

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>1 December 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Subject:	<b>South Lanarkshire Local Development Plan 2 Examination Report - Statement of Decisions and Pre-Adoption Modifications Notification of Intention to Adopt</b>
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## 1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ request Committee approval of the responses to the Scottish Government Directorate of Planning and Environment Appeals (DPEA) recommendations in the South Lanarkshire Local Development Plan 2: Local Development Plan Examination Statement of Decisions and Pre-Adoption Modifications, as detailed in Appendix 1 to the report
- ◆ request Committee approval to proceed to adopt the South Lanarkshire Local Development Plan 2
- ◆ set out the next steps and timescales leading to the adoption of the Local Development Plan 2

## 2 Recommendation(s)

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

- (1) that the responses to the recommendations in the Examination Report - South Lanarkshire Local Development Plan 2 Examination Statement of Decisions and Pre-Adoption Modifications, as detailed in Appendix 1 to the report, be approved;
- (2) that the publication and public deposit (in line with legislation at the time) of the Statement of Decisions and Pre-Adoption Modifications be approved and the Plan, as modified, and its associated Environmental Reports, be sent to Scottish Ministers;
- (3) that the South Lanarkshire Local Development Plan 2 be adopted, as modified, following receipt of the Report of Examination, on or after 28 days from when the Plan is sent to Scottish Ministers, unless Scottish Ministers direct that the Plan shall not be adopted until further notice or shall not have effect unless approved by them; and
- (4) that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make any presentational changes, as required, prior to the publication of the South Lanarkshire Local Development Plan 2.

### 3 Background

- 3.1 On 21 February 2017, the Planning Committee authorised the publication of the Main Issues Report (MIR) for the South Lanarkshire Local Development Plan 2 (SLLDP2). The Main Issues Report (MIR) was the first document published by the Council as part of the process of preparing a new plan to replace the South Lanarkshire Local Development Plan (SLLDP) which was adopted by the Council in June 2015. Prior to the publication of the MIR, the Council had consulted with all internal Services and Resources, a wide range of community bodies, including Community Councils and other external stakeholders.
- 3.2 On the basis of the comments received in response to the MIR, the Council, thereafter, prepared a Proposed Plan. Publication of the Proposed Plan was approved by the Planning Committee on 29 May 2018. When the Proposed Plan was considered by the Planning Committee, it was pointed out that, in general, the policy approach described in the SLLDP remained broadly consistent with the vision for the new SLLDP2, namely:-

*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.*

As a result, the new plan would be a 'light touch' to refresh and update some of the policies in the adopted plan to meet Government Guidance and policy published since adoption of SLLDP, particularly relating to Climate Change; ensure it is consistent with the Clydeplan Strategic Development Plan 2 (SDP2) which provides the strategic context for development in Glasgow City Region (including investment through City Deal); and reflect the aims and objectives of the Council Plan, 'Connect' and the range of other plans and strategies prepared to deliver the Council's wider aspirations.

- 3.3 The main issues that were addressed included:-

- ◆ The release of a limited number of appropriate sites for housing to add flexibility to the land supply. These were:-
  - ◆ Peel Road, Thorntonhall
  - ◆ Duchess Place at Farme Cross in Rutherglen
  - ◆ Redwood Drive in East Kilbride
  - ◆ Extension to East Overton Farm in Strathaven
  - ◆ Glassford Road, Strathaven
  - ◆ Former University of the West of Scotland (UWS) campus in Almada Street, HamiltonOverall, this would add approximately 810 units to the housing land supply
- ◆ Continue to seek to provide a range of housing types, including affordable housing
- ◆ Ensuring opportunities are available to investors to facilitate economic growth
- ◆ Re-designation of industrial sites that are no longer attractive to investors
- ◆ A review of town centre and neighbourhood boundaries and ease restrictions on non-retail changes within these centres
- ◆ A review of settlement boundaries
- ◆ A response to the impact of climate change on people, the economy and the natural and built environment
- ◆ The designation of 27 Local Nature Reserves on sites across the Council area
- ◆ Incorporate the Spatial Framework for renewable energy into the Plan

The adopted SLLDP is currently accompanied by a suite of Supplementary Guidance (SG) which provides detailed advice on such topics as development in the countryside, affordable housing and the natural and built environment. Legislation enacted in 2019 repeals the ability to prepare SG and, as a result, it was considered appropriate in preparing the proposed SLLDP2 to create what now comprises volume 1 which sets out the main policies and volume 2 which, in effect, brings the SG policies within a single document.

