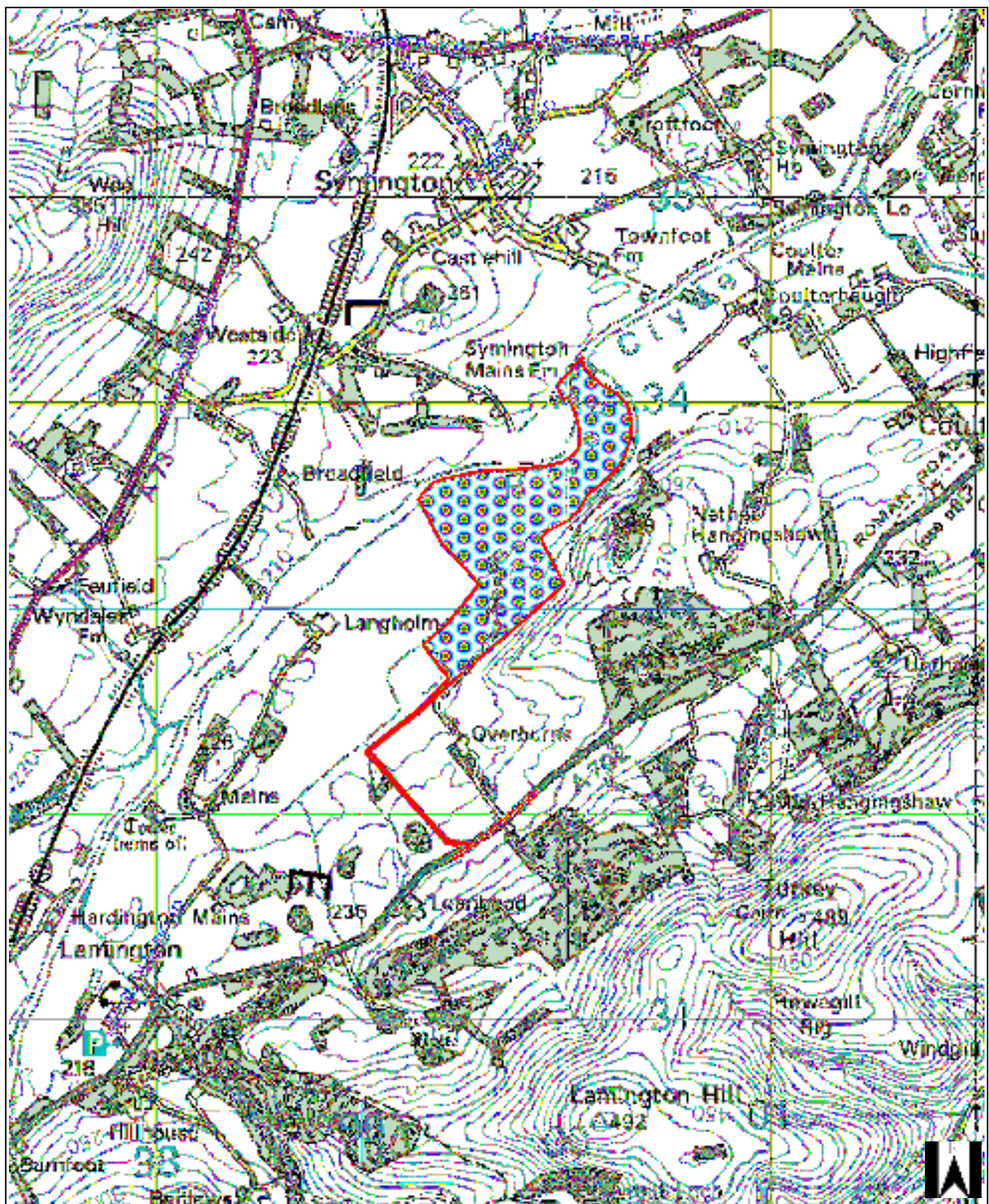
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 55 and 56 shall be undertaken without the written permission of the Council, as Planning Authority.

REASONS

- 1.1 In order to retain proper control of the development and to ensure the satisfactory restoration of the workings.
- 2.1 To ensure that the site is satisfactorily restored.
- 3.1 In the interests of visual amenity and effective landscape management, to ensure that adequate measures are put in place to ensure effective and proper long term restoration of the site.
- 4.1 To ensure that provision is made for the restoration and aftercare of the site.
- 5.1 To ensure appropriate mitigation and management of the water environment.
- 6.1 In the interests of flood risk and water management.
- 7.1 In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of potential archaeological importance.
- 8.1 To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
- 9.1 To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards, to ensure water run-off from the site does not enter the trunk road and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
- 10.1 To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.
- 11.1 To ensure that the trunk road layout complies with the current standards and that the safety of the traffic on the trunk road is not be diminished.
- 12.1 To ensure that traffic on the A702 trunk road can continue to flow during construction of the access and alterations to the alignment of the trunk road.
- 13.1 To ensure that the Council as Planning Authority retains effective control of the development.
- 14.1 In the interests of residential amenity, in order to continually monitor dust emissions from the site.
- 15.1 In the interests of safeguarding residential amenity from airborne dust.

- 16.1 In the interests of safeguarding residential amenity.
- 17.1 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for the duration of the development, hereby approved.
- 18.1 In the interests of residential amenity to minimise noise and disturbance.
- 19.1 In the interests of residential amenity to minimise noise and disturbance.
- 20.1 In the interests of residential amenity to minimise noise and disturbance.
- 21.1 In the interests of preventing mud and deleterious material being carried out onto the public road.
- 22.1 In the interests of Road Safety.
- 23.1 In the interests of residential amenity.
- 24.1 In the interests of bird species.
- 25.1 In the interests of protected species.
- 26.1 In the interests of protected species.
- 27.1 In the interests of protected species.
- 28.1 In the interests of protected species.
- 29.1 In the interests of species protection.
- 30.1 To minimise damage to the soils.
- 31.1 To minimise damage to the soils.
- 32.1 To ensure the safe storage of liquids.
- 33.1 In the interests of visual amenity.
- 34.1 In the interests of visual amenity.
- 35.1 To monitor the impact of the site on its local environment and on neighbouring land uses; in the interest of visual amenity having regard to the rural location of the site; in the interest of residential amenity; to remedy any negative impact on the local environment and neighbouring land uses; in the interest of convenient and satisfactory assimilation of the restored site's agricultural, woodland and countryside uses to the adjoining land; and to ensure continuous consistent performance of work on the development until completion of restoration and the aftercare period.
- 36.1 It is the opinion of the Council as Planning Authority that the additional degree of planning control is necessary due to the nature of the development and the need to prevent additional development occurring outwith that is approved under this permission.
- 37.1 In the interests of residential amenity and visual impact.

For information only



For information only

Report

4

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

Application No	HM/17/0460
Planning Proposal:	Residential Development Including Demolition of the Former School Annex and Adjoining Snooker Hall, Conversion of Listed Building to Form 16 Flats Together With the Erection of 12 Flats and 6 Cottage Flats and Associated Infrastructure.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Rosewood Homes and Properties Ltd
- Location : Former Glengowan Primary School
Academy Street
Larkhall

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission – Subject to Conditions (Based on the conditions attached).

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Crawford Architectural
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 – Development Management and Place Making
Policy 8 – Strategic and Town Centres
Policy 13 – Affordable Housing and Housing Choice
Policy 16 – Travel and Transport

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

Residential Design Guide (2011)

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

Scottish Water

SP Energy Networks

Larkhall Community Council

Environmental Services

Community

Roads Development Management Team

Housing Services

Planning Application Report

1 Application Site

- 1.1 The application site relates to the former Glengowan Primary School, Annex and associated school grounds, in Academy Street Larkhall, together with the adjoining former snooker hall at 101 Union Street. The former school buildings are Grade C listed together with the surrounding boundary walls, gate piers and railings. The applicant has also lodged a Listed Building application (HM/17/0448) in respect of this proposal.
- 1.2 The site itself is located within Larkhall town centre and is bounded to the north and south by a mixture of residential and commercial properties and to the west by Union Street and to the east by Academy Street.

2 Proposal(s)

- 2.1 This is a detailed planning application by Rosewood Homes for the erection of 34 flatted dwellings and associated infrastructure. Clyde Valley Housing Association has confirmed that the accommodation will provide affordable housing units for social rent.
- 2.2 In relation to matters of detail, the main school building will provide 16 flats which will be centred around an open courtyard. The two remaining buildings, which include the annexe and snooker hall, will be demolished to allow for the construction of four blocks of flats. A three storey block of six two bedroomed flats will be constructed on the part of the site which is currently occupied by the former snooker hall. To the north of the main entranceway on Academy Street, a two storey block of two three bedroomed cottage flats will be constructed and to the south a two storey block of one bedroomed flats. On the part of the site which is currently occupied by the former school annex building, a three storey block of six two bedroomed flats will be constructed.
- 2.3 In addition, the proposal also includes the provision of landscaped areas, amenity space, car parking provision and alterations to the boundary wall and entranceway.
- 2.4 A supporting letter has been submitted from Clyde Valley Housing Association which confirms that the proposed dwellings will be managed by the Housing association and will be for rent to clients currently on the Council's waiting list.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015) a number of Policies are relevant to the assessment of this application. These include Policy 4 – Development management and place making, Policy 8 – Strategic and town centres, Policy 13 – Affordable housing and housing choice and Policy 16 – Travel and Transport. In addition Policy DM1 – Design of the Development management, placemaking Supplementary Guidance is also relevant to the assessment of this application.
- 3.1.2 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the

efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.3 **Planning Background**

- 3.3.1 A Listed Building application has also been submitted to Committee in respect of this proposal (HM/17/0448).

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – raised no objections to the proposal subject to conditions.

Response: Noted. Roads and Transportation Services have confirmed that the parking provision meets the levels set out in their guidelines for housing association developments.

- 4.2 **Scottish Water** - Have no objection to the proposed development. They have advised that the applicant should contact them directly in relation to matters relating to connections to the network to serve this development.

Response: Noted. The applicant has been advised of the above.

- 4.3 **Larkhall Community Council** – Have advised that over the past year they have carried out a community consultation exercise which has shown that the majority of the community feel very strongly that the site must be retained for community use. Larkhall does not have sufficient community facilities for the population as it is and with a plan to build nearly 3,000 more residential units in the area the situation will become critical very soon. This planning application is against the local plan in so far as the development of this site for housing along the main street of the town will impinge on the attractiveness of Larkhall to any new commercial businesses. In addition the development of this site for residential use would only exacerbate the parking problems on Union Street, which in turn would adversely affect businesses already there. Although the local plan allows some residential development within town centres this site is not necessary to meet any of Larkhall's residential targets. Sites already identified, excluding this site, number nearly 3,000 residential units.

Response: It is noted that a community consultation exercise has been carried out which has indicated that the community feel very strongly that the site must be retained for community use. As part of the planning process statutory neighbour notification was carried on in respect of this proposal and the proposal was also advertised in the local newspaper. Following this, 18 representations were received in respect of this proposal. The issues raised, along with the Council's response are summarised in section 5 of this report. The building is not currently used for any community use and is presently vacant and in a state of disrepair. It is considered that the development of a vacant building along the main street will improve the attractiveness of town centre and will enhance its vitality and viability. In terms of parking provision, the Roads and Transportation Development Management Team have raised no issues in this regard. It is considered that the provision of rented accommodation will meet a specific need within the wider housing market area.

- 4.4 **Environmental Services** – Have no objection to the proposal subject to the imposition of a condition relating to the submission of details relating to the storage and collection of refuse are submitted for the prior written approval of the Council as Planning Authority.

Response: Noted. It is considered that these matters can be addressed by use of a suitably worded condition.

- 4.5 **Community Services** - If any open spaces/play areas were to be progressed as part of the development it should be noted that the Council's Grounds Services would not adopt any of the areas for future maintenance and as such consideration of a factoring arrangement or similar would be required. The proposal is considered to be acceptable on the assumption the Council's Residential Design Guide is used throughout the application process.

Response: The above comments are noted.

- 4.6 **Housing Services** – Have no objection to the proposal.

Response: Noted.

- 4.7 **SP Energy** – have no objection to the proposal. They have however advised that they have apparatus in the area and reserve the right to protect and/or deviate cable/apparatus at the applicant's expense.

Response: Noted. The applicant has been advised of the above.

5 Representation(s)

- 5.1 Statutory neighbour notification was carried out in respect of this proposal. The proposal was also advertised in the local newspaper. Following this period of consultation 18 letters of representation were received. The grounds of these objections are summarised below:

(a) That the reduction in the height of the boundary wall which runs alongside the northern edge of the application site will have an adverse impact on the amenity and security of the adjoining properties.

Response: The applicant has advised that the wall will be reduced in height to 2.1 metres. It is not considered that this will raise any issues with regards to the amenity or the security of the adjoining properties. It is considered that this matter can be addressed by use of a suitably worded condition should consent be issued in this regard.

(b) It is unclear as to when the new wall be constructed. The demolition of the existing wall will leave the rear garden areas of the adjoining properties exposed and will raise security issues in this regard. In addition it is unclear as to the boundary treatment between the adjoining properties and the application site.

Response: The applicant has advised that he intends to retain the existing wall around the northern perimeter of the site but will reduce the height to 2.1 metres.

(c) The removal of the snooker hall will affect the adjoining properties security as there will not be any boundary in place after demolition. The adjoining properties will be at a higher security risk when the snooker hall is demolished if nothing is in its place.

Response: .The applicant has advised that the existing wall will be retained.

(d) Concerned that the demolition works to be carried as part of this proposal will disturb the local bird population.

Response: It is considered that the demolition of the buildings will not have a significant adverse effect on the bird population in the area. The applicant shall be advised of the regulations regarding breeding birds by use of a suitably worded informative to ensure they are protected.

(e) There could be potential serious structural issue arising from the demolition to both residential properties that sit close to the snooker hall.

Response: The applicant will require to comply with the appropriate building regulations which will ensure that any demolition works will have no adverse impact on the surrounding properties.

(f) The adjoining properties have outhouses potentially tied to the wall that is currently acting as the boundary - this is essentially the snooker hall itself. They are concerned that there is a serious risk of the outhouses moving when snooker hall is demolished. These outhouses need to be retained

Response: The applicant has advised that the outhouses will not be affected as the existing wall is to be retained and only reduced in height.

(g) No clear indication of timeframes with regards to when these works will be carried out. Will the developer require access to the adjoining properties garden ground to carry out these works.

Response: In relation to time frames, planning permission will last for only three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).) As regards any access requirements this is a legal matter between the parties concerned. The applicant has advised that all works will be contained within the application site

(h) An assessment requires to be carried out in order to ascertain if asbestos is present within the snooker hall in order to identify what safety measures should be put in place for its safe removal

Response: Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance. The applicant will be advised of these details by use of a suitability worded informative should consent be issued in this regard.

(i) The snooker hall was infested with mice and rats when it was trading. How will this be addressed during and after demolition works have taken place?

Response: Adequate pest control measures will require to be put in place to ensure that any demolition works do not give rise to increased pest activities. A suitably worded informative will be attached to any consent issued.

(j) The proposed block of flats which runs alongside Academy Street will have an adverse impact on the adjoining properties in terms of amenity, loss of privacy and overlooking issues

Response: It is considered that the two blocks of flats on either side of the entrance way onto Academy Street are in keeping in terms of scale and massing with the surrounding streetscape and that no issues are raised in this regard.

(k) The new flats will be taller than the current snooker hall which will result in a loss of light to the adjoining properties. Currently there are no plans/drawings submitted to the SLC portal that show the six rear flats in situ, either from Union Street, Academy Street or from the side. This gives no understanding of how the flats height will look in respect of the adjoining properties. It is important to see the correct drawings of the plans with the six rear flats in situ.

Response: Since receipt of these comments the applicant has submitted revised drawings which show the streetscape from both Union Street and Academy Street. It is considered that in terms of scale and massing the proposed blocks are in keeping with the surrounding streetscape and that no issues are raised in this regard.

(l) When the development starts there will be a vast increase in trucks, lorries, cranes and other heavy plant machinery. This will result in major disruptions to the local road network and will create difficulties for residents accessing the

adjoining properties as well as those accessing the nursery and doctor's surgery.

Response: Roads and Transportation Services have been consulted in respect of this proposal and have raised no issues in this regard.

(m) There is likely to be increased noise and disruption in the area especially early morning, late evenings during the week and possibly weekends.

Response: With regards to any noise issues relating to construction works these should be in accordance with "Noise control on construction and open sites". The applicant shall be advised of these requirements by use of a suitably worded informative. In addition the applicant shall be advised that formal action may be taken should any nuisance occur as a result of these operations.

(n) Concerned that the proposed building work may have an adverse effect on the stability of the adjoining residential properties. When the original bike shed was demolished concern was given in terms of the effect on the stability of the adjoining properties.

Response: This is not a planning issue and is a matter for the parties concerned.

(o) Potential asbestos disturbance from the annex demolition, renovation, removal and potential airborne issues is a major concern. It is hoped that appropriate measures will be put in place so that any contamination is treated properly and in a safe manner.

Response: Should any asbestos be encountered, the material is required to be disposed of in accordance with statutory guidance. It is considered that the applicant can be advised of these details by use of a suitably worded condition should consent be issued in this regard. As regards any airborne particles it is considered that these matters can be addressed by use of a suitably worded condition.

(p) That any proposed street lighting associated with this development will have an adverse impact on the adjoining properties.

Response: Matters relating to the installation of any street lighting will be addressed by the Road Construction Consent.

(q) The proposal indicates that there are 38 car parking spaces proposed for 34 flats. That being the case there will be a considerable increase in additional traffic from this development which will cause serious traffic safety and congestion issues within the area particularly with regards to the main vehicle entrance on Academy Street.

Response: Roads and Transportation have been consulted in respect of these matters and have raised no issues in this regard.

(r) That the proposed development will place an additional strain on the existing infrastructure. Within the past decade there have been major drainage issues within Academy Street.

Response: Scottish Water has been consulted and has raised no objections in respect of this proposal.

(s) If the pedestrian gates to the front of the development on Union Street are left open there will be an increased security risk for the residents in the area as it could become a shortcut for strangers moving between Union Street and Station Road.

Response: The applicant has advised that the gates will not be locked as regards any potential security issues this is a police matter and not a planning issue.

(t) As mentioned in the previous point the residents are concerned that there could be increased traffic from non residents using the car park. Are there plans for security gates to be installed across the road so only residents can park there?

Response: No details have been submitted with regards to the installation of any security gates

(u) Insufficient car parking spaces will result in overspill onto Academy Street. To address the concern of residents, reserved car parking spaces should be introduced to the front of the properties at 33 and 35 Academy Street.

Response: This relates to an area of ground outwith the application site and is not a material consideration in respect of this planning application.

(v) Larkhall does not have sufficient community facilities for the population as it is and with a plan to build nearly 3,000 more residential units in the area the situation will become critical very soon.

Response: The building which is the subject of this application is currently vacant and is not used as a community facility.

(w) This planning application is against the local plan for Larkhall. The site constitutes a large proportion of the main street and the loss of this site to residential would impinge on the attractiveness of Larkhall to any new commercial businesses.

Response: Policy 8 of the South Lanarkshire Local Development Plan (Adopted 2015) states that the Council will allow a mixture of uses within town centres which support their role as commercial and community focal points. The policy goes on to state examples of such uses which includes residential development. This proposal will not only provide affordable housing which will meet the needs of the local community but will also bring back into a use an important building within the town centre which is currently lying empty. This will improve the vitality and viability of the town centre.

(x) To make this a residential site would exacerbate the parking problems in Union Street, which in turn, would adversely affect businesses already there.

Response: Roads and Transportation Services have been consulted in respect of this application and have raised no issues in this regard.

(y) Although the local plan allows for some residential development within town centres, this site is not necessary to meet any of Larkhall's residential targets as there are sites already identified excluding this site which number nearly 3,000 residential units.

Response: The site will meet a specific need by providing rented accommodation for the wider housing market area.

(z) Larkhall has lost so many beautiful buildings (the rest of the old academy) in particular. The loss of such buildings is detrimental to the area.

Response: The buildings are currently vacant and have been for some time. In addition they are in a poor state of repair with water ingress. While it is accepted that the annex building is to be demolished the original school building will be retained and refurbished which will ensure its long term future.

(aa) There is no ancillary proposal for increasing or upgrading the limited public amenities in the town. The amenities in Larkhall are woefully out of date as it is. The site could be used for a much better purpose, and provide a Community Centre for the town , while allowing for ample for users of the centre, and the main street.

Response: As regards possible alternative development opportunities relating to the application site this is not a material consideration in respect of this planning application. The current proposal is being assessed in respect of its compliance with the policies contained within the South Lanarkshire Local Development Plan (Adopted 2015) and its associated supplementary guidance.

5.2 These letters are available for inspection in the usual manner and on the Councils Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for the conversion of the former Glengowan Primary School, which is a Grade C listed building, to form 16 flats together with the erection of a further 12 flats and 6 cottage flats and associated infrastructure. The proposal also includes the demolition of the former school annex and adjoining snooker hall. The applicant has provided supporting information which states that the development will provide “affordable housing” to be built on behalf of the Clyde Valley Housing Association. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties.
- 6.2 In terms of national planning policy relative to residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application site is located within Larkhall Town Centre in the adopted Local Plan. The site would be easily accessible by public transport and is within close proximity to Larkhall train station. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy the relevant policies for the assessment of this application include Policy 4 – Development management and placemaking, Policy 8 - Strategic and town centres and Policy 13 affordable housing and housing choice. In addition Policy DM1 – Design of the Development Management, Placemaking and Design is also relevant to the assessment of this application.
- 6.4 With regard to the detailed design of the development, Policy 4 requires development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance the applicant has submitted a Design Statement in support of this application which details the design process that was carried out in order to arrive at a proposal which fits within the site itself and its surroundings. The overall scale and mixture of heights of the new build element is in keeping with the surrounding properties. In addition, it is considered that there is sufficient amenity greenspace within the development to meet the need of the residents. In terms of car parking provision it is considered that there is sufficient car parking provision in relation to a town centre location. It is therefore considered that the proposal is acceptable in terms of this policy. In addition the proposal is in accordance with the principles contained within the Council’s Residential Design Guide.
- 6.5. Policy 8 states that the Council will allow a mixture of uses within town centres which support their role as commercial and community focal points. The policy goes on to state examples of such uses which includes residential development. This proposal will not only provide affordable housing which will meet the needs of the local community but will also bring back into a use an important building within the town

centre which is currently lying empty. It is therefore considered that this proposal will support the vitality and viability of the centre by bringing people into the area as well as bringing an important building back into use. On this basis, it is considered that the proposal raises no issues in respect of this policy.

- 6.6 With regards to Policy 13- Affordable Housing and Housing Choice, the provision of affordable housing is in support of this policy.
- 6.7 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 16.
- 6.8 In terms of Policy DM1 it is recognised that good quality design is an essential element in establishing successful places. This proposal utilises the existing Grade C listed building converting it into flatted accommodation which is centred around a courtyard area. The conversion will ensure the long term future of the building which is an important and attractive feature within the town centre streetscape. The new build element will use reconstituted stonework on the external walls of the building which will be of a similar appearance to the main building. Overall it is considered that the proposal will make a positive contribution to the sense of place and is in accordance with this policy. I therefore recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity and complies with Policies 4, 8, 13 and 16 of the adopted South Lanarkshire Local Development Plan and Policy DM1 of the Development Management, Place Making and Design Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 February 2018

Previous References

- ◆ HM/17/0448

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 02.10.2017
- ▶ Press Advert, Hamilton Advertiser, 12,10,2017
- ▶ Design Statement,
- ▶ Consultations

Scottish Water	12/10/2017
Environmental Services	16/01/2018
Larkhall Community Council	14/11/2017
SP Energy Networks	19/10/2017
Roads Development Management Team	
Housing Services	

► Representations

- Representation from : Sandy Clark, , DATED 13/11/2017
- Representation from : Dr Gemma Mitchell, , DATED 13/11/2017
- Representation from : Stuart Pollock, 18 Marshall St
Larkhall
ML9 2HD
, DATED 14/11/2017
- Representation from : Jim Campbell, , DATED 14/11/2017
- Representation from : Sheena Campbell, , DATED 14/11/2017
- Representation from : Fraser Lenson-Wade & Residents of Academy Street, ,
DATED 13/10/2017
- Representation from : Gillian Weir, , DATED 14/11/2017
- Representation from : Lynne Weir, ., DATED 14/11/2017
- Representation from : Louise Weir, , DATED 14/11/2017
- Representation from : Beth Clark, , DATED 14/11/2017
- Representation from : Miss Yvonne Scott, , DATED 14/11/2017
- Representation from : Mrs Alexis Scott, , DATED 14/11/2017
- Representation from : Elizabeth Smith, , DATED 14/11/2017
- Representation from : Thomas McPhee, , DATED 13/11/2017
- Representation from : Connie Hendry McPhee, , DATED 13/11/2017
- Representation from : Tracey Campbell-Hynd, , DATED 13/11/2017
- Representation from : A Clark, , DATED 14/11/2017
- Representation from : E Clark, , DATED 14/11/2017

Contact for Further Information

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

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext 5103 (Tel: 01698 455103)

E-mail: mary.mcgonigle@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 3 That before any of the flatted dwellings situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 That none of the flatted dwellings shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.
- 5 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 6 That before the development hereby approved is completed or brought into use, the entire access road and footpath network serving the development shall be laid out and constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 7 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 8 The surface of the access road and all parking areas shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 9 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where
- 10 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved,

whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

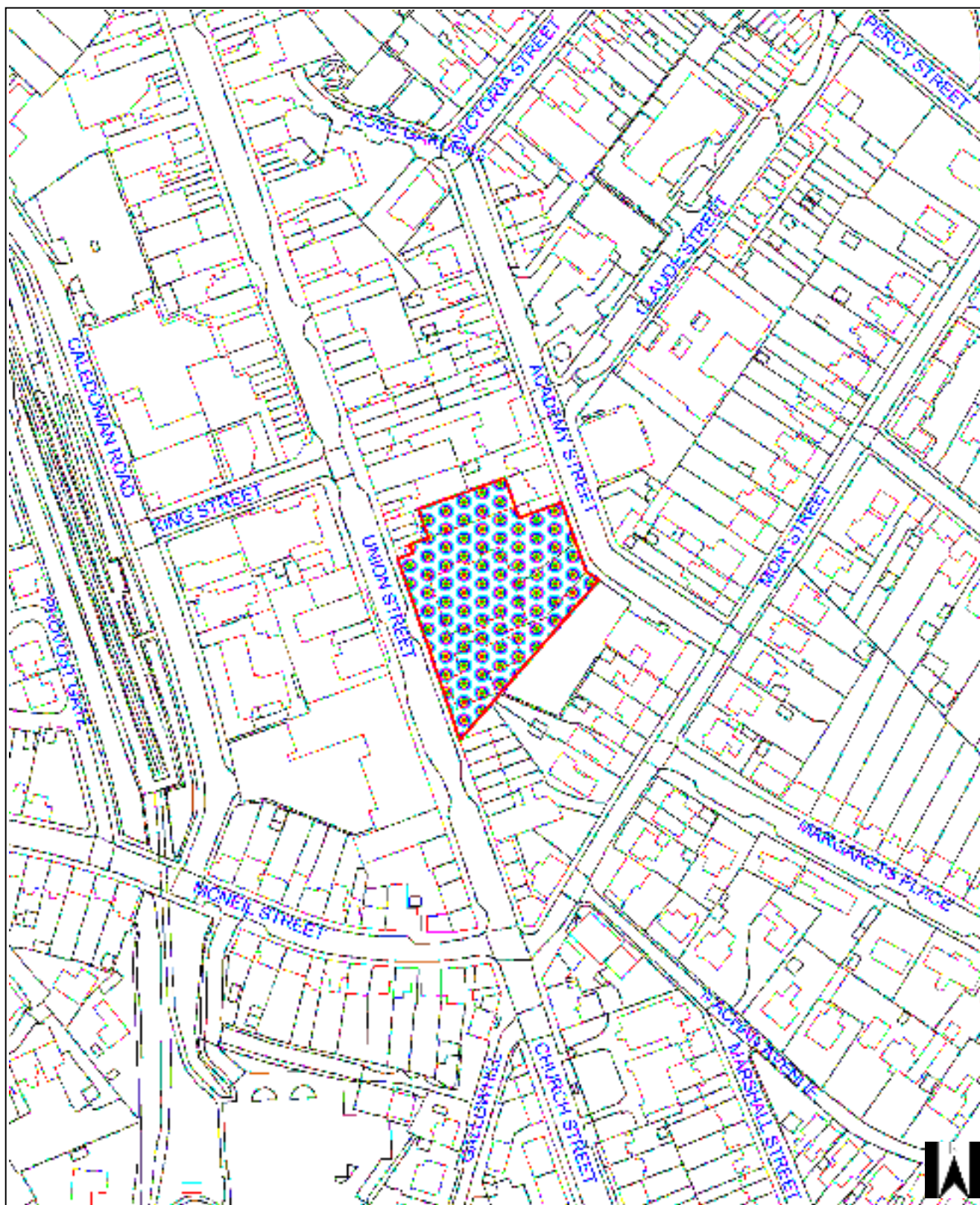
- 11 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the flatted dwellings and the adjoining road.
- 12 That before any of the flatted dwellings hereby approved are occupied, details of the storage and collection of refuse within the development shall be submitted to and approved by the Council as Planning Authority. Thereafter, prior to the occupation of any dwelling, the approved scheme shall be implemented and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 13 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 14 That wheel washing facilities or a cattle grid shall be installed at the entrance/exit to the site, in order that all vehicles leaving the site are kept clear and free of debris. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 15 That no development shall commence until full details of construction staff parking have been submitted to and approved by the Council as Planning Authority. Thereafter, the approved parking shall be maintained to the Council's satisfaction throughout the construction period of the development

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In order to retain effective planning control
- 4.1 To ensure the provision of a satisfactory sewerage system
- 5.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal
- 6.1 To ensure satisfactory vehicular and pedestrian access facilities to the site.
- 7.1 To ensure the provision of adequate parking facilities within the site.
- 8.1 In the interest of public safety

- 9.1 In the interests of the visual amenity of the area.
- 10.1 In the interests of amenity.
- 11.1 In the interests of amenity and in order to retain effective planning control.
- 12.1 To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 13.1 To minimise the risk of nuisance from dust to nearby occupants.
- 14.1 In the interests of traffic and public safety.
- 15.1 These details have not been submitted or approved.

For information only



For information only

Report

5

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

Application No HM/17/0448
 Planning Proposal: Residential Development Comprising Conversion of Building to Form 16 Flats, Together With the Erection of 12 Flats, 6 Cottage Flats and Associated Infrastructure. Demolition of the Former School Annexe Building and the Adjoining Snooker Club (Listed Building Consent)

1 Summary Application Information

- Application Type : Listed Building Application
- Applicant : Rosewood Homes and Properties Ltd
- Location : Former Glengowan Primary School,
Academy Street
Larkhall

2 Recommendation(s)

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

- (1) Grant Listed Building Consent

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Crawford Architectural
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2015)**
Policy 15 – Natural and Historic Environment
**Natural and Historic Environment
Supplementary Guidance**
NH3 – Listed Buildings

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

- ◆ Consultation(s):

Historic Environment Scotland

Planning Application Report

1 Application Site

- 1.1 The application site relates to the former Glengowan Primary School together with the adjoining Annexe and surrounding school grounds. The primary school buildings, including the boundary walls, gatepiers and railings are designated as a Grade C Listed Building. The former school opened in 1866 and was originally a single storey with a further storey added in 1884. The L – plan building was added in 1903. The applicant has lodged a Detailed Planning Application (HM/17/0460) in respect of this proposal.
- 1.2 The site is located within Larkhall Town Centre and is bounded to the north and south by a mixture of residential and commercial properties and to the west by Union Street and to the east by Academy Street.

2 Proposal(s)

- 2.1 This listed building application seeks consent for the conversion of the former Glengowan Primary School and the demolition of the Annexe building as well as alterations to the boundary wall and entranceway.
- 2.2 The conversion of the main school building involves alterations to the internal layout to provide flatted accommodation for 16 dwellings. In addition the atrium will be removed and will be replaced by an open courtyard which will form the central feature surrounded by the flats. The annexe building which is located to the south of the main building is to be demolished
- 2.3 The main entrance to the development will be from Academy Street which will require to be widened to allow for vehicular access and will involve the demolition of part of the boundary wall and railings as well as the removal of the existing gate piers. The railing and wall will be replaced by a stone wall which will be increased in height. In addition, the northern boundary wall will be removed and a new boundary will be constructed around the development which incorporates the area of ground formerly occupied by the snooker club.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining planning applications, the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (2015) (SLLDP) and associated Supplementary Guidance (SG) produced in support of the SLLDP.
- 3.1.2 In terms of the SLLDP, Policy 15 – Natural and Historic Environment applies. This policy seeks to safeguard and protect the historic environment. In addition Policy NHE3 – Listed Buildings which is contained in the Natural and Historic Environment Supplementary Guidance is also relevant to the assessment of this application.
- 3.1.3 A full assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Planning Background

- 3.2.1 A Detailed Planning Application has also been submitted to Committee in respect of this proposal (HM/17/0460).

4 Consultation(s)

- 4.1 **Historic Environment** – Have no comments to make in respect of this proposal.
Response: Noted

- 4.2 **Larkhall Community Council** - Have advised that over the past year they have carried out a community consultation exercise which has shown that the majority of the community feel very strongly that the site must be retained for community use. Larkhall does not have sufficient community facilities for the population as it is and with a plan to build nearly 3,000 more residential units in the area the situation will become critical very soon. This planning application is against the local plan in so far as the development of this site for housing along the main street of the town will impinge on the attractiveness of Larkhall to any new commercial businesses. In addition the development of this site for residential use would only exacerbate the parking problems on Union Street, which in turn would adversely affect businesses already there. Although the local plan allows some residential development within town centres this site is not necessary to meet any of Larkhall's residential targets. Sites already identified, excluding this site, number nearly 3,000 residential units.

Response: It is noted that a community consultation exercise has been carried out which has indicated that the community feel very strongly that the site must be retained for community use. As part of the planning process statutory neighbour notification was carried on in respect of this proposal and the proposal was also advertised in the local newspaper. Following this, 16 representations were received in respect of this proposal. The issues raised, along with the Council's response are summarised in section 5 of this report. The building is not currently used for any community use and is presently vacant and in a state of disrepair. It is considered that the development of a vacant building along the main street will improve the attractiveness of town centre and will enhance its vitality and viability. In terms of parking provision, the Roads and Transportation Development Management Team have raised no issues in this regard. It is considered that the provision of rented accommodation will meet a specific need within the wider housing market area.

5 Representation(s)

- 5.1 The proposal was advertised in the both the Hamilton Advertiser and Edinburgh Gazette. It is noted that many of the responses make reference to both the Listed Building Application, which is the subject of this report, and to the accompanying Detailed Application (HM/17/0460) which is also being presented to this Planning Committee. Following this period of consultation, 16 letters of objection were received and the points raised are summarised as follows:

(a) That the reduction in the height of the boundary wall which runs alongside the northern edge of the application site will have an adverse impact on the amenity and security of the adjoining properties.

Response: The applicant has advised that the wall will be reduced in height to 2.1 metres. It is not considered that this will raise any issues with regards to the amenity or the security of the adjoining properties. It is considered that this matter can be addressed by use of a suitably worded condition should consent be issued in this regard.

(b) It is unclear as to when the new wall be constructed. The demolition of the existing wall will leave the rear garden areas of the adjoining properties exposed and will raise security issues in this regard. In addition it is unclear as to the boundary treatment between the adjoining properties and the application site.

