

Report

Report to:	Planning Committee
Date of Meeting:	5 October 2021
Report by:	Executive Director (Community and Enterprise Resources)

Subject	South Lanarkshire Local Development Plan 2 – Legal Challenge
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1. Purpose of Report

1.1 The purpose of the report is to:-

- Advise members of a legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 and provide an update on its implications and outcomes
- Seek approval for Supporting Planning Guidance and an associated Development Brief in relation to a site at Law Place in East Kilbride and thereafter undertake public consultation

2. Recommendation(s)

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

- (1) that the implications and outcome of the legal challenge to part of the adopted South Lanarkshire Local Development Plan 2 be noted;
- (2) that the Supporting Planning Guidance and associated Development Brief in relation to the site at Law Place in East Kilbride, as set out in Appendix 1 to the report, be approved; and that consultation as described in section 5.6 of the report be undertaken; and
- (3) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the draft document prior to its publication for consultation.

3. Background

3.1 The Planning Committee on 1 December 2020 agreed to carry out the necessary steps to adopt the proposed South Lanarkshire Local Development Plan 2 (SLLDP2). The Plan was submitted to Scottish Ministers in February 2021 for them to advise of the Council's intention to adopt the plan and notice was received in March that adoption could proceed. Advertisements in several local newspapers were published in the week ending 16 April 2021 giving notice of the adoption of the Plan. The relevant Regulations include provision for a legal challenge about the validity of the Plan to be made to the Court of Session within 6 weeks of the publication of the notice.

- 3.2 On 27 May 2021 the Council received notice of an appeal that has been lodged at the Court of Session by Law Place (East Kilbride) Limited (the appellant) against the adoption of SLLDP2. It should be noted that this appeal is a legal challenge and not a standard planning appeal that would be considered by a Reporter assessing the planning merits of a case, but rather a challenge to the procedural aspects of local plan preparation. The challenge related to the designation of part of the former Rolls Royce site in East Kilbride in the adopted plan as a core industrial and business area on the grounds that the relevant parts of the Town and Country Planning (Scotland) Act 1997 had not been complied with. To summarise the appellant's position
- South Lanarkshire Local Development Plan 1 identifies the site as a Green Network Location.
 - The Proposed SLLDP2 similarly identified the site as a Green Network Location. As a result, the appellants did not make any representations during public consultation on the proposed SLLDP2 that was undertaken in the summer 2018.
 - The Council then submitted a series of proposed technical amendments it sought to make during the Examination of the Proposed Plan between May 2019 and August 2020 including showing the appeal site as a core industrial and business site on the Proposals Map for East Kilbride. The appellants were not notified of the change and the consultation on the proposed SLLDP2 made no reference to the change. The appellants claim they would have objected to the change if they had been aware of it.
 - The version of SLLDP2 sent to Scottish Ministers and subsequently adopted designates the site as core industrial and business.
- 3.3 As a result, the appellants contended the Plan, or such part of it as the Court of Session sees fit, should be quashed.
- 3.4 In terms of the circumstances that led to this position, the overall Rolls Royce site including the appeal site was identified as a Development Framework Site (DFS) in SLLDP1 that was adopted in 2015. At that time this designation was not challenged by the appellants. The Development Requirements for the site are clear that industry/business is one of the acceptable uses for the site and that a masterplan was to be agreed with the Council. The SLLDP1 settlement map for East Kilbride shows the DFS outlined in black. The appellants are correct that the site is identified as Green Network however, as with other DFS sites in the Plan, the green network symbol covers the whole site to indicate that green network provision will be required in any new development.
- 3.5 Following the adoption of SLLDP1 in 2015 a planning application was submitted covering the whole of the Rolls Royce site and includes a masterplan showing the location of the proposed uses. This shows the majority of site for residential development with a retail area in the north east corner and an industrial/business area on the north western part of the site (now the appeal site). The application was approved in September 2016.