- 3.4 The proposed Plan was then the subject of a period of public consultation which ran from July until September 2018. In response to the consultation exercise on the Proposed SLLDP2, which included advertising the Plan's publication through the local press, Council website, consulting with stakeholders and sending approximately 4,000 neighbour notification letters, a total of 247 parties replied, raising 502 valid points of representation. The Volume 2 document attracted a further 25 contributing consultees and raised an additional 93 comments. Overall, the representations raised issues relating to a broad range of matters and included both objections and expressions of support for various aspects of the Plan.
- 3.5 Several of the representations submitted raised concerns regarding a number of the sites proposed for new housing whilst, in contrast, some of the representations sought the addition of additional housing sites, particularly through the release of greenfield sites. With regard to the proposed new additional housing sites contained in the Plan, prior to their inclusion, they were all assessed against a number of criteria in order to determine if they could be considered sustainable and effective additions to the Council's housing land supply. In each case, this assessment indicated that development of these sites would accord with the Plan's vision and strategy subject, in some cases, to some mitigation. They will also significantly improve the range and effectiveness of the Council's housing land supply (including affordable housing) and thus contribute towards the Plan's primary aim of promoting sustainable economic growth.
- 3.6 With regard to representations seeking the addition of alternative new housing sites, these were mostly in locations which had been the subject of previous submissions to the Council in response to the consultation exercise undertaken during the preparation of the MIR for the Proposed Plan. During this process, they were assessed as being inappropriate in planning terms, and, having taken account of the need for additional housing land, could not be justified in terms of their location and scale. It is considered that the release of these sites would not, therefore, be in accordance with either the Plan's vision or its spatial strategy.
- 3.7 A report was presented to the Planning Committee, at its meeting on 26 February 2019, which summarised the representations that had been received in response to the public consultation and, given the limited ability to make changes to the Plan, seeking approval for the proposed SLLDP2, together with the representations received, to be submitted for examination to the Directorate of Planning and Environmental Appeals. In total, the representations received related to 80 separate issues which the Reporters were required to consider.
- 3.8 The proposed SLLDP2 was duly submitted and the examination commenced in October 2019. All issues were dealt with by written representations with the exception of a hearing on housing land supply that was held in February 2020. The Directorate for Planning and Environmental Appeals (DPEA) subsequently issued its report of the Examination of the SLLDP2 on 17 August 2020. The report has been published on the Council and DPEA websites and those who made representations have been informed that it has been published and submitted. Since then, officers have been

reviewing the Reporters' findings. The following section 4 sets out the main conclusions of the Report of the Examination.

- 3.9 The Scottish Government's examination of a local development plan is a strict statutory process. In terms of Section 19 (10) (a) of Town and Country Planning (Scotland) Act 1997, planning authorities can only oppose modifications only in the specifically defined circumstances set out in the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009. These are where the Council considers the recommendations would:-
- (a) have the effect of making the Local Development Plan inconsistent with the National Planning Framework, or with any Strategic Development Plan or national park plan for the same area;
  - (b) be incompatible with Part IVA of the Conservation (Natural Habitats etc) Regulations 1994;
  - (c) would not be acceptable having regard to an environmental assessment carried out by the Council following modification of the plan in response to the recommendations, or
  - (d) be based on conclusions that could not reasonably have been reached based on the evidence considered at the examination.
- 3.10 The recommendations as set out in appendix 1 have been reviewed in relation to both National Planning Framework 3 and Clydeplan which is the approved Strategic Development Plan covering South Lanarkshire. They have been found to be entirely consistent with both documents. In terms of criteria (b) and (c), an assessment of the proposed modifications has been carried out in the context of the Conservation (Natural Habitats etc) Regulations 1994 and the Environmental Assessment (Scotland) Act 2005 respectively. This has concluded that the proposed modifications are acceptable. Updated Environmental Reports will be submitted to Scottish Minister when SLLDP2 is sent to them.
- 3.11 Criteria (d) limits the grounds for declining recommendations to cases where the Reporter's conclusions could not reasonably have reached based on the evidence considered in the course of the examination. Therefore, the Council cannot refuse to accept a modification on the grounds that the Reporter reached a different conclusion to that put forward in the proposed LDP or that the Council does not agree with the Reporter's decision. The Council must have substantive evidence that the Reporter made an irrational decision.
- 3.12 In view of this legislation, the scope for the Council to depart from the Examination Report is extremely limited. In this respect, it should be noted that the Reporters' conclusions are now binding on the Council.

#### **4 Examination Report – Main Issues**

- 4.1 Overall, the Council has successfully defended its position on the vast majority of the issues considered during the Examination and the Reporters have broadly accepted the policy direction set out in the SLLDP2. Whilst some changes to the text of the policies in the SLLDP2 have been recommended, they essentially involve a refinement of the policy wording and do not result in any major or significant change in the approach originally set out by the Council in its proposed Plan.
- 4.2 The main issues arising from the report are summarised below and a full list of the modifications put forward by the Reporters, together with the recommended response, is set out in Appendix 1 of this report. It should be noted that officers consider all of the recommended modifications should be accepted without any change.