Response: The applicant has advised that he intends to retain the existing wall around the northern perimeter of the site but will reduce the height to 2.1 metres.

(c) The removal of the snooker hall will affect the adjoining properties security as there will not be any boundary in place after demolition. The adjoining

properties will be at a higher security risk when the snooker hall is demolished if nothing is in its place.

Response: .The applicant has advised that the existing wall will be retained.

(d) Concerned that the demolition works to be carried as part of this proposal will disturb the local bird population.

Response: It is considered that the demolition of the buildings will not have a significant adverse effect on the bird population in the area. The applicant shall be advised of the regulations regarding breeding birds by use of a suitably worded informative to ensure they are protected.

(e) There could be potential serious structural issue arising from the demolition to both residential properties that sit close to the snooker hall.

Response: The applicant will require to comply with the appropriate building regulations which will ensure that any demolition works will have no adverse impact on the surrounding properties.

(f) The adjoining properties have outhouses potentially tied to the wall that is currently acting as the boundary - this is essentially the snooker hall itself. They are concerned that there is a serious risk of the outhouses moving when snooker hall is demolished. These outhouses need to be retained

Response: The applicant has advised that the outhouses will not be affected as the existing wall is to be retained and only reduced in height.

(g) No clear indication of timeframes with regards to when these works will be carried out. Will the developer require access to the adjoining properties garden ground to carry out these works.

Response: In relation to time frames, planning permission will last for only three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).) As regards any access requirements this is a legal matter between the parties concerned. The applicant has advised that all works will be contained within the application site

(h) An assessment requires to be carried out in order to ascertain if asbestos is present within the snooker hall in order to identify what safety measures should be put in place for its safe removal

Response: Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance. The applicant will be advised of these details by use of a suitably worded informative should consent be issued in this regard.

(i) The snooker hall was infested with mice and rats when it was trading. How will this be addressed during and after demolition works have taken place?

Response: Adequate pest control measures will require to be put in place to ensure that any demolition works do not give rise to increased pest activities. A suitably worded informative will be attached to any consent issued.

(j) The proposed block of flats which runs alongside Academy Street will have an adverse impact on the adjoining properties in terms of amenity, loss of privacy and overlooking issues

Response: It is considered that the two blocks of flats on either side of the entrance way onto Academy Street are in keeping in terms of scale and massing with the surrounding streetscape and that no issues are raised in this regard.

(k) The new flats will be taller than the current snooker hall which will result in a loss of light to the adjoining properties. Currently there are no plans/drawings submitted to the SLC portal that show the six rear flats in situ, either from Union Street, Academy Street or from the side. This gives no understanding of how the flats height will look in respect of the adjoining properties. It is important to see the correct drawings of the plans with the six rear flats in situ.

Response: Since receipt of these comments the applicant has submitted revised drawings which show the streetscape from both Union Street and Academy Street. It is considered that in terms of scale and massing the proposed blocks are in keeping with the surrounding streetscape and that no issues are raised in this regard.

(l) When the development starts there will be a vast increase in trucks, lorries, cranes and other heavy plant machinery. This will result in major disruptions to the local road network and will create difficulties for residents accessing the adjoining properties as well as those accessing the nursery and doctor's surgery.

Response: Roads and Transportation Services have been consulted in respect of this proposal and have raised no issues in this regard.

(m) There is likely to be increased noise and disruption in the area especially early morning, late evenings during the week and possibly weekends.

Response: With regards to any noise issues relating to construction works these should be in accordance with "Noise control on construction and open sites". The applicant shall be advised of these requirements by use of a suitably worded informative. In addition the applicant shall be advised that formal action may be taken should any nuisance occur as a result of these operations.

(n) Concerned that the proposed building work may have an adverse effect on the stability of the adjoining residential properties. When the original bike shed was demolished concern was given in terms of the effect on the stability of the adjoining properties.

Response: This is not a planning issue and is a matter for the parties concerned.

(o) Potential asbestos disturbance from the annex demolition, renovation, removal and potential airborne issues is a major concern. It is hoped that appropriate measures will be put in place so that any contamination is treated properly and in a safe manner.

Response: Should any asbestos be encountered, the material is required to be disposed of in accordance with statutory guidance. It is considered that the applicant can be advised of these details by use of a suitably worded condition should consent be issued in this regard. As regards any airborne particles it is considered that these matters can be addressed by use of a suitably worded condition.

(p) That any proposed street lighting associated with this development will have an adverse impact on the adjoining properties.

Response: Matters relating to the installation of any street lighting will be addressed by the Road Construction Consent.

(q) The proposal indicates that there are 38 car parking spaces proposed for 34 flats. That being the case there will be a considerable increase in additional traffic from this development which will cause serious traffic safety and congestion issues within the area particularly with regards to the main vehicle entrance on Academy Street.

Response: Roads and Transportation have been consulted in respect of these matters and have raised no issues in this regard.

(r) That the proposed development will place an additional strain on the existing infrastructure. Within the past decade there have been major drainage issues within Academy Street.

Response: Scottish Water has been consulted and has raised no objections in respect of this proposal.

(s) If the pedestrian gates to the front of the development on Union Street are left open there will be an increased security risk for the residents in the area as it could become a shortcut for strangers moving between Union Street and Station Road.

Response: The applicant has advised that the gates will not be locked as regards any potential security issues this is a police matter and not a planning issue.

(t) As mentioned in the previous point the residents are concerned that there could be increased traffic from non residents using the car park. Are there plans for security gates to be installed across the road so only residents can park there?

Response: No details have been submitted with regards to the installation of any security gates

(u) Insufficient car parking spaces will result in overspill onto Academy Street. To address the concern of residents, reserved car parking spaces should be introduced to the front of the properties at 33 and 35 Academy Street.

Response: This relates to an area of ground outwith the application site and is not a material consideration in respect of this planning application.

(v) Larkhall does not have sufficient community facilities for the population as it is and with a plan to build nearly 3,000 more residential units in the area the situation will become critical very soon.

Response: The building which is the subject of this application is currently vacant and is not used as a community facility.

(w) This planning application is against the local plan for Larkhall. The site constitutes a large proportion of the main street and the loss of this site to residential would impinge on the attractiveness of Larkhall to any new commercial businesses.

Response: Policy 8 of the South Lanarkshire Local Development Plan (Adopted 2015) states that the Council will allow a mixture of uses within town centres which support their role as commercial and community focal points. The policy goes on to state examples of such uses which includes residential development. This proposal will not only provide affordable housing which will meet the needs of the local community but will also bring back into a use an important building within the town centre which is currently lying empty. This will improve the vitality and viability of the town centre.

(x) To make this a residential site would exacerbate the parking problems in Union Street, which in turn, would adversely affect businesses already there.

Response: Roads and Transportation Services have been consulted in respect of this application and have raised no issues in this regard.

(y) Although the local plan allows for some residential development within town centres, this site is not necessary to meet any of Larkhall's residential targets as there are sites already identified excluding this site which number nearly 3,000 residential units.

Response: The site will meet a specific need by providing rented accommodation for the wider housing market area.

(z) Larkhall has lost so many beautiful buildings (the rest of the old academy) in particular. The loss of such buildings is detrimental to the area.

Response: The buildings are currently vacant and have been for some time. In addition they are in a poor state of repair with water ingress. While it is accepted that the annex building is to be demolished the original school building will be retained and refurbished which will ensure its long term future.

(aa) There is no ancillary proposal for increasing or upgrading the limited public amenities in the town. The amenities in Larkhall are woefully out of date as it is. The site could be used for a much better purpose, and provide a Community Centre for the town, while allowing for ample for users of the centre, and the main street.

Response: As regards possible alternative development opportunities relating to the application site this is not a material consideration in respect of this planning application. The current proposal is being assessed in respect of its compliance with the policies contained within the South Lanarkshire Local Development Plan (Adopted 2015) and its associated supplementary guidance.

These letters are available for inspection in the usual manner and on the Councils Planning Portal.

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

6 Assessment and Conclusions

- 6.1 The applicant seeks listed building consent for the conversion of the former Glengowan Primary School, which is a Grade C listed building, to form 16 flats together with the erection of a further 12 flats and 6 cottage flats and associated infrastructure. The proposal also includes the demolition of the former school annex and adjoining snooker hall. The applicant has provided supporting information which states that the development will provide “affordable housing” to be built on behalf of the Clyde Valley Housing Association. The determining issues in consideration of this application are its compliance with national and local plan policy and in particular Policy 15 – Natural and Historic Environment and Policy NHE3 – Listed Buildings of the adopted South Lanarkshire Local Development Plan and its impact on the listed building.
- 6.2 With regards to Policy 15 all development proposals require to be assessed in terms of their effect on the historic built environment. The Annex building consists of the original two storey building, to the south west of the site facing onto Union Street. This is adjoined by a single storey building of the same age and construction. The building has been the subject of a number of previous alterations which includes a single storey, grey brick clad extension with a flat roof being added to the North East of the original stone building. A further extension of the same age and construction was added to the north gable of the original stone structure. These alterations have had an adverse impact on the quality of building and its contribution to the quality of the historic built environment.
- The proposal under consideration shows the demolition of this annex building and in this instance it is considered that the loss of this building would not have a significant effect on the historic environment given the main former school building is to be retained and converted into flatted accommodation.
- 6.3 Policy NHE3 seeks to prevent unnecessary loss or damage to historic structures. In this instance the buildings are have been vacant for four years and are in a state of

disrepair. While it is accepted that the proposal involves the loss of the annex building the main school building will be retained and its longer term future will be made more secure as a result of this proposal.

7 Reasons for Decision

- 7.1 The proposal complies with Policy15 of the South Lanarkshire Local Development Plan (Adopted 2015) and Policy MHE3 of the Natural and Historic Environment Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

30 January 2018

Previous References

- ◆ HM/17/0460

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Natural and Historic Environment supplementary guidance (2015)

- ▶ Consultations
 - Historic Environment Scotland 24/10/2017
 - Larkhall Community Council 10/11/2017

- ▶ Representations
 - Representation from : Sandy Clark, , DATED 13/11/2017
 - Representation from : Dr Gemma Mitchell, , DATED 13/11/2017
 - Representation from : Gillian Weir, , DATED 14/11/2017
 - Representation from : Lynne Weir, ., DATED 14/11/2017
 - Representation from : Louise Weir, , DATED 14/11/2017
 - Representation from : Beth Clark, , DATED 14/11/2017
 - Representation from : Miss Yvonne Scott, , DATED 14/11/2017
 - Representation from : Mrs Alexis Scott, , DATED 14/11/2017
 - Representation from : Elizabeth Smith, , DATED 14/11/2017
 - Representation from : Jim Campbell, , DATED 14/11/2017

Representation from : Sheena Campbell, , DATED 14/11/2017

Representation from : Thomas McPhee , , DATED 13/11/2017

Representation from : Connie Hendry McPhee, , DATED 13/11/2017

Representation from : Tracey Campbell-Hynd, , DATED 13/11/2017

Representation from : A Clark, , DATED 14/11/2017

Representation from : E Clark, , DATED 14/11/2017

Contact for Further Information

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

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose House, Hamilton ML3 6LB

Ext 5103 (Tel: 01698 455103)

E-mail: mary.mcgonigle@southlanarkshire.gov.uk

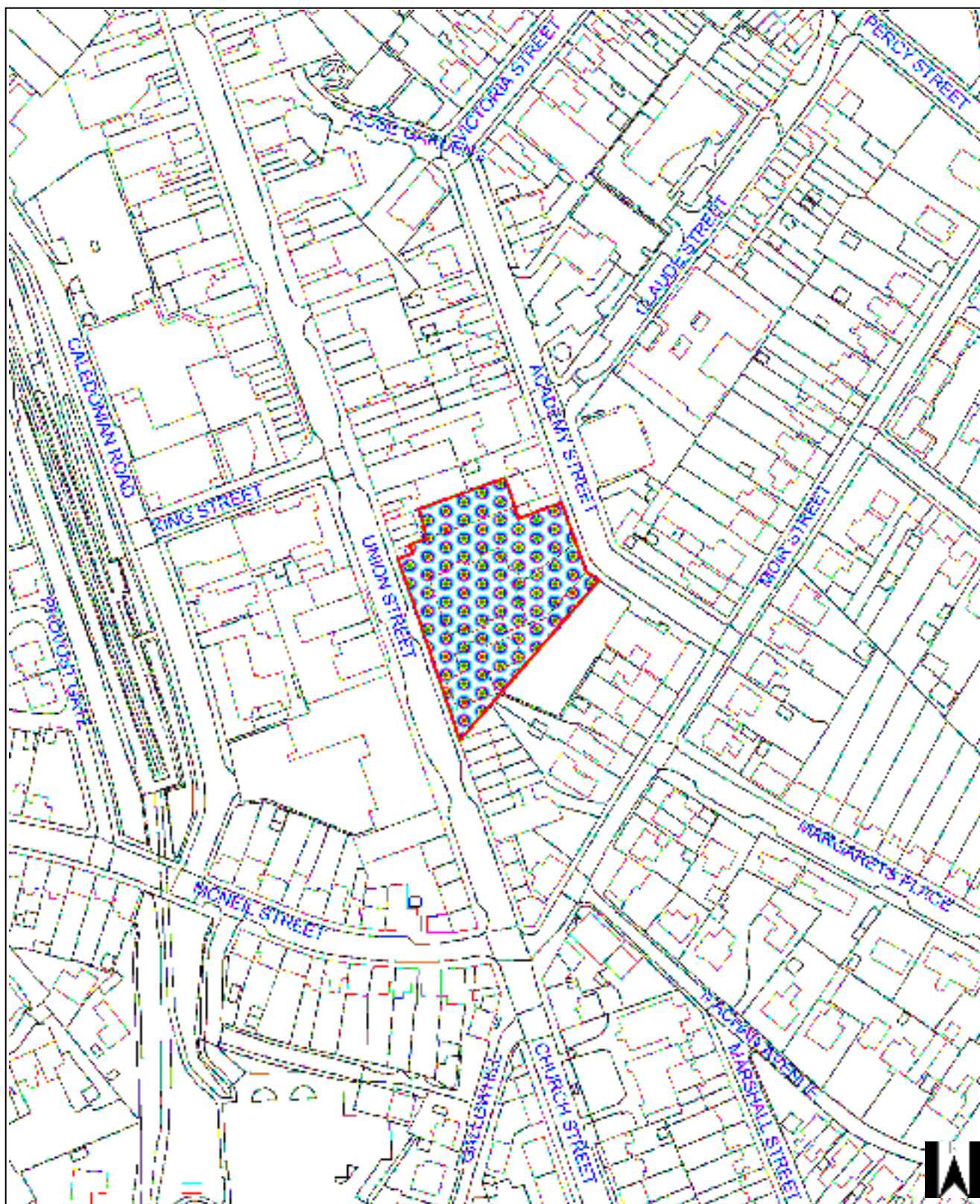
CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.

For information only



For information only

Report

6

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

Application No	CL/17/0383
Planning Proposal:	Erection of Primary School Building Incorporating Nursery, Formation of MUGA Sports Pitch, Formation of Vehicular Access and Car Parking, Landscaping and Boundary Fencing

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : South Lanarkshire Council
- Location : Land at Elsrickle
Biggar

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission Subject to Conditions (based on conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: South Lanarkshire Council
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Place Making
Policy 15 - Natural and Historic Environment

Development Management, Place Making and Design supplementary guidance

Green Belt and Rural Area supplementary guidance

Natural and Historic Environment

supplementary guidance

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	1	Comments Letters

◆ Consultation(s):

Black Mount Community Council

Roads & Transportation Services (Flood Risk Management Section)

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

Environmental Services [e-consult]

Roads Development Management Team

West of Scotland Archaeology Service

Planning Application Report

1 Application Site

- 1.1 The application site, (extending to approximately 0.77 hectares) comprises part of an existing agricultural field, located to the north of the A721 at the western edge of Elsrickle village. The open site sits slightly elevated above the adjoining road, on gently sloping ground devoid of any trees or natural vegetation. An agricultural field gate currently provides access to the farmland at the south western edge of the site. Existing stob and wire fencing encloses the majority of the site and topographically, the land generally slopes downwards from north to south.
- 1.2 The site is bounded to the north by further open farmland, by a recently constructed agricultural shed and associated land to the west and by existing residential properties of various ages to the south and east. A vacant area of ground identified as a future housing site adjoins the site to the north east. Planning consent was granted for the first phase of this site to be developed (11 houses) in 2014, under planning consent CL/14/0460.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of a school building to replace the existing historic Walston Primary School, a traditionally built property located within the rural area approximately 1 Km to the north west of the current application site. Walston Primary was identified as needing a major revamp to meet the new Primary Schools' Design and Building Performance standards. To meet these compulsory standards the existing school would have required a complete rebuild, however the existing school site was deemed undersize to accommodate the new facilities and increased floorspace envisaged. The existing Walston School building will however be retained during the construction phase of the new premises. The new school building will be built on the central part of the proposed site, with a MUGA pitch constructed on land immediately adjoining the new building to the north east.
- 2.2 The proposed replacement school building will be a 1000 sq metre footprint (821 sq metre gross internal floor area), single storey, rectangular, timber frame building incorporating 2 classrooms, a nursery room and a gym hall. The new building will also contain the administrative block, a plant room, a central activity area/library and kitchen/dining facilities. External finishes are proposed to be rendered blockwork, render carrier boards and a standing seam roof. The principal entrance to the school is proposed to be taken at the eastern end of the building, adjacent to the proposed vehicular access and parking area.
- 2.3 The car parking for the school site is proposed to be served by a new vehicular access taken from the south westernmost point of the site, directly onto the A721. The submitted plans indicate that a formalised drop off point and 16 no. car parking spaces (including a DDA space) are proposed within the site. Pedestrian access to the site is proposed to be taken direct from the A721, with a new footway created along the full frontage of the site. Further, the provision of a footpath link to the proposed housing site to the north east of the site has been considered by the applicant, with an area of land made available for any future link to be easily provided. Landscaping will consist of a mixture of soft and hard landscaping and a MUGA pitch facility will be laid out alongside the proposed school building to the north east. A range of 1.8 metre high weldmesh panel, 1.5 metre high vertical timber and 1.2 metre timber post and rail security fencing will be installed around the perimeter of the school playground area.

- 2.4 In addition to the submitted plans the applicant has submitted a supporting Planning and Design Statement, an Ecology Report and a Drainage and SUDS Strategy report. In order to accord with the objectives of energy efficiency and renewable energy, solar pv panels are proposed to be positioned on the south facing roof structure and the supporting Design Statement also states that the proposals will incorporate ground source heat pumps.

3 Background

3.1 Local Plan Status

- 3.1.1 For the purposes of determining planning applications the Council must assess the proposed development against the policies contained within the adopted South Lanarkshire Local Development Plan (SLLDP) and its associated Supplementary Guidance (SG).

- 3.1.2 In the South Lanarkshire Local Development Plan (Adopted) the application site lies outwith the settlement of Elsrickle, within the rural area where Policy 3: Green Belt and Rural Area applies. Other relevant policies are 2: Climate Change, 4: Development Management and Place Making and 15: Natural and Historic Environment. Supplementary Guidance produced by the Council are also a material consideration when determining planning applications. The appropriate SG's in assessing this application are Development Management Place Making & Design, Green Belt and Rural Area, and Sustainable Development and Climate Change.

3.2 Relevant Government Advice/Policy

- 3.2.1 None.

3.3 Planning History

- 3.3.1 There are no records of any recent planning applications covering the site.

4 Consultation(s)

Roads and Transportation Services – no objections, subject to the provision of adequate access and car parking provision. In addition, a Traffic Regulation Order will require to be promoted for the introduction of a temporary 20mph speed limit, associated road markings and speed activated signs linked with the operation of the school and the transportation of children.

Response: Noted. Relevant conditions would be added to any consent issued to cover the roads issues raised. The submitted plans indicate that the car parking provision meets Roads guidelines.

- 4.2 **Environmental Services** – no objections, subject to the attachment of a planning condition to restrict the noise levels emitted from the schools heating, ventilation and air handling units and the attachment of an informative to cover construction noise.

Response: Noted. Relevant conditions and informatives would be added to any consent issued to cover potential noise issues on the site.

- 4.3 **Roads and Transportation Services H.Q. (Flooding)** – no objections, subject to the provision of an adequate SUDS scheme and the carrying out of a flood risk assessment.

Response: Noted. The applicant has submitted a Drainage and SUDS Strategy Report and detailed plans of the proposed SUDS scheme for the site, explaining how the issues of drainage and flood risk will be addressed.

- 4.4 **WOSAS** – no objections, subject to the developer securing the implementation of a programme of archaeological works in accordance with a written scheme of investigation, agreed by WOSAS and the planning authority.
Response: Noted. Relevant conditions would be added to any consent issued to cover the archaeological issues raised. The applicant has been made aware of the comments from WOSAS.
- 4.5 **SEPA** – initially objected to the application on the grounds of lack of information on aspects of the foul drainage proposals, principally to determine if a discharge of sewage effluent to the receiving stream is potentially consentable. A number of subsequent discussions have taken place between the applicants and SEPA regarding the type of foul drainage system that would be best utilised to serve the development. These discussions have resulted in the applicant proposing to utilise a biodisc treatment package foul drainage scheme, with the resultant effluent being discharged to a total soakaway arrangement, all designed to be in accordance with SEPA's standards. As a result of the submission of the amended foul drainage arrangements SEPA have now confirmed that they are able to remove their objection to the application, as in principle the applicant has demonstrated that the amended drainage system is consentable. With regard to flooding SEPA have no objection to the proposals as no flood risk is immediately apparent from the information submitted with the application.
Response: Noted.
- 4.6 **Blackmount Community Council** – have raised a number of concerns relating to the size of the new building proposed and the resultant need to retain the existing village halls for community use; the lack of future proofing for the premises; clarification of the anticipation of further development on the site; the visual impact of the proposed building, particularly in respect of external finishes; and concerns over drainage and existing utilities, with issues relative to flooding and water supply previously experienced by residents.
Response: With regard to the size of the building relative to community use, the premises have been designed to increase the available space for community use to serve the local community. Associated comments over the need to retain and fund the existing local halls are noted; however are not material to the assessment of the current application. With regard to the future proofing of the premises the Council's School Modernisation Team have confirmed that the proposed space provided across the two classrooms exceeds the regulatory requirements for the number of pupils presently enrolled at Walston Primary. Further, the analysis of historic pupil roll information, trends and pupil projections for the local area, generated by future known housebuilding proposals, indicates that the pupil roll is not predicted to exceed the working capacity. In terms of the anticipation of further development within the site, the original landowner is seeking to ensure that he continues to have vehicular access to his land once the school premises are constructed. There are no plans at this time to seek any further development within the current application site itself and any future proposals would require to be assessed on their own individual merits.
- The comments over the external finishes are noted, however a planning condition would be attached to any consent, requiring written approval for all external materials and colours. Finally, the comments over the potential flooding and water supply pressure issues are noted, however SEPA have confirmed that they are satisfied with the information submitted by the applicant with regard to flood risk. The issues relating to the quality of the water supply are issues for the relevant infrastructure provider, Scottish Water to address, to ensure that the new development and existing customers within the village remain unaffected by approval of the new building.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement the application in the local press due to the non-notification of neighbours and due to the nature or scale of development, one letter of representation has been received. The issues raised are summarised below:

(a) Visual impact. The submitted plans suggest a utilitarian design is proposed. This design solution, viewed with the recently constructed industrial looking building and associated containers to the west of the site will characterize the north of the village as an urban industrial estate, not in keeping with its rural location. The applicant should be encouraged to select materials which are more sympathetic to the immediate environment.

Response: The comments in regard to the design of the proposed school are noted, however they are subjective. The building adjoining the site to the immediate west is an agricultural type storage shed, finished in external materials typical of many agricultural structures located within the rural area. The proposed school building has been designed to minimise its visual impact on the immediate streetscape and the wider surrounding rural area by utilising a simplistic shape and form with a shallow roof pitch, finished externally with both traditional and modern materials. The use of traditional render with numerous areas of glazing and fenestration detailing will help to break up the scale of the 56 metre long frontage of the building onto the A721 whilst the 7 metre height will ensure satisfactory siting in terms of visual impact. Further, the full range of external materials will require to be submitted for written approval prior to works commencing on site, providing an opportunity to ensure an acceptable palette of external materials is utilised for this rural site. In addition, the boundary treatments and the landscaping details proposed will ensure further satisfactory integration of the new building within the local streetscape and surrounding area. In many ways the internal layout of the new school has informed the external design and appearance of the proposed building, however it is considered that the applicant has satisfactorily taken into account the local vernacular character and appearance of the surrounding area in its design.

(b) Infrastructure. The existing water supply is considered to be operating at its limits and is subject to frequent repair work. Further, the submitted drainage assessment report is for a site in East Kilbride, undermining confidence in the planning process.

Response: The comments in respect of the water supply are noted, however do not warrant refusal of the application. The issues of poor water supply pressure in Elsrickle have been raised previously with Scottish Water, however the view of this service is that the relevant infrastructure provider has a duty to ensure that adequate infrastructure is provided for both existing customers and for new developments. With regard to the submission of a drainage assessment report for a site in East Kilbride this error in submission by the applicant has been rectified by the removal of the report from the application file. The correct drainage assessment report has now been submitted for the site and this oversight by the applicant should not undermine confidence in the planning process.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusion

- 6.1 Detailed planning permission is sought for a primary school building to replace the existing rural Walston Primary School at a site located adjacent to the A721 at Elsrickle. The proposal also involves construction of a MUGA pitch, car parking with

drop off area, hard and soft play areas, landscaping and a new vehicular access off the A721. The main considerations in determining this application are its compliance with local plan policy, its impact on the visual and residential amenity of the surrounding area, and the impact on road safety.

- 6.2 The application site lies within the rural area on the western edge of the settlement of Elsrickle, where Policy 3 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan applies. The aim of the Local Development Plan is to limit development in the rural area to that which is required to locate in the countryside in order to protect the dispersed settlement pattern and character of the area. However, consideration will be given to development where it is shown that there is a specific locational requirement and established need for a proposal. Further, in the Rural Area limited expansion of an existing settlement may be appropriate where the proposal is proportionate to the scale and built form of the settlement, it is supportive of the sustainability of the settlement and a defensible settlement boundary is maintained.
- 6.3 The current Walston Primary School building is located in an isolated part of the rural area, approximately 1 Km to the north west of the village of Elsrickle. This means that many of the local children have to be driven to and from the school, including those that are resident in Elsrickle, the largest local settlement. In addition, it should be noted that the Walston Primary has been identified as needing a major revamp to meet the new Primary Schools' Design and Building Performance standards. To meet the new standards the existing school would have to be subject to a complete rebuild, however the existing school site was deemed undersize to accommodate the new facilities and increased floorspace envisaged. In view of this, it has been concluded that a new site for a school within the village of Elsrickle would provide an opportunity to develop a bespoke building which would offer the full range of facilities sought in a modern primary school. The village of Elsrickle has historically developed in a linear form, along the course of the A721. The site proposed for the school adjoins the western edge of the settlement and is considered to represent a proportionate rounding off of the village that will have no notable adverse impact on either the existing settlement or on the designated Special Landscape Area. As a result it is considered that the proposal complies with Policy 3.
- 6.4 Policy 4: Development Management and Place Making of the adopted local development plan aims to give full consideration to the effect development has on its surroundings and to minimise and avoid adverse impacts upon amenity and road safety whilst promoting high quality, sustainable designs. With regards to design, the existing school cannot be retained due to the building being physically constrained and unfit for modern education purposes. This proposal will result in a purpose built school of modern design, suitable for current educational needs and represents notable improvements in terms of the schools energy efficiency. The modern design of the proposed school is also considered to successfully express current architectural fashion and given the nature of architectural styles and uses surrounding the school site, the new building will not affect the character of the local area. The proposed layout of the new school premises and adjoining MUGA pitch is considered to be acceptable, and will have no notable impact on either residential or visual amenity.
- 6.5 Policy 15: Natural and Historic Environment and associated Supplementary Guidance identifies a hierarchy of natural and historic designations where different degrees of protection will be required. An extended Phase 1 Habitat Survey has been submitted with the application, confirming that no potential ecological issues were identified and therefore the proposals will have limited local ecological impact. Within Special Landscape Areas, applicants are encouraged to design and site developments in a manner that ensures the landscape is not damaged, and to use the area's characteristics to inform the design concept. Policy NHE16 - Landscape advises that

development proposals should maintain and enhance landscape character, the pattern, scale and design of development within the landscape, the setting of settlements and buildings within the landscape, the historical qualities of the area and its sensitivity to change and skyline and hill features, including key views. The single storey school proposed has been designed in the form of a long rectangular block, reflecting the basic shape and form of agricultural type buildings typically found in the rural area. External materials are proposed to be a mixture of both modern and traditional materials, samples of which would be submitted for written approval prior to works commencing on site, ensuring satisfactory integration of the new building within the existing streetscape. The design concept is, therefore, deemed to be consistent with Policy 15 and its supplementary guidance.

- 6.6 Policy 2: Climate Change and the associated Supplementary Guidance seeks to, where possible, minimise and mitigate against the effects of climate change and sets out a range of criteria which new development should consider to achieve this. The proposed development is consistent with the criteria relevant to this type of development at this location in particular as it involves the development of an edge of settlement site; being sustainably located in terms of access to public transport; provides opportunities for active travel routes; and avoids areas of medium to high flood risk. The proposed development is therefore considered to be consistent with Policy 2 and with the guidance set out in the supplementary guidance.
- 6.7 In conclusion, the proposal complies with the adopted South Lanarkshire Local Development Plan and represents a further phase of the Council's Schools Modernisation Programme. It would result in improved educational and community facilities for the local area whilst residential amenity and road safety will not be adversely affected and the scale and design of the facility is considered to be of a high quality. The proposals are considered to be an acceptable form of development for the site and it is therefore recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies 2, 3, 4 and 15 of the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance. There would not be an adverse impact on amenity or road safety.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

29 January 2018

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management Place Making and Design supplementary guidance

- ▶ Green Belt and Rural Area supplementary guidance
- ▶ Natural and Historic Environment supplementary guidance
- ▶ Neighbour notification letter dated 05.09.2017

▶ Consultations

Roads Development Management Team	06/10/2017
Black Mount Community Council	11/10/2017
Roads & Transportation Services (Flood Risk Management Section)	15/09/2017
West of Scotland Archaeology Service	19/09/2017
S.E.P.A.	13/10/2017
S.E.P.A.	28/11/2017
S.E.P.A.	11/12/2017
Environmental Services	07/11/2017

▶ Representations

Representation from : John & Ellen McCann
Ministers Walk
Elsrickle
Biggar,
DATED 25/09/2017

Contact for Further Information

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

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Ext 5267, (Tel: 01698 455267)

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

CONDITIONS

- 1 That no consent is hereby granted for the type and distribution of external finishes as shown on the approved plan, and no work shall commence on site until samples of alternative materials have been submitted to and approved in writing by the Council as Planning Authority.
- 2 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 3 That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 4 That before the development hereby approved is completed or brought into use, a 2 metre wide footway shall be constructed along the frontage of the site onto the A 721, to the specification of the Council as Roads and Planning Authority.
- 5 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 6 That before the development hereby approved is completed or brought into use, all of the parking and the bus drop-off spaces detailed on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 7 The surface of the vehicular accesses shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.
- 8 That prior to any works commencing on site, details of a traffic management scheme during the construction and demolition phase indicating the circulation of vehicles and pedestrians during construction; the location of the site compound; and the location of parking areas for construction site workers and contractors, shall be submitted to and approved by the Council as Roads and Planning Authority and shall thereafter be implemented to the Council's satisfaction.
- 9 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 10 That before the development hereby approved is completed or brought into use, school road markings shall be provided in association with;
 - a) the installation of new vehicle activated signage on the A721, Carnwath Road; and
 - b) the introduction of part time mandatory 20mph speed limit with flashing signage.

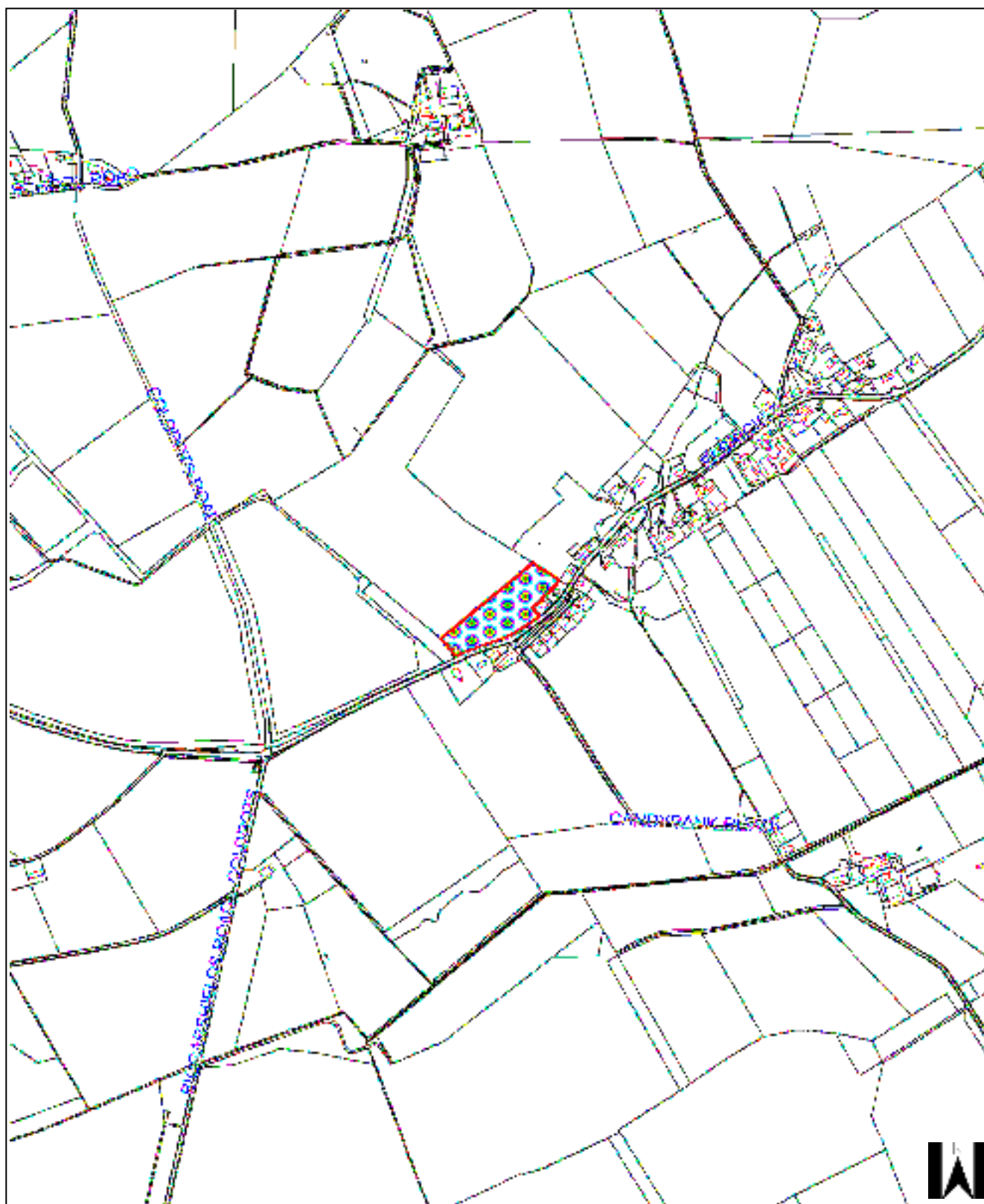
All works shall be in accordance with the guidance and specification of the Council as Roads Authority. The works shall be implemented through the promotion of a Traffic Regulation Order.