- 3.6 During the preparation of the proposed SLLDP2 in 2017/18, construction work had commenced on the housing element of the Rolls Royce masterplan, and consent had been granted for the retail element. Due to this level of progress on site it was decided that the DFS designation was no longer required and it was therefore removed from the East Kilbride Settlement Plan. At this time the Settlement Plan base map should have been updated to reflect the uses shown on the approved Masterplan, however a technical error meant this did not occur when the Geographical Information Systems (GIS) layers were updated. Therefore, the industrial and retail elements of the masterplan were not identified on the Settlement Plan as was intended. This was not noted by officers until after the proposed plan was published for public consultation during Summer 2018. There was no representation made in respect of the appeal site.
- 3.7 Having identified the drafting error the Council listed the proposed change to the designation of the site as a core industrial and business area as one of several technical modifications submitted to the Examination. As the modification would reflect the existing planning consent and the masterplan agreed in accordance with the previous DFS requirements, the Council did not consider notification of the modification was necessary as it was not a material change in the context of the approved masterplan and indeed was consistent with that masterplan.
- 3.8 The adopted version of SLLDP2 approved by the Planning Committee in December 2020 incorporates all the modifications required by the Reporter following the Examination and also the technical changes sought by the Council. The appeal site was therefore shown as a Core Industrial and Business area on the settlement map for East Kilbride in the adopted plan.

4. Current Position

- 4.1 Following receipt of the notice of the legal challenge, consultation with legal Counsel was undertaken and the view has been taken to concede the appeal. This has been authorised by the Head of Administration and Legal Services under the Council's Scheme of Delegation (section 4, D, D1, 6) which covers the discharge of the functions of the Council in relation to any type of judicial or quasi judicial proceedings.
- 4.2 In turn, the Council subsequently agreed a Joint Minute with the Appellants agreeing the reasons for, and extent of, the quashing of this part of the Plan. By joint motion the parties agreed that the Council had failed to comply with the terms of Section 18 and 19 of the Town and Country Planning (Scotland) Act 1997 when changing the designation of the Site and thereby erred in law. The Court of Session, by court order dated 23 September 2021, accordingly quashed the SLLDP2 insofar as it designates part of the Old Rolls Royce Site, Mavor Avenue, East Kilbride as a Core Industrial and Business Area.

5. Next Steps

- 5.1 The effect of this outcome is that there is now a "hole" in the proposals map in relation to the site. It does not replace the previous designation as Green Network or resurrect any previous designation. The Council is required to publicise the decision of the Court and the fact that part of the SLLDP2 is not effective.
- 5.2 In terms of addressing this position, Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance by the Council gives it a formal status,

meaning that it will be a material consideration in decision making on planning applications. As a result, it is considered appropriate to prepare non statutory supporting planning guidance to establish the Council's position in terms of spatial planning policy for the site. An associated Development Brief has also been prepared to provide detailed guidance for developers of the site.

- 5.3 Notwithstanding quashing of this part of the Plan, it is considered that the intended designation of the land as a Core Industrial and Business Area remains appropriate. The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. In accordance with the approved masterplan its redevelopment has resulted in a new residential development to the east that is largely complete and the erection of two retail units which are now operating. As a result, the 2016 consent is extant. The site itself is separated from the new housing by a noise attenuation bund and acoustic fencing to protect residents from proposed and existing employment uses. There is no physical connectivity between the residential development and the site. Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the wider Nerston Industrial Estate also designated as a Core Industrial and Business Area. The development of the site for employment purposes would therefore be in keeping with the established character of the area.
- 5.4 The planning permission is subject to a condition limiting the use of the employment area to classes 5 (General Industrial) and 6 (Storage and Distribution). Following approval of the masterplan, the site has been included in the Council's industrial land supply since 2018 as a potential marketable site. In addition, an application has not been made to amend the approved masterplan or the condition in terms of alternative uses for the site. Demand remains for larger sites in East Kilbride to be identified both for speculative and bespoke developments. In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton Heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites for sites that are well located, particularly in relation to key transport routes.
- 5.5 In terms of alternative uses, SLLDP2 identifies a minimum 5 year effective housing land supply is available throughout the lifetime of the plan as required by Scottish Planning Policy. The site has not been allocated as a new housing site in SLLDP2. The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in recognition of the impact additional units would have on the local road network. Furthermore the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result housing development on the site would not be appropriate.

- 5.6 It is therefore recommended that the proposed Supporting Planning Guidance (SPG) and associated Development Brief, attached as Appendix 1, are approved. If members agree with this recommendation, a public consultation exercise extending to 6 weeks and comprising of informing the landowners and advertisement in the local press will be undertaken. Representations that are received in response to this publicity will be the subject of a further report to Committee.