### Housing Land Supply

Housing Land was subject to a hearing in February 2020 which examined the different elements that make up the housing supply and demand calculation. This included input from Homes for Scotland and a variety of housebuilders. The Reporter concluded overall that the evidence submitted did not allow her to conclude there is not a shortfall in the Council's housing land requirements for the periods set out in Clydeplan. There was consensus that there are no shortfalls in the individual East Kilbride and Hamilton housing market areas. However, within Clydesdale and Rutherglen/Cambuslang there is an identified shortfall.

In response, it is considered that the evidence provided to the examination was robust and clear and demonstrates that an effective land supply is available. It should be noted, firstly, that the Reporter's conclusions are based on the outcome of the 2018 housing land audit which means it relies on data that is more than 2 years out of date. Since the submission of the examination report, agreement has finally been reached with Homes for Scotland on the 2019 audit in September 2020. Housing land monitoring for 2020 has recently started but it has been delayed due to Covid restrictions. Housing land supply is constantly evolving and it is considered that, based on the additional monitoring and audit referenced, the shortfall in the Rutherglen/Cambuslang area has been addressed through the bringing forward of new sites and re-programming of others. In terms of Clydesdale, it is contended that a range and variety of sites are available throughout that area which, if made effective and/or re-programmed, would result in a surplus of supply. In any event, the Reporter has recommended that an additional site at Bellefield Road in Lanark with an indicative capacity of 70 units be allocated to meet any perceived shortfall.

Notwithstanding the above, the Reporter's recommendation is to add the following wording to the plan:-

*The Strategic Development Plan (Clydeplan – 2017) requires the Council to satisfy the housing land requirements set out in its schedules 8, 9 and 10 for each housing sub-market area and South Lanarkshire as a whole, up to year 10 from the date of adoption of the local development plan (Policy 8 – Housing Land Requirements). During the examination of this local development plan, various elements of the calculation of housing land supply up to 2030, (using the most up to date agreed 2018 Housing Land Audit), were the subject of unresolved disagreement. This was due to a combination of a lack of sufficient information and the information required not being able to be provided within the normal timescale of an examination. The examination report stated that the evidence submitted did not allow the reporter to safely conclude there was not a shortfall against the Clydeplan requirements.*

*Consequently, the Council will work closely with the home building industry in the preparation of future housing land audits and in the preparation of the next local development plan to ensure that it adequately evidences how it has satisfied housing land requirements. Meanwhile, where a shortfall in the 5 year effective housing land supply does arise within a housing market area, a further release of housing land will be supported where policy 11 below is satisfied. At the same time, the Council will work together with the home building industry to bring forward sites previously considered non-effective, ensure the efficient delivery of the existing supply and seek to overcome marketing issues or other constraints where possible.*

In effect, this means the current approach to address any identified shortfall in effective land supply will remain ie consideration will be given to potential additions in the following order of preference:-

- ◆ Non-effective sites
- ◆ Urban capacity sites
- ◆ Additional brownfield sites
- ◆ Greenfield sites that are sustainable and shown to be effective

#### New housing sites

The Council's proposal to identify new housing sites at Redwood Drive in East Kilbride, Glassford Road, the East Overton Extension in Strathaven, Duchess Road in Dalmarnock and Almada Street in Hamilton was supported. A further site at Bellefield Road in Lanark was added as mentioned above.

However, the site that was identified in the proposed Plan at Peel Road in Thorntonhall was deleted on the following grounds:-

- ◆ The part affected by the conifer plantation is not effective as it is not ready for felling
- ◆ Development would require removal of trees and woodland contrary to policy 14
- ◆ The footway network has shortcomings and it isn't shown how it would be improved
- ◆ The village has no services and the development would be highly car-dependent and so would not accord with the move towards a low carbon economy and is not a sustainable location
- ◆ The scale of development is not compatible with the character of the village

Since the publication of the Examination Report, and as members may be aware, there has been an exchange of emails between the developers' agent and officers over recent weeks in relation to the majority of the Peel Road site, which all members have been copied in on. The developers' agent has sought to highlight in their view factual errors and unfounded conclusions made by the reporter and seeking that the recommendation to delete the site is rejected. In the circumstances and in view of the nature of the issues raised it is considered appropriate to formally incorporate this email exchange into the Committee Report to ensure that members are fully aware of the issues raised and in turn take an informed decision. This is contained in appendix 2 of this report which sets out the issues by the developers and the officers' response to each of the points. It concludes that the Reporter had sufficient information in front of him to make an informed recommendation on this issue and that he exercised his discretion appropriately and reasonably. There are no statutory grounds on which the Council can base a determination to reject the Reporter's recommendation on this matter. It is concluded that the modification recommended to delete the site should be accepted

The Reporter has also recommended that a potential housing site at Westpark, Strathaven which was identified in SLLDP should be excluded from the Plan due to issues relating to flooding and peat which would not allow a safe access to be created. It is considered this recommendation is reasonable and should be accepted.