- 11 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 12 That the landscaping scheme hereby approved, indicated on drawing 60470271/001 Rev B (Landscape Design - General Arrangement), shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 13 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
- 14 Between the hours of 0800 and 2000 the measured noise rating level emitted from Heating Ventilation and Air Handling Units in connection with the School (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the measured noise rating level emitted from Heating Ventilation and Air Handling Units in connection with the School (LAeq (15mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.
- 15 That the school hereby approved shall not be occupied until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the treatment of foul drainage at the site can be satisfactorily achieved. Unless otherwise agreed this shall consist of the provision of biological sewage treatment unit and discharge to a total soakaway.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 In the interests of amenity and in order to retain effective planning control.
- 3.1 In the interest of public safety
- 4.1 In the interest of public safety
- 5.1 In the interest of road safety
- 6.1 To ensure the provision of adequate parking and drop-off facilities within the site.
- 7.1 In the interest of public safety
- 8.1 In the interests of road safety.
- 9.1 In order to retain effective planning control
- 10.1 In the interest of road safety
- 11.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 12.1 In the interests of amenity.
- 13.1 In order to safeguard any archaeological items of interest or finds.
- 14.1 In the interests of amenity.
- 15.1 To ensure the provision of a satisfactory sewerage system.

For information only



For information only

Report

7

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

Application No	HM/17/0484
Planning Proposal:	Erection of 48 Dwellinghouses

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : AS Homes Scotland Limited
- Location : Carlisle Road
Strutherhill
Larkhall

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission - Subject to Conditions (based on the conditions attached)

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Roy Mitchell Design Limited
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development Management and Place Making
Policy 12 - Housing Land
Policy 14 - Green Network and Greenspace
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Development Management, Place Making and Design Supplementary Guidance (2015)

Residential Design Guide (2011)

- ◆ Representation(s):

▶	1	Objection Letter
▶	0	Support Letters
▶	0	Comments Letter

◆ Consultation(s):

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

The Coal Authority - Planning and Local Authority Liaison Department

Larkhall Community Council

Education Resources

Environmental Services

Roads Development Management Team

Housing Services

Countryside & Greenspace

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located at the edge of the Strutherhill Industrial Estate off Carlisle Road to the south of Larkhall town centre. The site is currently vacant comprising large areas of hardstanding, grass and scrub and forms part of the land that was previously occupied by the former DAKS Simpson warehouse. The site is fairly irregular in shape and extends to approximately 1.8 hectares. The site is bounded to the north and south by residential properties and industrial/business premises, to the east by land associated with the former DAKS Simpson Warehouse and to the west by Carlisle Road and adjacent residential properties. A narrow corridor of land extends beyond the main area of the site to the west and serves as the existing access road into the site from Carlisle Road.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of 48 dwellinghouses. The proposed development would comprise a mix of 40 semi-detached and 8 terraced two and three bedroom dwellings. The proposed houses would be two storeys in height and would be finished with concrete roof tiles, brick walls and UPVC windows and doors. Car parking within the development would be located on driveways to the front of the dwellings and within parking courts. The layout also incorporates two parcels of amenity open space within the western area of the site in addition to a toddler's play facility.
- 2.2 A supporting letter has been submitted from Clyde Valley Housing Association which confirms that the proposed dwellings are for social rent and that they will remain in the ownership of the Housing Association in perpetuity. Additional supporting documents submitted include a Noise Report, an Ecology Assessment and a Mining Desk Study Report.

3 Background

3.1 Local Plan Background

- 3.1.1 In terms of local plan policy, the application site is designated as a proposed housing site in the adopted South Lanarkshire Local Development Plan. The site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 4 - Development Management and Place Making, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance relating to 'Design' is also relevant to the assessment of the application. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.3 Planning Background

- 3.3.1 Planning permission in principle was granted to Patersons of Greenoakhill Ltd by the Planning Committee on 21 November 2017 for residential development within the

whole of the former DAKS Simpson site (HM/17/0167). This was subject to the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards additional nursery, primary and secondary education accommodation as appropriate, provision of appropriate and/or financial contribution to community facilities partly on site and off and the provision of affordable housing by way of a commuted sum. This Section 75 Obligation is currently being progressed.

- 3.3.2 Planning Permission in Principle was granted to Patersons Property Investment Partnership LLP on 6 May 2015 for a proposed residential and commercial development within the whole of the former DAKS Simpson site (HM/13/0269). This permission was granted subject to the conclusion of a Section 75 Obligation to ensure that appropriate financial contributions are made at appropriate times during the development towards additional nursery, primary and secondary education accommodation as appropriate, provision of appropriate and/or financial contribution to community facilities partly on site and off and the provision of affordable housing by way of a commuted sum. The current application site is located within the area proposed for residential development in HM/13/0269.

4 Consultation(s)

- 4.1 **Education Resources** – have no objections to the application subject to the applicant agreeing to a financial contribution towards additional education accommodation requirements at Larkhall Academy and Holy Cross High and their feeder primary schools and nurseries where appropriate.

Response:- The above comments are noted. As the proposal relates to the provision of affordable housing no financial contributions would be requested by the Council in this instance.

- 4.2 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a scheme of mitigation for the Council's approval to ensure that the requirements of BS4142:2014 - Methods for rating and assessing industrial and commercial sound are achieved.

Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.3 **Roads Development Management** – have no objections to the application subject to conditions relating to the provision of appropriate visibility splays, car parking, surfacing and driveways.

Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the application subject to conditions requiring the submission of a drainage assessment for the Council's approval and the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of a self certification document.

Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.

- 4.5 **Scottish Water** – has no objections to the application and has advised that Skellyton Waste Water Treatment Works has capacity to service the proposed development.

Response:- Noted.

- 4.6 **Countryside and Greenspace** – the submitted Ecology Assessment has been carried out by a suitably qualified surveyor. Based on the information contained in the

survey report the site does not appear to have any significant biodiversity sensitivities. There should be some opportunities to enhance the biodiversity of the site through redevelopment and the formulation of appropriate landscape proposals.

Response:- Noted. Any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's further approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity within the site and the surrounding area.

- 4.7 **The Coal Authority** – initially objected to the proposal due to the location of a recorded mine entry in the southern area of the site and they requested the submission of additional information to clarify this matter. Following the submission of the additional information, the Coal Authority have advised that they concur with the submission's conclusions and that further intrusive site investigation works should be undertaken prior to development in order to discount, or otherwise, the presence of the mine entries from being on the application site. A condition should be attached to any consent granted requiring that these site investigation works be undertaken prior to the commencement of development. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this matter should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

Response:- Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

- 4.8 **Larkhall Community Council** – no response to date.

Response:- Noted.

- 4.9 **Housing Services** – have no objections to the application. The application site is identified in the Council's Strategic Housing Investment Plan and is prioritised for Scottish Government grant funding for social rented housing in 2018/2019. Clyde Valley Housing Association are common housing register partners and the new social rented housing provided will be let through the common housing register home finder.

Response:- Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the heading Non-Notification of Neighbours in the Hamilton Advertiser. One letter of representation was received in relation to the application. The grounds of representation are summarised below:

(a) The main entrance to my house is less than 3 metres from the boundary between the properties in this space the pipe for waste water for all 8 houses runs under the path.

Response: Whilst none of the consultees raised any adverse comments in relation to the proposed development any consent granted would be conditioned appropriately to ensure the submission of a drainage assessment for the Council's approval, the provision of a sustainable urban drainage system (SUDS) within the site and to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards.

(b) There are mature trees at the front of the property that could be affected as the land drops several metres on the side to be developed.

Response: Any damage to the trees referred to would be a legal matter which would need to be resolved between the parties concerned.

- 5.2 This letter is available for inspection in the usual manner and on the Councils Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of 48 dwellinghouses. The determining issues in consideration of this application are its compliance with national and local plan policy and the proposal's impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the proposal involves the re-use of a previously developed site which would have a positive impact on the built and natural environment. The proposal also promotes development in a sustainable location which would be easily accessible by public transport and well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy, the application site is designated as a proposed housing site in the adopted South Lanarkshire Local Development Plan. The site is also covered by the Green Network. The relevant policies in terms of the assessment of this application are Policy 4 - Development Management and Place Making, Policy 12 - Housing Land, Policy 14 - Green Network and Greenspace, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance relating to 'Design' is also relevant to the assessment of the application.
- 6.4 As the application site is designated for residential use under the terms of Policy 12 the proposal raises no policy issues and therefore, conforms with this policy.
- 6.5 In terms of the detailed design of the development, Policy 4 requires new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. It is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide particularly in relation to window to window distances, garden depths and car parking. It is considered that the development is of a high quality design incorporating a suitably high standard of finish materials and that it will be in keeping with the existing residential development in the surrounding area. It is also considered that the layout of the development has been designed appropriately to ensure that the proposal will have no significant adverse impact on existing properties adjacent to the site in terms of overshadowing, overlooking or loss of privacy. Overall, it is considered that the proposal represents a sensitive re-use of a previously developed site, which has been lying in a vacant and untidy condition for a number of years, and it is considered that the re-development of this vacant and untidy site will improve the visual and environmental quality of the area.
- 6.6 Policy 14 states that development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:

- i placemaking,
- ii mitigating greenhouse gases,
- iii supporting biodiversity,
- iv enhancing health and quality of life,
- v providing water management including flood storage, and buffer strips,
- vi providing areas for leisure activity, and
- vii promoting active travel.

- 6.7 The submitted Ecology Report has been assessed and considered to be acceptable. Based on the information contained in the survey report the site does not appear to have any significant biodiversity sensitivities. It is considered that the design and layout of the residential development will assist in increasing the sense of place in the immediate area and the re-use of a previously developed site, which has been lying in a vacant and untidy condition for a number of years, will have a positive impact on the built and natural environment. Boundary planting and areas of landscaping are proposed throughout the development and any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's further approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity and leisure within the site and the surrounding area. Given the above, it is considered that the development of the site will have a positive impact on the environment and the quality of life for those living in the surrounding area. I am, therefore satisfied that the proposal meets the aims of Policy 14.
- 6.8 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is easily accessible by public transport and the development would be well integrated into existing walking and cycling networks. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 16.
- 6.9 The proposal has been assessed by the relevant consultees in terms of Policy 17. With regard to flooding and surface water drainage no adverse comments were raised by Roads and Transportation subject to the inclusion of conditions requiring the submission of a drainage assessment for the Council's approval and the provision of a sustainable urban drainage system (SUDS) within the site. Scottish Water have also confirmed that they have no objections to the application and any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of Policy 17.
- 6.10 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. I would, therefore, raise no objection to the application and recommend that planning permission be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 4, 12, 14, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Development Management, Place Making and Design Supplementary Guidance relating to 'Design.'

Michael McGlynn
Executive Director (Community and Enterprise Resources)

29 January 2018

Previous References

HM/17/0167
HM/13/0269

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (Adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2015)
- ▶ Residential Design Guide (2011)
- ▶ Neighbour notification letter dated 11.10.2017
- ▶ Press Advertisement, Hamilton Advertiser 19.10.2017

- ▶ Consultations
 - Scottish Water 20/10/2017
 - The Coal Authority - Planning and Local Authority Liaison Department 07/11/2017
& 25/01/2018
 - Education Resources 07/11/2017
 - Roads & Transportation Services (Flood Risk Management Section) 24/10/2017
 - Roads Development Management Team 22/11/2017
 - Countryside & Greenspace 15/12/2017
 - Housing Services 25/01/2018
 - Environmental Services 18/01/2018
- ▶ Representations
 - Representation from : Mary P Walker, 29 Strutherhill, Larkhall ML91LP, DATED 17/10/2017

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
Ext 3657 (Tel: 01698 453657)
E-mail: jim.blake@southlanarkshire.gov.uk

CONDITIONS

- 1 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 2 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.
- 3 That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 above, shall be erected and thereafter maintained to the satisfaction of the Council.
- 4 That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 5 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 6 Between the hours of 0800 and 2000 the measured noise rating level emitted from the premises (LA90,1 hour) shall not exceed the pre-existing background noise level (LA90,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 2000 and 0800 the noise rating level emitted from the premises (LA90,15 min) shall not exceed the pre-existing background noise level (LA90,30min) by more than 4dB when measured in accordance with BS4142:2014 at the proposed development.
- 7 The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

The scheme shall ensure that-

a) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)

- b) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) the internal levels with windows open (or under exceptional circumstances closed) do not exceed an LA,max of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 55dB daytime in any garden areas, when measured free-field.

- 8 That prior to any development commencing on site, a scheme of mitigation shall be submitted to and approved by the Council as Planning Authority to ensure compliance with the terms of Conditions 6 and 7 above.
- 9 That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 10 That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.
- 11 That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 12 That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.
- 13 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.
- 14 That prior to any work starting on site, a Flood Risk/Drainage Assessment and Independent Check shall be carried out, submitted to, and approved in writing by the Council as Planning Authority. This Assessment shall include confirmation that a suitable FFL is provided and procedures are considered to ensure access/egress can be obtained should flooding occur. The Assessment and Independent Check shall be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's SuDS Design Criteria Guidance Note.
- 15 That before the development hereby approved is completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 16 That prior to any development taking place on site, a scheme of intrusive site

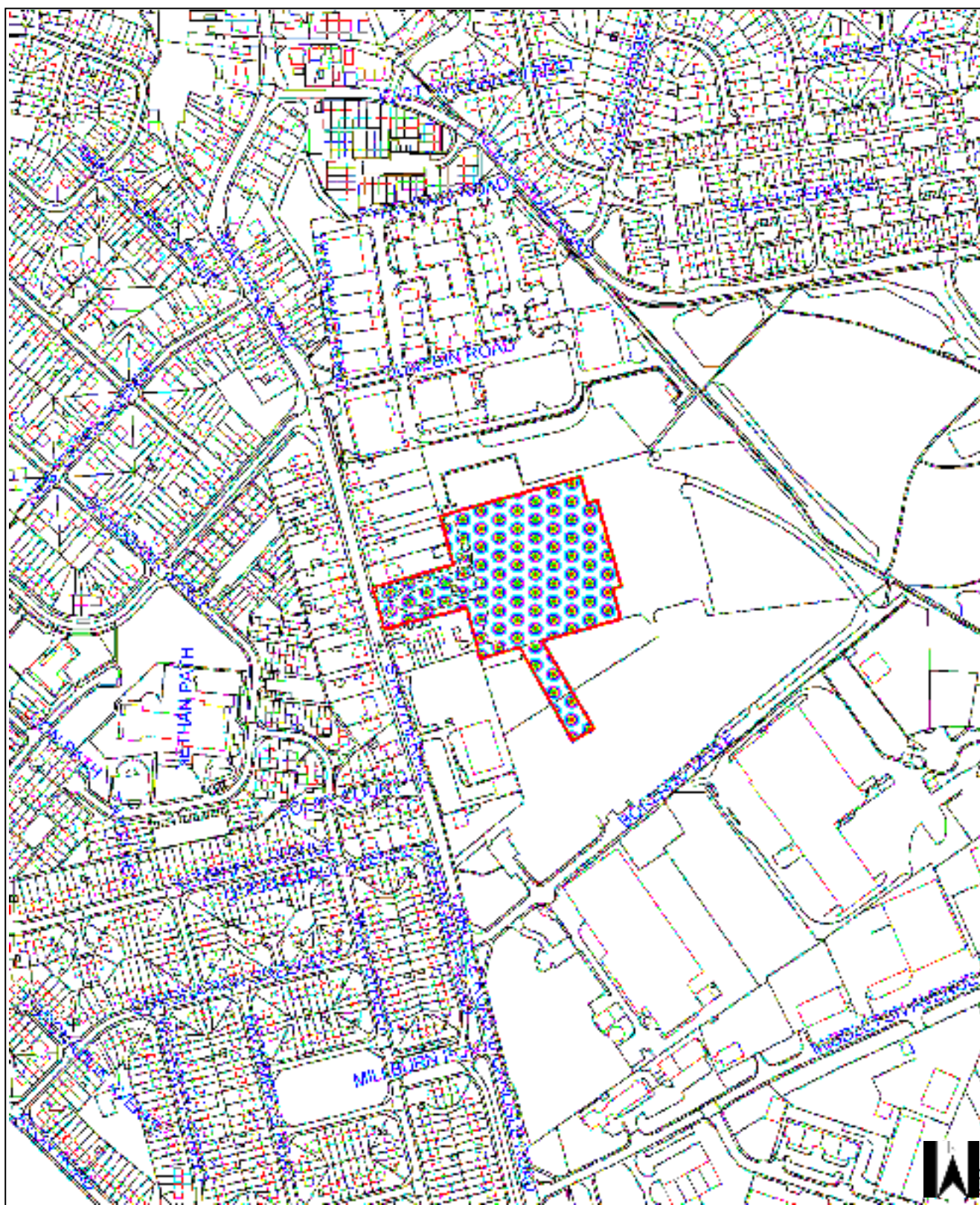
investigation works shall be submitted to and approved by the Council as Planning Authority. The submission shall include a report of findings arising from the intrusive site investigations, including the results of any gas monitoring, and a scheme of remedial works for the Council's approval in consultation with The Coal Authority.

- 17 In the event that the site investigations required under Condition 16 above confirm the need for remedial works the required remedial works shall be undertaken prior to any dwellings being occupied to the Council's satisfaction.

REASONS

- 1.1 In the interests of amenity and in order to retain effective planning control.
- 2.1 These details have not been submitted or approved.
- 3.1 In order to retain effective planning control
- 4.1 In the interests of the visual amenity of the area.
- 5.1 In the interests of amenity.
- 6.1 To minimise noise disturbance to occupants.
- 7.1 To minimise noise disturbance to occupants.
- 8.1 To minimise noise disturbance to occupants.
- 9.1 In the interest of public safety
- 10.1 To ensure satisfactory vehicular and pedestrian access facilities to the dwellings
- 11.1 In the interest of road safety
- 12.1 In order to retain effective planning control
- 13.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 14.1 In order to establish the flood risk to both the proposed development and adjacent properties.
- 15.1 To ensure the provision of adequate parking facilities within the site.
- 16.1 To ensure the safety and stability of the proposed development.
- 17.1 To ensure the safety and stability of the proposed development.

For information only



For information only

Report

8

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

Application No	CL/17/0477
Planning Proposal:	Erection of 13 Wind Turbines (Maximum Height to Tip 149.9m), Access Tracks, Substation and Other Associated Infrastructure, and Increase Export Capacity to 49MW (Section 42 Application to Vary Conditions 1, 27, 37 and 45 of Planning Permission CL/15/0273 to Revise Wind Farm Layout, Increase Turbine Height and Export Capacity, and Deletion of Conditions 17 - 21 of Wood Fuel Drying Facility)

1 Summary Application Information

- Application Type : Further applications
- Applicant : Douglas West Wind Farm Ltd
- Location : Douglas West and Dalquhandy DP Renewable Energy Project
Former Dalquhandy Opencast Coal Site
West of Junction 11 of M74
South Lanarkshire

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:
 - A Legal Agreement securing:
 - A contribution to the Council's Renewable Energy Fund
 - The funding of a Planning Monitoring Officer
 - Control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

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

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

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

3 Other Information

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

Supplementary Guidance 1: Sustainable Development and Climate Change

Supplementary Guidance 2: Green Belt and Rural Area Appendix 2

Supplementary Guidance 3: Development Management, Placemaking and Design DM1 – Design

Supplementary Guidance 9: Natural and Historic Environment NHE2 - Scheduled monuments and their setting NHE3 - Listed buildings NHE4 - Gardens and designed landscapes NHE5 - Historic battlefields NHE 6 Non-scheduled archaeological sites and monuments NHE7 – Conservation Areas NHE9 - National Nature Reserves and Sites of Special Scientific Interest NHE10 - Prime agricultural land NHE11 - Ancient semi-natural woodland NHE15 – Peatlands NHE18 – Walking, cycling and riding routes NHE19 - Protected species

Supplementary Guidance 10: Renewable Energy

RE1 - Spatial Framework for Wind Energy

RE2 - Renewable Energy Developments

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Countryside & Greenspace

RSPB Scotland

Roads & Transportation Services (Flood Risk Management Section)

Ministry of Defence (Windfarms)

Scottish Water

West of Scotland Archaeology Service

National Air Traffic Services Ltd

Defence Estate Organisation

BAA Aerodrome Safeguarding (Glasgow)

British Telecom

S.E.P.A.

The Coal Authority

Transport Scotland

Historic Environment Scotland

National Grid UK Transmission

Arquiva

Joint Radio Company

Scottish Wildlife Trust

Coalburn Community Council

Environmental Services

Douglas Community Council

Scottish Natural Heritage

Roads Development Management Team

Forestry Commission Scotland

Transco

SP Energy Network

1 Application Site

- 1.1 The application site is located approximately 1km south of Coalburn, 1.2km north-west of Douglas, 5km south of Lesmahagow and 11km south-west of Lanark. The site occupies an area of 245 hectares (ha). The application site is located within two Landscape Character Types - Rolling Moorland and Plateau Farmland Opencast Mining. Part of the application site is located on the former Dalquhandy opencast coal site and the topography is a result of the land restoration of that ground. The other part of the site lies on an area of sloping rough grassland. The application site ranges from 200 metres (m) above Ordnance Datum (AOD) at the site access near Junction 11 of M74 to 240m AOD in the eastern part of the site and up to 280m AOD near the proposed north western turbines.
- 1.2 The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015) and is also located on land defined as a Development High Risk Area by the Coal Authority.

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance the applicant wishes to vary conditions 1, 27, 37 and 45 and delete conditions 17 to 21 of planning permission Ref: CL/15/0273 (hereon referred to as the Original Permission). Planning permission Ref: CL/15/0273 granted planning approval for 'erection of 15 wind turbines (maximum height to tip 126.5m), access tracks, substation and other associated infrastructure and wood fuel drying facility'. This application was granted in February 2016 and was subject to 51 conditions and a legal agreement covering:
- A contribution to the Council's Renewable Energy Fund
 - The funding of a Planning Monitoring Officer
 - Control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

The permitted turbines had a maximum blade tip height of 131 (maximum hub height of 85m and a maximum blade length of up to 55m) and a typical generating capacity of up to 3.0MW). The installed capacity of the approved wind farm development would be up to a maximum of 45MW.

- 2.3 Condition 1 of planning permission CL/15/0273 states:

'That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated July 2015 and Supplementary Environmental Information September 2015, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.'

- 2.4 Condition 27 of planning permission CL/15/0273 states:

‘Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Coordinates in the Environmental Statement July 2015. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary.
- breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.’

2.5 Condition 37 of planning permission CL/15/0273 states:

‘No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated May 2015 for the entire application site and the Draft Species Protection Plan (SPP) dated May 2015 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:

- i. monitoring at the site to collate any bird collisions
- ii. confirm the significance of the losses
- iii. identify any potential mitigation to minimise the potential for bird strike
- iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
- v. Agreed management units
- vi. Delineate management measures on a spatial plan
- vii. Timing and programme of delivery and monitoring

The SPP shall include:

- i. Otter Management Plan
- ii. Badger Management Plan
- iii. Pre-construction surveys

Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.’

2.6 Condition 45 of planning permission CL/15/0273 states:

‘Operational Noise from Wind Farm ETSU-R-97

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

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

Notwithstanding the following condition the base limits and noise projections are based on Appendix 9.7 of the Douglas West & Dalquhandy DP Renewable Energy Project (30 July 2015).'

2.7 The request to delete conditions 17 to 21 relate to a part of the Original Permission (the wood fuel drying facility) that has now been developed under a separate planning permission (CL/16/0157). The request to delete these conditions are therefore summarised separately below in paragraph 2.18 to 2.19.

2.8 The applicant has requested that condition 1 be amended to read:

'That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated October 2017, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.'

2.9 The applicant has requested that condition 27 be amended to read:

'Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Coordinates in the Environmental Statement October 2017. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary.
- breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.'

2.10 The applicant has requested that condition 37 be amended to read:

'No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated August 2017 for the entire application site and the Draft Species Protection Plan (SPP) dated August 2017 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:

- i. monitoring at the site to collate any bird collisions
- ii. confirm the significance of the losses
- iii. identify any potential mitigation to minimise the potential for bird strike
- iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
- v. Agreed management units
- vi. Delineate management measures on a spatial plan
- vii. Timing and programme of delivery and monitoring

The SPP shall include:

- i. Otter Management Plan
- ii. Badger Management Plan

iii. Pre-construction surveys

Thereafter, all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.'

2.11 The applicant has requested that condition 45 be amended to read:

'Operational Noise from Wind Farm ETSU-R-97

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

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

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

Notwithstanding the following condition the base limits and noise projections are based on Appendix 9.7 of the Douglas West Wind Farm Revised Scheme Environmental Statement (October 2017).'

2.12 Taking account of the above the applicant, in summary, is requesting to amend these conditions in order to revise the wind turbine portion of the planning approval. The proposed conditions, if approved, would amend the Original Permission from 15 wind turbines each with a maximum height to tip of 131m to a development comprising 13 wind turbines each with a maximum height to tip of 149.9m, with a different layout. An increase in height of 18.9 metres with a change in blade length going from 55m to 64m (an increase of 9m).

2.13 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and therefore a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

2.14 Therefore, as outlined in paragraph 2.12, whilst this application is to amend conditions on a previous planning permission it is in essence for the following proposals. A revised planning permission for the erection of 13 wind turbines, each with a

maximum blade tip height of 149.9m (maximum hub height of 85m and a maximum blade length of up to 64m and typical generating capacity of up to 3.8MW). The proposed power output by all 13 turbines is up to a maximum of no more than 49.9MW. The proposed wind farm development will comprise the following components:

- 13 wind turbines and their foundations
- Crane hardstanding areas adjacent to each turbine
- On site access tracks between wind turbines and the existing spine road
- Watercourse crossings and drainage
- Sub-station and control room building with staff welfare facilities
- A new permanent meteorological monitoring mast (with a maximum height of up to 80m) and the retention of the existing 50m high, meteorological monitoring mast
- A temporary construction compound, including concrete batching plant, to be removed following completion of construction of the proposed development.

- 2.15 The installed capacity of the proposed wind farm development would be up to a maximum of 49.9MW (4MW more than the Original Application). It is anticipated that the development would take approximately 12 months to construct and the wind farm would operate for a further 25 years at which point decommissioning would take place, unless further consent was granted. The proposed wind farm site would be reinstated in accordance with the approved restoration plan.
- 2.16 The proposed development is expected to be connected to the grid via the transmission network through the Coalburn Substation to the north east of the application site. The final routing and design of the grid connection will be subject to a separate application under Section 37 of the Electricity Act 1989.
- 2.17 During the 12 month construction period, personnel would travel to and from the development site by private car, light vehicle or minibus accessed from the M74 at Junction 11 or via B7078. The construction delivery route proposed in the Traffic and Transportation section of the ES is from the M74 Junction 11 or from the B7078. The proposed abnormal load route is from King George V Dock in Glasgow to Junction 11 of the M74 where the site entrance is located at the Poniel roundabout.
- 2.18 As noted in paragraph 2.7 the Original Permission also included a Wood Fuel Drying Facility (WFDF) housed in a large agricultural building located on the remaining foundations of the former Dalquhandy Open Cast Disposal Point (DP). It contains wood drying equipment, storage space and associated office and welfare facilities. The WFDF is to dry virgin wood chip imported from local sawmills to create a dried wood chip product that will be used as a fuel source for biomass boiler systems.
- 2.19 Due to differing project timescales, a planning application (Ref: CL/16/0157) was submitted for the WFDF in its own right and unassociated with the wind turbine portion of the Original Application. This application was approved and the WFDF has now been built and is operational. The Original Permission, for the windfarm had conditions that related specifically to the WFDF (conditions 17 to 21) and these conditions were replicated and incorporated within the stand alone planning permission for the WFDF (Ref: CL/16/0157). Given this replication, the request to delete these conditions from any new planning permission, if approved, is therefore considered appropriate and no further assessment is required for this aspect of this Section 42 application.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 Scottish Government's Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014. It supports the policy in SPP 2010 by providing information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information, and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines. This advice is currently being updated in line with SPP 2014.
- 3.1.4 All national policy and advice is considered in detail in section 6 of this report.

3.2 Development Plan Status

- 3.2.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that part of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan (6 turbines are located within the area with potential for Wind Farm Development and 7 turbines are located outwith). The proposed development by its nature contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below.

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

- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

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

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

3.3 Planning Background

3.3.1 Planning permission was granted for the erection of 15 wind turbines (maximum height to tip 113m), access tracks, substation and other associated infrastructure and wood fuel drying facility (the Original Application). The application was granted subject to 51 conditions and a legal agreement covering the following:

- A contribution to the Council's Renewable Energy Fund
- The funding of a Planning Monitoring Officer
- Control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

3.3.2 As noted above, following this approval, the WFDF received planning permission within its own right (CL/16/0157). The planning permission was granted subject to 18 conditions, 5 of which were replications of conditions 17 to 21 of the Original Permission. The legal agreement attached to the Original Permission related solely to matters relating to the wind turbine element of the permission and therefore the WFDF permission did not require a legal agreement. The WFDF is built and operational.

3.3.2 Due to its scale and nature, the Original Application fell within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant carried out the statutory Pre-Application Consultation (PAC) with the local community.

3.3.3 Whilst this Section 42 application is also categorised as a 'Major' development, given its scale and nature, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 state that applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 do not require to be preceded by the submission of a Proposal of Application Notice (PAN). Therefore in this case, the application did not require the submission of a PAN. It should be noted, however, that whilst not statutorily required, the applicant did carry out public consultation. The applicant held 2 public consultation events, one in Douglas (26 June

2017) and one in Coalburn (27 June 2017). Publicity for these events was advertised within the Lanark Gazette and posters were displayed in public places and shops in both Douglas and Coalburn. Invitations to the meetings were also sent to local Councillors, Douglas and Coalburn Community Councils and the constituency MP and MSP.

- 3.3.4 Again, due to its scale and nature this Section 42 application also constitutes an EIA development as set out within The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As part of this planning submission, the application is supported by an Environmental Statement. The Original Application was also constituted an EIA development and was supported by an Environmental Statement.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Flood Prevention)** - no objection subject to conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site. The new culverts/crossings require to be designed appropriately for a 1:200 year flood event and a regular inspection and maintenance plan requires to be put in place to monitor all the culverts and crossings.

Response: Noted. The requirements of Roads and Transportation Services – Flood Prevention can be incorporated into planning conditions if planning permission is granted.

- 4.2 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to replication of the Roads conditions (relating to Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment) that were attached to the Original Permission and an agreement to secure control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

Response: If planning consent is granted the previous requirements of Roads and Transportation Services can be incorporated into planning conditions and a new legal agreement entered into with the same Heads of Terms. The recommendation requires a new legal agreement (with the same terms as the Original Permission) and replicates the previous Roads conditions.

- 4.3 **Environmental Services** – no objection subject to conditions. Environmental Services recommended conditions in relation to noise, deliveries of materials, operational noise levels (including cumulative noise), construction noise levels, validation testing of noise levels, dust mitigation and complaint investigation.

Response: Noted. If planning consent is granted appropriate conditions can be imposed to control operations and construction to ensure the works are conducted in a way that minimises noise, pollution and dust to meet the requirements of Environmental Services.

- 4.4 **Countryside and Greenspace (C&G)** – no objection subject to conditions. C&G note the requirement for a Habitat Management Plan (HMP) and recommend liaison with neighbouring wind farm managers to ensure the HMP aims for the proposed site are compatible with the adjacent HMPs. The HMP should be overseen by a Habitat Management Group (HMG) including the Council and RSPB. C&G also request that an access strategy is prepared to link the site into the wider core path network.

Response: Noted. If planning consent is granted appropriate planning conditions shall be attached. The cumulative landscape and visual impact is assessed in section 6.4.41 to 6.4.49 below.

- 4.5 **Transport Scotland** - no objection subject to conditions. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.
Response: Noted. If planning consent is granted appropriate conditions shall be attached.
- 4.6 **BAA Aerodrome Safeguarding (Glasgow)** - no objection, the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.
Response: Noted.
- 4.7 **Defence Estate Organisation (MOD)** – no objection. As part of the Original Permission the MOD required conditions to be attached to the planning permission regarding information to be provided to the MOD; and in the interests of air safety the MOD requests that the turbines are fitted with aviation lighting. The MOD have no objections to the proposals subject to the replication of these conditions.
Response: If approved, the MOD conditions would be replicated on the new permission, if approved.
- 4.8 **National Air Traffic Services Ltd (NERL Safeguarding)** – no objections subject to the use of conditions 30 and 31 from the Original Permission.
Response: Noted. These conditions would be replicated on the new permission, if approved.
- 4.9 **Scottish Environmental Protection Agency (SEPA)** – no objections subject to conditions requiring a Construction Environmental Management Plan and surface water management plan to be submitted prior to development commencing.
Response: Noted. Any permission granted can be subject to appropriate conditions.
- 4.10 **Scottish Natural Heritage (SNH)** – no objection. SNH provide comments on protected species, special landscape designations, habitat management and landscape and visual effects. Subject to mitigation and enhancement measures set out in the ES which include the preparation of a protected species plan and a habitat management plan SNH conclude there will be no adverse impacts on ecological and natural heritage interests. SNH also advise that the birds recorded on the proposed development site are not directly connected to the Muirkirk and North Lowther Special Protection Area (SPA) or other designated areas. SNH advise there is no significant impact on any specially protected bird species. SNH consider that the proposals could have significant adverse impacts in landscape and visual terms.
Response: Noted. Any consent granted can be subject to appropriate conditions. The comments provided in relation to landscape and visual and cumulative impacts are assessed in section 6.4.41 to 6.4.49 below.
- 4.11 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to the replication of the Original Permission's archaeological condition.
Response: If approved, the archaeological condition would be replicated on the new permission.
- 4.12 **Historic Environment Scotland** – no objection. Historic Scotland expressed concerns over the visibility of the proposed development in relation to the scheduled

and listed St Bride's Chapel though they are content that the impacts would not raise issues of national significance and would not warrant an objection.

Response: Noted. This is assessed at section 6 below.

- 4.13 **RSPB** – no objection subject to previous comments on the Original Permission being taken into account. The previous comments to the Original Permission confirmed that RSPB had no objections subject to conditions requiring preparation of a Habitat Management Plan (HMP). This should be associated with a legal agreement including a financial bond, and the establishment of a Habitat Management Group (HMG) of which RSPB should be a member. The HMP should operate for the full lifespan of the wind farm, including decommissioning. The HMP should stipulate how the species present are to be surveyed, monitored and assessed and how the habitat quality is to be restored and enhanced. This must be undertaken by an appropriately qualified ecologist.

Response: Noted. The Original Permission had conditions relating to a HMP, HMG and restoration bond. If approved, these conditions would be replicated on the new permission.

- 4.14 **The Coal Authority** – no objection subject to a condition requiring site investigation works prior to commencement of development. The Coal Authority considers that the content and conclusions of the Mining Risk Assessment Report are sufficient for development on land falling within the defined 'Development High Risk Area'. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings or identify the need for mitigation works to ensure the safety and stability of the proposed development, these require to be undertaken prior to commencement of development.

Response: Noted. Any consent granted shall be subject to an appropriate condition.

- 4.15 **Scottish Water** – no objection. Provide detailed advice for the applicant regarding Scottish Water assets

Response: Noted. The applicant has received the detailed advice.

- 4.16 The following consultees provided no response to the proposed development:

Arqiva

BT

Transco

SP Energy Networks (Acting for Scottish Power)

Joint Radio Company (Acting for Scottish Power and Scotia Gas Networks)

Scottish Wildlife Trust

Forestry Commission

Coalburn Community Council

Douglas Community Council

5 Representation(s)

- 5.1 Neighbour notification was carried out on 1 November 2017. The proposal was publicised as an application requiring advertisement due to the scale or nature of operations and for the non-notification of neighbours in the Lanark Gazette on 8 November 2017. The application was also advertised in accordance with the EIA Regulations 2017 with adverts being placed in the Lanark Gazette (8 November 2017) and the Edinburgh Gazette (10 November 2017).