6. Employee Implications

- 6.1 The preparation of the Supporting Planning Guidance and subsequent publicity and potential changes will be carried out using existing staff resources within Planning and Economic Development Services.

7 Financial Implications

- 7.1 In conceding the appeal the Council has met the legal costs of the appellants of £7,500. This will be met from existing budgets. It should be noted that provision is made within the budget for legal challenges given the planning system is a legislative process.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. Local Development Plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. They, therefore, have to be subject to Strategic Environmental Assessment (SEA). Where appropriate, other forms of assessment should be undertaken to meet legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulations Appraisal, Equality Impact Assessment and Health Impact Assessment. The adopted South Lanarkshire Local Development Plan 2 was the subject of both SEA and a Habitats Regulations Appraisal. The site is identified in the Plan for new development and has therefore already been subject to SEA. No further assessment is required. An Equality Impact Assessment and Health Impact Assessment was also carried out during the preparation of the Plan.

9 Other Implications

- 9.1 The failure to have spatial policy and planning guidance for the site would undermine the Council's strategic vision of promoting sustainable economic growth in South Lanarkshire.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) is not required.
- 10.2 Consultation on the SPG and accompanying development brief will be carried out as described in section 5.6

Michael McGlynn

Executive Director (Community and Enterprise Resources)

16 September 2021

Link(s) to Council Objectives

- Demonstrating governance and accountability
- The efficient and effective use of resources and managing and improving performance

Previous References

- Report to Planning Committee 1 December 2020

List of Background Papers

- Planning (Scotland) Act 2019
- Circular 6/2013 – Development Planning
- South Lanarkshire Local Development Plan 2 adopted April 2021

Contact for Further Information

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

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Supporting Planning Guidance - Land at Law Place, East Kilbride

1. INTRODUCTION

- 1.1 The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. An appeal to the Court of Session by the landowners of part of the former Rolls Royce site on Law Place in East Kilbride resulted in the designation of the site in SLLDP2 as a core industrial and business area being quashed. A plan showing the location of the site is found on Plan 1. This in effect means the land has no designation in the adopted plan. This supporting planning guidance has been prepared to establish the Council's position in terms of spatial planning policy for the site following this outcome. It identifies the land uses that will be acceptable at the site and sets out (in the form of the accompanying development brief) the criteria that will be used by the Council in the determination of any planning application that is submitted.
- 1.2 Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance by the Council gives it formal status, meaning that it will be a material consideration in decision making. Planning guidance can be updated as required and without the need for scrutiny by Scottish Ministers. Since the publication of the circular the Planning (Scotland) Act 2019 has received Royal Assent. Section 9 of the Act repeals the ability of Planning Authorities to prepare SG in the future. As a result, it is considered appropriate to prepare non statutory guidance to address the issue described above.
- 1.3 Site Location and Description
The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. Following the closure of the Rolls Royce facility the land was cleared of any buildings. Its redevelopment has resulted in a new residential development to the east that is largely complete and the erection of two retail units which are now operating. The site itself is vacant and comprises a flat hardstanding area. It is separated from the new housing by a noise attenuation bund and acoustic fencing. There is no physical connectivity between the residential development and the site.
- 1.4 Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the larger Nerston Industrial Estate. Located to the southern boundary is an existing industrial unit operated by a packaging manufacturer, Multi Packaging Solutions (MPS), with vehicle access via Leesburn Place.