#### Sustainable Development and Climate Change

The Reporter largely agreed with the policy direction on tackling climate change in the Plan. A new policy has been added to require all new buildings to be designed so that at least 10% of the carbon dioxide emissions reduction standard set out in the Building Standards is met by the installation of low and zero-carbon generating technologies.

In addition, a table identifying where potential opportunities to use renewable heat in new developments is recommended. Sites include Clyde Gateway, Poniel, East Kilbride town centre, the former University of West of Scotland campus in Hamilton and the new campus at Hamilton International Technology Park.

The Council's existing proposals to assess opportunities for active travel in East Kilbride is recognised and this should be followed by assessments for Cambuslang/Rutherglen and Hamilton. Planning applications should, where appropriate, be accompanied by an active travel plan that shows how proposals aim to reduce travel by car.

Green infrastructure should be an integral part of the design of new development by providing open space and landscaping and opportunities for water management, access and habitat creation.

The theme of sustainable locations is found throughout the Reporter's conclusions which reflects policy direction set at national level. It was a key issue in rejecting a number of the housing sites promoted by developers and landowners.

#### New settlement boundaries

New boundaries to define small settlements at Blaircross, Devonburn, Limekilnburn and Kaimend have been agreed.

#### Local Nature Reserves

The Reporter recommended that the Local Nature Reserves proposed by the Council are identified and included within the LDP. Management plans will now be prepared for these areas and the designation process commenced.

#### Renewable Energy

The Reporter supported the Council's policy approach to Renewable Energy. With regard to the 'repowering' of existing windfarms (which involves the redesign and replacement of existing windfarms as they near the end of their lifetime), it is accepted that the use of a current site is a material consideration but that, as such proposals are likely to involve significantly different scale and design from the existing, they should be considered afresh in terms of policy in place at that time.

## **5 Recommendations and Decisions**

- 5.1 It is considered that, taking account of the above, all the recommendations set out in the Examination Report should be accepted as they do not meet any of the criteria described in paragraph 3.9. The changes to the wording of the LDP2 recommended by the Reporter are set out in the first part of Appendix 1 of this report. The second part of Appendix 1 sets out the Reporters' recommendations in respect of the proposed developments sites. Finally, the third part is a table setting out the Reporters' recommendations in respect of an individual issue which they considered. It is proposed that the Proposed Plan be amended to accord with the Reporters' Recommendations by Issue Table detailed as part of Appendix 1.
- 5.2 The Committee is, therefore, asked to approve the adoption of the South Lanarkshire Local Development Plan 2 as modified following receipt of the Report of Examination. If agreed, the proposed adoption of the Plan will be advertised and the Plan thereafter adopted on or after 28 days after it is sent to Scottish Ministers, unless Scottish Ministers direct that the Plan shall not be adopted until further notice or shall not have effect unless approved by them.

- 5.3 It is also proposed that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures and to make any presentational changes, as required, prior to the publication of the South Lanarkshire Local Development Plan 2.

## **6 Next Steps and Timescales**

- 6.1 Subject to Committee approval, the modified proposed South Lanarkshire Local Development Plan 2 will be sent to the Scottish Ministers along with revised Environmental Assessments, the modifications made in response to the Reporter's recommendations and a copy of the advert to be placed in all local newspapers notifying the Council's intention to adopt the South Lanarkshire Local Development Plan 2.
- 6.2 It is also proposed, subject to Committee approval, that an advert is placed in all local newspapers outlining the Council's intention to adopt the SLLDP2. The Plan will be published on the Council's website and, subject to legislation in place at the time on making documents available to the public, placed on deposit in public libraries. In addition, correspondence will be sent to all persons who made representation to the proposed SLLDP2 informing them of the Council's intention to adopt.
- 6.3 The Committee should note that this final stage is then followed by a six week period following the publication of the approved plan where the validity of the Plan can be challenged at the Court of Session.

## **7 Employee Implications**

- 7.1 The timescales for the delivery of the Local Development Plan 2 outlined is based upon continuity of existing staff resources within Planning and Economic Development Services. Changes in this resource may impact on the programmes presented.

## **8 Financial Implications**

- 8.1 The financial resources required to deliver the Local Development Plan 2 is based upon current budget levels available to Planning and Economic Development Services. Changes in these resources may impact on the programmes presented.

## **9. Climate Change, Sustainability and Environmental Implications**

- 9.1. 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 Plan, as modified, has been the subject of both SEA and a Habitats Regulations Appraisal and the outcome will be submitted to the Scottish Ministers when the plan is sent to them. An Equality Impact Assessment and Health Impact Assessment was carried out during the preparation of the Plan.

## **10 Other Implications**

- 10.1 The Scottish Government requires the Council to have an adopted Local Development Plan. There would be a reputational risk if this was not undertaken. The policies contained in the Plan are aimed at promoting sustainable economic growth in South Lanarkshire.

## **11 Equality Impact Assessment and Consultation Arrangements**

- 11.1 An Equality Impact Assessment was carried out during the preparation of the Plan as stated at paragraph 9.1.