- 5.2 No representations have been made following this publicity.

6 Assessment and Conclusions

6.1 Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended

6.1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

6.1.2 This type of application therefore does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst in essence a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand alone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable a Section 42 application is to be refused but without affecting the status of the original permission.

6.1.3 In assessing whether any condition is still relevant, there would be the requirement to consider certain aspects of the development. In this instance the applicant has requested that conditions 1, 27, 37 and 45 be amended and that conditions 17 to 21 be deleted. However it is noted that the nature of the legislation would require all conditions to be revisited as they may be linked or connected to these specific conditions.

6.1.4 The main matters for consideration are therefore whether the proposed amendment to the conditions proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.

6.1.5 The WFDF facility has now been developed through a separate permission and therefore it is considered that should a new planning permission be issued any conditions solely relating to this part of the Original Permission can be deleted. Therefore the request to delete conditions 17 to 21 is considered acceptable and therefore needs no further assessment within this report.

6.1.6 The request to amend conditions 1, 27, 37 and 45 of the Original Permission are assessed in detail below.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997

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

6.2.2 Whilst a Section 42 application, these proposals are in essence for the erection of 13 wind turbines (149.9 maximum height to tip and 64m blade length) with associated infrastructure including access tracks, hardstandings, substation and control room and meteorological mast to replace an approved scheme of 15 smaller turbines. The main issues in determining the application are whether the amended proposals continue to comply with National and Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, impact

on the water environment, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.

6.3 National Planning Policy and Guidance

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

6.3.2 NPF 3 notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 and the Council’s approved SG Renewable Energy 2016 are assessed at section 6.4 below.

6.3.3 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. Visual impact, including the impact on settlements, is assessed at paragraphs 6.4.41 to 6.4.49. Group 3, identifies ‘areas with potential for wind farm development’. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.3 and 6.4. Paragraph 170 of SPP states that “Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.” Taking into account the above, the Original Permission and for the reasons set out in sections 6.3 and 6.4, it is considered the proposed development accords with SPP.

6.3.4 The Scottish Government Specific Advice Sheet – Onshore Wind Turbines - was last modified 28 May 2014 and describes typical planning considerations to be assessed when determining applications for onshore wind turbines. The advice covers the consideration and assessment of: landscape, wildlife, habitats, ecosystems, biodiversity, communities, aviation and defence matters, historic environment, road traffic, cumulative impacts, good practice during construction and decommissioning. The Environmental Statement (ES) submitted as part of the application covers the

impacts listed above and this has been taken into consideration in the assessment of the development against the Development Plan at sections 6.3, and 6.4 below.

6.4 Development Plan

6.4.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that part of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan (6 turbines are located within the area with potential for Wind Farm Development and 7 turbines are located outwith). The proposed development by its nature contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.

6.5 Adopted South Lanarkshire Local Development Plan 2015

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

6.5.2 Policy 2: Climate change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks.

6.5.3 Taking into account the contribution of up to 49.9MW of renewable electricity generated by this proposal (an increase from the previous capacity of 45MW) and the assessment at paragraphs 6.4.21, 6.4.26 to 6.4.27, 6.4.30 and 6.4.38 respectively on the above matters, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.

6.5.4 Policy 3: Green Belt and rural area, this states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and rural area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. Sustainable development and climate change

has been assessed above and the guidance set out in the Proposed SG Renewable Energy is assessed at section 6.4.29 to 6.4.72 below.

- 6.5.5 It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed alterations to the planning conditions have no further implications for the countryside strategy set out within the Development Plan.
- 6.5.6 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The site is located on land defined by the Coal Authority as a 'Development High Risk Area' due to its legacy of underground coal mining in the area. A Mining Risk Assessment was submitted and, following agreement from the Coal Authority, approved as part of the Original Permission subject to a condition requiring intrusive site investigations as part of the development proposals. Again, a Mining Risk Assessment has been submitted as part of this application and been agreed by the Coal Authority subject to a replication of the site investigation condition. This condition would be replicated if approval were granted.
- 6.5.7 It is, therefore, considered that the application meets this criteria of the development and further assessment of the proposed amendments impacts on landscape character, built heritage, habitats and species, biodiversity, protected species, amenity, and water environment is undertaken at paragraphs 6.4.8 to 6.4.72.
- 6.5.8 Policy 15: Natural and Historic Environment assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy 15 seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. Each of the natural and historic environment designations are assessed in turn below.
- 6.5.9 Policy 15 states that in Category 1 areas, development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within a designated area and the Muirkirk and North Lowther SPA is located over 6km to the west of the proposed development. The ES identifies that birds recorded on the application site are not directly connected to the Muirkirk and North Lowther SPA or any other specially protected sites in the area. SNH concur and confirm that they do not anticipate any direct or indirect effects on nationally or internationally important natural heritage sites. It is therefore considered that the proposal complies with Policy 15 Category 1.
- 6.5.10 Policy 15 states that in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy and guidance provided in the SG on the Natural and Historic Environment.

6.5.11 SG Natural and Historic Environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes:

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

6.5.12 The ES provides full details of the assessment of the proposed development on the historic environment in section 10. There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. There are two Scheduled Monuments within 5km of the proposed development site which are directly impacted by the proposed development. St Bride's Chapel, Douglas, a scheduled monument and A listed building, and the Monument to James, Earl of Angus, Douglas, an A listed structure. Both are located approximately 1.7km from the nearest turbine. A third Scheduled Monument, Thorril Castle, is located approximately 4.1km from the nearest turbine. Historic Environment Scotland (HES) previously noted concerns over the visibility of the proposed development in relation to the scheduled and listed St Bride's Chapel but concluded that the impacts of the proposed amendments to the previous conditions would not raise issues of national significance for their interests. HES have stated that the proposed amendments to the previous conditions do not change their opinion on this but do not raise further concerns than those previously raised. HES do state that the proposed amendments to conditions would not give rise to significant additional impacts on the setting of the monument to James, Earl of Douglas than the Original Permission and that there will be no impact upon Thorril Castle. Having considered the views of HES and the scale, nature and location of the proposed amendment to conditions and the conclusions previously reached on the original application, it is considered that the impact on the St Bride's Chapel, arising from the changes to the scheme, does not provide a reasonable basis for refusing consent. The ES also sets out mitigation in the form of an archaeological watching brief and, as with the Original Permission, West of Scotland Archaeology Service (WOSAS) raise no significant issues so long as appropriate mitigation is implemented. The amendment to conditions therefore are not shown to have a significant impact on the historic environment and on the basis of the above assessment it is considered that the proposal complies with SG Natural and Historic Environment policies NHE 2, NHE 3, NH4 and NHE 5.

6.5.13 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of

national importance. Coalburn Moss Special Area of Conservation (SAC) and Special Scientific Interest (SSSI) is located approximately 1.62 km to the north of the application site. Coalburn Moss SAC/SSSI supports active raised bog and degraded raised bog. The distance of the SAC/SSSI to the site means that it is not hydrologically connected to the proposed development site due to being in a different sub-catchment. The ES concludes therefore that the SAC/SSSI is not indirectly impacted by the proposed development. Miller's Wood SSSI is designated for upland birch woodland which is located approximately 2.23km from the site. This designated site is also not considered to be indirectly impacted by the proposed development. As with the Original Permission, SNH do not consider that the sites will be affected by the proposed development. As a result of the above assessment it is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.

- 6.5.14 Policy NHE 10 requires the protection of prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in SLLDP Strategy Map, therefore Policy NHE 10 is not relevant.
- 6.5.15 Policy NHE 11 states that development proposals that involve the loss or fragmentation of areas of ancient semi-natural woodland (categories 1a and 2a on SNH Ancient Woodlands Inventory) will only be supported where any significant adverse effects are clearly outweighed by social or economic benefits of national importance. The proposal will not result in loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map. The ES in section 7 assesses ancient woodland. It concludes that no areas of ancient woodland will be directly affected by the proposed development. The closest ancient woodland is Long Plantation which lies approximately 75m to the east of the proposed site boundary. However due to the distance (approximately 500m) between the proposed wind farm infrastructure and the woodland, and the topography of the area it is considered that the ancient woodland will not be impacted upon by the proposed development. On the basis of the above assessment it is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 11.
- 6.5.16 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. Therefore the impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.4.26 to 6.4.27 below. Given these assessments it is considered that subject to mitigation measures the proposal complies with SLLDP Policy 15 Category 2.
- 6.5.17 In SLLDP Policy 15 Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. The Category 3 local designations are taken in turn below with further policy and guidance provided in the SG Natural and Historic Environment.
- 6.5.18 SG Natural and Historic Environment contains the following policies on the historic environment under category 3 local designations. (Category B and C listed buildings and their setting fall within this designation):
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.

- Policy NHE 6 Non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
- Policy NHE 7 Conservations areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

6.5.19 There are no listed buildings within the site boundary and 16 Category B listed buildings within 5km of the application site. Seven of these B listed buildings are located within the village of Douglas. There is one conservation area, Douglas Conservation Area located within 5km of the application site. The ES provides full details of the assessment of the proposed development on the historic environment in section 10. The proposed amendments to conditions are not shown to have a significant impact on the historic environment and Historic Scotland concurs with the conclusion. Taking account of the cultural heritage assessment and the consultation responses from Historic Scotland and WOSAS, as noted above at paragraph 6.4.11 to 6.4.12, the proposed amendments to conditions are considered to comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.

6.5.20 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and the SG Natural and Historic Environment contains further guidance on SLAs and the wider landscape. There are four SLAs within 10km of the proposed development. Turbines 10, 11, 12 and 13 and their associated infrastructure are located within the northern area of the Douglas Valley SLA with Turbine 9 straddling the northern boundary of the SLA. In the Original Permission 2 turbines were located within the Douglas SLA (Nos. 14 and 15). The Middle Clyde Valley SLA, Upper Clyde Valley and Tinto SLA and Leadhills and Lowther Hills SLA lie between 5km and 10km from the proposed development. The SLAs have been recognised in the ES and taken into consideration when assessing the sensitivity of the landscape character and visual amenity as well as the proposed change in layout and additional turbine locations within the Douglas SLA. Of the four SLAs, three are considered not to experience significant effects due to a combination of distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. The technical note provided on assessing the SLAs identifies that there would be a number of differing landscape effects on various parts of the Douglas Valley SLA ranging from Major/Moderate to no effect. The area being assessed with Major/Moderate effects is south-east of the Douglas Water within the Douglas Valley SLA. The greater level of effect in this area is as a result of less vegetation or buildings obstructing views of the turbines. Viewpoints 3, 4, and 14 in the ES show that the proposed turbines would be prominent in views above existing woodland at Long Plantation. The turbines would be visible above Long Plantation. The Plantation, however, provides a strong edge to the valley landscape and it is considered that it would be evident that the proposed development was related to a separate landscape, beyond the valley. It is further noted that the proposed amendment to conditions (in this instance the increase in height of the turbines by approx 23.4m) would visually strengthen this differentiation between this edge of the valley landscape and the separate landscape beyond in which the majority of the turbines sit. It is acknowledged nevertheless that there would be significant effects on some areas of the Douglas Valley SLA. However, taking into account that the existing Hagshaw Hill wind farm and its extension are currently visible from the same areas of the SLA, the Original Permission in place on the application site, and that the proposed amendments to conditions would not result in the introduction of the only turbines visible from within some areas of the SLA, and after further considering the

effect of the proposed amendments to conditions on the whole Douglas Valley SLA, it is concluded that the level of effect is not significant. In terms of the cumulative effects, it is considered that no additional significant cumulative effects on the Douglas Valley SLA would be generated. Based on the information provided in the ES and technical note, and having considered the scale and location of the proposed amendments to conditions it is considered that it will not adversely affect the overall quality of the SLA designated landscape area and therefore accords with Policy 15 of the SLLDP.

- 6.5.21 Policy NHE 15 in the SG Natural and Historic Environment (category 3 local designations) states that development on undesignated peatland will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. Section 11 of the ES assesses Hydrology, hydrogeology and geology. Following desk based, habitat surveys, site walkovers and targeted probing exercise, it is concluded that there are no peat deposits greater than 0.75m in depth, present in the parts of the site which are to be disturbed by the proposed development. SEPA and SNH do not raise any concerns regarding peat within their responses. However SNH did state in the consultation to the Original Permission that there is a known presence of peat within the southern section of the proposed development site. Two probes in this area did evidence peat at depths of 1m and 1.5m respectively in this area of the site but it is considered that, due to the other probe results in the area, that these are soft peaty clay soils with flush zones rather than peat deposits. Adopting the precautionary principle and to ensure key issues relating to peat are addressed, if peat is identified on site, a requirement to prepare a peat management plan shall be conditioned, if permission is granted. Accordingly, subject to conditions the proposal complies with Policy NHE 15.
- 6.5.22 Policy NHE 12 in the SG Natural and Historic Environment describes Local Nature Reserves, Policy NHE 13 Tree Preservation Orders, Policy NHE 14 felling of existing woodland and Policy NHE 17 Country Parks as category 3 local designations. The application site does not affect a local nature reserve or Country Park as identified in SLLDP Strategy Map or woodland that has a tree preservation order or any existing woodland. Therefore Policies NHE 12, 13, 14 and 17 are not relevant to this assessment.
- 6.5.23 Policy NHE 18 in the SG Natural and Historic Environment (category 3 local designations) contains guidance on core paths and rights of way and sets out that the Council will encourage new and enhanced opportunities for access linked to wider networks. There is a core path on the periphery near the southern boundary and to the north-east boundary of the proposed site. There is also an aspirational core path and wider path network traversing the proposed site. The Original Permission involved proposals to prepare and implement an Access Strategy and Heritage Trail which is to provide a formal footpath network, linking the villages of Douglas and Coalburn, through the development site. It was proposed to include interpretation areas explaining the industrial heritage of the site and its contribution to the nation's energy needs, past and present. An Outline Access Strategy was approved as part of the Original Permission and has also been submitted in support of this application. The Access Strategy has been prepared in conjunction with the adjacent landowners and communities. On the basis of the above requirements again being secured through condition the proposed development complies with guidance set out in SG Natural and Historic Environment under category 3 local designations.
- 6.5.24 Policy NHE 19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation

of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. European Protected Species were assessed in the ES which included otter, Great Crested Newts, badger, water vole, red squirrel and bats. SNH are satisfied that surveys for habitats and species have been undertaken using the appropriate methodologies. It is considered that if all the proposals in section 7.7 and Appendix 7.9 Species Protection Plan of the ES are fully implemented there will be no adverse impacts on protected species. If the application is granted permission, further protected species surveys will have to be undertaken several weeks in advance of construction on site. SNH concur with further survey work being undertaken prior to development on site. SNH consider the bird surveys to have been undertaken appropriately and confirmed there is no significant impact on protected bird species and connectivity to Special Protection Areas (SPA). On the basis of the above and subject to conditions being attached, the proposed amendments to conditions would be considered to comply with Policy NHE 19 protected species.

6.5.25 The SG Natural and Historic Environment also includes quiet areas as category 3 local designations. The proposed development does not impact on any quiet areas as identified in the SLLDP Strategy Map. Therefore following the above assessment of the proposal against Policy 15 Natural and Historic Environment at paragraphs 6.4.8 – 6.4.25, it is considered that subject to conditions the proposed development complies with Policy 15 of the SLLDP.

6.5.26 Policy 17: Water environment and flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. SG Sustainable development and climate change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. Section 11 of the ES assesses the effects on hydrology, hydrogeology and geology. No significant effects were identified in the ES subject to identified mitigation measures being in place. The ES outlines that the infrastructure layout has been designed to avoid hydrologically-sensitive areas and provide a minimum 50 metre buffer zone for all watercourses. The mitigation measures set out in Section 11 of the ES (water quality monitoring, a pollution risk assessment and other appropriate control measures) require to be included in the Construction Environmental Management Plan (CEMP). As with the Original Permission, if these proposals were granted permission, a condition requiring the preparation of the CEMP, which would include surface water pollution prevention measures, peat management, and construction method statements, would be included. Thereafter the CEMP has to be approved by the Planning Authority in consultation with SEPA and implemented during construction, operation and decommissioning. SEPA are satisfied that the proposed development has no risk to the Groundwater Dependent Terrestrial Ecosystems (GWDTE) on site. The Original Permission had a condition requiring further information, including surveys, of all private water supplies (PWS) within the site area to ensure they would not be affected by the development. Following the issuing of the Original Permission, a PWS survey was carried out and assessment of PWS is contained within the hydrology chapter of the ES. It has been confirmed that there are no PWS within 1 km of the site boundary and SEPA are content that the proposals will have no effect on PWS. It is therefore considered that the issue regarding potential impact on PWS has been addressed and if this permission is issued there is no further requirement to replicate the condition attached to the Original Permission.

6.5.27 On the basis of the above assessment it is considered that subject to conditions the proposal complies with Policy 17 Water environment of the SLLDP.

6.5.28 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. As noted above at paragraph 3.2.4, the Council has prepared SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.

6.5.29 Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:

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

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

Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:

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

6.5.30 National and international designations have been previously assessed at paragraphs 6.4.8 to 6.4.16 and it is considered that subject to conditions there are no adverse effects on national and international designations. Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There are two settlements within 2km of the application site. This is assessed further below. The ES contains a Landscape and Visual Impact Assessment (LVIA) at Section 6. The visual impact of the proposal is assessed at paragraphs 6.5.41 to 6.5.49 below.

6.5.31 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be

acceptable, subject to detailed consideration against identified policy criteria. Table 7.1 of SG10 sets out a series of considerations which are to be taken into account when assessing renewable energy proposals and these are in line with the considerations set out at section 169 of SPP.

6.5.32 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.4.33 to 6.4.72, below. On the basis of the assessment below it is considered that subject to conditions and mitigation measures being implemented, the proposed amendments to conditions comply with Policies RE1, RE2 and Group 3 of the Spatial Framework as set out in SPP.

6.5.33 The Table 7.1 criteria is taken in turn as follows;

6.5.34 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.4.8 to 6.4.16 and it is considered that subject to conditions there are no adverse effects on national and international designations.

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

This has previously been assessed in paragraphs 6.4.21 and again in 6.4.30.

6.5.36 Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.4.46 to 6.4.52 below.

6.5.37 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the ES presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts. Section 13 of the ES states that the proposed development has the potential to support 8 permanent maintenance and operational jobs for the working lifetime of the wind farm, as well as supporting employment during construction. Other socio-economic effects identified from the proposed development include benefits from direct employment in the area and positive impacts from employee spending in the local economy during the construction period of approximately 12 months, and the temporary moderate effect on the regional economy generated by construction related expenditure. In addition it is considered there would be a permanent beneficial effect on the local tourism sector generated by the expenditure of tourists attracted by the new Heritage Trail. This would enable local community groups to secure a continuous revenue stream during the operation of the proposed wind farm.

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

Section 3 of the ES sets out the energy generation and carbon emissions savings for the proposed development. The proposed development is expected to result in a saving of approximately 58,910 tonnes of carbon dioxide (CO₂) through displacement of carbon-emitting generation over its 25 year lifetime of operation. It is noted that this is a saving of approximately 13,040 tonnes more CO₂ than the 45,870 tonnes that would be saved by the Original Permission. The development does not involve the loss of any trees (carbon absorption) or disturbance of large depths of peat (carbon sinks) which again minimises the carbon footprint of the development. The estimated

carbon payback period of the total proposed development is expected to be approximately 0.6 years.

6.5.39 Effect on the natural heritage, including birds

Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats. This consideration has previously been assessed under Policy 15 Natural and historic environment of SLLDP at paragraph 6.4.24. A Species Management Plan can be attached as a condition to safeguard the Schedule 1 birds nesting in close proximity to the proposed wind farm site. On the basis of the above assessment it is considered that subject to conditions and mitigation measures the proposed amendments to conditions accord with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.

6.5.40 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP). The Original Permission required, through a planning condition, the submission of a HMP on the basis that potential impacts on biodiversity over the proposed wind farm's lifetime could be mitigated through the preparation and implementation of an approved HMP. It is considered that this condition would be replicated on any new planning permission if issued.

6.5.41 Landscape and visual impacts

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

6.5.42 As previously noted, this is a Section 42 application to amend/ vary conditions attached to a planning permission. The landscape and visual assessment is therefore not solely related to the impact of a scheme for 13 No. Turbines at a maximum height of 149.9m but is instead an assessment on the impacts the 13 No. Turbine scheme would have compared to the previously approved Original Permission (15 No. Turbines with a maximum height of 131m); and whether the proposed amendments would result in additional significant, adverse visual effects that would not allow an amended permission to be issued.

6.4.43 The impact on landscape designation, in this case the Douglas Valley SLA, has been assessed above at paragraph 6.4.20 and it concludes the proposed development will not adversely affect the overall quality of the SLA's designated landscape area.

6.5.44 Section 6 of the ES contains a Landscape and Visual Impact Assessment (LVIA), landscape and visual figures are within Volume 2, landscape and visual appendices are within Volume 3 and visualisations in Volume 4 of the ES. The proposed development is located within Rolling Moorland and Plateau Farmland Opencast Mining landscape character types (LCT). Four of the most northerly turbines (T1 – T4) are located within Plateau Farmland Opencast Mining LCT and the remaining seven turbines (T5 – T13) are located within Rolling Moorland LCT. The proposal is in close proximity to the operational Hagshaw Hill wind farm, and its extension to the south-west, and the operational Nutberry wind farm to the west. Galawhistle wind

farm is also within this cluster located to the west of Hagshaw Hill and Nutberry and is now in operation. The approved Dalquhandy wind farm is adjacent to the west of the proposed development. Another proposal within this cluster is Cumberhead wind farm which currently has planning permission subject to the conclusion of a legal agreement and is located further to the west from the proposed development. Figure 6.3 in the ES identifies wind farms within 10km of the proposed development. The cumulative landscape impact of these developments and the addition of the proposed amendment to conditions have been assessed in the LVIA. It states that the Original Permission was considered to result in a direct significant effect on the LCTs within which the site is located. However the sense of openness experienced across the wider landscape area would not be greatly altered by the introduction of turbines in this proposed location. The LVIA states that the proposed amendments do not diminish this direct significant effect but do not increase it to any significant degree. The cumulative assessment considers the scale of the underlying former opencast workings landscape is medium to large and is dominated by a disturbed landform and regenerating land cover. The LVIA considers that within this context the proposed amendment to conditions would not lead to a development that would diminish the overall scale of the local landscape, although in the immediate vicinity of the turbines the presence of the turbines would be clearly dominant, but again not to any degree of scale that would be significantly different from the Original Permission. The LVIA assessment concludes that the introduction of turbines and the movement of blades when operating will be highly prominent, becoming a characterising influence on the wider landscape area alongside its opencast legacy. It is noted however that this application does not introduce turbines into the site and therefore the Original Permission would be the characterising influence on the wider landscape area. The proposed amendments, whilst increasing the height of the turbines and blade length, do also include the removal of 2 turbines which decreases the visual footprint of the proposals.

6.5.45 South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. In 2017 an Addendum to this guidance was produced, (Tall Turbines: Landscape Capacity, Siting and Design Guidance) and it provides additional guidance on the design and siting of windfarms involving turbines at a height of 150m or more. The Original Permission at Douglas West has been designed to be part of the Hagshaw Hill/Nutberry/Galawhistle/Dalquhandy wind farm cluster. This cluster is approximately 12km to the west from the operational Clyde Wind Farm, and approximately 5km to the south lies the Andershaw/Middle Muir/Glentaggart wind farm cluster. The distances between these wind farm clusters are in line with the landscape capacity study. The landscape analysis for this area describes it as a rolling landform, with a simple landscape pattern of moorland and forestry and low settlement density. The adjacent plateau farmland is characterised by proximity of settlements, significant areas of industry and coal extraction and by having a more open character as it rises to the rolling moorlands. The Original Development (and therefore this application) is located within an area that is currently identified as a 'Wind Turbine Landscape' typology in Figure 6.2 of the Landscape Capacity Study for Wind Energy 2016. The proposed maximum development capacity at this location is a 'Wind Turbine Landscape' and the strategic objective for the moorlands is to ensure that further extension of this typology is limited (Figure 6.3 of the Landscape Capacity Study for Wind Energy 2015). Although the capacity for wind turbines in this location is limited, an assessment also has to take into account the Original Permission as well as the context of the landscape character in which the proposed development is located. This includes restored opencast mining, forestry activities, large industrial units, pylons and operational and consented wind farm developments. It was acknowledged that there would be a significant impact on the immediate landscape character from the Original Permission. However, from

reviewing the visualisations in the ES and from site visits, taking account of the Original Permission and having regard to the presence of operational wind farms in the current landscape and those consented, it is considered that, in this context, the proposed amendments to conditions would not create an unacceptable impact on the landscape character, in relation to the Original Permission.

- 6.5.46 The visual impact and cumulative visual impact of the proposed amendment to conditions is assessed in the LVIA. A detailed viewpoint assessment of the operational effects of the proposal is presented in Appendix 6.3 of the ES. There are two settlements within 2km of the proposed turbines, these are Coalburn and Douglas. As stated at paragraph 6.4.23, developers are required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- 6.5.47 Douglas village is located to the south-east of the proposed development with properties approximately 1.6km from the nearest proposed turbine. The LVIA states that the introduction of the proposed turbines would result in areas within Douglas experiencing a moderate/major effect. It is considered, however, that the mature vegetation throughout and around Douglas, which is a characteristic of the village, provides filtering views of the proposed development. Buildings within Douglas also screen views towards the proposed turbines from many of the properties. When the proposed turbines are visible in parts of Douglas they would also form prominent features in the landscape, beyond the Douglas Water valley, and above the woodlands at Long Plantation. In terms of cumulative visual impact the proposed turbines, however, would be seen in combination with the existing Hagshaw Hill turbines with a separation between the two developments as viewed in visualisations, viewpoint 3 and 4 within the ES. It is considered therefore that the proposed amendments to conditions taking into account the Original Permission and the existing views of turbines, together with the screening from the built features and woodlands in the surrounding area would not lead to an unacceptable visual impact on the village of Douglas. It is also noted that no letters of objection have been received from residents or businesses within Douglas.
- 6.5.48 Coalburn is located to the north of the proposed development with properties approximately 1.2km from the nearest proposed turbine. It should also be noted that planning permission currently exists for a residential development south of Middlemuir Road in Coalburn, named, Gunsgreen. The closest proposed turbine is 800m from the consented residential development. This consent has been taken into account in assessing the impact of the proposed amendments to conditions in terms of visual impact, noise, amenity and shadow flicker. The LVIA assessed there will be a moderate/major level of effect on some properties in Coalburn and that theoretically there would be a major effect on the view from the consented residential development. The impact of the Original Permission was assessed as having the same level effect on properties and it is considered that the proposed amendments do not increase this effect. In terms of cumulative visual impact the proposed development however would be viewed at some points from the village in conjunction with the operational Hagshaw Hill wind farm and its extension, Nutberry wind farm, Galawhistle wind farm, and consented Dalquhandy wind farm. The cumulative visual impact can be viewed from the visualisations, viewpoints 1 and 13 in the ES. The Original Permission windfarm would be seen as an eastern extension of the consented Dalquhandy wind farm and the proposed amendments to conditions do not alter this reading of the turbines given the application site is the same. The reduction in turbine numbers does not alter this perception due to the proposed amended layout. It is also noted in the LVIA that the residential properties in Coalburn which would have direct views of the proposed turbines are not the same properties which will have direct views of the consented Dalquhandy wind turbines. In addition, whilst it

is acknowledged in the LVIA that there would be a significant effect at some properties within Coalburn, it notes some of these views from Coalburn would be obstructed by vegetation. Finally it is noted that there have been no letters of objection from residents or businesses within Coalburn. It is therefore considered that the level of visual effect from the proposed amendments to conditions has not altered from the Original Permission and therefore is deemed acceptable in this instance. Impact on residential amenity is assessed in paragraphs 6.4.52 to below.

6.5.49 The LVIA sets out the mitigation measures taken into account in the design of the proposed development. The design evolution details the principles that were applied to the design iterations leading from the Original Permission to the proposals that form this application. It is acknowledged that the applicant has taken into account all engineering and environmental constraints in the final layout. The proposal has been designed to form an array of turbines when viewed in conjunction with the existing and consented wind farm developments from Douglas, Coalburn and the surrounding area. The design of the proposed development also sought to utilise existing infrastructure such as access tracks and hardstanding areas. The proposals have been designed to minimise any differences in Visual Impact the additional heights may have from the Original Permission by maintaining a similar layout within the same site area. The reduction in turbine numbers by 2 is considered to reduce the development's visual footprint within the landscape. The proposed substation and control building and construction compound, including concrete batching plant are also located on the former Dalquhandy DP. This location benefits from good screening/backclothing from forestry directly to the south, which assists in minimising the visual impact of the proposed buildings. Taking into account the above assessment at paragraphs 6.4.41 to 6.4.49, the assessment in the ES, SNH comments and the existing operational and consented developments, as well as the context of the impact of the Original Permission, it is considered that in terms of landscape and visual and cumulative effects the amendments to conditions are acceptable.

6.5.50 The impact of the proposed development on residential amenity is considered below.

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

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraphs 6.4.41 to 6.4.49 above.

6.5.52 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the ES. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and consider appropriate conditions can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition a suitable condition will be attached, if approval is granted, to address the required procedure in the event of there being a noise complaint from the proposed development. Shadow flicker is assessed at section 15 of the ES. With the increase in turbine height and blade length an additional 3 residential receptors fell within the study area of the assessment. Figure 15.1 shows the modeled shadow flicker impact area, which is based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. There are five existing residential properties within this area, Westerhouse, Craigend, West Toun House, 8 Middlemuir Road and Braehead. There is a sixth receptor at the consented residential development site, Gunsgreen,

which has also been included in the assessment. The maximum shadow hours per year are 1.26 at 8 Middlemuir Road, 3.03 at Braehead, 7.51 at West Toun House, 13.59 at Craigend, 15.38 hours at Westerhouse, and 8.18 at Gunsgreen. The results at each receptor are below the recommended limit of 30 hours per year. The assessment does not take into account consideration of any local screening from vegetation, blinds or curtains, or window orientation relative to the turbines that would further minimise shadow flicker. The residential receptors are mainly orientated with the main living areas facing an easterly, westerly or northerly direction and therefore are not directly towards the proposed turbines. There are also small areas of woodland between the proposals which will reduce further the potential for the receptors to experience shadow flicker. Taking account of the above, effects from shadow flicker are considered not to be significant. Nevertheless it is considered that where shadow flicker is found to cause a nuisance, mitigation measures should be implemented in order to reduce its occurrence. Therefore if planning consent was granted an appropriate condition should be imposed to control this matter. In addition to the Landscape and Visual Impact Assessment (LVIA) undertaken within section 6 of the ES, an assessment of potential receptors within 2km was carried out. The ES includes a Residential Visual Amenity Survey (RVAS) which is contained at Appendix 6.4. There are eight residential properties within 1.2km of the proposals (an increase of one property since the Original Permission). The RVAS assesses the worst-case level of effect on visual amenity resulting from the proposed development from any view from the property and curtilage of each property within 1.2km of the proposed turbines. It is concluded in the RVAS that four properties (West Toun House, Craigend, Blackwood Cottage and Station House) would experience Moderate effect. Westerhouse and numbers 1 and 3 Westoun Steadings would experience Moderate/minor effect. The eighth property, Braidlea is located within woodland which curtails views towards the application site and therefore no further assessment of this property was required. It is considered, having taken account of the above plus the nature, scale and location of the proposal, that the residents in any of these properties would not experience an overbearing effect on their visual amenity or that their properties would become unattractive places in which to live. No representations have been received from members of the public or from these surrounding individual properties and communities regarding the impact of the proposals on views. On the basis of the above assessment at paragraphs 6.4.50 to 6.4.52 it is considered that individual properties would have no adverse significant effects, it is therefore concluded that the proposed development complies with criteria regarding the impact on communities and individual dwellings.

6.5.53 Impacts on carbon rich soils and peat, using the carbon calculator. This consideration set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed in paragraphs 6.4.21 and again in 6.4.30.

6.5.54 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy has previously been assessed at paragraph 6.4.23 under Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. On the basis of the above assessment it is considered that subject to conditions the proposed development accords with the consideration set out at criteria 12 of Table 7 of the SG Renewable Energy.

6.5.55 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP at paragraphs 6.4.11 to 6.4.12 and 6.4.18 to 6.4.19. On the basis of the above assessment it is considered that subject to conditions the proposed

development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

6.5.56 Impacts on tourism and recreation.

The ES assesses the likely effects of the proposed amendments to conditions on tourism and recreation at section 13. The visibility from tourist routes and visibility from accommodation is considered and how the behaviour of tourists might be affected by changes to views from important tourist routes in the area and from tourist accommodation. There are nine tourist attractions/leisure assets within the study area, three of which are within 10km. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located approximately 12km from the application site. It is considered that the overall effect of the proposed amendment to conditions on these attractions would not be significant. There are a number of walking routes within the area with the closest one to the proposed development in the village of Douglas. It is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore the proposed amendment to conditions is not considered to be significant. There are 19 individual tourist accommodation places within 15km of the proposed development. Of the 19 none are within 5km of the proposed turbine locations. The assessment in the ES concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. Overall the effects are considered not to be significant on tourism and recreation. Having taken account of and considered the above it is concluded that overall the effects on tourism or recreation, would not be significant and subject to conditions the proposed development accords with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

6.5.57 Impacts on aviation and defence.

The ES section 14 assesses what the potential impact of the proposed amendment to conditions may be on radar and defence systems within the vicinity of the site. NATS Safeguarding has no objections to the proposed amendments to conditions subject to the replication of their conditions from the Original Permission. The Ministry of Defence (MOD) does not object to the proposals subject to the replication of their conditions from the Original Permission. On this basis it is considered that a technical solution is established with NATS and MOD and appropriate conditions can be attached if planning consent is granted. Therefore it is considered that subject to these conditions the proposed development accords with the consideration set out at criteria 15 of Table 7 of the SG Renewable Energy.

6.5.58 Impacts on transmitting or receiving systems.

The ES section 14 assesses the potential impact of the proposed amendments to conditions on telecommunications. Any adverse effects with regard to television and radio interference, as a direct effect of the proposed development, can be resolved through technical solutions. Appropriate conditions shall be attached if consent is granted. Taking account of the above and having considered the conclusions in the ES the proposed development accords with criteria 16 of Table 7 of the SG Renewable Energy.

6.5.59 Impact on road traffic and on trunk roads.

The ES at section 12 provides an analysis of the proposed amendment to conditions with respect to the potential impact it may have on the road network. The assessment concludes that with the increase in turbine size the abnormal loads route approved under the Original Permission is still fit for purpose. The proposed route is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the proposed site; and the construction traffic accesses the site from the north via M74

Junction 11 and from the south Junction 12 of the M74 via a short stretch of the B7078 to Junction 11. The Roads and Transportation Service therefore has no objection subject to a replication of the conditions and legal agreement that were attached to the Original Permission. On the basis of the above it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy.

6.5.60 Impacts on hydrology, water environment and flood risk

This consideration covers criteria 18 of Table 7 of the SG Renewable Energy. The water environment and flooding under Policy 17 of SLLDP has been assessed at paragraph 6.4.26 to 6.4.27 above. On the basis of the above assessment it is considered that subject to conditions and mitigation measures the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

6.5.61 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust; and any consent granted will require a decommissioning and restoration condition attached. The ES sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. If consent is granted conditions shall be attached requiring that a decommissioning and restoration plan is submitted to the Council no later than 24 months prior to the end of consent and a condition to secure a decommissioning bond that satisfies the Council's requirements. On the basis the above requirements can be secured through conditions if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

6.5.62 Opportunities for energy storage.

The proposed development does not include opportunities for energy storage and therefore is not assessed.