2 BACKGROUND

- 2.1 The overall Rolls Royce site was identified as a Development Framework Site (DFS) in the South Lanarkshire Local Development Plan 1 (SLLDP1) adopted in 2015. The Development requirements for the site were set out in Appendix 3 of the Plan. The site was to comprise a mixed use development including industry/business/commercial uses with a masterplan required to demonstrate how proposed uses would integrate with adjoining land uses. In addition the Proposals Map identified the entire former Rolls Royce site as Green Network to indicate that green network provision would be required in the redevelopment of the site.
- 2.2 Planning Application EK/15/0408 for a mixed use development (including residential, employment and retail uses), landscaping, parking and associated infrastructure was submitted in December 2015 after SLLDP1 was adopted. It included a masterplan showing the majority of site being identified for residential development with a retail area in the north east corner and an employment area on the north western part of the site (the land the subject of this planning guidance). The application was approved in September 2016. As the residential and retailing elements of the masterplan have been largely implemented the planning permission is extant.
- 2.3 A plan showing the approved masterplan layout is attached as Plan 2. It shows that the primary access to the employment land would be from Leesburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access also proposed from Law Place for service vehicles. A landscape buffer, in the form of a bund, to separate the proposed and existing employment from the new residential development to the east is also identified.
- 2.4 The planning permission was subject to conditions limiting the use of the employment area to classes 5 and 6 (General Industrial and Storage/Distribution) and the number of housing units on the residential element to 354. This was based on the outcome of the Transport Assessment submitted with the application.
- 2.5 Preparation of the proposed SLLDP2 started in 2016 by which time work had commenced on the housing element of the masterplan and planning permission granted for the retail element. As a result the Development Framework Site designation was no longer required. The DFS designation covering the site was therefore removed in the proposed SLLDP that was published for public consultation in June 2018. The Proposals Map that now forms part of the adopted SLLDP2 designates the residential and retail areas in the masterplan site as part of the Housing Land Supply and an Out of Centre Commercial Location respectively. Following the quashing of the part of the plan that relates to the site which is the subject of this guidance there is not a specific land use designation attached to this land.
- 2.6 Following approval of the masterplan, the site was included in the industrial land supply in 2018 as a potential marketable site and this has remained the case since then. This reflects the Council's position that it was intended to be designated for industrial/business use in terms of LDP policy. In addition, an application has not been made to amend the approved masterplan in terms of alternative uses for the site.

3. PLANNING POLICY AND GUIDANCE

3.1. Government Policy and Guidance

- 3.1.1. The Scottish Government's central purpose is to create a more successful country by increasing sustainable economic growth and this is reflected in its commitment to achieving sustainable development. Scottish Planning Policy 2014 introduces a presumption in favour of development that contributes to sustainable development.

This is to be guided by a number of principles including giving due weight to net economic benefit of proposals; responding to economic issues, challenges and opportunities; making efficient use of existing land, buildings and infrastructure; and supporting climate change mitigation and adaptation.

- 3.1.2 In terms of supporting business and employment, SPP states that the planning system should promote business and industrial development that increase economic activity and allocate sites that meet the diverse needs of the area and give due weight to the net economic benefit of proposed development. The planning system should also identify a generous supply of land for each housing market area to achieve housing land requirements across all tenures by maintaining at least a 5 year supply of effective housing land at all times. Government guidance 'Designing Streets' and 'Creating Places' stresses the importance of good design in achieving a wide range of social, economic and environmental goals, making successful and sustainable places that will contribute to viable and vibrant communities.

3.2. Development Plan

- 3.2.1 The overall strategic vision of SLLDP2 is to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment. The objective is to encourage development in the right place, at the right time and of the right quality. The location and nature of the regeneration and growth priorities in SLLDP2 play a significant role in achieving the plan's vision and objectives and these include Development Framework Sites. This approach will also contribute to the delivery of the Council's Economic Strategy which aims to support investment in appropriate business locations. These priorities are then complemented by the plan's commitment to environmental protection and enhancement including the identification and maintenance of a strategic and local Green Network. The site is bounded on three sides by land designated as a Core Industrial and Business Area (ie Nerston Industrial Estate).