- 11.2 The SLLDP2 and its supporting documents are available on the Council's website and, subject to legislation, public libraries. A Notice will be placed in all local newspapers to inform the public that the Plan is to be adopted. The Council's responses to the Reporters' recommendations will also be made available on its website.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

20 November 2020

**Previous References**

- ◆ Planning Committee – 21 February 2017
- ◆ Planning Committee – 29 May 2018
- ◆ Planning Committee – 26 February 2019
- ◆ Planning Committee – 3 November 2020

**Link(s) to Council Values/Ambitions/Objectives**

- ◆ Support the local economy by providing the right conditions for inclusive growth
- ◆ Fair, open and sustainable
- ◆ Improve the availability, quality and access of housing

**List of Background Papers**

- ◆ South Lanarkshire Local Development Plan - Main Issues Report 2017
- ◆ Proposed South Lanarkshire Local Development Plan 2018
- ◆ Report of examination 2020
- ◆ Scottish Planning Policy
- ◆ Glasgow and the Clyde Valley Strategic Development Plan 2017
- ◆ Revised Environment Report incorporating Strategic Environmental Assessment and Habitat Regulations Assessment

**Contact for Further Information**

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

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<b>PART 1</b>		
<b>ISSUES</b>	<b>REPORTER'S RECOMMENDATIONS</b>	<b>REPORT PAGE NO</b>
<b>001 - ST1 Vision and Strategy General</b>	I recommend that the following modifications be made: 1. Add "...and introduces a presumption in favour of development that contributes to sustainable development while aiming to achieve the right development in the right place, not to allow development at any cost." to the third sentence of paragraph 2.15. 2. Amend the fourth objective in paragraph 3.4 to read, "maximise the use of and seek opportunities to enhance existing infrastructure."	6
<b>002 - ST2 Policy 1 Spatial Strategy</b>	I recommend that the following modification be made. 1. In policy 1 (Spatial Strategy), at the end of bullet 10 add the words "in appropriate locations".	11
<b>003 - ST3 Vision and Strategy Table 3.1</b>	I recommend that the following modifications be made: 1. On the Settlement Map for Rutherglen and Cambuslang, show proposal site 32 as being in the green belt and outwith the urban area. 2. Make changes to the proposed plan that are necessary as a consequence of recommendation 1, such as deleting proposal 32 from Appendix 7 in volume 1 of the plan. 3. In appendix 3 – Development priorities, on page 61 of the proposed plan, include the following in the requirements for Poniel: Design of development, including colour, massing and scale of buildings and lighting, must minimise any adverse effects on landscape and visual amenity. 4. On the Strategy Map, show the site of planning permission CL/17/0157 as a proposal site that extends the Strategic Economic Investment Site at Poniel.	28
<b>004 - ST4 – Policy 2 Climate Change</b>	I recommend that the following modifications be made: 1. In policy 2: Climate Change, insert the following as an additional numbered subparagraph:	34

	<p>avoid or minimise disturbance of carbon-rich soils and, where appropriate, include provision for restoration of damaged peatlands;</p> <p>2. In volume 2 of the proposed plan, insert the following new policy.  Policy XX – Low and Zero Carbon Emissions from New Buildings  All new buildings must be designed so that at least 10% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met by the installation and operation of low and zero-carbon generating technologies.  This requirement will not apply to the following types of development:</p> <ul style="list-style-type: none"> <li>• extensions to existing buildings;</li> <li>• changes of use or conversion of buildings;</li> <li>• buildings which have an intended life of less than two years;</li> <li>• stand-alone ancillary buildings with an area of less than 50 sq m; and</li> <li>• buildings which will not be heated or cooled other than for the purposes of frost protection.</li> </ul> <p>Other solutions will be considered where:</p> <ol style="list-style-type: none"> <li>1. the applicant is able to demonstrate that there are significant technical constraints in using on-site low and zero carbon generating technologies; or</li> <li>2. there is likely to be an adverse impact on the historic environment.</li> </ol> <p>All relevant applications must be accompanied by an “Energy Statement” demonstrating compliance with this policy.</p> <p>3. In appendix 1 in volume 1 of the proposed local development plan, insert a reference to the new policy.</p> <p>4. In policy 2: Climate Change, delete sub-paragraph 6 and in its place put the following:</p> <p>protect ecosystem services by ensuring no significant adverse impacts on the water and soil environment, air quality, biodiversity and blue/green networks, have no adverse effect on the integrity of any Natura 2000 sites and identify opportunities for enhancement of the natural heritage.</p>	
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**005 - ST5 Climate Change Policies  
Volume 2**

- I recommend that the following modifications be made:
1. In volume 2, paragraph 2.17 of the proposed plan, delete the words “where possible”.
  2. In volume 2, in policy SDCC4: Sustainable Transport, in the second paragraph and after the first sentence insert:  
New developments should, wherever possible, safeguard and enhance cycle parking and storage.
  3. In volume 2, after paragraph 2.28 on page 11 insert the following table and new paragraph.