6.5.63 Site decommissioning and restoration bond.

As noted at paragraph 6.4.61 above there is a requirement for decommissioning and restoration bond or financial guarantee to be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.5.64 Forestry and woodland removal.

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. As noted in paragraph 6.4.22, there is no forestry or woodland being removed as part of the proposals.

6.5.65 Impact on Prime Agricultural Land.

As noted in paragraph 6.4.14 there is no Prime Agricultural Land within the application site.

6.5.66 Borrow pits.

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. No borrow pits are proposed as part of this application.

6.5.67 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. A condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) including site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan therefore requires to be attached to the consent if granted.

6.5.68 Notifiable installations and exclusion zones

There are no notifiable installations and exclusion zones in or adjacent to the site.

6.5.69 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report the application was submitted with a robust ES containing appropriate mitigation measures which have been conditioned as part of the recommendation where required.

6.5.70 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance a legal agreement to secure a community benefit payment (as discussed in paragraph 6.4.72 below), a Planning Monitoring Officer and for control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted.

6.5.71 Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted in paragraph 3.3.4 the proposals constitute development that falls within the scope of the Environmental Assessment Legislation and as referenced throughout Section 6.4 of this report an Environmental Statement accompanied the planning application submission.

6.5.72 Other considerations.

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.4.33 to 6.4.71. In addition to this, another principle set out in the SG Renewable Energy at paragraph 2.10 and at SPP at paragraph 173 relates to community benefit. SPP states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that should consent for the proposed development be granted and implemented the applicant will provide a package of community benefit to the South Lanarkshire Council Renewable Energy Fund, equivalent to £5,000 per MW per annum for the lifetime of the development. This equates to approximately £6.1 million over the lifetime of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

6.6 Conclusion

- 6.6.1 In conclusion, the proposals to vary conditions 1, 27, 37 and 45 of planning permission CL/15/0273 result in an amended windfarm development comprising 13 wind turbines each with a maximum height to tip of 149.9m and with blades 64m in length. The amendments would result in the reduction of the number of turbines by 2 and it is considered that, taking account of the Original Permission, the additional turbine height and blade length of the remaining turbines would not have any significant, additional impact on the landscape and environment.
- 6.6.2 The Wood Fuel Drying Facility received a standalone permission and therefore it is appropriate to remove any conditions relating solely to this development from any future permission as it no longer forms an intrinsic part of the planning permission.

7 Reasons for Decision

- 7.1 The proposals to vary conditions 1, 27, 37 and 45 and delete conditions 17 to 21 of planning permission Ref: CL/15/0273 are considered acceptable and the updated suite of approved documents appropriate. The increase in turbine height and blade length are considered to not have any significant, adverse impact in relation to the previous planning approval and accord with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 February 2018

Previous References

- ◆ CL/15/0273

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Supplementary Guidance 1: Sustainable Development and Climate Change
- ▶ Supplementary Guidance 2: Green Belt and Rural Area
- ▶ Supplementary Guidance 3: Development Management, Placemaking and Design
- ▶ Supplementary Guidance 9: Natural and Historic Environment
- ▶ Supplementary Guidance 10: Renewable Energy
- ▶ Neighbour notification letter dated 1.11.2017

▶ Consultations

▶	National Air Traffic Services Ltd	09/11/2017
	The Coal Authority - Planning and Local Authority Liaison Department	01/12/2017
	Historic Environment Scotland	04/12/2017
	BAA Aerodrome Safeguarding (Glasgow)	27/11/2017

Scottish Natural Heritage	17/01/2018
Ministry of Defence (Windfarms)	29/12/2017
West of Scotland Archaeology Service	20/11/2017
BAA Aerodrome Safeguarding (Glasgow)	12/12/2017
S.E.P.A. (West Region)	19/12/2017
Transport Scotland	19/12/2017
Scottish Water	19/12/2017

Contact for Further Information

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

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 E-mail: james.wright@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated October 2017, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Council as Planning Authority before the works described therein are undertaken.
- 2 **Construction Noise (BS 5228)**
The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'.
The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the Council as Planning Authority.
- 3 Prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services, Police Scotland and the Council's Access Officer and include a programme indicating phasing of construction of the project. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The developer shall also submit a Travel Plan as part of their TMP, to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and also for those attending through the course of site inspections and site meetings. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.
- 4 The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.
- 5 The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The developer shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Council as Roads Authority.

- 6 That prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority.
- 7 At least 2 months prior to commencement on site a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) including Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the Environmental Statement October 2017 supporting the application. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
 - b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
 - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
 - d) Track design approach
 - e) Maps of tracks indicating double and single tracks and position of passing places.
 - f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
 - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
 - h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
 - i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
 - j) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
 - k) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5.
 - l) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
 - m) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
 - n) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.

- 8 Construction Environmental Management Plan (CEMP) continued from condition 7 above:
- o) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
 - p) Timing and extent of any necessary re-instatement.
 - q) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
 - r) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
 - s) Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis, or on request.
 - t) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor and mitigate the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations, type of monitoring equipment to be used, frequency, gathering of information on background levels, and keeping of records shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on request.
- 9 Prior to commencement of development the developer shall submit a detailed Access Strategy (AS) for the written approval of the Planning Authority, and thereafter adhere to and implement the AS within the timescales set out. The AS shall be produced in consultation with the Council's Countryside & Greenspace Services and a programme of community consultation shall be undertaken on the draft AS. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works related to the AS shall commence on site until such times as the AS has been approved in writing by the Planning Authority.
- 10 That during the construction of the development:-
- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
 - b) No work shall be undertaken within a 50 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
 - c) Track layout shall minimise disruption to water courses

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

- 11 The development site shall not be illuminated by lighting unless:
 - a) the Planning Authority has given prior written approval
 - b) lighting is required during working hours which has been approved by the Planning Authority; or
 - c) an emergency requires the provision of lighting.
- 12 Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
 - Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the Environmental Statement dated October 2017;
 - Advising the developer on adequate protection of nature conservation interests on the site;
 - Directing the micro-siting and placement of the turbines, bridges compounds and tracks and,
 - Monitoring compliance with the Construction Environmental Management Plan and Construction Method Statement required by condition 7 and 8.
- 13 No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Council as Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.
- 14 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of

investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

- 15 The developer shall be responsible for any alterations required to statutory undertaker's apparatus.
- 16 Prior to development commencing on site, details of materials, external finishes and colours for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.
- 17 That consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 5 years prior to the end of said 25 year period, the decommissioning scheme referred to in condition 30 of this consent shall be submitted to and approved in writing by the Planning Authority. Written confirmation of the date of commencement of development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.
- 18 Prior to the commencement of the development intrusive site investigations work shall be undertaken and a report prepared of the findings shall be submitted to the Planning Authority. Details of ground conditions and the final turbine foundation design shall be submitted at least 1 month prior to commencement of development unless agreed in writing with the Planning Authority, for the written approval of the Planning Authority, and thereafter adhered to and implemented as approved in the report. The site investigation should have particular regard to the potential for unrecorded mine workings within the application site.

If peat is identified during the site investigations, a Peat Management Plan (PMP) shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.

If any historic mine workings are identified during the site investigation, a suitable mitigation plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Coal Authority prior to the commencement of construction works on site. Thereafter, the approved mitigation scheme shall be implemented in full to the satisfaction of the Planning Authority in consultation with the Coal Authority in accordance with the plan within the required timescales.

- 19 All imported material that is required to be brought onto site shall be accompanied by certification from a suitably U.K.A.S accredited laboratory to confirm that it is free from contamination. If any off-site borrow pit(s) are proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site(s) and the wind farm site shall be submitted to the Planning Authority. Should these routes not be covered by the approved route for this application the developer will be required to provide an amended legal agreement to reflect any changes. Thereafter the

changes require to be adhered to and implemented.

- 20 There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.
- 21 At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a swept path assessment of the route and proposals for a trial run of abnormal load deliveries, and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries and confirmation from Transport Scotland that it is acceptable if their land is encroached by abnormal loads along the approved route. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Council as Roads Authority.
- 22 Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Co-ordinates in the Environmental Statement October 2017. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:
- bring a turbine any closer to an uninvolved property than is already approved
 - bring a turbine outwith the planning application boundary.
 - breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.
- 23 Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.
- 24 Culverts/ crossings shall be designed appropriately for a 1:200yr event. Prior to commencement on site detailed drawings of the culverts/crossings and an inspection and maintenance plan shall be prepared which shall set out regular inspection, maintenance and monitoring arrangement of the culverts/crossings. Thereafter the drawings and plan shall be implemented.
- 25 No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and

approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Cumbernauld and associated air traffic management operations.

- 26 No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 25 and 26 above;
"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Cumbernauld primary radar and air traffic management operations of the Operator.

- 27 Prior to delivery of turbines details of the confirmed turbine layout, colour, height and manufacturer, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:
- i) Shall have blades that rotate in the same direction.
 - ii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

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

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

- 30 No later than 5 years prior to the end of the period of this planning permission for the wind farm and its associated infrastructure, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a decommissioning and method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 25 year operational period. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

- 31 Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Plan referred to in Condition 30. Notwithstanding the terms of condition 30 above, no later than one year prior to the commencement of the approved Decommissioning Plan and Method Statement, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement. Thereafter any amendments to the restoration strategy are agreed by the Planning Authority.
- 32 No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated August 2017 for the entire application site and the Draft Species Protection Plan (SPP) dated August 2017 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:
- i. monitoring at the site to collate any bird collisions
 - ii. confirm the significance of the losses
 - iii. identify any potential mitigation to minimise the potential for bird strike
 - iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
 - v. Agreed management units
 - vi. Delineate management measures on a spatial plan
 - vii. Timing and programme of delivery and monitoring
- The SPP shall include:
- i. Otter Management Plan
 - ii. Badger Management Plan
 - iii. Pre-construction surveys
- Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.
- 33 A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, RSPB and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
 - b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
 - c) The mitigation identified in the HMP will be fully implemented
 - d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.
- 34 Prior to the erection of any turbines, the requirement to meet Ministry of Defence (MOD) aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MOD. Thereafter implemented and maintained over the life of the wind farm. The cardinal turbines are to be fitted

combi 25 candela red and IR lighting and the perimeter turbines are to be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point or as agreed in writing with MOD. The developer shall provide the MOD with the 'as built' turbine locations within 1 month of installation of turbine erected.

- 35 Prior to the erection of turbines or cranes on site the company shall provide to the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, and NATS with the following information, and has provided evidence to the Planning Authority of having done so;
- date of the expected commencement of turbine or crane erection
 - height above ground level of the tallest structure forming part of the Development;
 - the maximum extension height of any construction equipment; and
 - grid co-ordinates of the turbines and masts positions in latitude and longitude.
- 36 Except to any extent specifically permitted in writing by the Planning Authority, there shall be no commencement of development or operations at the site until the Guarantee (after mentioned) has been delivered to the Planning Authority and the Planning Authority has confirmed receipt of it.
- 37 That prior to the commencement of the development hereby approved, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
 - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
 - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
 - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

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

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

- 38 **Operational Noise from Wind Farm ETSU-R-97**

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

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

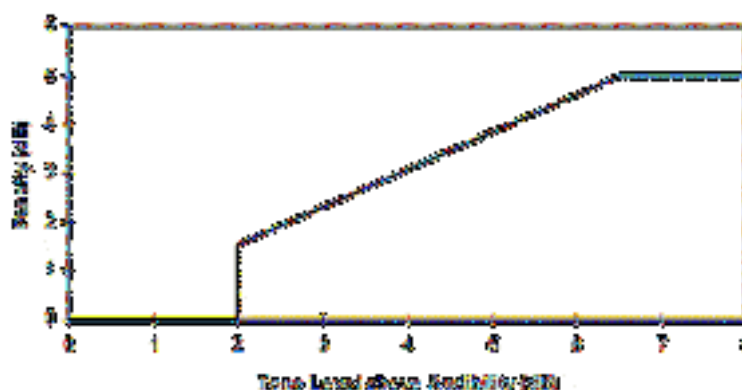
The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

39 Validation Testing

Prior to electricity being exported the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with condition 38 above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation measurements shall be mitigated for in order to comply with condition 38 above subject to agreement with the Planning Authority.

40 Tonal Contribution

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



41 Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind

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

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

- 42 In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.
- 43 That no part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and that a European Protected Species licence has been obtained from SNH if required.
- 44 Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant will implement within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

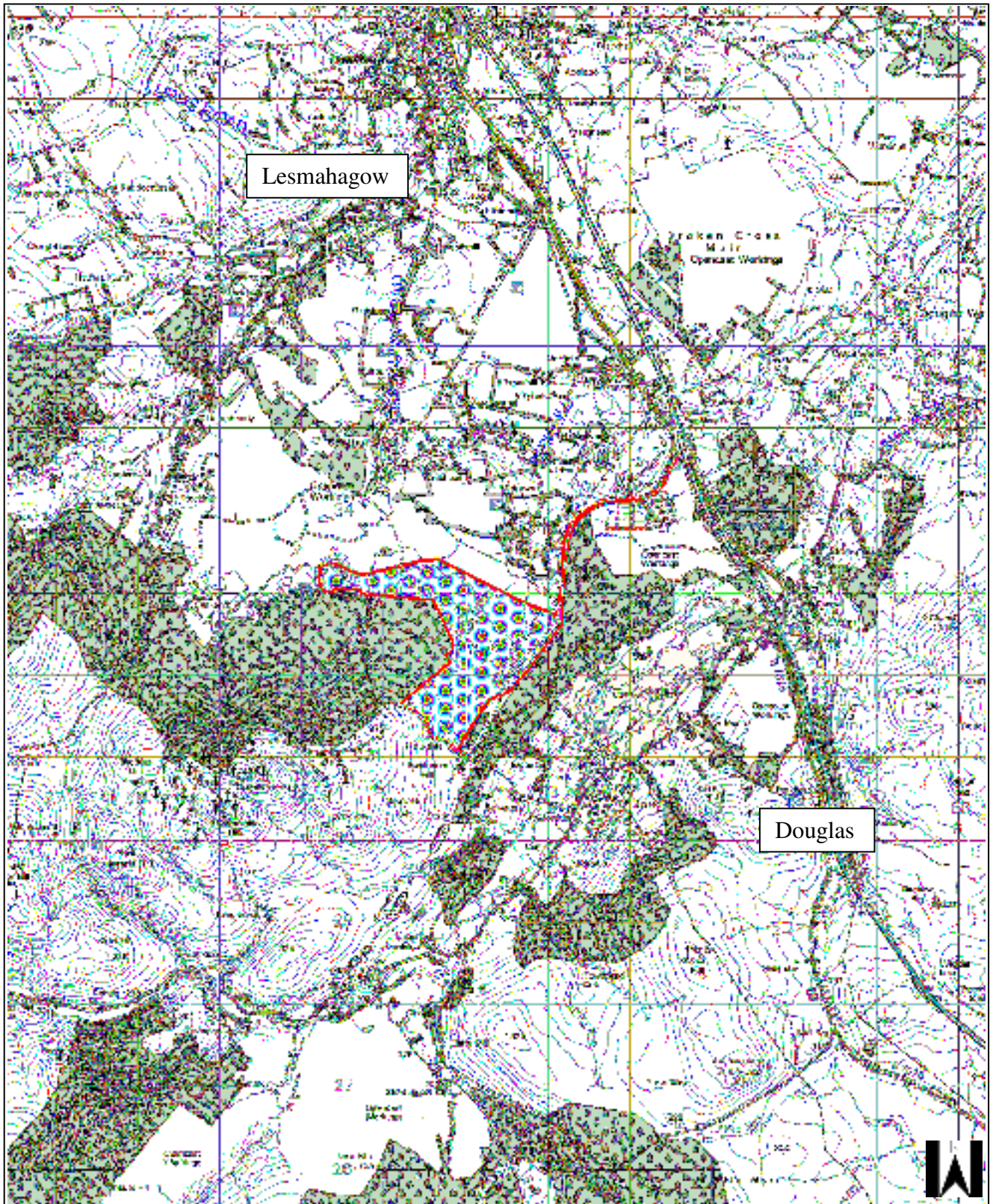
REASONS

- 1.1 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 2.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 3.1 In the interest of road safety and in order to retain effective planning control.
- 4.1 In the interest of road safety and in order to retain effective planning control.

- 5.1 In the interest of road safety and in order to retain effective planning control.
- 6.1 In the interest of road safety
- 7.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 8.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 9.1 In the interests of amenity and in order to retain effective planning control.
- 10.1 In order to retain effective planning control
- 11.1 In the interests of amenity.
- 12.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 13.1 To protect local residents from noise nuisance.
- 14.1 To minimise adverse impacts on archaeology on site.
- 15.1 In the interest of public safety
- 16.1 In order to retain effective planning control
- 17.1 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 18.1 To ensure the mineral and ground stability of the site.
- 19.1 To minimise environmental impact and in order to retain effective planning control.
- 20.1 To offset impacts of shadow flicker on residential and commercial property amenity.
- 21.1 In the interest of road safety and in order to retain effective planning control.
- 22.1 In order to retain effective planning control
- 23.1 In order to retain effective planning control
- 24.1 To minimise environmental impact on watercourses and in order to retain effective planning control.
- 25.1 In the interest of public safety
- 26.1 In the interest of public safety
- 27.1 In order to retain effective planning control

- 28.1 To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval
- 29.1 To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
- 30.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 31.1 In order to retain effective planning control
- 32.1 To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
- 33.1 To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
- 34.1 In the interest of public safety
- 35.1 In the interest of public safety
- 36.1 In the interests of amenity and in order to retain effective planning control.
- 37.1 To ensure that provision is made for the restoration and aftercare of the site.
- 38.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 39.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 40.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 41.1 In order to retain effective planning control
- 42.1 To ensure that any redundant wind turbine is removed from site, interests of safety, amenity and environmental protection.
- 43.1 To safeguard protected species and in order to retain effective planning control.
- 44.1 In order to retain effective planning control

For information only



For information only

Report

9

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

Application No	HM/17/0488
Planning Proposal:	Mixed Use Development Incorporating Residential Dwellings, Hotel, Office, Care Home, Retail, Restaurant/Café, Open Space and Associated Works (Planning Permission in Principle)

1 Summary Application Information

- Application Type : Permission in principle
- Applicant : UWS and SLC
- Location : University of the West of Scotland
Almada Street
Hamilton
ML3 0JB

2 Recommendation(s)

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

- (1) Grant planning permission in principle (subject to conditions – based on conditions attached)

2.2 Other Actions/Notes

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

- Additional nursery, primary and secondary education accommodation as appropriate.
- The provision of affordable housing on site.
- Off site roadworks

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

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

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

3 Other Information

- ◆ Applicant's Agent: Ironside Farrar Ltd
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 4 - Development Management and Place Making
 - Policy 5 - Community Infrastructure Assessment
 - Policy 6 - General Urban Area/Settlements
 - Policy 7 - Employment
 - Policy 10 - New Retail/Commercial Proposals
 - Policy 11 - Economic Development and Regeneration
 - Policy 14 - Green Network and Greenspace
 - Policy 15 - Natural and Historic Environment
 - Policy 16 - Travel and Transport
 - Policy 17 - Water Environment and Flooding

Development Management, Place Making and Design Supplementary Guidance (2015)

Residential Design Guide (2011)

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

- ◆ Consultation(s):

Countryside & Greenspace

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

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

Roads & Transportation Services (Geotechnical Section)

Education Resources - School Modernisation Team

Environmental Services

Roads Development Management Team

Housing Services

Arboricultural Services

West of Scotland Archaeology Service (WOSAS)

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land located to the north-west of Hamilton town centre. The site sits adjacent to the civic centre and is predominantly in educational use (University of the West of Scotland) but also includes student residences, a small business centre, the Council's data centre and extensive areas of surface car parking.
- 1.2 The site extends to approximately 7.5 hectares, it is irregular in shape and relatively flat. The site is bounded by Caird Street to the north, Almada Street to the south, Bothwell Road dual carriageway to the east and Beckford Street to the west. Directly adjacent to these roads are a wide range of uses including commercial and office developments, local retail developments, restaurants, B&Bs, small industrial parks, health services and residential properties. Vehicular access to the site can currently be gained via Caird Street, Almada Street, Bothwell Road and Beckford Street.
- 1.3 The site incorporates areas of vegetation which comprise a large group of trees on its Almada Street frontage adjacent to the Court buildings and a group of mature sycamore trees running east to west through the centre of the site. The majority of the remaining trees are recently planted and small species.

2 Proposal(s)

- 2.1 The applicants seek planning permission in principle for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/cafe, open space and associated works. Following the University of the West of Scotland's (UWS) decision to relocate its Hamilton campus to the Hamilton International Technology Park, UWS and South Lanarkshire Council (SLC) have entered into a Joint Venture Agreement to secure the redevelopment of the former campus and adjacent land owned primarily by the Council. The following paragraphs explain generally what might be expected to come forward as matters specified in conditions applications and subsequent development comes forward over time should planning permission in principle be granted.
 - Residential Development - the masterplan demonstrates scope for between 345 to 365 residential units and would contain dwellings of various types and tenures, of which a proportion would be affordable. The remainder would be a range of market housing for sale.
 - Hotel - scope for the development of a hotel is proposed as part of the development mix. Due to the scale of the site and the local market, it is likely that a hotel of between 60 to 80 bedrooms with ancillary facilities could come forward on the site.
 - Office or Institutional Use - the Caird Building, located in the north-eastern corner of the site, constructed as part of the Hamilton campus in recent years totals approximately 5,000 square metres. The building could provide scope for office or continued institutional facilities.
 - Retail/Cafe/Restaurant - a new public realm space would be created fronting onto Almada Street onto which there would be scope for a range of neighbourhood uses to complement the existing local facilities.

- Care Home/ Retirement Flats - it is understood that there is demand locally for retirement flats and or a 70 bed care home and the submitted Masterplan allows for such development to come forward as a further application.
- Access - the submitted Masterplan includes vehicular access points along all frontages, onto Beckford Street, Caird Street, Bothwell Road and Almada Street. A number of additional potential pedestrian/cycle access points have also been identified into the site.
- Open Space and Landscaping - the proposal includes the creation of a distinctive north-south linear green space at the heart of the new development. Inspired by the large parade grounds at the centre of the former barracks, this open space would provide structure to the new urban form connecting Almada Street with Caird Street.

2.2 As the application is for planning permission in principle, detailed plans do not form part of the application. However, the submitted Masterplan Framework document considers a hierarchical approach to design and layout with some design principles set out in detail. An Indicative Masterplan layout was also submitted which shows the provision of a central green enclosed by building frontages, with some set forward from the main building line. The central green would terminate in a hard-landscaped public space fronting onto Almada Street and would be addressed by ground floor retail/cafe units. Buildings would be positioned to terminate key street vistas e.g. Almada Street and the southern access off Beckford Street. The proposed northern access off Beckford Street would be aligned to continue Bothwell Street and to terminate the view on the Caird Building's western elevation, which would front onto a new street. The anticipated building heights are 5 storeys for the proposed hotel and offices, 3 storeys for the proposed town houses and a mix of 3 to 5 storeys for the proposed flatted dwellings.

2.3 The proposed development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was the subject of pre-application consultation, including public exhibitions held at the Almada Hall, UWS campus on 30 May and 13 July 2017. A number of documents have been submitted in support of the application including a Planning Supporting Statement, Masterplan Framework, Environmental Report, Stage 1 Geotechnical Appraisal, Pre-application Consultation Report, Transport Assessment, Tree Survey and Drainage Assessment and Flood Risk Assessment.

2.4 Under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, certain development projects require the planning authority to consider whether a proposed project is likely to have a significant effect on the environment, therefore, a screening opinion was undertaken by the Council prior to the submission of the planning application. Taking into account the characteristics of the development, its location and potential impact, the Council considered that the proposal does not require an Environmental Impact Assessment (EIA) and that environmental issues could be adequately addressed within the planning application process.

3 Background

3.1 Relevant Government Advice/Policy

3.1.1 In terms of national planning policy, Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development. In relation to residential development, SPP requires Councils to maintain a five year supply of

effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.2 **Local Plan**

- 3.2.1 In terms of local plan policy the site is located within the urban area in the adopted South Lanarkshire Local Development Plan (2015). The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 6 - Urban Area/Settlements, Policy 7 - Employment, Policy 11 - Economic Development and Regeneration, Policy 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspace, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance are also relevant to the assessment of the application. The content of the above policies and guidance and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.3 **Planning Background**

- 3.3.1 A Proposal of Application Notice was submitted to the Council on 16 May 2017 in relation to a residential led mixed use development on the site in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (HM/17/X0250/NEW).
- 3.3.2 In relation to the University of the West of Scotland's plans to vacate the site, planning permission in principle was granted to UWS and HFD on 24 May 2016 for a new university campus incorporating academic, specialist laboratory support, sports and office buildings, new access roads, car parking, student accommodation, sports facilities, sports pitches, students' union, retail and landscaping on land at the Eco Campus at Stephenson Place, Hamilton (HM/16/0147).
- 3.3.3 In addition, detailed planning permission was granted to UWS and HFD on 24 May 2016 for a change of use of three existing buildings from Class 4 (Business) to Class 10 (non-residential institution) for university use with associated external alterations and extensions at the Edzell, Dunlee and Carrick Buildings, Eco Campus, Stephenson Place, Hamilton (HM/16/0148).

4 **Consultation(s)**

- 4.1 **Roads Development Management Team** – have raised no objections to the application subject to conditions being attached to any consent issued. A Transport Assessment (TA) was carried out by the applicants and submitted as part of the application and considered the impact of the proposed development on the local road network. The TA concluded that the proposed development can be accommodated at this location without detriment to the existing transport network. The submitted TA was fully assessed in terms of the existing situation, the expected trip generation as a result of the proposal and the impact this would have on the local road network and priority junctions. It is agreed that the development would not have a detrimental effect on the road network however conditions should be attached to any consent to ensure that any further submissions include sufficient information and detail to ensure that each phase can be fully assessed and any required alterations to the existing transport network are accommodated. These relate mainly to priority junctions located close to the site.

Response: Noted. Appropriately worded conditions or clauses within any legal agreement would be attached to any consent to address the matters raised within any future detailed or matters specified in conditions application.

- 4.2 **Roads and Transportation Services (Flood Risk Management Section)** – have no objections to the proposal subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied and a Flood Risk/Drainage Assessment being carried out.

Response: Noted. Any consent granted would incorporate appropriately worded conditions to address the matters raised.

- 4.3 **Roads and Transportation Services (Geotechnical Section)** – have no objections to the application.

Response: Noted.

- 4.4 **Education Resources (School Modernisation Team)** – have no objections to the application subject to the applicant agreeing to a financial contribution towards additional education accommodation requirements at Hamilton Grammar School, Holy Cross High School and their feeder primary schools and nurseries where appropriate.

Response:- Noted. Discussions are ongoing with regard to the level of educational requirements arising from the proposed development and the applicants have in principle indicated a willingness to enter into a Section 75 Obligation and/or other legal agreement regarding these contributions.

- 4.5 **Environmental Services** – have no objections to the application subject to conditions requiring the submission of a noise assessment to determine the impact of noise from the proposed development on nearby dwellings and any noise sensitive premises, remediation of the site in accordance with the approved remediation plan prior to the proposed development being brought into use, the submission of details for the storage and collection of waste arising from the development and a scheme for the control and mitigation of dust. Informatives advising the applicant of acceptable hours for audible construction activities at the site and matters relating to health and safety, food safety, demolition and asbestos, contamination, and smoke control should also be attached to any consent granted.

Response: Noted. It is considered that appropriately worded conditions could be incorporated into any consent granted requiring the submission of the above details for the Council's approval and future implementation following the submission and approval of the required matters specified in conditions application(s). Appropriately worded informatives would also be attached to any consent granted to address the matters raised.

- 4.6 **SEPA (West Region)** - have no objection in relation to the indicative proposals for surface water drainage, waste water drainage and flood risk. In order for the government's renewable energy and heat demand targets to be met, it is important that all types of new development consider the role they play in using heat from renewable sources. Scottish Planning Policy states that the planning system should support the transformational change to a low carbon economy including deriving 11% of heat demand from renewable sources by 2020 and supporting the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity and the development of heat networks. SEPA are supportive of this strategy and recommend that a planning condition be attached to the consent requiring the submission of a feasibility report on the provision of a district heat network for the site with any detailed planning application.

Response: Noted. An appropriately worded condition would be incorporated into any consent granted to ensure the submission of the required feasibility report as part of any future matters specified in conditions application(s).

4.7 **Housing Services** – have no objections to the application.

Response: Noted.

4.8 **Countryside and Greenspace** – biodiversity principles should be included in the design of all green space and SUDS infrastructure to offset, mitigate and enhance opportunities for wildlife in terms of new habitat creation. Although there are likely to be various phases to implementation of the built components, in terms of the creation of the green infrastructure it is essential that there should be a single overall masterplan implemented in a single phase at an early stage of redevelopment of the site. This will provide the 'maturing setting' in which the various built elements can be implemented over time. The retention of mature and groups of trees as well as the planting of new trees is welcomed. Consideration should be given to ensure that these contribute to habitat networks (woodland and grassland in this case) as much as possible, in relation to nearby gardens and green spaces such as Bothwell Road Park and Hamilton Race Course. It may be possible to match these areas of habitat with the new/existing access routes. Any planting on site should be of native stock and pollinator friendly. This site offers an excellent opportunity to showcase design that incorporates biodiversity friendly elements and elements such as green walls/roofs, and other features should be considered. SUDS design should be friendly for wildlife; this can have additional safety benefits, such as profiled slopes and edge planting. Regarding the future maintenance of the green space/open space components, a plan/schedule should be developed detailing how and by whom these elements will be managed in the long term.

Response: Noted. Groups of existing mature trees within the site would be retained and are incorporated into the design proposal and all surface water runoff would be dealt with through a sustainable urban drainage system (SUDS) designed as an integral part of the overall landscape design. Any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's further approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity and leisure within the site and the surrounding area.

4.9 **Arboricultural Services** – have no objections to the application. It is noted that there are some omissions in the submitted tree survey that require to be addressed. Excluding these omissions this service does not disagree with the main findings of the Arboricultural report. The Masterplan framework makes clear reference to the Tree Survey's (Alan Motion Tree Consulting Ltd.) conclusion that one of the dominant groups of trees on the Almada Street frontage adjacent to the Court buildings should be retained. The framework also states that the retention of this high amenity group of mature trees adjacent to the Sheriff Court will help to preserve the setting of the listed court building. The framework goes on further to state that the adjacent new buildings will be set back to expose views of the trees and of the court building itself. However, the indicative layout in the framework's design strategy (pg. 32) does not sufficiently reflect this strong design requirement although it is noted that the plan is indicative only. This is an issue of concern and whilst it is understood that there are constraining factors affecting the site configuration and plot layout it is considered that any further applications should take full account of the need to retain as much of the existing tree cover as is reasonably practicable. Any sustainable urban drainage system within the landscape scheme should consider the potential inclusion of treescape. There is a generous level of trees being proposed as part of the overall landscape, including trees which define streets and paths, trees demarcating boundaries, trees providing privacy and/or shade, and trees screening and helping to visually 'break up' car

parking courts. However, it is vital that the canopy cover loss is mitigated, if not enhanced, and sufficient soil volume above and below ground is provided during planting.

Response: Noted. Any consent granted would include conditions requiring the submission of an updated tree survey with any future matters specified in conditions application(s) to address the omissions highlighted above, to ensure the protection of the existing trees within the site and for the submission of a specification for all proposed tree planting within the site.

- 4.10 **Scottish Water** – have no objections to the application and have advised that there is currently sufficient capacity to serve the proposed development in the Hamilton Waste Water Treatment Works.

Response: Noted.

- 4.11 **West of Scotland Archaeology Service (WOSAS)** – the area occupies part of the site of the former Hamilton Barracks. Given the date and nature of the barracks complex, and the level of development on the site over the course of the 20th century, it is unlikely that any archaeological remains that may survive would be sufficiently well preserved or of such intrinsic significance as to warrant refusal of the application on archaeological grounds alone, in order to preserve them in situ. In such circumstances, the Council has the option to ensure that the archaeological issues are addressed by the developer after the principle of the development has been determined through use of conditions, and WOSAS would advise that this approach should be adopted in this instance. Therefore, the outstanding archaeological issues at this site can best be addressed through the attachment of an appropriate archaeological condition which requires that no development takes place within the site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Council and thereafter implemented and that all recording and recovery of archaeological resources within the site is undertaken to the satisfaction of the Council in consultation with West of Scotland Archaeology Service.

Response:- Noted. Any consent granted would incorporate an appropriately worded condition to address the matters raised.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser due to the nature or scale of development. Three letters of representation have been received. The grounds of objection are summarised as follows.

(a) Concerns regarding the proposed loss of 401 public parking spaces in the area which are extremely convenient for users of Hamilton Business Park and the many other nearby businesses. This will create significant pressure on the remaining parking which is already over-subscribed. This car parking is required for those who work near this area and is fully utilised every day. Are there plans for any alternative free parking areas nearby, for example, will the Council car park be opened to all prior to 10am?

Response: The submitted layout incorporates an area of existing public car parking which forms part of Phases 1, 3 and 4 of the proposed development. These spaces will remain available during the early phases of development and options will be considered prior to the development of the later phases, particularly phases 3 & 4, to assess the level of parking required and mitigate the loss of parking spaces within the site. The permission in principle application sets out the framework for the site's development and conditions will be attached to any consent issued to ensure that

future car parking provision is fully considered and if required can be provided elsewhere.

(b) The suggested pedestrian access route through the Waverley House car park from Bothwell Road into the redeveloped campus is not available for use and is over private land. No connection can be made between the Waverley House car park and the development site as there is a solid stone boundary wall against which vehicles are parked for its entire length.

Response: Whilst the above points are noted the application is for planning permission in principle and the plans submitted with the application are indicative at this stage. Detailed matters relating to specific pedestrian routes through the site would be addressed through the submission of any future detailed or matters specified in conditions application(s).

(c) The already busy junction of Caird Park and Caird Street will need upgraded to include either traffic lights or a roundabout to allow traffic to flow from Caird Park at busy times, particularly, if the proposed car park should be consented.

Response: The submitted Transport Assessment states that the proposed development can be accommodated at this location without any significant detriment to the transport network however as the proposals are indicative at present, further analysis of the impact of any detailed proposal on the road network, in particular the priority junctions which includes Caird Street/ Bothwell Road, would be undertaken when further detailed applications are submitted. Roads and Transportation Services raised no objections to the proposal subject to conditions. Appropriately worded conditions would be attached to any consent granted to address the above requirements.

(d) The proposal to use the Caird Street entrance as access to a new 167 total space private car park for the proposed office building on the site of the existing data centre which adjoins Hamilton Business Park is unsuitable. With the proposed additional traffic, an already busy road will be too congested to cope with the additional vehicle movements on top of those already originating at Hamilton House, Bothwell House and Waverley House and the other adjoining offices. As such vehicular access to the proposed office car park should be taken off Beckford Street.

Response: As discussed above, appropriately worded conditions would be attached to any consent granted to ensure that all of the access points on Beckford Street, Caird Street, Bothwell Road and Almada Street operate within capacity.

(e) Prior to the building of Hamilton Water Palace residents strenuously objected to its development and highlighted the absurdity of the proposal in respect of parking and other amenities for the local residents. The residents were ignored and the inappropriate construction was progressed. However, during the planning process the Council promised and instilled criteria into the proposals to alleviate residents concerns, such as the construction of a car park of adequate capacity and the incorporation of a coach parking facility. Neither promises/criteria ever materialised, no coach facility has ever existed and the car park has been grossly inadequate from its initial completion.