4. LAND USE

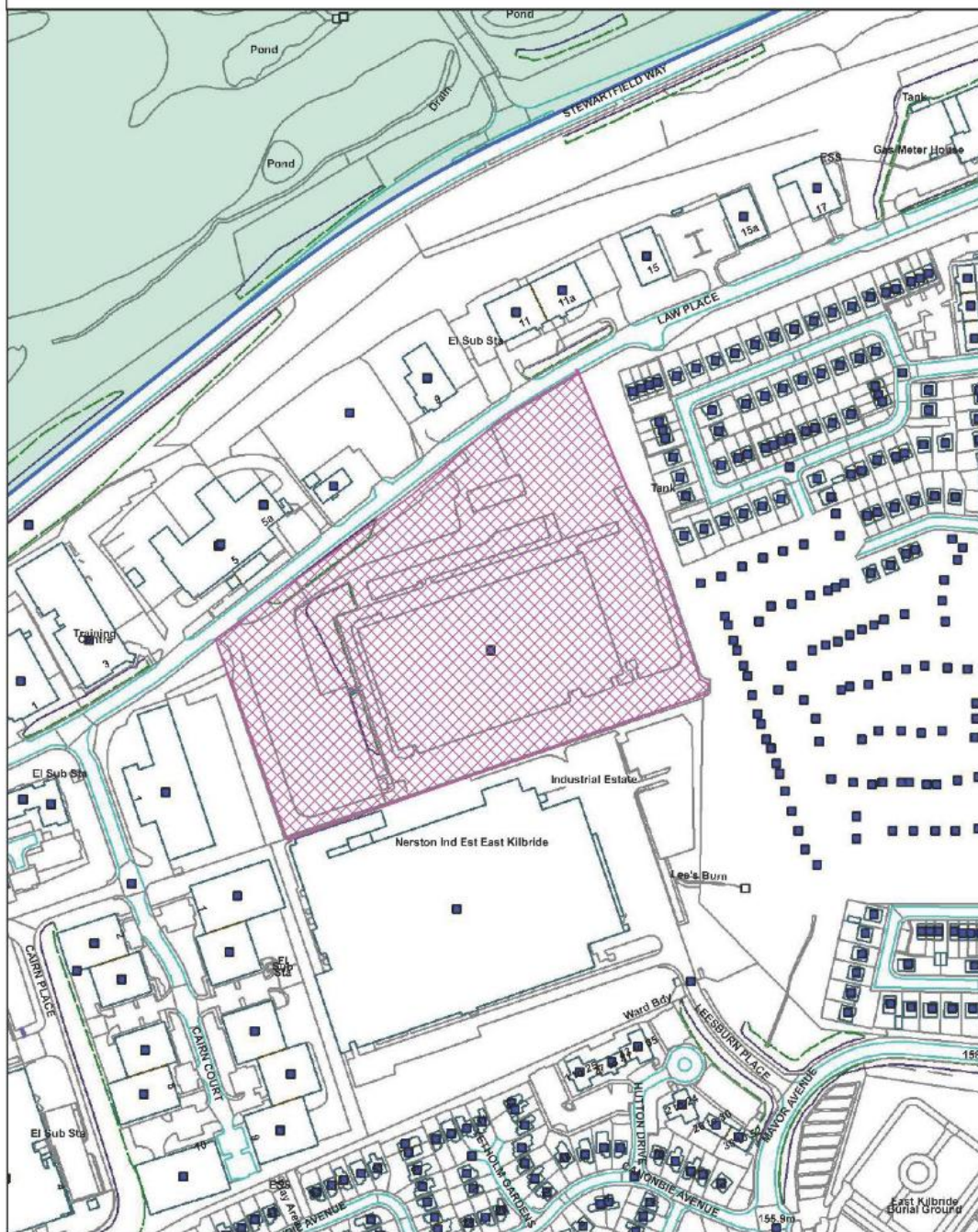
- 4.1 Section 2 of this guidance describes the planning history of the site including the policy background which led to the initial designation of the former Rolls Royce site as a Development Framework Site in SLLDP1; the subsequent granting of planning permission for a mixed use development which led to the approval of a masterplan identifying this part of the site for employment use; and the subsequent inclusion of the land in the industrial land supply as a potentially marketable site.
- 4.2 An analysis of the East Kilbride Industrial Land Supply carried out in July 2021 shows that there has been a 37% reduction in the overall marketable supply since 2015 (27.45 hectares and 43.44 hectares respectively). This change is partly due to take up of land for employment uses as well as sites being developed or reallocated for alternative uses.
- 4.3 Since 2015 a total of 6.35 ha has been developed for industry and business in East Kilbride, an annual average of just over 1 ha per annum. In addition, a number of the sites within the current industrial land supply already benefit from extant planning consent and may be developed in the short term. This results in just under 12 hectares of unconsented land being available for new industrial/business development. Many involve small plots within the Scottish Enterprise Technology Park and are only suitable for smaller class 4 type developments. The availability of larger sites for class 5/6 uses is more limited, particularly in the northern part of East Kilbride.