**Table 2.1 : Renewable Heat – Potential Development Opportunities to use Renewable Heat**

Location	Development Proposal	LDP2 Designation	Notes
Clyde Gateway	Development of business and financial services/distribution and logistics.	Development Framework Site	Potential for renewable heat to be included in developments particularly adjacent to existing businesses
Poneil	Development of distribution and logistics. Energy-related development	Strategic Economic Investment Locations (SEILs)	Scope for use of energy generated on-site from existing wood-burning facility.
East Kilbride Town Centre	Potential extension of town centre.	Development Framework Site	In any future development, potential to use excess heat from existing retail

				area and adjacent Council offices.	
	Former University of West of Scotland, Almada Street, Barrack Street, Hamilton	Redevelopment of campus to an urban village.	Development Framework Site	Potential to use excess heat generated from the nearby Council Offices and Leisure Centre.	
	University of West of Scotland, Hamilton International Technology Park	Development of student accommodation, sports facilities and pitches	Development Framework Site	Potential to use excess heat from university buildings and nearby industrial units. Also, potential to utilise heat from nearby crematorium.	
	<p>2.29 During the lifetime of the plan, additional sites may come forward that could utilise and/or generate renewable heat depending on their location. New applications will be required to produce an energy statement to consider options for renewable heat.</p> <p>4. In volume 2, after the second paragraph in policy SDCC6: Renewable Heat insert the following new paragraph.</p> <p style="padding-left: 40px;">Table 2.1 lists sites that have potential for heat networks. This should be taken into account when developing proposals for these locations. This list is not exclusive and further sites may come forward during the lifetime of the plan.</p> <p>5. In volume 1 Appendix 3: Development Priorities in the entries for: Poneil – Strategic Economic Investment Location (page 61); East Kilbride Town Centre</p>				

	<p>– Development Framework Site (page 64); Former University of West of Scotland Almada Street, Barrack Street Hamilton – Development Framework Site (page 65); University of West of Scotland Hamilton International Technology Park – Development Framework Site (page 65); and Clyde Gateway – Development Framework Site (page 66) insert the following additional bullet point:</p> <ul style="list-style-type: none"> <li>• Refer to policy SDCC6: Renewable Heat and Table 2.1: Renewable Heat – Potential Development Opportunities to use Renewable Heat in Volume 2</li> </ul> <p>6. In volume 2, after paragraph 2.18 insert the following new paragraphs: As a key part of the low-carbon agenda, the National Planning Framework (paragraph 5.14) encourages local authorities to develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting the vision for increased cycling. Within South Lanarkshire, consultants have been appointed to assess opportunities for active travel within East Kilbride. Assessments will then be carried out for the Cambuslang-Rutherglen area and for Hamilton. Within the Cambuslang area, particularly along the River Clyde, new residential development is adjacent to National Cycle Route NCN75. The approved masterplans for the Newton Community Growth Area provide for excellent direct walking and cycling links across the development. The cycling strategy for South Lanarkshire promotes further development within the area centred on Cuningar Loop to enhance the current network of cycleways and encourage more people to cycle into the city centre.</p> <p>7. In volume 2, in policy SDCC3: Sustainable Drainage Systems, in the first paragraph of the policy after “new developments” insert “and construction SuDS”.</p> <p>8. In volume 2, in policy SDCC4: Sustainable Transport, at the end of the third paragraph add the following sentence. This may require a funding contribution from developers.</p>	
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	<p>9. In volume 2, in policy SDCC4: Sustainable Transport delete “Strathclyde Passenger Transport” and put instead “Strathclyde Partnership for Transport”.</p> <p>10. Elsewhere in the proposed plan, wherever “Strathclyde Passenger Transport” occurs delete it and put instead “Strathclyde Partnership for Transport”.</p> <p>11. In volume 2, on page 11, delete paragraph 2.28 and replace it with the following.</p> <p style="padding-left: 40px;">The planning authority has access to the national heat map and will use this in the preparation of the next local development plan and as information to inform decision-making on individual planning applications.</p>	
<b>006 - ST6 General Urban Area</b>	No modifications.	50
<b>007 - ST7 Green Belt and Rural Area</b>	<p>I recommend that the following modifications be made:</p> <p>1. Amend paragraph 3.25 to read:</p> <p style="padding-left: 40px;">Overall the aim of this policy is to control development in the Green Belt and Rural Area and ensure there is no unacceptable significant adverse impact on the environment or on local services and infrastructure.</p> <p>2. Amend the Rural Area section of Policy 4: Green Belt and Rural Area by adding the following sentence:</p> <p style="padding-left: 40px;">The scale of renewable energy developments will be governed by the considerations set out in Policy 18: Renewable Energy.</p>	58
<b>008 - ST8 Green Belt and Rural Area Volume 2 Policies</b>	<p>I recommend that the following modifications be made:</p> <p>1. Amend criteria 1, 5, 10 and 11 of Policy GBRA1: Rural Design and Development, as follows:</p> <p style="padding-left: 40px;">1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting.</p> <p style="padding-left: 40px;">5. Developments shall have no unacceptable adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.</p> <p style="padding-left: 40px;">10. Proposals shall not have an unacceptable significant adverse environmental impact on the amenity of the surrounding area. In particular, “bad neighbour” uses which by virtue of visual impact, noise,</p>	64