Response: Whilst the above points are noted each planning application requires to be assessed on its own merits. Subject to the inclusion of the conditions discussed above, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access, parking or road safety issues.

(f) The Council have proven that they are not fit to propose, or manage such a development even in partnership and have overtly failed by way of impartiality and the consideration of local residents, who have been proven to be correct.

Therefore, I object to any form of development even in its initial stage which may or may not immediately impact on the displacement of the hundreds of persons who routinely park their vehicles on site, until restrictions (permits) as enjoyed by all other residents surrounding our homes are fully operational for all of Montrose Crescent. The Council cannot be permitted to run roughshod again over local residents, ignore their own conditions/criteria and fundamentally abuse their position of authority for their own means.

Response: Again, whilst the above points are noted each planning application requires to be assessed on its own merits. As discussed, subject to the inclusion of the conditions discussed above Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access, parking or road safety issues.

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

6 Assessment and Conclusions

- 6.1 The applicants seek planning permission in principle for a mixed use development incorporating residential dwellings, hotel, office, care home, retail, restaurant/café, open space and associated work. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.
- 6.2 In terms of national planning policy, Scottish Planning Policy (SPP) advises that proposals should be determined in accordance with the provisions of the development plan and all developments should contribute to sustainable development. In relation to residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. In this instance, the application involves the re-use of a previously developed site and the site's redevelopment would have a positive impact on the built and natural environment. The development would help to meet national policy objectives with respect to regeneration in the area and provide a sustainable mixed community integrated with development in the surrounding area. Furthermore, the site would be easily accessible by public transport and well integrated into existing walking and cycling networks. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.3 In terms of local plan policy the site is located within the urban area in the adopted South Lanarkshire Local Development Plan (2015). The application site and associated proposal is affected by Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Development Management and Place Making, Policy 5 - Community Infrastructure Assessment, Policy 6 - Urban Area/Settlements, Policy 7 - Employment, Policy 11 - Economic Development and Regeneration, Policy 13 - Affordable Housing and Housing Choice, Policy 14 - Green Network and Greenspace, Policy 15 - Natural and Historic Environment, Policy 16 - Travel and Transport and Policy 17 - Water Environment and Flooding of the adopted South Lanarkshire Local Development Plan. The Development Management, Place Making and Design Supplementary Guidance (2015) is also relevant to the assessment of the application.
- 6.4 Policy 1 encourages sustainable economic growth and regeneration, protection and enhancement of the built and natural environment and a move towards a low carbon economy. Policy 2 notes that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposed development would be constructed within a prominent area of central Hamilton and

offers a unique opportunity to enhance the built environment. It is considered that the redevelopment of the site would result in an attractive and vibrant urban neighbourhood drawing on numerous existing place assets, including proximity to the railway station, historic civic buildings, the nearby college, racecourse, public park and leisure pool. The proposed Masterplan layout promotes wider provision of sustainability measures by 'embedding' best practice within site and layout design. The orientation, external and internal design of buildings, and use of landscaping, should maximise the use of natural heat and light, contribute to local biodiversity and minimise the use of non-renewable energy sources. The site would be well-designed and landscaped with a choice of contemporary higher density housing which would contribute to part of a wider sustainable development strategy for Hamilton which recognises the importance of densification within urban centres to enable settlements of its scale to prosper. It is, therefore, considered that the proposal meets the terms of the above policies.

- 6.5 In terms of Policy 5 – Community Infrastructure Assessment, the applicants would provide or make proportionate contributions towards the infrastructure and facility needs of the proposed development. These would be agreed in accordance with the requirements of the Local Development Plan and the associated 'Community Infrastructure Assessment Supplementary Guidance'. The applicants have agreed in principle to the provision of affordable housing on site, the upgrade of signalised junctions to install SCOOT where required and a financial contribution for educational provision, to equate to the demand for school places arising from the proposed development, all of which would be addressed appropriately through the conclusion of a Section 75 Obligation. It is, therefore, considered that the proposal meets the terms of Policy 5.

- 6.6 Policy 7 states that the Council will support sustainable economic growth and regeneration by encouraging the development of business in South Lanarkshire through the identification of employment land use areas. It is considered that the proposed mixed use development, which includes potential for a range of employment generating uses, would provide opportunities for the reuse of existing buildings for Class 4 office purposes, the introduction of retail/cafe space and a hotel, all of which would enhance employment prospects in Hamilton. It is, therefore, considered that the application meets the terms of Policy 7.

- 6.7 In terms of Policy 10 – New Retail/Commercial Proposals, the southern edge of the master planned area has potential to provide a mix of uses which would complement the existing range of uses on Almada Street. It is anticipated that the proposed 400 square metre retail facility would be located with a frontage onto Almada Street in close proximity to the existing Neighbourhood Centre. This facility is expected to have a relatively local catchment which would complement the current local neighbourhood centre offering. On this basis, it is considered that the application meets the terms of Policy 10.

- 6.8 Policy 11 states that the Council will support activities that maximise economic development and regeneration particularly through implementation of the policies in the Local Development Plan and the proposals listed in Appendix 3. Priority will be given to development proposals that deliver physical and community regeneration and positively contribute to the local economy. In this regard, the University of the West of Scotland is relocating from Almada Street to the Hamilton International Technology Park and the University is expected to be operational from that location in September 2018. As a result the existing campus will be redundant and surplus to requirements. It is considered that the proposal to redevelop the existing UWS site offers a unique regeneration opportunity to strengthen and reinvigorate Hamilton's civic core, to increase the residential population, encourage a greater mix of uses, improve

connections and create an innovative, higher density and higher quality townscape. The proposal also reflects the wider ambitions of the Council for high quality homes and public spaces that support an excellent quality of life, while blending the new development into the existing surroundings in a way that contributes to the wider town. Given the above it is considered that the proposal conforms with the terms of Policy 11.

- 6.9 The submitted Masterplan demonstrates that there is scope for between 345 and 365 residential units as part of a phased mixed use development and the redevelopment of the site would help to meet housing land requirements for both private and affordable homes. Affordable housing would be provided in line with the requirement of Policy 13 - Affordable Housing and Housing Choice. This housing would be provided in a range of size and types and would be provided close to bus stops and other local services. Affordable housing would be fully integrated into the new development and would be indistinguishable from other forms of housing. In view of the above, it is considered that the application meets the terms of Policy 13.
- 6.10 Policy 14 states that development proposals should safeguard the local green network, identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:
- i placemaking,
 - ii mitigating greenhouse gases,
 - iii supporting biodiversity,
 - iv enhancing health and quality of life,
 - v providing water management including flood storage, and buffer strips,
 - vi providing areas for leisure activity, and
 - vii promoting active travel.
- 6.11 The indicative layout submitted incorporates several areas of structured landscaping and open space to enhance the urban form and character of the site and the proposal would introduce civic green space as an integral part of the street/public space network. The central green space, together with the green corridor to the north, would provide a clear and functional open space framework for the development. The development is designed to encourage walking and cycling, and access to Hamilton West Station. The design does not encourage through movement of motor vehicles and the use of low and zero carbon technologies would be addressed at the detailed design stage. Groups of existing mature trees would be retained as part of the development and are incorporated into the design. A large proportion of the proposed dwellings would overlook the central green space and all residents would have easy access to it. All surface water runoff would be dealt with through a sustainable urban drainage system (SUDS) designed as an integral part of the overall landscape design. Path connections through the green spaces offer opportunities for walking and cycling while the proposed play park would encourage physical activity and wellbeing for children. It is considered that the application site, the surrounding area and the Green Network as a whole would benefit from the enhanced leisure and ecological opportunities that the proposal provides. Any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's further approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity and leisure within the site and the surrounding area. Given the above, it is considered that the development of the site will have a positive impact on the environment and will improve the quality of life for those living in the surrounding area. On this basis I am satisfied that the proposal would have no adverse impact on the Green Network and that the application meets the terms of Policy 14.

- 6.12 Policy 15 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built development. In terms of the built environment there are three listed buildings in the vicinity of the application site. Whilst the application is for planning permission in principle and no details have been submitted at this stage specifying the detailed design and finish materials of the proposed buildings it is considered that the impact of the development on the setting or integrity of the listed buildings is likely to be negligible. With regard to the natural environment an ecological walkover survey has been carried out on the site which concludes that there will be no direct or indirect impacts on any known statutory or non-statutory nature conservation sites. Any habitat that would be lost or changed as a result of the proposed development would be of low value. A daytime bat assessment of the buildings within the development site was undertaken. Whilst potential roosting locations will be lost as part of the proposed works limited habitat loss in terms of treeline removal is expected and therefore, no impacts to foraging bats are predicted. Compensation and mitigation measures have been proposed to ensure that bats are not harmed as a result of the proposed works and that the local population of common pipistrelle bats are maintained at a favourable conservation status through the use of bat boxes on trees and on the new buildings. Given the above it is considered that the proposal conforms with the terms of Policy 15.
- 6.13 Policy 16 - Travel and Transport seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, a Transport Assessment (TA) was submitted with the application which assessed the impact on the local road network. The TA concluded that the proposed development can be accommodated in this location with no detrimental impact to the existing transport network. Each element of the proposed development would be highly accessible by a range of transport modes. The Masterplan Framework document has considered the need for the development to be in line with nationally established hierarchy of travel modes which encourage the use of non-vehicular means of travel. A clear priority on the creation of safe and direct walking and cycling routes through the site and alignment with routes to key destinations such as the station and town centre demonstrates the promotion of active travel. The proposal would provide connections from the proposed development to the surrounding pedestrian and cycling network including core paths. It is, therefore, considered that the proposal would not have an adverse impact on traffic flows or road safety and that the proposal complies with Policy 16.
- 6.14 Policy 17 - Water Environment and Flooding states that any development proposals which will have a significant adverse impact on the water environment will not be permitted. The submitted Flood Risk Assessment concludes that the site is shown to be outside areas at risk from flooding events from coastal and river waters on the SEPA Indicative River & Coastal Flood Map (Scotland). Limited areas of surface water ponding shown on this map would be removed through the development of the site. The submitted information relating to drainage and flood risk indicates that the proposed development can meet the terms of Policy 17 and conditions would be attached to any consent granted to ensure that appropriate measures are put in place to satisfy the above policy.
- 6.15 As the application is for planning permission in principle, detailed plans do not form part of the application. However, it is considered that the indicative layout submitted in the supporting information generally respects the character and topography of the local area and any future detailed or matters specified in conditions applications would be the subject of further design assessments to ensure the provision of a high quality development which accords with the various criteria contained within Policies 4 and 6.

Appropriate finish materials and boundary treatments would be addressed through these future submissions in order to compliment development in the surrounding area.

- 6.16 The proposed redevelopment of the site currently occupied by the University of West of Scotland following its relocation will provide an opportunity to create an urban village within Hamilton close to public transport and employment links. The proposed residential led redevelopment will include smaller homes for young people and families, affordable houses for rent and a care home. The proposal also seeks to provide a number of commercial developments including a hotel and small scale retail and restaurant/ leisure opportunities around the Almada Street frontage. The University population has, until now, utilised the existing businesses and the proposal seeks to enhance the existing commercial offer and cater for both existing residents and those who will occupy the proposed dwellings. The proposal offers a unique opportunity to strengthen and reinvigorate Hamilton's civic core, to increase the residential population, encourage a greater mix of uses, improve connections and create an innovative, higher density and higher quality townscape. The proposal reflects the wider ambitions of the Council for high quality homes and public spaces that support excellent quality of life while blending the new development into the existing surroundings in a way that contributes to the wider town. The proposed development meets the aims, objectives and aspirations of national policy and guidance in relation to the planning of new residential led development opportunities. Statutory consultees have raised no significant concerns in relation to the proposal and the matters which have been raised can be addressed through the use of conditions where appropriate. Three letters of representation have been received in relation to the application and the grounds of objection have been discussed in detail in Section 5 above. In summary, it is considered that the application for the proposed mixed use development conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues.
- 6.17 As the proposal is considered to comply with national and local plan policy I would therefore raise no objection to the application and recommend that planning permission in principle be granted subject to the conditions listed and subject to the conclusion of the required Section 75 Obligation.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 5, 6, 7, 10, 11, 14, 15, 16 and 17 of the adopted South Lanarkshire Local Development Plan and the supplementary guidance of the Proposed Development Management, Place Making and Design Supplementary Guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 February 2018

Previous References

HM/17/X0250/NEW

HM/16/0148

HM/16/0147

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development Management, Place Making and Design Supplementary Guidance (2015)
- ▶ Residential Design Guide (2011)
- ▶ Neighbour notification letters dated 13.10.2017 & 27.11.2017
- ▶ Press Advertisement, Hamilton Advertiser 26.10.2017

- ▶ Consultations
 - Roads & Transportation Services (Flood Risk Management Section) 05/12/2017
 - Roads & Transportation Services (Geotechnical Section) 08/01/2018
 - Countryside & Greenspace 03/11/2017
 - S.E.P.A. (West Region) 27/10/2017
 - Scottish Water 18/10/2017
 - Environmental Services 19/10/2017
 - Education Resources 16/01/2018
 - WOSAS 30/10/2017
 - Roads Development Management Team 11/01/2018
 - Housing Services 11/01/2018
 - Arboricultural Services 25/01/2018

- ▶ Representations
 - Representation from : Derek Osborne, Clowes Developments (Scotland) Ltd, Estates, Office, The APL Centre, Stevenston Industrial Estate, Stevenston, KA20 3LR, DATED 03/11/2017 11:58:05
 - Representation from : Ian Bell, 15 Montrose Crescent, Hamilton, ML3 6LP, DATED
 - Representation from : Marlene McCaw, DATED 23/10/2017

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
Ext 3657 (Tel: 01698 453657)
E-mail: jim.blake@southlanarkshire.gov.uk

CONDITIONS

- 1 Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).
These matters are as follows:
 - (a) the layout of the site, including all roads, footways, parking areas and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
 - (d) the design and location of all boundary treatments including walls and fences;
 - (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees, and details of the maintenance of all landscaping;
 - (f) the means of drainage and sewage disposal.
 - (g) the incorporation of biodiversity principles in the design of all greenspace and SUDS infrastructure;
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- 2 That the further application(s) required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage for the consideration and detailed approval of the Council as Planning Authority. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.
- 3 That the further application(s) required under the terms of Condition 1 above, shall include a Flood Risk/Drainage Assessment and Independent Check for the consideration and detailed approval of the Council as Planning Authority. This Assessment shall include confirmation that a suitable FFL is provided and procedures are considered to ensure access/egress can be obtained should flooding occur. The Assessment and Independent Check shall be carried out in accordance with the latest industry guidance listed within Section 4.0 of the Council's SuDS Design Criteria Guidance Note.
- 4 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of

Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council in agreement with the West of Scotland Archaeology Service.

- 5 That no part of the development hereby approved shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.
- 6 That the further application(s) required under the terms of Condition 1 above, shall include a Noise Assessment (NA) to determine the impact of noise from the proposed development on nearby dwellings and any noise sensitive premises using the principles set out in British Standard BS 4142:1997 - Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or by a method agreed by the Planning Authority.

All lifts and/or hoists, including doors, guide rails and ancillary plant and machinery, as well as mechanical air handling/ air conditioning plant and ducted systems, shall be suitably isolated from the structure of the building to minimise transmission of noise and vibration to adjacent dwellings/premises.

The assessment shall be submitted to and approved by the Planning Authority and shall identify the predicted Rating Level and measured Background Noise Level at nearby dwellings and noise sensitive premises. Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from industrial/stationary noise shall be submitted to, and approved by, the Planning Authority.

(The Background Noise Level for the most sensitive period that the source could operate should be used for this assessment. Any survey submitted should assess the noise effects of any activities likely to result from the proposed development, including commercial vehicle deliveries, on adjacent dwellings and noise-sensitive premises.)

- 7 (a) Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the proposed development being brought into use. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to the Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced these risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

- 8 That the further application(s) required under the terms of Condition 1 above, shall include details for storage and the collection of waste arising from the proposed development for the consideration and detailed approval of the Council as Planning Authority. Thereafter, the approved details shall be implemented and maintained to the satisfaction of the Council.
- 9 That the further application(s) required under the terms of Condition 1 above, shall include a scheme for the control and mitigation of dust for the consideration and detailed approval of the Council as Planning Authority. Thereafter, the approved details shall be implemented in accordance with a programme to be agreed in writing with the Council.
- 10 That the further application(s) required under the terms of Condition 1 above, shall include a feasibility report on the provision of a district heating network for the site for the consideration and detailed approval of the Council as Planning Authority.
- 11 That the further application(s) required under the terms of Condition 1 above, shall include details of all accesses (Beckford Street, Caird Street, Bothwell Road and Almada Street) designed to the National Roads Development Guidelines for the consideration and detailed approval of the Council as Planning and Roads Authority.
- 12 That the further application(s) required under the terms of Condition 1 above, shall include a parking management strategy for the consideration and detailed approval of the Council as Planning and Roads Authority. The management strategy shall detail each of the parking areas and their corresponding use. The submitted details shall outline a management strategy for the parking spaces to ensure that only residents/visitors/employees for that element can use the spaces provided. The strategy shall detail the provision of electric car charging posts, cycle parking (in communal areas/uses other than residential) and how these will be managed.
- 13 That the further application(s) required under the terms of Condition 1 above, shall include a junction analysis for the consideration and detailed approval of the Council as Planning Authority to ensure that all of the access points on Beckford Street, Caird Street, Bothwell Road and Almada Street operate within capacity. This analysis shall be undertaken using a methodology to be agreed with the Council.
- 14 That the further application(s) required under the terms of Condition 1 above shall include a review of the traffic signal junctions which were assessed in the submitted Transport Assessment for the consideration and detailed approval of the Council as Planning Authority to ensure that the existing traffic signals are working efficiently with the inclusion of development traffic for each completed phase of the development. These junctions include:
 1. Almada Street/ Union Street
 2. Almada Street/ Douglas Street
 3. Bothwell Road/ Caird Street
 4. Douglas Street/ Douglas Park Lane/ Caird Street/ New Park Street
 5. Burnbank Road/ Clydesdale Street
 6. Wellhall Road/ Peacock Way
 7. Cadzow Street/ Muir Street
 8. Muir Street/ Auchingramont Road

The scope and extent of this review and subsequent works shall be agreed with the Council and any works required shall be undertaken within 6 months of the review.

- 15 That a Travel Plan shall be submitted to and approved by the Council as Planning and Roads Authority prior to the construction of each phase of the development hereby approved.
- 16 No part of phase 3 and 4 shall commence until parking assessments, detailing mitigation measures to offset the impact of any loss of public parking spaces for each phase has been submitted to and approved by the Council as Planning and Roads Authority. Where required, these measures shall be implemented prior to the commencement of the relative phase unless otherwise agreed. These measures shall take cognisance of the route that users take to exit the main car park that will remain.
- 17 That a Traffic Management Plan (TMP) shall be submitted for the consideration and detailed approval of the Council as Planning Authority for any part of the development. The TMP shall outline the routing of construction traffic, construction staff parking area and compound, and the location of wheel washing facilities.
- 18 That the further application(s) required under the terms of Condition 1 above, shall include an updated tree survey for the consideration and detailed approval of the Council as Planning Authority.
- 19 That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

In this condition a "retained tree" is all existing trees, particularly those within the Caird street group, Caird boundary group, Almada Street frontage/green space group, rear of 8 Beckford street, and the group of trees running west-east through the centre of the site. Consideration shall also be given to the feasibility of relocating trees within the site in line with BS5837:2012 s. 4.5.10. Paragraphs (a) and (b) below shall have effect until the expiration of (10 years) from the date of the occupation of the buildings/commencement of use of the approved development for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, without the prior written approval of the Local Planning Authority. All approved tree works shall be carried out in accordance with BS3998.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Council as Planning Authority

- 20 That no development shall take place until a Tree Protection Plan, Arboricultural Impact Assessment, and Arboricultural Method statement in accordance with BS 5837:2012 has been submitted to, and approved in writing, by the Council as Planning Authority. The documents shall include details of the arrangements for its implementation.

- 21 That the following activities shall not be carried out under any circumstances:
- (a) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - (b) No works shall proceed until the appropriate and approved Tree Protection Barriers (in line with the Tree Protection Plan) are in place, within the exception of initial tree works.
 - (c) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
 - (d) No mixing of cement or use of other materials or substances shall take place within a Root protection Area, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area.
 - (e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Council as Planning Authority.
- 22 That no works or development shall take place until a tree planting standard and specification for all proposed tree planting has been approved in writing by the Council as Planning Authority. The tree planting standard shall compare the pre and post development canopy cover of the site to ensure canopy cover is maintained or enhanced through retention of existing trees, new planting and design of layout that accommodate future growth of trees without conflict. The specification will include details of the quantity, size, species, soil volumes, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with the specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces). Tree Design Action Group's (TDAG) 'good practice guide Trees in Hard Landscapes: A Guide for Delivery in association with the CIHT, ICE, ICF and CIBSE, shall be used to inform establishment of trees in the hard landscape.
- 23 That no works or development shall take place until a review of all planning conditions attached to this approval has been approved in writing by the Council as Planning Authority. The review shall identify potential points of conflict between other conditions and those applicable to arboricultural matters, including any lack of awareness by other parties involved in the arboricultural implications, in exercising the planning consent. Where such matters are identified the relevant parties shall be made aware of their responsibilities and a written statement of their undertaking to abide by the scheme for the protection of retained trees shall be submitted to the Council as part of the review.
- 24 That no works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Council as Planning Authority. The scheme shall be appropriate to the scale and duration of the works and may include details of:-

- a) induction and personnel awareness of arboricultural matters;

- b) identification of individual responsibilities and key personnel;
- c) statement of delegated powers;
- d) timing and methods of site visiting and record keeping, including updates;
and
- e) Procedures for dealing with variations and incidents.

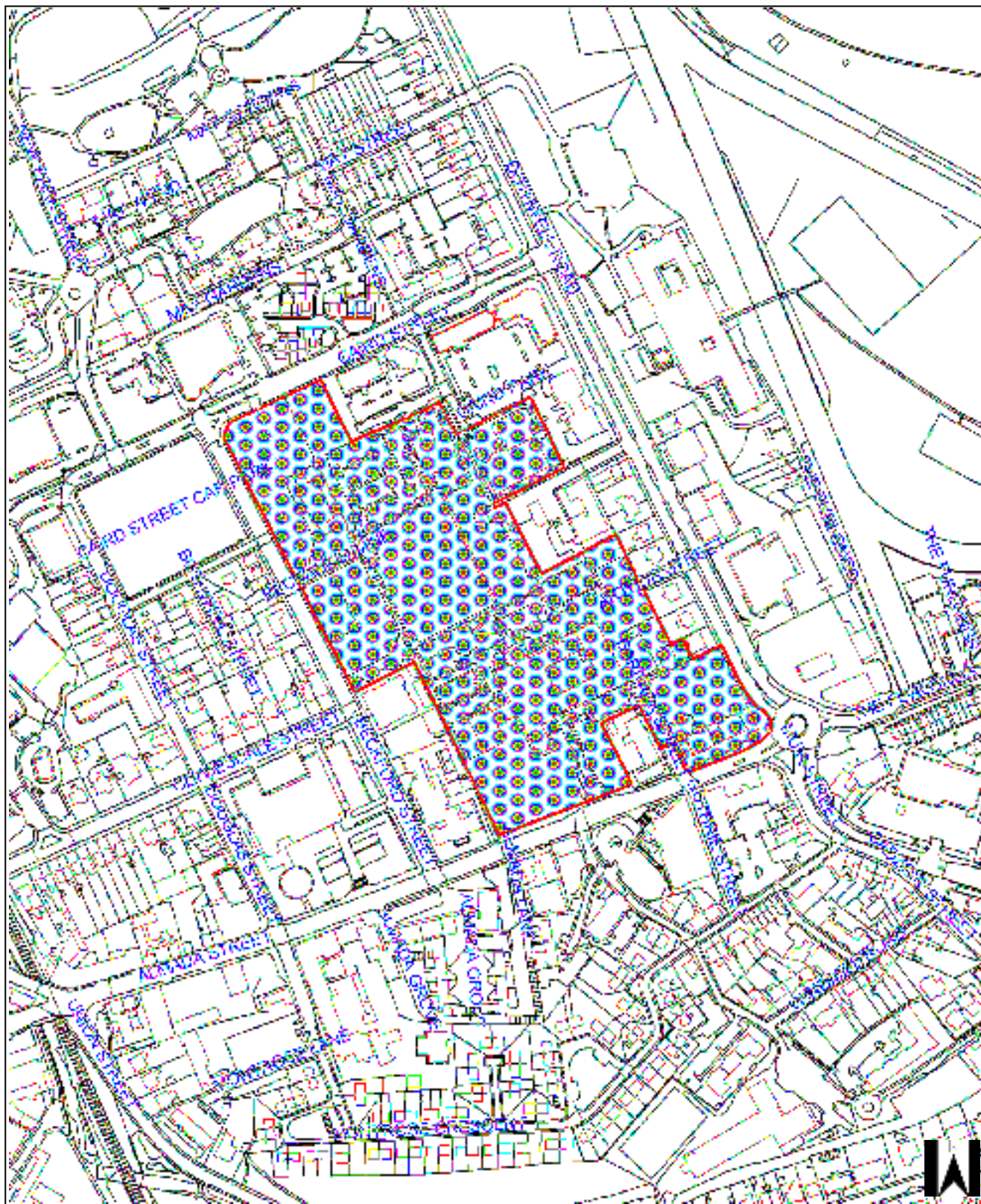
The Council may require the scheme of supervision to be administered by a qualified Arboriculturalist approved by the Local Planning Authority but instructed by the applicant.

REASONS

- 1.1 To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2.1 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 3.1 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 4.1 In the interest of amenity and in order to retain effective planning control.
- 5.1 To ensure the provision of a satisfactory sewerage system.
- 6.1 To minimise noise disturbance to adjacent occupants.
- 7.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 8.1 To safeguard the amenity of the area.
- 9.1 To safeguard the amenity of the area.
- 10.1 These details have not been submitted or approved.
- 11.1 These details have not been submitted or approved.
- 12.1 These details have not been submitted or approved.
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- 16.1 These details have not been submitted or approved.

- 17.1 These details have not been submitted or approved.
- 18.1 In the interest of amenity and in order to retain effective planning control.
- 19.1 To ensure the protection and maintenance of the existing mature trees within the site.
- 20.1 To ensure the protection and maintenance of the existing mature trees within the site.
- 21.1 In the interest of amenity and in order to retain effective planning control.
- 22.1 In the interest of amenity and in order to retain effective planning control.
- 23.1 In the interest of amenity and in order to retain effective planning control.
- 24.1 In the interest of amenity and in order to retain effective planning control.

For information only



For information only

Report

10

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

Application No	CR/17/0233
Planning Proposal:	Alterations to Accommodate Attic Conversion Including the Formation of a Rear Dormer

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr John Bradley
- Location : 23 Burnside Road
Rutherglen
G73 4RR

2 Recommendation(s)

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

- (1) Grant detailed planning permission - Subject to Conditions (based on the conditions overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) This application requires to be referred to the Planning Committee as the applicant is a member of the Council.

3 Other Information

- ◆ Applicant's Agent: ES-G Architects Ltd
- ◆ Council Area/Ward: 11 Rutherglen South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 4 - Development management and placemaking
Policy 6 - General urban area/settlements
Development management, placemaking and design supplementary guidance (2015)
Policy DM2 - House extensions and alterations

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

◆ Consultation(s):

None

Planning Application Report

1 Application Site

- 1.1 The application site is a semi-detached dwellinghouse located at 23 Burnside Road, Rutherglen. The site is located within an established residential area and the surrounding land uses are predominantly residential. The site is bordered on three sides by adjacent residential properties, and an area of open space is located to the west, on the opposite side of the road.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for external alterations to the roof associated with an attic conversion, including the formation of a rear dormer. The proposed alterations would allow for an additional bedroom and shower room to be formed within the existing attic space. The proposed dormer would be finished with a 'cat-slide' roof and a small roof window, and is required in order to provide the required headroom and natural light to the new internal staircase. The only other external alterations proposed would be the installation of two roof windows on the front elevation of the property.

3 Background

3.1 Development Plan Status

- 3.1.1 In terms of the adopted South Lanarkshire Local Development Plan (2015), the site is located within the Rutherglen settlement boundary. In terms of this proposal, the applicable policies of the adopted Local Development Plan to be considered are Policy 4 – Development Management and Placemaking, Policy 6 – General Urban Area/Settlements and Policy DM2 – House Extensions and Alterations, the latter of which is contained within the Development Management, Placemaking and Design Supplementary Guidance (2015).

3.2 Planning Background

- 3.2.1 Many small scale dormers can be formed to the rear of dwellinghouses without the requirement to submit a planning application under Class 1D of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011. In this instance, however, the design of the proposed dormer is such that it would be located within 0.3 metres of the edge of the roof plane and as such it would not comply with the relevant householder permitted development rights. For this reason, a planning application is required to be submitted for consideration.
- 3.2.2 This type of application can generally be dealt with under delegated powers, however as the applicant is a member of the Council this application requires to be referred to the Planning Committee.

4 Consultation(s)

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

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken in respect of this application. No letters of representation have been received as a result of this publicity.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning consent for alterations to the roof of an existing semi-detached dwellinghouse at 23 Burnside Road, Rutherglen, including the formation of a rear dormer. The relevant Local Development Plan policies are Policy 4, Policy 6 and Policy DM2.
- 6.2 Policy 4 – Development Management and Placemaking requires all development proposals to take account of and be integrated to the local context and built form. Development proposals should have no significant adverse impacts on the local community. Policy 6 – General Urban Area/Settlements states that residential developments and those of an ancillary nature may be acceptable within urban areas and settlements. Developments will not be permitted if they are detrimental to the amenity of residents.
- 6.3 Policy DM2 – House extensions and alterations is contained within the Development Management, Placemaking and Design Supplementary Guidance (2015). This policy states that house extensions and alterations will be considered favorably where it can be demonstrated that the proposal; is appropriately designed within its setting, does not significantly adversely affect adjacent properties, retains adequate car parking, garden ground and bin storage within the site and that it has no adverse impact on traffic or public safety.
- 6.4 The erection of a rear dormer is a relatively common form of householder development, and consent is only required in this instance due to its position in relation to the edge of the roof plane. The proposed dormer is not of a size, scale or design that would appear out of character and it would not result in any privacy concerns to neighboring householders. In addition, due to its position at the rear of the property it would not be readily visible in the wider area. A condition can be imposed to control the final choice of external materials to ensure that it suitably integrated with the existing roof. The proposed roof windows would have no material impact upon amenity, and indeed they would be considered as permitted development. Sufficient off-street parking is available to serve the enlarged property and, as such, it is considered that this proposal will have no significant adverse impact upon residential or visual amenity in the local area.
- 6.5 No consultations were required to be undertaken in respect of this application and no letters of representation have been received by this Service.
- 6.6 It is considered that the proposal will have no significant adverse impact on amenity and that it complies with the relevant Local Development Plan policies and guidance. It is therefore considered that the granting of consent is justified.

7 Reasons for Decision

- 7.1 The proposal will have no significant adverse impact on amenity and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 4, 6 and DM2). There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

29 January 2018

Previous References

- ◆ CR/02/0118 – Erection of single storey extension to side and rear of dwellinghouse
- ◆ CR/04/0035 – Erection of single storey extension at rear of dwellinghouse (Amendment to CR/02/0118) (Retrospective Application)

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Development management placemaking and design supplementary guidance (2015)
- ▶ Neighbour notification letter dated 19 December 2017

Contact for Further Information

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

Andrew Muir, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB

Ext 5058 (Tel: 01698 455058)

E-mail: andrew.muir2@southlanarkshire.gov.uk

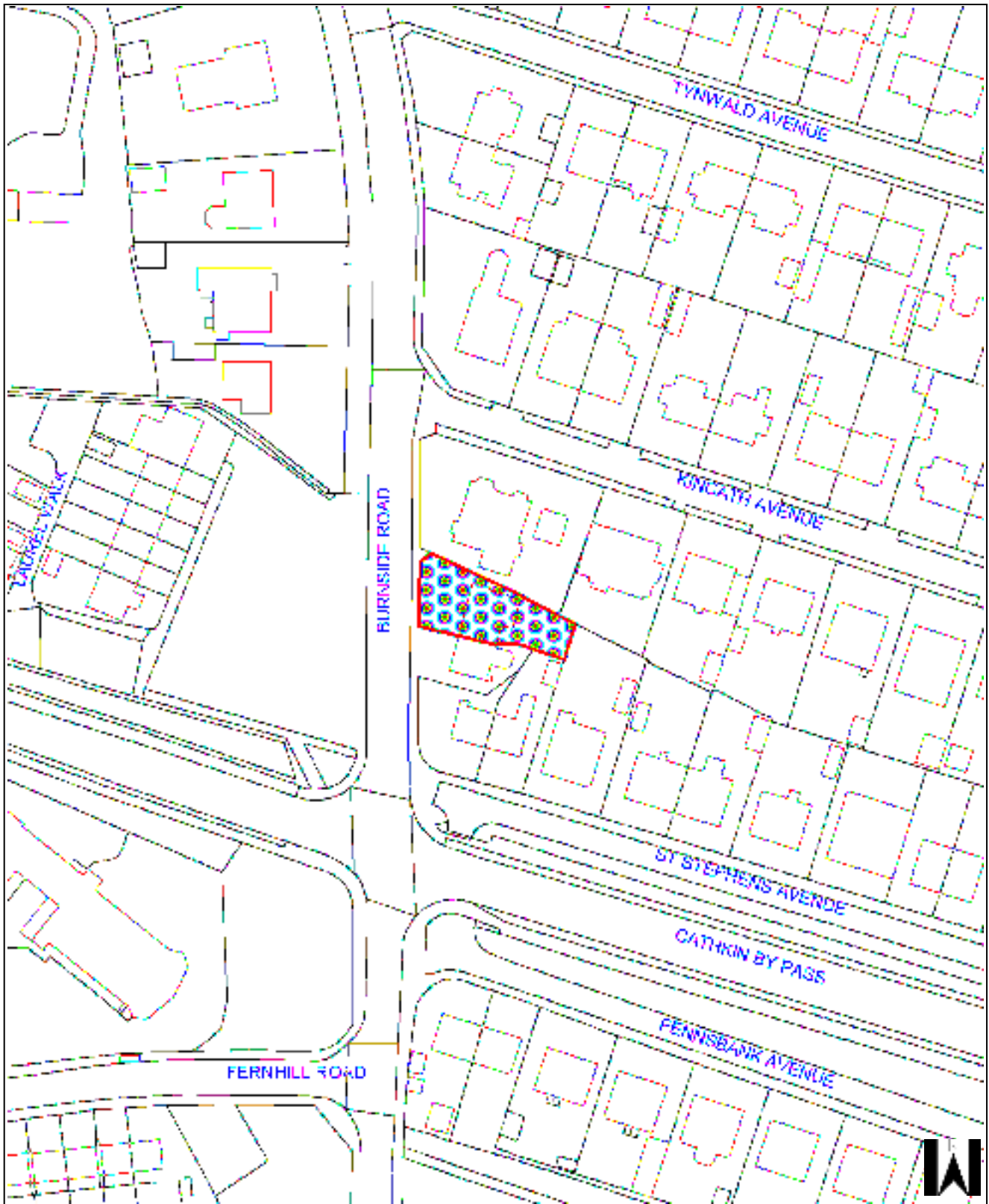
CONDITIONS

- 1 That the face and cheeks of the dormer hereby approved shall be finished in materials to match the existing roof to the satisfaction of the Council as Planning Authority.