- 4.4 Recent developments and proposals indicate there is still a demand for larger sites in East Kilbride both for speculative and bespoke developments. These include the development of 4.5 hectares at College Milton for a whisky blending centre; development of class 4/5/6 speculative units at plot 1 Kelvin South (0.8ha) and the recent application for a vehicle storage and distribution centre on the former Freescale site at Kelvin industrial estate (12 ha).
- 4.5 In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites for sites that are well located, particularly in relation to key transport routes.
- 4.6 The site is bounded on three sides by existing employment uses and, as a result, the character of the area is commercial in nature. As a result, it is considered that the redevelopment of the site for uses within classes 5 and 6 of the Use Classes Order is appropriate. The extant planning permission precludes the inclusion of Class 4 Business uses due to the impact of vehicular access being taken directly onto Law Place and the increase in traffic generation on the wider road network. In land use terms the introduction of class 4 use would be acceptable in principle however proposals would be required to show any adverse traffic impacts could be mitigated through an update of the previous Transport Assessment.
- 4.7 In terms of alternative uses, SLLDP2 was adopted in April 2021 and identifies a minimum 5 year effective housing land supply is available throughout the lifetime of the plan as required by Scottish Planning Policy. The site was not submitted during the 'call for sites' stage of the preparation of LDP2 and has not been allocated as a new housing site in SLLDP2. Policy 11 – Housing states that if, during the lifetime of the plan, a shortfall in the 5 year supply of effective land is identified, the Council may support development proposals that are effective and capable of meeting the identified shortfall. This would be in the following order of preference;
- Non-effective sites now shown to be effective
 - Urban capacity sites
 - Additional brownfield sites
 - Sustainable greenfield sites.

There is currently no identified shortfall in housing land supply in the East Kilbride Housing Market Area and therefore Policy 11 is not invoked.

- 4.8 The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in recognition of the impact additional units would have on the local road network. Proposals would therefore have to demonstrate through an update of the earlier Transport Assessment that any adverse impact could be mitigated. Furthermore, the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result, housing development on the site would not be appropriate.

Land at Law Place East Kilbride



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Scale:
1:3,080
Date:
15/09/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Plan 2



Land at Law Place, East Kilbride

Development Brief

Description of site and surroundings

The site is located on Law Place within the northern part of East Kilbride. It is bound on three sides by existing industrial units and trade business premises which comprise Nerston Industrial Estate. These units are accessed off Law Place which is the main distributor road through the industrial estate as well as the secondary roads Cairn Court and Lees Burn Place. To the east is a residential development of 354 units that is under construction and largely complete. There are also two retail units that are operational. The new housing and retail units are accessed off Mavor Avenue via a new roundabout on Law Place. The adjacent dwellings are separated from the site by an acoustic bund with associated fencing. The bund runs the entire length of the eastern boundary with no physical connectivity between the residential development and the site. Further to the west of the site, located at the junction of Cairn Court and Law Place, are 4 storey flatted dwellings located on elevated ground.

The site is approximately 25 hectares in area and is generally flat, although there is a drop in levels into the site from Law Place along the northern boundary. There is an existing vehicular access to the north-west corner of the site off Law Place that served former buildings. The land has been cleared of buildings associated with the former Rolls Royce activity. A linear group of trees through the site running north to south has been retained. There are also several groups of trees and remnants of mature hedgerows along the northern boundary with Law Place and along the boundaries to the south and west of the site.

In the wider locality Kingsgate Retail Park and other large retail units are located to the north east of the site. East Kilbride Town Centre is approximately 2km to the south of the site. Within the Town Centre is a multi-terminal for buses, providing links to the local area and neighbouring towns. East Kilbride is served by two railway stations which provide a frequent rail service to Glasgow. The site is close to the A725 which provides direct access to the M74. Stewartfield Way which is within 2 minutes drive of the site provides access to the Southern Orbital and the M77 to the west. The A746 to Cambuslang and Rutherglen is also close. The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies East Kilbride as a Community Growth Area and as such the settlement will continue to see expansion and improvement of facilities.