	<p>smell, air and light pollution, disturbance, traffic or public safety are detrimental to local amenity, will not be permitted.</p> <p>11. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on any of the Natura 2000 site.</p> <p>2. Add the following sentence after the 12 criteria in Policy GBRA1: Rural Design and Development:</p> <p style="padding-left: 40px;">Where a proposed development is governed by more detailed or topic-specific policies elsewhere in the plan, should there be any conflict or uncertainty, the terms of those topic-specific policies shall be preferred.</p> <p>3. Amend the wording of criterion 10 of Policy GBRA 11: Hutting to read:</p> <p style="padding-left: 40px;">Proposals shall have no significant adverse impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p>	
<b>009 - ST9 Policy 5 Development Management and Placemaking</b>	<p>I recommend that the following modifications be made:</p> <p>1. Amend the second sentence of Policy 5: Development Management and Placemaking, as follows:</p> <p style="padding-left: 40px;">Proposals should have no unacceptable significant adverse impact on the local community and the environment.</p> <p>2. Amend criteria 1, 2, 3, 6 and 7 of Policy 5: Development Management and Placemaking, as follows:</p> <p style="padding-left: 40px;">1. there is no unacceptable significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;</p> <p style="padding-left: 40px;">2. the development shall not have an unacceptable significant adverse impact on the amenity of any nearby residential properties in terms of overshadowing, overlooking or other loss of residential amenity as a result of light, noise, odours, dust or particulates or other emissions;</p> <p style="padding-left: 40px;">3. the proposed development provides suitable access, parking and connection to public transport, encourages active travel, has no adverse implications for public safety and incorporates inclusive access for all people, regardless of disability, age or gender.</p>	69



	<p>6. the development will have no unacceptable significant impact on the natural or historic environment and no adverse effect on the integrity of any Natura 2000 sites;</p> <p>7. the development does not result in, or can mitigate against any unacceptable significant adverse impact on quiet areas, the water environment, air quality or soil quality;</p>	
<b>010 - ST10 Volume 2 Development Management, Placemaking and Design</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Amend requirement 7 of Policy DM1: New Development Design as follows: <ul style="list-style-type: none"> <li>7. Ensure appropriate provision of green infrastructure, including open space, native trees and other landscaping as an integral part of the development.</li> </ul> </li> <li>2. Amend the final bullet point of Policy DM6: Subdivision of Property for Residential Use as follows: <p>Where a proposal involves the subdivision of a residential property, which is a listed building or located within a conservation area the external appearance of the building must not be adversely altered. Furthermore the internal works to a listed building must be acceptable in relation to the building's special architectural features. There is a separate consent process for listed building considerations. It is a criminal offence to carry out works that affect the character of a listed building, both internally and externally, without gaining the appropriate consent.</p> </li> <li>3. Amend the final bullet point of Policy DM7: Demolition and Redevelopment for Residential Use as follows: <p>Vehicular access and off-street parking must be satisfactorily achieved and must not present a traffic hazard or create amenity problems for neighbours. Parking provision in front or rear gardens should not adversely affect the appearance or character of the street.</p> </li> <li>4. Amend the first bullet of Policy DM10: Advertisement Displays as follows: <p>The advertisement has no adverse impact on the general character of the area, including any features of historic, archaeological, architectural, landscape, natural heritage or cultural interest.</p> </li> </ol>	80