REASONS

- 1.1 To ensure satisfactory integration of the proposed dormer with the existing building both in terms of design and materials

For information only



For information only

Report

11

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

Application No HM/17/0536
 Planning Proposal: Application Regarding a High Hedge Situated Along the South West Boundary of Silverwood Court, Bothwell

1 Summary Application Information

- Application Type : High Hedge application
- Applicant : Liz Polombo
- Location : Silverwood Court,
25 Langside Road
Bothwell
G71 8NQ

2 Recommendation(s)

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

- (1) High hedge Notice - to be served.

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Council Area/Ward: 16 Bothwell and Uddingston
- ◆ Representation(s):
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters
- ◆ Consultation(s):
Arboricultural Services

High Hedge Report

1 The hedge and its surroundings

- 1.1 The property is located within an established residential area and is, therefore, bounded by residential properties. The hedge is owned by the dwelling house at 25 Langside Road, Bothwell and the properties that are affected by the high hedge referred to in this application are 12 flats at Silverwood Court, Langside Road which sit immediately to the east of the high hedge. Silverwood Court consists of two blocks; the front block is three storeys high and faces on to Langside Road, the second block sits behind and is two stories high. The blocks are separated by a car park and there are two areas of amenity space to the extreme front and rear of the site. Given the movement of the sun together with the scale of the high hedge, it is suggested that the trees at 25 Langside Road restrict light to the car park and the windows of a number of flats at Silverwood Court.
- 1.2 The high hedge referred to in this application is a row of Leylandii trees which are approximately 7.5 metres in height at the south east end of the row dropping to approximately 6 metres in height to the north west end of the row and extending approximately 17.5 metres along the north eastern side boundary of 25 Langside Road and the adjacent flats at Silverwood Court. The property at 25 Langside Road consists of a two storey dwellinghouse with a conservatory to the rear and a relatively large garden, which sits on land approximately one metre higher than Silverwood Court. The block of flats on Langside Road sit approximately 3.5 metres further back than the house and the hedge itself forms the boundary of the house garden and the car parking area of the flatted development.

2 Relevant Policies and other Legislation

- 2.1 Under the High Hedges (Scotland) Act 2013, a high hedge is:
- formed wholly or mainly by a row of two or more trees or shrubs,
 - rises to a height of more than 2 metres above ground level, and
 - forms a barrier to light
- 2.2 In this case, having assessed the information submitted as part of this application, I am satisfied that the hedge is a high hedge as defined under the High Hedges (Scotland) Act 2013 and should be determined as such.

3 Case for the Applicant

- 3.1 The applicants (the owners of the flats at Silverwood Court) have stated that the high hedge forms a formidable barrier both to light and outward aspect which adversely affects the reasonable enjoyment of all 12 flats within Silverwood Court. It is stated that the hedge is overbearing and obliterates any view of the sky to the west and deprives a number of flats of both daylight and sunlight to the extent that artificial light is often required during daylight hours. It is also noted that one flat has reported that the hedge adversely affects their satellite dish and the resident often has no signal.
- 3.2 The residents of Silverwood Court had the hedge cut back and reduced in height in 2006 on the basis that the owners would maintain the lowered height, however, no further maintenance has occurred. They have since had their factors issue two letters to the hedge owner requesting they reduce the height of the hedge.

4 Case for the Hedge Owner/Occupant

- 4.1 The owner of the hedge has stated that the trees provide security and privacy for their property and protect their garden from high winds and noise from traffic in the flats' courtyard/car park. Additionally, they have highlighted that the trees were in place prior to the flats at Silverwood Court being built and provide a nesting environment for birds.
- 4.2 The owners state that there has been no attempt to resolve any issues regarding the hedge with them and they have not been asked to attend mediation. Since receiving the notice of the high hedge application, the owner says they have spoken to some of the residents of Silverwood Court and they do not believe that the applicant speaks for all 12 flats as stated in the application form. They have also highlighted that there was never any agreement that they would maintain the hedge at the height it was reduced to in 2006.

5 Representations/Consultations

- 5.1 No representations have been received from third parties.
- 5.2 The Council's Arboriculture Manager has visited the site and agrees that the hedge should be reduced in height. He has advised that the difference in height and ground levels between the three buildings make the issue of a suitable hedge height less than straight forward but he would suggest somewhere between 4.25 and 5.25 metres would be appropriate. He has also highlighted that the side growth of the hedge has considerable impact on the flats and having this carefully trimmed back would be extremely worthwhile.

6 Appraisal of the evidence

- 6.1 Taking into account site visits that were undertaken to Langside Road and a number of photographs of the hedge it is considered that the high hedge casts a shadow over the flats and car park due to its height and thickness for a significant period of the day. It would appear that a number of flats immediately next to the hedge are affected by shadow and the sheer size of the hedge and this is considered to have an adverse impact on the applicants' residential amenity. It would be reasonable to suggest that a lack of light to the rooms nearest the hedge may also impact on the quality of life and the enjoyment of these flats. However, despite the impact on Silverwood Court, this hedge serves a purpose protecting the privacy of the owners of the dwellinghouse's rear garden and, therefore, the amenity of both the house at 25 Langside Road and the flats must be considered.
- 6.2 The applicants have provided a timeline of attempts to resolve the matter without the Council's involvement and a copy of a letters sent to the hedge owners from the factors requesting that the trees be reduced in height and size. However, the hedge owners dispute these attempts.
- 6.3 Leylandii is a hybrid and not a British native species. It is fast growing and therefore can be difficult to maintain and it has limited habitat and conservation value. As such, I am satisfied that this hedge gives limited character to the residential amenity of the area.

7 Conclusion and recommendation

- 7.1 This application relates to a high hedge located along the boundary of 25 Langside Road, Bothwell and Silverwood Court, Langside Road, Bothwell. The high hedge in this instance is a row of Leylandii trees approximately 17.5 metres long and approximately 6-7.5 metres in height. Whilst the trees provide screening to the

garden of 25 Langside Road they do not have any particular amenity value and by virtue of their height and mass it is considered that they cause significant overshadowing of the adjacent properties at Silverwood Court. It is, therefore, considered that there is a significant adverse impact on residential amenity caused by the existing high hedge.

- 7.2 The applicants residing at Silverwood Court have demonstrated that reasonable attempts have been made to resolve this matter prior to the submission of this application.
- 7.3 Having consulted the Council's Arboriculture Manager, it is agreed that radical pruning would remove the growing green parts of the trees and as conifer species do not re-grow from woody stems, this would leave a potential eyesore. It is, therefore, recommended that the trees are reduced to 5 metres in height, from the ground level of the owner's garden, and thereafter maintained at this level.
- 7.4 It is also recommended that the width of the hedge is reduced as this would provide a significant improvement to the oppressive and overbearing size of the hedge as seen from the windows of a number of flats. This is outwith the scope of the high hedge legislation, however the owners of the flats are entitled to cut back anything that overhangs into their property. The Council's Arboriculture Manager has recommended that trimming back the side growth by up to 0.75 metres to avoid leaving dead growth that will not regenerate would be beneficial. This would greatly improve the situation with regard to amenity within the flats however would allow the protection of amenity and privacy of the dwellinghouse at 25 Langside Road.
- 7.5 Consequently, it is required that work is carried out by the owner of 25 Langside Road to reduce the height of the hedge, marked in red on the plan attached to the notice for the avoidance of doubt, to 5 metres and thereafter it should be maintained on a biannual basis. These works shall be carried out by 30th June 2018. It is, therefore, considered appropriate that a High Hedge Notice is served on the owner of the hedge at 25 Langside Road in accordance with The High Hedges (Scotland) Act 2013.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

30 January 2018

Previous References

- ◆ None

List of Background Papers

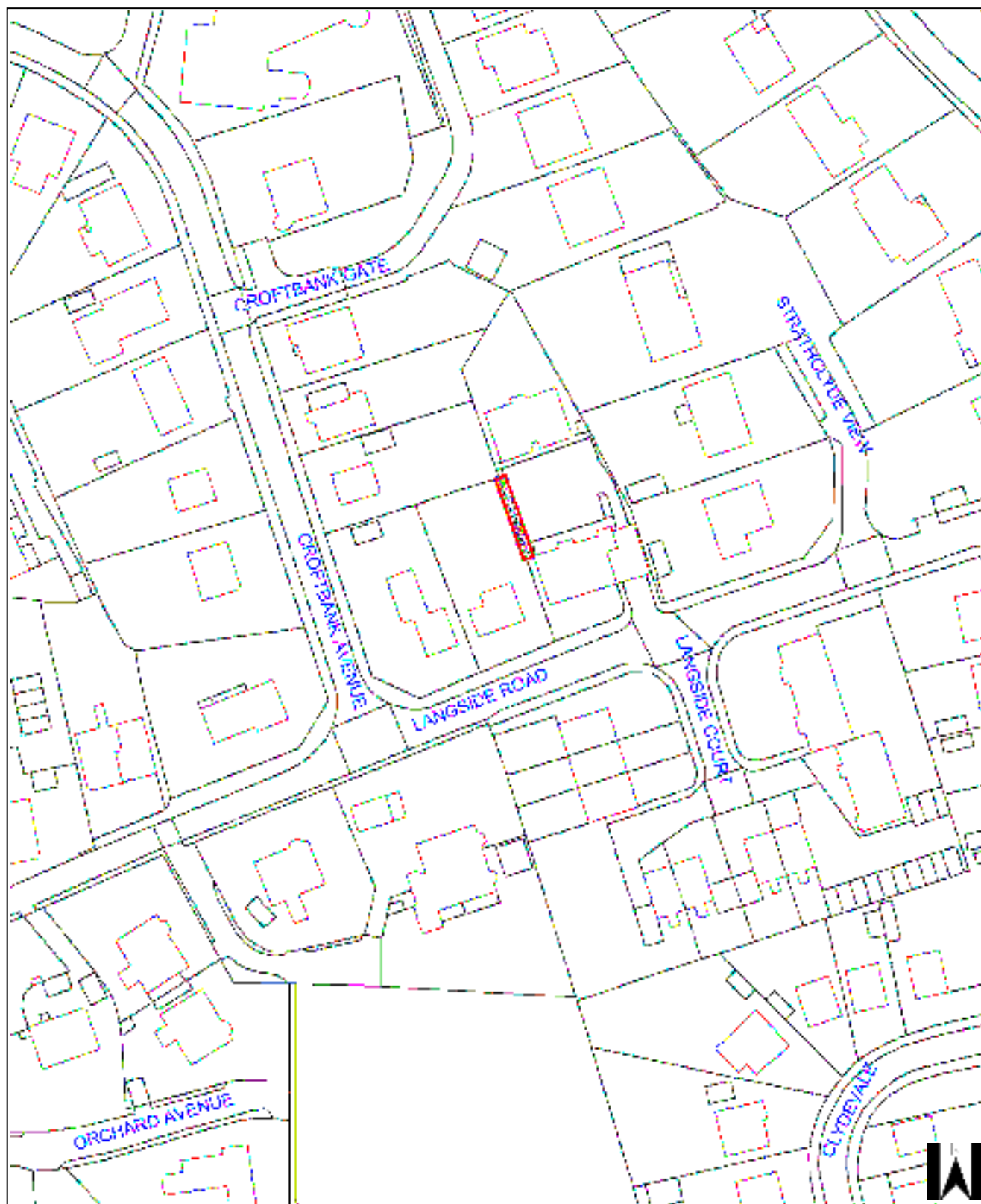
- ▶ Application Form
- ▶ Application Plans
- ▶ Supporting Documentation

Contact for Further Information

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

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For information only



For information only

Report

12

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

Subject	Local Government and Communities Committee: Call for Views on the Planning (Scotland) Bill
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1. Purpose of Report

1.1 The purpose of the report is to:-

- Seek approval of the Council's response to the Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

2. Recommendation(s)

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

- (1) that the response contained in the appendix to this report is approved as the Council's response to the Local Government and Communities Committee's call for views on the Planning (Scotland) Bill.

3. Background

3.1 In September 2015, the Scottish Government confirmed that an independent panel had been set up to carry out a review of Scotland's planning system. The panel sought views from all those with an interest in the Scottish planning system and focussed their attention on 6 key themes – development planning, housing delivery, planning for infrastructure, development management, leadership, resourcing and skills and community engagement.

3.2 In December 2015, the Committee considered and approved the Council's response to the panel. Thereafter, the panel submitted a report to the Scottish Government in May 2016. ('Empowering Planning to Deliver Great Places'). The Scottish Ministers then published a White Paper ('Places, People and Planning') on 10 January 2017 seeking views on 20 proposals aimed at improving the planning system, and covering 4 key areas of change.

- Making plans for the future.
- People make the system work.
- Building more homes and delivering infrastructure.
- Stronger leadership and smarter resourcing.

- 3.3 In March 2017, the Planning Committee considered and approved the Council's response to the consultation. An analysis of all the responses submitted on the proposals was undertaken on behalf of the Scottish Government. Taking account of the results of this analysis and of the views submitted in response to the White Paper, the Scottish Ministers published a position statement. This described the key changes they were considering taking forward through a forthcoming Planning Bill, secondary legislation and other non-statutory approaches. In August 2017, the Committee approved the Council's response to the Ministers' position statement.
- 3.4 Having considered the responses received to this consultation process, the Scottish Government published the Planning (Scotland) Bill on 4 December 2017. The Bill itself is accompanied by a Policy Memorandum (PM) setting out the Government's policy behind the Bill. The Scottish Parliament's Local Government and Communities Committee subsequently, launched a call for written evidence on the Planning (Scotland) Bill on Friday 15 December 2017.

4. Response

- 4.1 The call for evidence sets out 12 questions in relation to the Bill. The Local Government and Communities Committee required a response to be received by 2 February 2018. Consequently, the response set out in the attached appendix has been sent to the Committee. They have been advised, however, that it had to be considered by the Council's Planning Committee and that the outcome of its consideration would be reported after today's meeting. The following sections summarise the main provisions of the Bill and include brief comments which cover some of the points detailed in the appendix.

5. Planning (Scotland) Bill

- 5.1 The Scottish Government consider that the Bill can provide a platform for improving, strengthening and simplifying the planning system. In particular they wish to see the planning system give people a greater say in the future of their places and for it to support the delivery of planned development. The proposed changes are set out in the first 5 parts of the Bill. These cover:-
- a. Development planning
 - b. Simplified development zones
 - c. Development management
 - d. Related matters (fees, fines, training and performance monitoring), and
 - e. Infrastructure levy

5.2 Development Planning

(a) The Bill proposes that the status of the existing National Planning Framework (NPF) be enhanced by having it formally designated as part of the statutory development plan. Scottish Planning Policy (SPP) - the current statement of Scottish Government policy on how nationally important land use matters should be addressed across the country - would also be incorporated into the NPF; and thus also given the status of being part of the statutory development plan.

(b) In addition, as the Bill proposes that the statutory requirement for a Strategic Development Plan to be prepared for Scotland's 4 city regions (including the Glasgow and the Clyde Valley) be removed, the scope and the content of the NPF would be expanded to include a more focused strategic planning element at the regional scale. The Bill, therefore, also includes a requirement for planning authorities to assist the Scottish Ministers in preparing this element of the NPF. The Bill refers to this work potentially having to be undertaken jointly by 2 or more planning authorities, operating as a regional partnership. Beyond the need for regional partnerships to assist with the

preparation of the NPF, the Bill, however, does not set out any details or prescribe how regional partnerships should be formed or operate in order to address their joint strategic planning interests. Existing SDP areas could nevertheless continue to work together and produce plans, but without the mandatory processes dominating. The Scottish Ministers would be responsible for adopting the finalised NPF, following a period of parliamentary scrutiny.

(c) As SPP would become part of the statutory development plan, the Bill, and the accompanying PM, anticipates that the content of Local Development Plans (LDPs) can shift from including the detailed expression or repetition of policies already included in SPP to a greater focus on identifying appropriate development opportunities, in terms of location and scale, and the infrastructure needed to support them. Plus the delivery, at the right time, of developments which can contribute to improving the quality of places.

(d) Taking account of the resulting change to some elements of LDP work, the Bill extends the time periods within which an LDP must be prepared from intervals of no more than 5 years to no more than 10 years. The PM considers, this will allow resources to be focussed on implementation of LDPs rather than their preparation; and reduce the time spent on potentially frequent and repetitive consultation.

(e) The Bill also proposes that the requirement to produce a Main Issues Report be removed; and that a single 'Proposed Plan' be prepared. This would have a longer consultation period and there would be scope for planning authorities to amend the Proposed Plan in response to consultation responses. The Plan would also have to take into account any Local Outcome Improvement Plan covering the plan area.

(f) Prior to the preparation of the Proposed Plan, however, planning authorities would have to produce an 'Evidence Report'. This would be submitted to the Scottish Ministers, who would appoint a Reporter to assess the report. The Proposed Plan could not be prepared until the Ministers were satisfied with the Evidence Report. The detailed content of the 'Evidence Report' will be prescribed in future legislation but the issues to be covered could include the amount of housing land required and the capacity of infrastructure in the plan area. The need for an examination of the plan at the end of the process, to handle unresolved objections, would remain.

(g) The Bill removes the provision allowing planning authorities to prepare statutory supplementary guidance in support of the LDP. The PM refers to the benefits which can be derived from having a plan that can be found in a single document rather than across a series of technical documents.

(h) The existing requirements to prepare an action programme to accompany a LDP would be changed into a duty to prepare a delivery programme. This would be signed off by the local authority chief executive and the full council. The PM indicates that this is to ensure the council is aware of the corporate commitment to the programme, and its aim of delivering the plan and its proposed outcomes.

(i) The Bill introduces a right for communities to produce plans for their places (local place plans), with scope for these to become part of the LDP. Local place plans (LPPs) are to be prepared by either a community controlled body, as defined in the Community Empowerment (Scotland) Act, or a community council. The PM notes that LPPs are to be seen as the community's view about the future development of its place but set within the wider planning context. When preparing LPPs community bodies are to have regard to the LDP and the NPF; similarly the planning authority is to have regard to a LPP when preparing its LDP. The PM points out that LPPs could be linked to Local Outcome Improvement Plans.

Response: The Council previously supported the move to a 10 year period for the renewal of LDPs; the replacement of the Main Issues Report with a proposed plan; and the introduction of Action Plans. These are positive measures that can improve community engagement and streamline and refocus the work of planning authorities. However it is considered that a spatial land use strategy is required at the strategic level – particularly in the city regions. Consequently the failure to give the preparation of a land use strategy by Regional Partnerships any formal or recognised status is regretted.

The Council previously acknowledged that preparation of local place plans has the potential to improve the way communities engage with the planning system. It is considered, however, that the Bill does not address some of the procedural matters previously raised - the need for guidance on how a local authority should respond to competing requests to prepare a local place plan, the nature and extent of the consultation community bodies would be expected/required to undertake.

In addition the support needed by all community bodies wishing to develop local place plans is likely to have a significant impact on planning authorities arising from requests for guidance, assistance and support. Similarly relying solely on individual communities to 'self-finance' work on plans is likely to discriminate against those poorly placed to access expertise, knowledge and funds from their own resources.

5.3 Simplified Development Zones

(a) The Bill introduces powers allowing planning authorities to designate simplified development zones (SDZs) aimed at improving the existing provisions covering simplified planning zones (SPZs). As with SPZs, an approved SDZ scheme would grant planning permission for all development taking place within the zone which complied with the terms of the scheme; thus removing the need for an application for planning permission for these proposals. The Bill, however, also allows for SDZ schemes to cover road construction consent, listed building consent, conservation area consent and advertisement consent.

(b) If a planning authority wishes to designate a SDZ, the Bill requires engagement and consultation with the public and the consideration of any representations received, including pre-determination hearings. In view of the costs which a planning authority would incur in the preparation of a scheme, the Bill also allows a discretionary charge to be levied in order to recoup the cost of preparing the scheme.

(c) The Bill also obliges planning authorities to periodically report on how they have considered making schemes. It also introduces a duty for them to consider making schemes – if they are requested to do so by other parties, e.g. developers or landowners. If the request is refused by the planning authority the 'applicant' can refer it to the Ministers who could thereafter direct the authority to make a scheme.

Response: It is considered this approach would have to take account of the need to ensure submitted schemes addressed all the material issues that would be relevant to a new development; and that this would involve the consideration and of all the transport, environmental and infrastructure implications of the development. Whilst the Bill seeks to ensure there is effective and meaningful community engagement in the consultation process needed to cover all of these factors, it remains the case that undertaking this work will have significant resource implications for Councils. It is considered these must be taken into account when subsequent legislation is being considered, particularly covering the payment of appropriate fees, and the resourcing of Authorities.

It is also considered that the proposal allowing third parties to request a Council designates a SDZ, and that if this is rejected the 'applicant' can then ask Scottish Government to direct a Council to prepare a scheme should not be supported. The

identification of Zones, given the potential impact on communities, is a decision that should be made at a local level and not be one which is imposed on Councils.

5.4 **Development Management**

(a) Applications for planning permission are to be submitted no more than 18 months after the date on which a proposal of application notice is submitted to the Council. The PM points out that this is to ensure the pre-application consultation process has taken place within a reasonable time in relation to the submission date.

(b) The Bill adds prior approvals, certificates of lawful use and advertisement consent to the kinds of consent which can be included in section 43A schemes of delegation. Consequently, appeals arising from the determination of these applications would be considered by the Planning Local Review Body.

(c) The Bill sets a clear default of 3 years for the duration of a full planning permission and 5 years for planning permission in principle – with scope for planning authorities to set longer or shorter periods as appropriate.

Response: It is considered that the proposals will allow for more effective pre-application consultation, and set clearer requirements for the implementation of consents, and the processing of applications and appeals.

5.5 **Related Matters**

(a) The Bill increases the scope for flexibility in charging, waiving or reducing fees. It also enables future charging for planning activities by the Scottish Ministers; for example in relation to appeals.

(b) It also enables discretionary charging for services provided by planning authorities – for example charges for pre-application discussions.

(c) In respect of enforcement, the Bill increases the maximum fines for non-compliance with an enforcement notice or stop notice from £20,000 to £50,000. The maximum penalty for failure to comply with a breach of condition notice or a planning contravention notice, and for displaying an advert without consent, increases from level 3 on the standard scale to level 5.

(d) The Bill also enables planning authorities to register a charging order in the Land Register to allow them to recover the cost of any direct action taken to remedy a breach of planning control.

(e) The Bill specifies that members involved in planning decisions, either at committees or at the Planning Local Review Body, will be obliged to attend the appropriate training.

(f) A requirement for statutory annual performance report to be submitted to the Scottish Ministers is included in the Bill.

(g) This would be accompanied by the appointment of a national planning performance co-ordinator to monitor performance standards, support improvements and report to Scottish Ministers on activity and progress. Ministers are also given the power to appoint someone to carry out an assessment of an authority's performance and make recommendations for improvement. It also enables Ministers to subsequently direct improvements be made by a Council.

Response: It is considered that the proposed increase in fine levels; plus the opportunity to charge an increased fee for retrospective applications, attach charging orders to properties and charge for some services such as pre-application discussions can be welcomed. However, the proposal to give authorities the option of waiving or

reducing planning fees for processing applications was not previously supported by the Council.

The shift to a formal statutory requirement to prepare an annual performance report, from the current voluntary arrangement could improve the consistency, relevance and value of the process. Similarly, a planning performance co-ordinator could play an important role in ensuring there is more consistent sharing of good practice across Councils.

However, it is considered that the proposal to separately appoint someone to assess authorities and give Scottish Ministers the power to direct performance improvements by Councils should not be supported. The application of a power which introduces a new scrutiny and inspection function and in effect allows Scottish Ministers to take over, at least in part, the operation of a Council service has significant implications for local accountability and governance.

5.6 Infrastructure Levy

(a) The Bill enables the introduction of an infrastructure levy, through regulations, once the proposal has been the subject of further consultation and parliamentary scrutiny. The PM points out that levy would be designed to capture a proportion of the land value uplift created by planning decisions and that the funds realised would be invested in the infrastructure needed to serve growth in the area.

(b) The Bill specifies that the levy would be payable to a local authority to fund infrastructure projects with the potential for authorities to pool the resource for joint funding of regional level projects.

Response: The Council has previously supported the introduction of an infrastructure levy as it would provide greater certainty and clarity over the provision of some of the resources required to fund essential infrastructure.

6. Next Steps

6.1 Subject to the Committee's consideration of this report the Local Government and Communities Committee will be advised of the Council's response. These views will then inform the Committee's scrutiny of the Bill prior to its consideration by the Scottish Parliament later this year. Further enabling legislation will then have to be introduced before the proposed changes can be brought into force.

7. Employee Implications

7.1 Any resulting changes to the processes and procedures covering the Scottish planning system could have implications for the Council which would have to be considered when they are detailed. These will be reported back to the Committee.

8. Financial Implications

8.1 Any resulting changes to the fee regime for the Scottish planning system proposed would have implications for the Council which would have to be considered when are detailed. These will be reported back to the Committee.

9. Other Implications

9.1 The Local Government and Communities Committee have requested all interested parties to submit their views on Bill. There would have been a reputational risk if the Council did not respond. There are no sustainability implications in terms of the information contained in this report.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 The Local Government and Communities Committee are undertaken the consultation on the Bill. Any resulting changes would thereafter be the subject of assessment and consultation by the Scottish Ministers.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

5 February 2018

Link(s) to Council Objectives/Values/Ambitions

- Accountable, effective, efficient and transparent.
- Achieve results through leadership, good governance and organisational effectiveness.

Previous References

- Scottish Government Review of the Planning System – report to 15 December 2015 planning committee
- Scottish Government Review of the Planning System – report to 28 March 2017 planning committee
- Scottish Government Review of the Planning System - report to 15 August 2017 planning committee

List of Background Papers

- Call for evidence - Scottish Government's Review of the Planning System.
- Empowering planning – an independent review of the Scottish planning system.
- Review of planning – Scottish Government response.
- Places, people and planning – a consultation on the future of the Scottish planning system
- Places, people and planning – Position Statement
- Planning (Scotland) Bill
- Planning (Scotland) Bill - Policy Memorandum
- Planning (Scotland) Bill – Explanatory Notes

Contact for Further Information

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

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Appendix

Local Government and Communities Committee Call for Evidence on the Planning (Scotland) Bill

South Lanarkshire Council

1. Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?

Response:

The Council supports a number of the measures contained in the Bill; the move to a 10 year period for the renewal of LDPs; the replacement of the Main Issues Report with a proposed plan; and the introduction of Action Plans. These are positive measures that can improve community engagement and streamline and refocus the work of planning authorities, enabling them to play a more active role in the delivery of the kinds of development that can improve the quality of places in their area.

Similarly, proposals to widen the scope of the fees regime and introduce an infrastructure levy will improve the resources available to authorities for delivering positive outcomes.

However the Council is concerned that a number of the proposals may lead to the control of some planning matters pass from Councils to the Scottish Government. These include the preparation and approval regional strategies through the National Planning Framework, the increased role of Scottish Planning Policy in setting policies formerly set out in Council approved LDPs; and the opportunity for Ministers to require Councils to prepare Simplified Development Zone schemes, and to direct how performance improvements are to be made by Councils. The extent to which Councils will participate meaningfully in these decisions needs to be considered.

2. To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?

Response:

The delivery of new housing developments is influenced by many factors, of which planning is only one. Changes to the way in which we plan for housing may modify the context within which the development process takes place but it cannot, in isolation, secure an increase in the number of homes being built. The factors which influenced the sudden reduction in the number of house being built were primarily economic and financial. Consequently, while the planning system can make a contribution towards improving the number of homes being built it is changes in these factors that will play the most important and significant role in securing an increase.

Streamlining the Development Plan process, as described in the Bill, the introduction of Action Plans and a greater focus on the role of infrastructure in delivering development can ensure that plans are in place which set a more established and consistent framework within which decisions can be made by both businesses and investors. Nevertheless, the decision to invest in will still depend on economic and financial factors which are not controlled through the planning system.

In addition, the proposals to ensure that communities can prepare Local Place Plans and the route by which they are given status, and thus influence planning decisions, will have the potential to introduce an additional requirement into the planning process which may impact on development decisions.

Particularly if, as suggested in the Bill, LPPs are 'to have regard to', but not accord with, the existing LDP then communities may seek to consider but subsequently reject the wider development strategy set out in a LDP. These potential conflicts in land use planning strategies would have to be addressed if the system is to be robust and reliable in its decision making.

3. Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?

Response:

The Council remains of the view that a spatial land use strategy is needed at the strategic level – particularly in city regions - a view supported by the Glasgow City Deal Cabinet

The proposal to include a regional 'dimension' in the NPF does seek to address the need for a planning framework to be set at this level. However as it will be approved by central government it does not provide a mechanism which can ensure a meaningful and effective regional scale

land use plan, which the local community and stakeholders have prepared and approved, is put in place. In Glasgow and the Clyde valley this process has successfully delivered strategic development plans which have spelt out a clear approach to the region's physical, economic and social development. This regional strategy has been successfully reflected in LDPs; and the joint working of the region's local authorities, as an established partnership, combined with effective engagement with external stakeholders has influenced the way in which the city region has developed. The Bill's failure to give the preparation of a land use strategy by Regional Partnerships (however they may be constituted) any formal or recognised status is therefore regretted. In the absence of a formal status for a regional land use plan, prepared locally and which a local body can be held accountable for, by its communities/stakeholders, it is considered there will be a material and significant gap in the credibility and long term relevance of the land use planning system.

4. Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?

Response:

The proposal to move to a 10 year period for the renewal of LDPs; the replacement of the Main Issues Report with a proposed plan; and the introduction of Action Plans are positive measures that can streamline and refocus the work of planning authorities, thus enabling them to play a more active role in the delivery of development.

The Council, however, has found that the option of being able to prepare and consult on statutory supplementary guidance is an effective means of clearly establishing detailed policy guidance directly relevant to our particular local circumstances and environment. This has been especially relevant to guidance on both minerals and renewable energy proposals – particularly onshore windfarms. It is considered that the removal of this option will add considerably to the 'complexity' of the LDP itself and that both communities and developers will not have the advantage of being able to access a document which comprehensively addresses these kinds of planning issues. Similarly, given the potential for the legislative, political and social climate surrounding these and similar kinds of issues to change and evolve relatively quickly, supplementary guidance provides an effective, efficient and inclusive means of responding to and taking account of these fluctuations.

The introduction of the gatecheck process and the need for the production of an Evidence Report will also require careful consideration when more detailed legislation is produced. The Council is concerned that this process may result in certain matters (e.g. housing land) becoming the subject of detailed and prolonged scrutiny at two separate stages in the plan making process – when the Evidence Report is considered and at final examination stage. This will complicate and potentially lengthen the existing process.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

Response:

The Council is concerned that the wider application of the SDZ concept – for example to housing proposals – will require the preparation and assessment of significant amounts of very detailed information, particularly if they are to include road construction consents, listed building consent etc..

Consequently, whilst the Bill does seek to ensure there is effective and meaningful community engagement in the consultation process needed to cover all of these factors it remains the case that this will have very significant resource implications for Councils. These must be taken into account when subsequent legislation is being prepared and the resourcing of Authorities is being considered.

The Council however does not support the proposal that third parties can request a Council to designate a SDZ and that if this is rejected the 'applicant' can ask Scottish Government to direct a Council to prepare a SDZ scheme. The identification of Zones, given the potential impact on communities, is a decision that should be made at a local level and not be one which is imposed on Councils. In addition given the very significant resource implications which would be attached to the process of designating an SDZ, and in the absence of any clear obligation on those requesting a SDZ be designated to pay an appropriate fee (rather than the proposed 'discretionary charge') then the Council does not consider it is appropriate for Scottish Government to compel planning authorities to undertake this work. The provisions in the Bill

requiring planning authorities to periodically report on how they have considered making schemes provides an adequate and appropriate mechanism for ensuring that, where appropriate, Zones are identified and designated by Councils.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

Response:

The proposed changes to the pre-application consultation procedures will improve the quality and the relevance of this part of the application process for communities.

The replacement of the Main Issues Report by a Proposed Plan will also provide a clearer and more effective basis for consultation with communities and other stakeholders.

With regard to Local Place Plans the Council notes that the Bill states these can be prepared by a 'community body'. This is defined as either a community council or a 'community controlled body'. The Bill, however, does not address how a local authority should respond to competing requests to prepare a local place plan or the nature and extent of the consultation community bodies would be expected/required to undertake. The policy memorandum suggests that the process for preparing a plan should be defined by 'the capacity and preferences of the communities themselves'. However the Council considers that a failure to provide a framework within which plans must be prepared may result in them being neither inclusive nor representative of a community's view.

Not clear how, if at all, the Bill ensures adequate financial and technical support for community bodies wishing to develop local place plans. In the absence of adequate provisions the Council considers that further consideration needs to be given to the potential significant impact on planning authorities of requests from communities for guidance, assistance and support. Relying solely on individual communities to 'self-finance' work on plans is likely to discriminate against those poorly placed to access expertise, knowledge and funds from their own resources.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

Response:

The proposed increase in fine levels is welcomed; as is the opportunity to charge an increased fee for retrospective applications and attach charging orders to properties.

Nevertheless, an increase in the fine levels can only be effective if the Procurator Fiscal and Courts take a robust approach to prosecution and punishment of planning offences.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

Response:

The Council supports this suggestion as it would provide greater certainty and clarity over the provision of some of the resources required to fund essential infrastructure. It would be important, however, to ensure it was used to support the delivery of new development and not as a means of replacing central funding of 'mainstream' infrastructure.

Provided the method of securing the levy is clearly spelt out in the subsequent legislation it can be factored into any negotiations which developers have regarding the purchase of land at an early stage in the development process. It should not therefore significantly impact on levels of development.

9. Do you support the requirement for local government councillors to be trained in planning matters prior to becoming involved in planning decision making? If not, why not?

Response:

Yes, but consideration should be given to the resources required to deliver appropriate training.

10. Will the proposals in the Bill aimed at monitoring and improving the performance of planning authorities help drive performance improvements?

Response:

The existing arrangement requiring the voluntary submission of a Planning Performance Framework has proved to be a successful vehicle for delivering improvements in the delivery of the service. The shift to a formal statutory requirement to prepare an annual performance report should build on this success. However when regulations setting the form and content of the report are prepared they should take account of the resources required for its preparation.

The Council, also consider a planning performance co-ordinator could play an important role in ensuring there is more consistent and effective sharing of good practice.

However, the Council has concerns over the Bill's proposals for the Scottish Ministers having the power to separately appoint someone to assess authorities and subsequently direct performance improvements by Councils. The application of a power which in effect introduces a new scrutiny and inspection function and allows Scottish Ministers to take over, at least in part., the operation of a Council service has significant implications for local accountability and governance.

11. Will the changes in the Bill to enable flexibility in the fees charged by councils and the Scottish Government (such as charging for or waiving fees for some services) provide enough funding for local authority planning departments to deliver the high –performing planning system the Scottish Government wants? If not, what needs to change?

Response:

The Council welcomes the option of being able to charge for some services such as pre-application discussions. The Council also supports planning fees being set at a level which covers the cost of the Service.

The Council, however, does not favour authorities being given the option of waiving or reducing planning fees for processing applications. This part of the fee regime should be applied consistently across Scotland and a regressive approach, in effect giving 'wealthier' authorities the opportunity secure a development advantage by undercutting neighbours, should not be pursued.

12. Are there any other comments you would like to make about the Bill?

Response:

No

Report

13

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

Subject:	The South Lanarkshire Development Plan Scheme 2018
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1. Purpose of Report

1.1 The purpose of the report is to:-

- Seek Committee approval for the South Lanarkshire Development Plan Scheme (appended to report) which will then be submitted to the Scottish Government for information.