Planning policy and appropriate land use

The planning policy context at a national level (Scottish Planning Policy 2014) and a local level (South Lanarkshire Local Development Plan adopted in April 2021) is described in section 3 of the Supporting Planning Guidance for the site. Taken together with the planning history of the site and the matters described in section 4 of the SPG it is considered that the redevelopment of the site for uses within classes 5 and 6 are appropriate; consideration will be given to the introduction of class 4 uses where it can be demonstrated that the impact of proposals on the wider road network can be mitigated.

Proposals are also expected to comply, where relevant, with the following adopted local development plan policies:

Volume 1	Volume 2
1 – Spatial Strategy	
2 – Climate Change	SDCC2 – Flood Risk SDCC3 – Sustainable Drainage Systems SDCC4 – Sustainable Transport SDCC6 – Renewable Heat SDCC7 – Low and Zero Carbon Emissions from New Buildings
5 – Development Management and Placemaking	DM1 – New Development Design DM15 – Water Supply DM16 – Foul drainage and sewerage DM17 – Air Quality
8 - Employment	ICD2 – Non-conforming uses in core industrial/business areas
11 - Housing	
13 – Green Network and Greenspace	
14 – Natural and Historic Environment	NHE18 – Walking, Cycling and Riding Routes NHE20 - Biodiversity
15 – Travel and Transport	
16 – Water Environment and Flooding	

The link below is to the adopted SLLDP2 on the Council's website https://www.southlanarkshire.gov.uk/info/200145/planning_and_building_standards/39/development_plans/2

Development guidance

Scale and design of new buildings

The immediate streetscape is predominantly commercial in nature comprising of trade and industrial units, and it would be expected for a similar proposed use to visually integrate with the existing character. However, the neighbouring residential development to the east will require the developer to take due cognisance of the impact on visual and residential amenity. Any proposal must reflect the physical characteristics of the site, particularly its relationship with neighbouring properties and ensure that they are not adversely impacted upon through overlooking, overshadowing or overwhelmed by physical presence, or as a result of noise and activity from adjoining uses.

The scale of any building should ensure that it does not physically or visually dominate the 2 storey residential dwellings located along the eastern boundary. This will require careful siting and design and should also mitigate the impact on overshadowing and loss of daylight. The developer should consider the need for external lighting to ensure this does not cause light disturbance to the enjoyment of the residential properties. The materials of any building should be sympathetic to the visual appearance of neighbouring residential properties and should consider a mix of materials or the use of appropriate colours that would add visual interest and be of an acceptable quality.

Noise impact

The extant planning permission included proposals for the creation of a bund and acoustic fencing between the new housing and the site and they have been implemented. The layout of the new housing also took into consideration the proximity of houses to the potential employment uses within the site. Nevertheless, the developer will be required to submit an updated noise impact assessment to consider the impact of proposed development on the new dwellings to the east and the existing flatted dwellings to the west of the site at the junction of Carin Court and Law Place. The existing acoustic bund along the eastern boundary will provide a level of mitigation, however further mitigation may be required based on the outcome of the assessment and recommended conclusions. The scope of the assessment should include activity from the proposed development, existing neighbouring businesses, and traffic generated noise. The report should focus on the impact to the neighbouring residential properties, and to ensure that predicted noise levels are within acceptable limits to prevent an adverse impact on residential amenity.

Transport and traffic

A Transport Assessment or Transport Statement may be required to be carried out depending on the scale and type of uses proposed. The requirement for a TA is established by the thresholds set by Transport Scotland. Early discussion should take place with Roads and Transportation Services to determine the need for this and in order to agree scoping.

The approved masterplan shows the primary access to the site would be taken from Leeburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access proposed from Law Place for service vehicles. The preference is for this arrangement to be incorporated into proposals for the site. In the event this is not achievable due to the inability to gain control of the land primary access from Law Place will be considered providing adequate sightlines and junction spacing can be achieved. In this respect minimum visibility splays of 4.5m x 60m in both directions with nothing over 0.9metres in height when measured above the adjacent road channel level will be required. Appropriate junction spacing should be provided, and this should be discussed with Roads and Transportation Services. In addition, a 2m footway should be provided along the Law Place frontage.