2. Recommendation(s)

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

- (1) That the South Lanarkshire Development Plan Scheme 2018 is approved and published as set out in the appendix.
- (2) That the South Lanarkshire Development Plan Scheme 2018 is submitted to the Scottish Government.

3. Background

- 3.1 The Planning etc. (Scotland) Act 2006 requires Planning Authorities in Scotland to prepare Strategic Development Plans (SDPs) and Local Development Plans (LDPs).
- 3.2 Scottish Government has also instructed all planning authorities to prepare a development plan scheme. The scheme has to set out the authority's programme for preparing and reviewing their SDPs or LDPs and what is likely to be involved at each stage. The scheme is to be updated annually.
- 3.3 SDP2 for Glasgow and the Clyde Valley (Clydeplan) has recently been approved. The SDP team has prepared its own development plan scheme which will go before the SDP Joint Committee which includes South Lanarkshire Council. The current SDP was approved July 2017. However, this is subject to a legal challenge which will be heard in February 2018.

4. The South Lanarkshire Development Plan Scheme 2018

- 4.1 A development plan scheme for South Lanarkshire has been prepared. The scheme covers:-
 - The current coverage of development plans in South Lanarkshire;

- Proposals for a new LDP (LDP2) for the Council area and the context set for this by the Glasgow and the Clyde Valley SDP2;
- The timescale for preparation of the new LDP;
- Details, as appropriate, of the key components of each stage of preparation;
- A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDP2; and
- Information on how to access information and how to get in touch with the Council.

4.2 The scheme highlights the progress made in preparing and publishing a range of plans and supplementary guidance. The following work has been completed in 2017/18:-

- Production and extensive consultation on the Main issues Report and preparation of a Proposed Local Development Plan which will be submitted for committee approval in 2018.

4.3 The Committee previously agreed on 8 March 2016 that the Council's Minerals Local Development Plan (MLDP) and the second South Lanarkshire Local Development Plan (SLLDP2) would be amalgamated into one Local Development Plan and a separate SG on minerals based on the broad policy approach set out in the revised LDP produced. The detailed policies set out in the SG would be similar to that contained in the existing MLDP. The Minerals SG, a revised Renewable Energy SG and a revised Green Belt and Rural Area SG will be produced alongside the proposed LDP2.

4.4 Nevertheless, in order to ensure that there remains a clear policy context against which to assess mineral proposals whilst SLLDP2 is being prepared the existing adopted MLDP has been translated into planning guidance. This will be used to assess and determine applications, until SLLDP2 is approved and adopted, and its associated Supplementary Guidance is produced.

4.5 Once approved by Committee, the Development Plan Scheme will be sent to the Scottish Ministers and made available on the Council's web site and in every Council library.

5. Employee Implications

5.1 The timescales for the delivery of the local development plans and guidance outlined within the development plan scheme are based upon continuity of existing staff resources within Planning and Economic Development Services. Changes in this resource may impact on the programmes presented.

6. Financial Implications

6.1 The resources required to deliver the local development plans and guidance described in the development plan scheme are dependent upon the current budget levels available to Planning and Economic Development Services. Changes in these financial resources may impact on the programmes presented.

7. Other Implications

7.1 Local development plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. Each plan and SG will therefore be subject to Strategic Environmental Assessment as is detailed within the development plan scheme. Plans will also be subject to other forms of assessment to address

sustainability issues, meet other legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulation Appraisal, Equality Impact Assessment and Health Impact Assessment. The Development Plan Scheme itself, however, does not raise any sustainability issues.

- 7.2 The production of the Development Plan Scheme is a statutory requirement and there would be a reputational risk to the Council if it failed to do so.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1 As indicated in the above paragraph, Equality Impact Assessment will be undertaken on local development plans.
- 8.2 There are no consultation requirements for the development plan scheme. The scheme however details the stages, form and timing of the required participation and consultation associated with the preparation of the LDP and its associated guidance.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

5 February 2018

Link(s) to Council Objectives/Values/Ambitions

- Work with communities and partners to promote high quality thriving and sustainable communities.
- Support the local economy by providing the right conditions for inclusive growth.
- Encourage participation in physical and cultural activities.

Previous References

- None

List of Background Papers

South Lanarkshire Development Plan Scheme 2018

Contact for Further Information

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

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1 Introduction

1.1 This is the development plan scheme for South Lanarkshire Council. It is prepared in accordance with paragraph 20B of the Planning etc. (Scotland) Act 2006 and sets out the Council's programme for the preparation of local development plans to cover the South Lanarkshire area.

1.2 This scheme covers:-

- The current coverage of development plans (strategic and local development plans) in South Lanarkshire.
- Proposals for the local development plan (LDP) for the area and the context for these as set by Clydeplan Strategic Development Plan.
- The timescale for preparation of this LDP.
- Details, as appropriate, of the key components of each stage of preparation.
- A participation statement, giving an account of when consultation will take place, with whom and in what form, during the preparation of the LDPs.
- Details of additional policy and planning guidance associated with the local development plan.
- Information on how to access information and how get in touch with the Council.

1.3 As required by legislation, this development plan scheme will be reviewed and republished every year.

The development plan system in Scotland

1.4 The Planning etc. (Scotland) Act 2006 sets out the requirements to prepare development plans. Development plans are the basis for decision making on planning applications, containing policies and proposals for the future development and use of land. Prior to the 2006 Act the development plan comprised of Structure Plans and Local Plans. The Act however introduced three tiers of land use plan:-

1. The National Planning Framework
2. Strategic development plans
3. Local development plans

1.5 Further information on the planning system is available from the Scottish Government's website www.scotland.gov.uk/Topics/Built-Environment.

Development planning in South Lanarkshire 2

Strategic Development Plan (SDP)

2.1 South Lanarkshire Council is one of the eight local authorities that form the Clydeplan Strategic Development Planning Authority (SDPA).

Figure 2.1 South Lanarkshire and the Clydeplan Strategic Development Planning Authority



2.2 The second SDP (Clydeplan) was approved in July 2017. However this is subject to a legal challenge the outcome of which will be known in 2018.

2.3 The legislation states that constituent local authorities should have their local development plans adopted within two years of the strategic development plan. South Lanarkshire adopted its current Local Development Plan in June 2015 and aims to have the second South Lanarkshire Local Development Plan adopted by 2020. Section 3 'South Lanarkshire Local Development Plan' provides further details of timescales.

Local Development Plan (LDP)

2.4 The Council area is covered by two local development plans:-

- South Lanarkshire Local Development Plan (2015)
- South Lanarkshire Minerals Local Development Plan (2012)

2.5 The Minerals LDP was adopted in June 2012. The purpose of this plan is to provide a comprehensive policy basis for mineral development within one document. This plan was due for a refresh however the Council has decided that a separate Minerals Development Plan is not now required.

2 Development planning in South Lanarkshire

The emerging proposed SLLDP2 will include policies relevant to mineral development across South Lanarkshire. In the meantime non-statutory guidance on Minerals has been approved by the Council to bridge any gap between the end of the MLDP (June 2017) and the adoption of SLLDP 2.

2.6 The main stages of LDP preparation are set down in the Planning etc. (Scotland) Act 2006 and associated regulations and circular, and are summarised as follows.

Stages of Local Development Plan preparation

- **Monitoring Statement (MS):** The MS reports on changes to the principal physical, social and environmental characteristics of the area and the impact of policies and proposals of existing plans.
- **Main Issues Report (MIR):** The MIR sets out the principal policy and development proposals that will be included in the plan and possible alternatives for consideration.
- **Proposed Plan:** The Proposed Plan consists of a written statement and associated maps and diagrams. Following consultation and taking consideration of any representations received the Council will take one of the following actions:
 - Submit the plan to the Scottish Ministers with no modifications;
 - Make minor modifications which do not affect the emphasis of the Plan and re-consult;
 - Makes significant modifications that affect the emphasis of the Plan and issue a new plan for consultation.
- **Examination of Proposed Plan:** Where there are outstanding objections a Proposed Plan will be subject to a public examination. This is carried out by a Reporter appointed by Scottish Ministers. The Reporter examines the report on LDP consultation, the extent to which the plan conforms to national policy and the Strategic Development Plan. The Reporter also considers the outstanding objections and the sections of the LDP to which these relate. Once the examination is complete the Reporter will publish findings and submit them to the planning authority. The planning authority must modify the plan in light of the Reporter's recommendations. The planning authority has three months to complete this modification process and submit the modified Proposed Plan to Scottish Ministers.
- **Adopted Plan:** Following submission the planning authority can announce its intention to adopt the plan as the fully constituted LDP. However, the planning authority must wait for a period of 28 days from the date of its announcement prior to adopting the plan. The Scottish Ministers have the power to extend this 28 day period and can direct the planning authority to modify the plan prior to its adoption.

Supplementary Guidance

2.7 As part of the South Lanarkshire Local Development Plan the Council has previously produced a number of statutory Supplementary Guidance (SG) documents. These contain detailed policies and guidance relating to issues covered in the Local Development Plan. Ten SGs have been approved. Given the newly emerging Planning Act there are likely to be changes in the development plan system. This will include a new approach to producing plans and much less reliance on Supplementary Guidance. In light of this the Council proposes to change its approach to producing guidance and it is now likely that the emerging SLLDP 2 will not contain separate Supplementary Guidance, but that policies will be further developed within a Volume 2, which will be submitted alongside the proposed plan. The latter

Development planning in South Lanarkshire 2

will be Volume 1. This approach worked successfully in the past. The Council will also produce non-statutory guidance on topics as required to give further guidance to developers on specific subject areas. This non-statutory guidance does not need approval of the Scottish Government. It can be prepared during the lifecycle of the plan.

2.8 If the Council decides to continue with statutory Supplementary Guidance the documents will be produced as follows:

Table 2.1

SG title	Consultation timescale	Comments
Minerals	June/August 2018	This is a new SG that will be submitted for public consultation alongside the proposed plan.
Green Belt and Rural Area	June/August 2018	This SG will be refreshed and submitted for public consultation alongside the proposed plan
Renewable Energy	June/August 2018	The Renewable Energy SG is being rewritten to reflect changes to policy that occurred after adoption of the SLLDP.
Sustainable Development and Climate Change	Sept/Nov 2018	Will be refreshed during consultation period of the LDP2
Development Management, Placemaking and Design	Sept/Nov 2018	Will be refreshed during consultation period of the LDP2
Green Network and Greenspace	Sept/Nov 2018	Will be refreshed during consultation period of the LDP2
Community Infrastructure Assessment	Nov/Jan 2019	Will be refreshed during October 2018
Natural and Historic Environment	Nov/Jan 2019	Will be refreshed during October 2018
Affordable Housing and Housing Choice	Nov/Jan 2019	Will be refreshed during October 2018
Industrial and Commercial Development	Nov/Jan 2019	The Industrial and Town Centres SG's may be merged into a single SG
Town Centres and Retailing	Nov/Jan 2019	See above.

2 Development planning in South Lanarkshire

Strategic Environmental Assessment

2.9 The policies and proposals contained in local development plans may be assessed for their potential impacts on the environment utilising a process known as Strategic Environmental Assessment (SEA).

2.10 The purpose of SEA is to provide a high level of protection for the environment by ensuring that environmental issues are considered by decision makers alongside economic and social issues. This is achieved by systematically assessing the potential significant effects of the plan, and recording the results in an 'Environmental Report'. The process involves both regular liaison with Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Environment Scotland (the 'consultation authorities') and its own public consultation process.

2.11 The SEA will be prepared in conjunction with the Local Development Plan(s) and will be aligned with the process of plan preparation. The main stages and their relationship to the stages of LDP preparation are summarised below.

Stages of Strategic Environmental Assessment

- **SEA Screening:** a process for identifying the likelihood of the LDP having a significant environmental effect. Local development plans will, by their very nature, have environmental effects. Therefore a SEA will be required, so it is unlikely that this screening stage will be necessary.
- **SEA Scoping:** determines which details are to be included in the environmental report. It is undertaken early on in the assessment process, in order to focus efforts on the environmental issues to be assessed and the data sets that will be used to measure these and potential alternatives for achieving the aims of the LDP.
- **Environmental Report:** predicts and evaluates environmental impacts. The environmental report is the main reporting mechanism for describing and evaluating the environmental effects of the proposed LDP and evaluating alternatives. A draft Environmental Report will be published with the Main Issues Report with a revised Environmental Report being published alongside the Proposed Plan. A further revision may be required after the public examination of the plan. (For further details see [SEA process](#).)

Habitats Regulations Appraisal

2.12 Following a ruling by the European Court of Justice in October 2005, plans which are likely to have a significant effect on Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) can be approved only after a Habitats Regulations Appraisal (HRA) of the implications of the plan's policies/proposals for the sites has been carried out, under the provisions of the Habitats Directive 1992. The requirements are transposed into UK law by the Conservation (Natural Habitats & c) Regulations 1994. Scottish Ministers have also extended the requirement for assessment to Ramsar sites, listed under the international convention on the conservation of wetlands of international importance, and potential SPAs, before they are fully classified.

Development planning in South Lanarkshire 2

2.13 The Scottish Government outlined the requirements for development planning in Circular 6/2013 - Development Planning paragraphs 100-104. An HRA is required for all proposed LDPs. This requires a draft assessment at the MIR stage and a revised assessment at the proposed Plan stage. A further revision may be required after public examination of the plan. In addition HRA is required to be undertaken for any Supplementary Guidance produced.

Equality Impact Assessment/Health Impact Assessment

2.14 The preparation of LDPs in South Lanarkshire takes place within a context that is wider than direct legislative requirements and high level planning and environmental policy. The Council has further obligations and policies that also apply to the preparation and content of LDPs.

2.15 The Council is committed to undertake assessment of all policies to ensure that they do not prejudice the interests of individuals in terms of age, disability, economic circumstance, ethnicity, gender or religion. An Equality Impact Assessment was undertaken in the preparation of the SLLDP.

2.16 In particular the Council has a significant role to play in Community Planning. The Community Empowerment (Scotland) Act 2015 introduced the requirement for Community Planning Partnerships (CPPs) to develop a Local Outcomes Improvement Plan (LOIP) and any appropriate Locality Plans (called Neighbourhood Plans in South Lanarkshire) by 01 October 2017. It also gave community planning a statutory purpose to focus on improving outcomes and tackling inequalities of outcome, including in localities whose communities experience the poorest outcomes.

Consultation

2.17 Early and effective consultation with stakeholders is an established principle in South Lanarkshire. The Council strives for continuous improvement in this area and has established a number of ways to engage and consult with communities for example, focus groups and citizens panels. Preparing LDPs is informed by the National Standards for Community Engagement as set out in [PAN 81](#) Community Engagement - Planning with People.

National standards for community engagement

1. Involvement: Identify and involve the people and organisations who have an interest in the focus of the engagement.
2. Support: Identify and overcome any barriers to involvement.
3. Planning: Gather evidence of need and resources to agree purpose, scope and actions.
4. Methods: Agree and use methods of engagement that are fit for purpose.
5. Working Together: Agree and use clear procedures that enable participants to work together effectively and efficiently.
6. Sharing Information: Ensure necessary information is communicated between the participants.
7. Working with Others: Work effectively with others with an interest.
8. Improvement: Develop the skills, knowledge and confidence of the participants.
9. Feedback: Feed results back to the wider community and agencies affected.
10. Monitoring and Evaluation: Monitor and evaluate whether engagement achieves its purpose and meets the national standards for community engagement.

2 Development planning in South Lanarkshire

2.18 South Lanarkshire Council has a development planning consultation portal on the internet with the web services company Objective (now Keystone) Online Software. When a consultation is underway the portal is active and can be accessed via the South Lanarkshire Council Website. Draft versions of documents are published on this portal and comments can be made online. Consultees can register themselves and set their own preferences on how they wish to be alerted to future consultations. The planning service need to hear from individuals, groups and organisations if there are any changes to contact details.

South Lanarkshire Local Development Plan 3

Local Development Plan (LDP)

3.1 The South Lanarkshire Local Development Plan was adopted in June 2015. This needs to be kept under review and Table 3.1 indicates the main stages of activity for preparation of the next LDP.

Participation Statement

3.2 Early and effective consultation is the basis for the preparation of the MIR. The Council has carried out consultation which has allowed communities and individuals to participate. Different types of events have been held across South Lanarkshire. These were supplemented through a Council wide survey using the objective online consultation forums and other online surveys.

3.3 Engagement has already taken place with secondary school pupils, the Disability Partnership and Seniors Together. In addition a variety of social media options were explored as a way of reaching out to the wider community. A Consultation and Engagement Report was prepared alongside the Main Issues Report. This consultation exercise was a key part of the evidence base for the MIR. Dialogue with the key statutory consultees in the LDP and SEA process will continue as the LDP is progressed.

3.4 In addition to statutory advertisement and consultation with stakeholders and community groups the Council will also carry out neighbour notification of any owners or tenants of properties that may be affected by any proposals contained in the LDP2.

Programme

3.5 Table 3.1 identifies the tasks, progress and timescales for preparing the LDP. Consultation activity is shaded.

Table 3.1 Preparing the South Lanarkshire LDP 2

Stage	Key components	Complete/Timescale
Preparatory work	Draft Monitoring Statement/Call for Sites	January/April 2016
	SEA Scoping Report	
Consultation and Engagement	Establish Consultation Forums	March/April 2016
	Consultation Events	March/August 2016
	Consultation and Engagement Report	September/October 2016
Prepare Main Issues Report (MIR), Monitoring Statement, SEA Environmental Report and Habitats Regulations Appraisal	Prepare and publish MIR, Monitoring Statement	February 2017
	Prepare and publish draft SEA Environmental Report and Habitats Regulations Appraisal	

3 South Lanarkshire Local Development Plan

Stage	Key components	Complete/Timescale
Consultation on MIR and SEA Environmental Report	Six week period for comments	March/May 2017
	Consultation portal	
Prepare Proposed Plan, Proposed Action Programme and revisions to SEA Environmental Report	Assessment of consultation responses	June 2017 to June 2018 WE ARE HERE
	Prepare and publish documents	
Consultation on Proposed Plan and SEA Environmental Report	Statutory deposit and six week period for representations	June/August 2018
	Consultation portal	
Prepare for examination of Proposed Plan	Assessment of representations	September/December 2018
	Potential for modifications to be made to Proposed Plan and further statutory deposit	January 2019
	Submit Proposed Plan, Action Programme and Report of Conformity to Scottish Ministers	April 2019
Examination of Proposed Plan	Reporter appointed	May 2019
	Examination of objections made and not withdrawn	June 2019
	Reporters report	February 2020
	Publish plan with Reporters recommendations SEA and HRA assessment of recommendations	May 2020
	Submit to Scottish Ministers	June 2020
Adoption of LDP	Adoption of LDP	August 2020
	Post adoption SEA Statement	November 2020

3.6 A summary time-line is provided on the next page.

South Lanarkshire Local Development Plan 3

South Lanarkshire LDP 2 programme

Table 3.2

Stage	Year (quarters)																							
	2016				2017				2018				2019				2020							
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
SLLDP monitoring																								
Community consultation																								
MIR																								
Consultation on MIR																								
Proposed Plan																								
Consultation on Proposed Plan																								
Pre examination																								
Examination																								
Adoption																								

4 Accessing information and contacts

South Lanarkshire Council

Community and Enterprise Resources
 Planning and Building Standards Services HQ
 Montrose House
 154 Montrose Crescent
 Hamilton
 ML3 6LB

Tel: 0303 123 1015

Email: localplan@southlanarkshire.gov.uk

Web page: www.southlanarkshire.gov.uk

South Lanarkshire's development planning
 consultation portal:

<http://consult.southlanarkshire.gov.uk>

Clydeplan Strategic Development Plan Authority

Clydeplan
 125 West Regent Street (lower ground floor)
 GLASGOW
 G2 2SA
 Tel : 0141 229 7730
 Email: info@clydeplan.gov.uk

Web page: www.clydeplan.gov.uk

Report

14

Report to: **Planning Committee**
 Date of Meeting: **13 February 2018**
 Report by: **Executive Director (Finance and Corporate Resources)**
Executive Director (Community and Enterprise Resources)

Subject: **Review of the Planning Application Decision Making Process Guidance**

1 Purpose of Report

1.1 The purpose of the report is to:-

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

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendations;

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

3 Background

3.1 A report was presented to the Planning Committee on 21 November 2017 seeking approval for amendments to the Council's Planning Application Decision Making Process Guidance which document includes the scheme of delegation (that allows officers to determine certain types of application without referral to Committee) and the procedure for dealing with planning applications at Committee.

3.2 A review of the guidance was carried out by the Head of Administration and Legal Services and the Head of Planning and Economic Development Services following a decision by Committee at an earlier meeting to refuse an application contrary to officer recommendation. The decision was then the subject of an appeal to Scottish Ministers and it was concluded that there was insufficient clarity in the guidance to deal with these circumstances. The report set out proposed changes to the document to address that matter as well as other revisions covering issues such as requests by Members for an otherwise delegated application to be determined by Committee; the manner in which multiple objections from individuals are dealt with; and the status of objections received after a committee report had been finalised which highlighted the further changes which are required to reflect changes in current working practice and legislation.

- 3.3 Following presentation of the report by officers and discussion by Members it was agreed that consideration of the review of the guidance be continued to a future meeting of the Planning Committee in order to address comments made by Members.
- 3.4 The main reason for the original review of the guidance was to put in place a comprehensive process for dealing with decisions made against officer recommendation. The Head of Administration and Legal Services has advised of the significance of having clear procedures in place for handling decisions made against officer recommendation as the Council is vulnerable to the lack of guidance on this specific part of the decision making process. It is considered Members will also benefit from clarity on their role and responsibility in these circumstances. As a result this report deals only with this issue. A further report will be presented to Committee once further work on the other topics has been carried out.
- 3.5 It is advised that decisions made by committee contrary to officer recommendation are permissible and competent and this remains unchanged. However, it has become apparent that the existing guidance lacks sufficient clarity on the processes in respect of situations where the Committee determines applications against officer recommendation. Section 7.3 of the guide currently states that the Member moving the amendment will be required to give their reasons for refusing the application or appropriate planning conditions to be attached to a grant of planning permission. Further, in the event of the refusal of an application contrary to officer recommendation, the Planning Service cannot handle any subsequent appeal. However, there is an absence of procedure once the decision is taken. As a result, it is proposed to update the guidance to reflect these circumstances.
- 3.6 Once a decision to refuse an application contrary to officer recommendation is made, the Committee will require to nominate at least one Member to act as instructing client to the Head of Administration and Legal Services in the event of an appeal and, if appropriate, to delegate authority to the Head of Administration and Legal Services to instruct such external legal and technical advisors as may be required to deal with the appeal. Similarly, where a decision to grant planning permission is taken contrary to officer recommendation to refuse the application, the Committee will require to delegate authority to the Head of Administrative and Legal Services to prepare an agreement in terms of Section 75 of the 1997 Act where Committee considers that planning obligations are required and any other statutory agreement that may be required. It will generally be expected that the Member moving the amendment will take on the role of instructing client. In both circumstances the decision notice must be signed by the Head of Administration and Legal Services before being issued.

4. Next Steps and Timescale

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

5. Employee Implications

- 5.1 There are no employee implications.

6. Financial Implications

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

7. Other Implications

- 7.1 There are no significant implications for risk or sustainability contained in this report.

8. Equality Impact Assessment and Consultation Arrangements

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

Paul Manning, Executive Director (Finance and Corporate Resources)

Michael McGlynn, Executive Director (Community and Enterprise Resources)

25 January 2018

Link(s) to Council Values/Objectives/Ambitions

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

Previous References

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

List of Background Papers

None

Contact for Further Information

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

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Appendix 1

Addendum Planning Application Decision Making Process

Page 13

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

“7.3(h) If a Committee Member moves an amendment against the recommendation of the Planning Officer and is seconded, the matter should go to the vote. The outcome will be recorded as the Committee’s decision and the Member will require to give his/her reasons in planning terms. In the event that an officer’s recommendation is not accepted, the officer cannot handle any subsequent planning appeal or be involved in discussions on any related planning agreement. The planning Decision Notice will be signed by the Head of Administration and Legal Services and, thereafter, Legal Services will deal with any appeal or other statutory agreements.

7.3(i) Where a decision to refuse planning permission is taken, contrary to officer recommendation to grant consent, the Committee will require to nominate at least one Member to act as instructing client to the Head of Administrative and Legal Services in the event of an appeal and, if appropriate, to delegate authority to the Head of Administration and Legal Services to instruct such external legal and technical advisors as may be required to deal with the appeal.

7.3(j) Similarly, where a decision to grant planning permission is taken, contrary to officer recommendation to refuse the application, Committee will require to specify the planning conditions, if any, which are to be attached to the planning consent and, if appropriate, to delegate authority to the Head of Administration and Legal Services to prepare an agreement in terms of Section 75 of the 1997 Act and any other such statutory agreement as may be required.

7.3(k) In both cases it will generally be expected that the Member moving the recommendation to take the decision contrary to that of the Planning Officer shall take on the role of instructing client.

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

Report

15

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

Subject:	Tree Preservation Order – Broughton Road, Biggar
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1. Purpose of Report

1.1 The purpose of the report is to:-

- Seek approval for the making of a Tree Preservation Order (TPO) on two beech trees situated on Broughton Road, Biggar, approximately 52 metres southeast of the junction with Stephen Avenue and northwest 15 metres of the junction with Dene Park.

2. Recommendation(s)

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

(1) that a Provisional Tree Preservation Order be promoted under the terms of Section 163 (Provisional Tree Preservation Order) of the Town and Country Planning (Scotland) Act 1997 on the trees identified on the attached plan.

(2) that this Provisional Tree Preservation Order be confirmed within six months from the date of this Order should there be no objections.

3. Background

3.1. The trees that are subject to the proposed TPO are located along Broughton Road adjacent to an area of open space which is privately owned. They are located adjacent to an avenue of mature lime trees on Dene Park which are protected by an existing Tree Preservation Order (CL05). A pre-application enquiry has been received proposing the development of this area which would involve the erection of a new access between the beech trees. Roads and Transportation Services have advised that for the access to safely operate and the requirements for visibility splays the two trees would require to be removed.

4. Policy History

4.1. The land upon which the trees are located and the surrounding area is designated as the General Urban Area (Policy 6) within the South Lanarkshire Local Development Plan (2015) which seeks to safeguard the character and amenity of urban areas and settlements which are predominately residential in nature. Policy NHE13 - Tree Preservation Orders details that trees which are considered to be of significance will be protected from inappropriate development through the enforcement of existing TPOs. Further TPOs will be promoted as and when required. The promotion of this TPO would be in accordance with Policy NHE13.

5. Ground for Making the TPO

- 5.1 The reason for making the TPO is that the two mature beech trees are considered to contribute to the character, amenity and sense of place within the local area. They are notably visible by virtue of their size, form and location on the edge of Biggar on a main transport route and this is reinforced in the context of their relationship with the mature lime avenue, on Dene Park, which is subject to TPO CL05. In this regard, the Council's Arboricultural Manager has advised that the trees should be protected, given their stature, contribution to the local area and potential for development pressure. In the absence of a planning application for development of the site being submitted and assessed, there are no planning controls which could be employed to protect and retain these trees. In addition, the TPO will ensure that only appropriate maintenance is undertaken in consultation with the Council. In order to ensure the future retention of the tree, the promotion of a TPO is considered necessary.

6. Employee Implications

- 6.1. None.

7. Financial Implications

- 7.1. None.

8 Other Implications

- 8.1 There are no implications for risk or sustainability in terms of the information contained in this report.

9. Equality Impact Arrangements and Consultation Arrangements

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

Michael McGlynn

Executive Director (Community and Enterprise Resources)

29 January 2018

Link(s) to Council Objectives/Values/Ambitions

- Work with communities and partners to promote high quality, thriving and sustainable communities (Source: Connect)

Previous References

None

List of Background Papers

None

Contact for Further Information

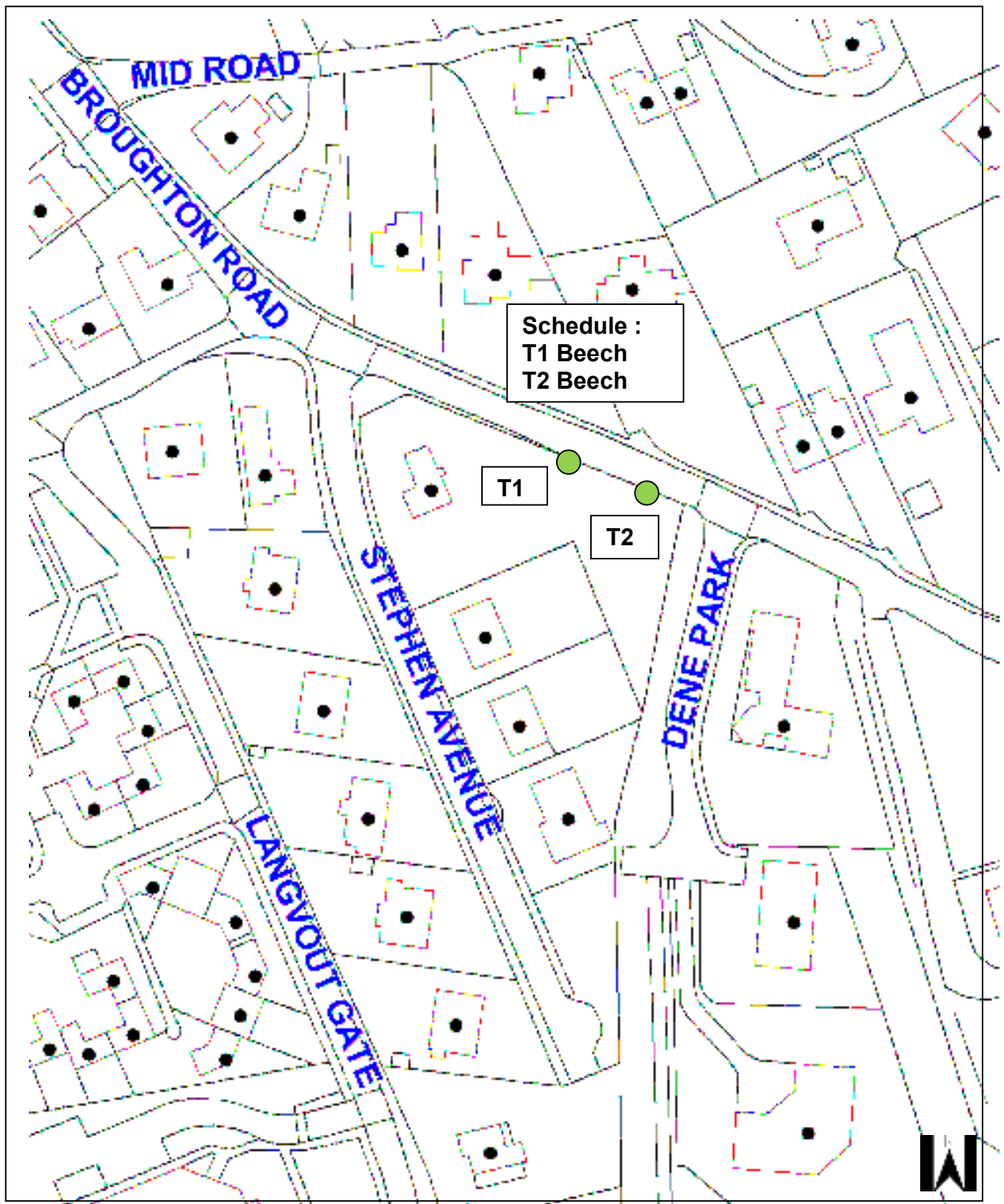
If you would like to inspect the background papers or want further information, please contact: -

Fiona Bailie, Planning Officer, 154 Montrose Crescent, Montrose Crescent, Hamilton ML3 6LB

Ext: 5271 (Tel: 01698 455271)

E-mail: fiona.bailie@southlanarkshire.gov.uk

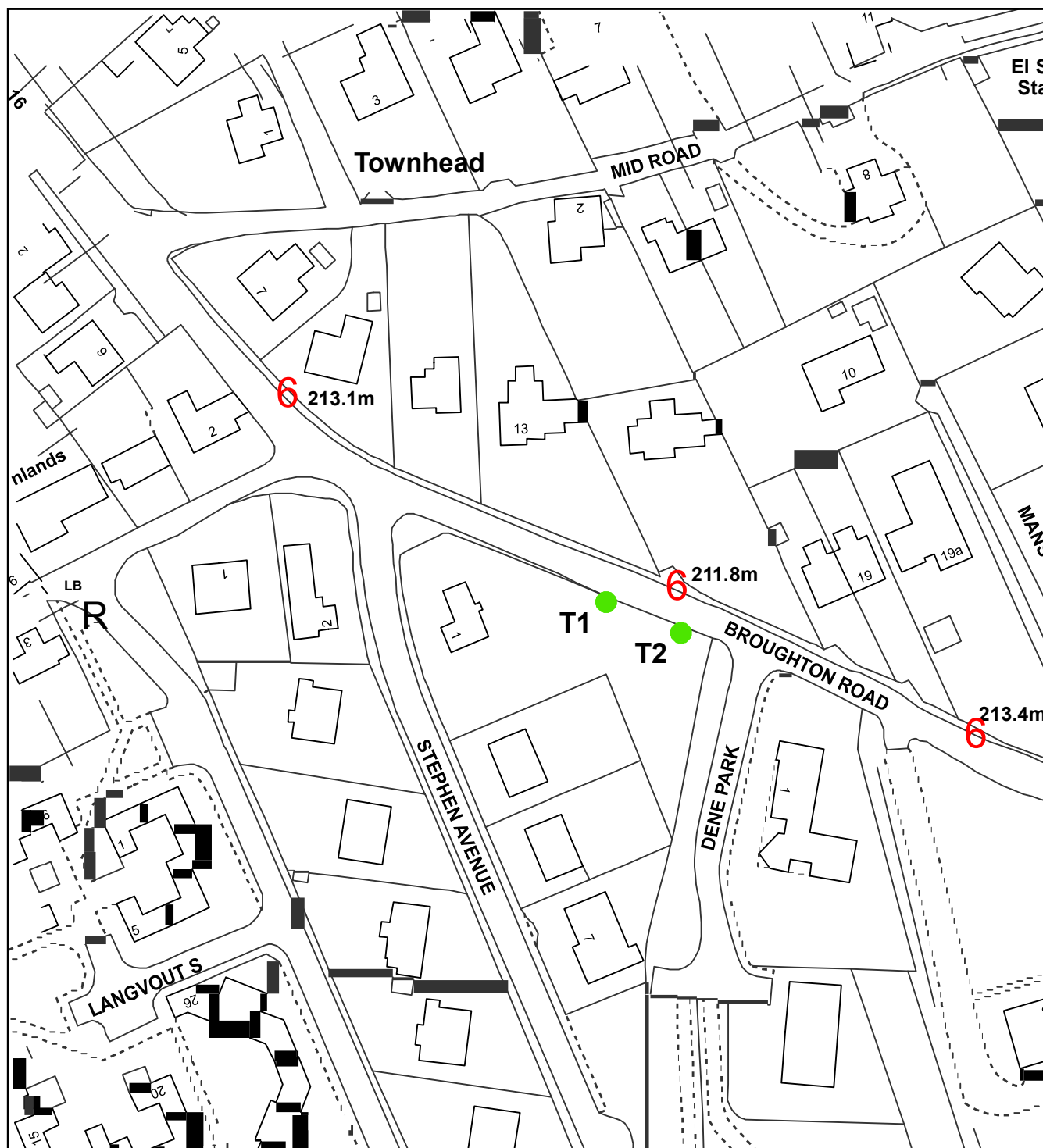
For information only



For information only

Tree Preservation Order - No SL52

Broughton Road, Biggar



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

Schedule : T1 Beech
T2 Beech

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

Date: January 2018

Scale: 1:1,250

O.S. Coordinates:



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