Future development of the site will also require to take due cognisance of the ground levels adjoining the site, in particular, the elevated ground along Law Place should an amended vehicular access arrangement be required. Achieving a suitable road gradient, visibility splay, and functional design may require ground works to be carried out. If this is the case consideration, should be given to the need and design of retaining features. The maximum gradient, rising or falling, on the internal access road shall be limited to 2% for a minimum distance of at least 12m from the nearside channel line of Law Place. Thereafter the maximum gradient of carriageway with a flexible surface shall be 8% and for shared surface areas shall be 7%.

The National Roads Development Guide provides detailed criteria on issues such as vehicular access requirements and car parking provision which will be applicable to development of the site.

Active travel

Active travel and the availability and/or provision of public transport facilities should be a fundamental design element of new development. Proposals should therefore promote opportunities for travel by sustainable transport modes. Applications should be accompanied by an active travel plan outlining arrangements to encourage all employees to engage in the use of more sustainable travel modes to reduce the reliance on private car trips. Proposals should incorporate cycling parking and storage and have regard to core paths in the area. An active travel study for East Kilbride has been completed and developers should take this into account.

Climate change

Development proposals are expected to minimise and mitigate against the impact on climate change and reduce greenhouse gas emissions. In particular the following should be taken into consideration in the design process;

- The use of renewable energy sources
- The incorporation of low and zero carbon energy generating technologies
- The avoidance of flood risk within the site and land and property outwith
- The protection of ecosystems by ensuring there is no adverse impact on the water and soil environment, biodiversity and air quality
- Include opportunities for active travel
- Incorporate opportunities to create and enhance green infrastructure
- Provide electric vehicle charging infrastructure. The number required will be based on the number and type of vehicles accessing the site. The developer should ensure that these charge points are located outwith parking bays. The onus is on the developer to meet costs of installation and to agree grid capacity with Scottish Power Networks
- Minimise waste through the provision of appropriate recycling, storage and collection points
- Consider whether the proposals can be connected to heat networks

Air quality

The site is located adjacent to a South Lanarkshire Council Air Quality Management Area (AQMA) at Whirlies Roundabout, East Kilbride. Given the size and location of the site, an Air Quality Impact Assessment (AQIA) is required to be submitted. This assessment should focus on what impact development would have on the AQMA, and include details such as use of the site, scale of development, and numbers and type of associated vehicles. The information submitted would enable an assessment of the change in light duty vehicle movements on the local roads network and would be taken into account in the AQIA which would then work out potential increase on local air pollution. The results would be compared with the National Air Quality objectives and determine the impact of the development on the area and its significance.

Green network

Policy 13 Green Network and Greenspace of SLLDP2 states that new development proposals within affected areas should safeguard the green network and identify proposals for enhancement. The green network can contribute positively to issues such as: mitigating greenhouse gasses adapting to the impacts of climate change; improving air quality and providing water management including flood storage. Although the site contains minimal landscaping at present, any development should positively contribute towards the Green Network objective, with the formation of green landscaping, and consideration to the installation of green and living roofs. Detailed proposals of how this will be achieved must be submitted with any planning application.

Broadband connection

As required by Policy DM1 – New Development Design (Criteria 13), any new development proposals should be designed in such a way as to incorporate high speed broadband connection. To achieve this, developers are now required to install full fibre ducting during the construction phase. This will prevent the road network being dug up at a later date. The installation of (optional) multi fibre ducting would enable a greater choice of service providers.

Flood risk

The Council's Developer Design Guidance: Flood Risk Assessments and Sustainable Drainage Systems (May 2020) highlights the requirements in respect of Flood Risk Assessment and Drainage Strategy for development sites. This guidance should be referred to by the developer when producing their drainage design taking account of future maintenance access and responsibilities. The guide also informs the level of information required in support of future planning submissions.

Historical mapping data indicates the potential for the Lees Burn to have been culverted below or in close proximity to the site boundary. The developer is responsible for satisfying themselves as to the alignment, depth and condition of the culverted section and demonstrate that their design proposals do not impinge on the culvert. Early discussion should take place with the Council's Flood Risk Management team to determine the need for additional information in support of any future planning application.

Ground conditions

The site formed part of the wider Rolls Royce industrial complex and therefore consideration of the impact of the former use on ground conditions will be required to be addressed. Any planning application shall include a comprehensive site investigation to be carried out in accordance with the advice given in the following:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
- Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
- BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model should be prepared and these linkages subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be required.