	<p>5. Amend the second paragraph of Policy DM16: Foul Drainage/ Sewage Provision as follows:</p> <p>Proposals for the installation of infrastructure for public or private foul drainage must demonstrate that there would be no adverse effect on the integrity of any Natura 2000 site or on the objectives of designation and the overall integrity of any SSSI during installation, operation or maintenance.</p> <p>6. Amend the penultimate paragraph of the section on public provision under Policy DM16: Foul Drainage/ Sewerage Provision to read:</p> <p>Developers should ensure that the location and installation of infrastructure for public or private foul drainage has no adverse effect on the integrity of any Natura 2000 site or other SSSI.</p> <p>7. Amend Policy DM19: Sterilisation of Mineral Reserves by replacing the existing text with the following:</p> <p>There shall be a presumption against other development which would sterilise workable mineral deposits of economic or conservation value. Exceptionally the presumption shall not apply in cases where:</p> <ul style="list-style-type: none"> <li>(a) the other development would accord with support for the spatial strategy of the plan with reference to the criteria in Policy 1: Spatial Strategy, and</li> <li>(b) it can be demonstrated: that the mineral resource is not scarce within South Lanarkshire; or that it represents a small proportion of a much larger mineral deposit in the local area; or that extraction is not economically viable.</li> </ul> <p>Development proposals must also accord with other relevant policies and proposals in the development plan.</p> <p>8. Replace paragraph 4.36 with the following:</p> <p>Paragraph 237 of Scottish Planning Policy states that local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. This general approach is reflected within the policy, but it is considered important to be able to assess cases where</p>	
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	<p>new development would contribute to the spatial strategy of the plan. In this way, proposals that would sterilise mineral deposits could, by exception, be favourably considered where they support the aims of Policy 1. In addition, developers would have to demonstrate either that the mineral deposit is not scarce or represents only a small proportion of a larger resource or it would not be economically viable to carry out extraction. If the minerals are economically viable, it would be necessary to consider the feasibility of extracting the minerals prior to development taking place.</p>	
<p><b>011 - ST11 Policy 7 Community Infrastructure Assessment</b></p>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Replace paragraph 3.37 with the following: Community infrastructure assessment is required to recognise and address the impact a development may have on a specific area. In this regard, the council may seek developer contributions in relation to: affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities. Contributions from developers will be sought to address the direct consequences or impacts of a proposed development. They are not intended to resolve existing deficiencies in infrastructure.</li> <li>2. Replace the opening text of Policy 7: Community Infrastructure Assessment with the following: Where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. Where justified in accordance with the provisions of Circular 3/2012: Planning Obligations and Good Neighbour Agreements, contributions will be sought in relation to affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities. Supporting planning guidance will be prepared and consulted on, including in relation to the contributions sought. These contributions will be appropriately assessed and developers will be required to ensure</li> </ol>	88

	transparency in the financial viability of a development. In each case, contributions must: ...	
<b>012 - ST12 Employment Policies</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Amend the wording of the penultimate paragraph in Policy ICD2: Non-conforming Uses in Core Industrial/ Business Areas, as follows: <p style="margin-left: 40px;">Proposals for conforming uses, including intensification of existing industrial/business use, will generally be supported but must meet the relevant criteria in Policy 5: Development Management and Placemaking and any other relevant LDP2 policies.</p> </li> <li>2. Amend the wording of criterion (i) in Policy ICD2: Non-conforming Uses in core Industrial/Business Areas to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> </li> <li>3. Amend the wording of criterion (h) in Policy ICD3: Other Employment Land Use Areas to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> </li> <li>4. Amend the wording of criterion 7 in Policy ICD4: Large Office Developments to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> </li> <li>5. Amend the wording of criterion (d) in Policy ICD5: Class 2 Office Developments to read: <p style="margin-left: 40px;">The development shall have no significant impact on the natural and historic environment and no adverse effect on the integrity of any Natura 2000 site.</p> </li> </ol>	94

<b>013 - ST13 Policy 9 Network of Centres and Retailing</b>	<p>I recommend that the following modification be made:</p> <ol style="list-style-type: none"> <li>1. On the appropriate settlement map, extend the boundary of the out of centre commercial location at Nerston to include the site of the new Aldi store on Mavor Avenue, East Kilbride.</li> </ol>	<p>101</p>
<b>014 - ST14 Policy 10 New Retailing &amp; Commercial Proposals</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Replace the last sentence of paragraph 4.17 with the following: New retail/commercial development proposals require to help to meet qualitative or quantitative deficiencies. They should be in locations that reduce the need to travel by private vehicle, and are accessible by walking/cycling routes and public transport.</li> <li>2. Amend criterion 2 as follows: 2. demonstrate there would be no significant adverse effect on the vitality and viability of strategic and town centres and/or local centres;</li> <li>3. Amend criterion 3 as follows: 3. help to meet qualitative or quantitative deficiencies; and</li> <li>4. Amend criterion 8 as follows: 8. have no significant impact on the natural or historic environment and no adverse effect on the integrity of any Natura 2000 sites.</li> <li>5. Amend the second sentence of the second paragraph of the policy as follows: This should include a quantitative assessment of retail impact and capacity, and/or an assessment of qualitative deficiency.</li> </ol>	<p>104</p>
<b>015 - ST15 Housing General</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Add the following sentence to paragraph 5.10: Urban capacity sites are those sites, which have been identified through an urban capacity study as having a longer-term potential for development for housing.</li> <li>2. Add a new paragraph before policy 11 (Housing): <b>Specialist housing provision and other specific needs</b> ?. Planning will work alongside Housing and Technical Resources to ensure that any need for specialist housing provision that is identified through the Local Housing Strategy will be addressed by the</li> </ol>	<p>111</p>

	<p>identification of appropriate sites through the council's Strategic Housing Investment Plan and subsequently through the Housing Land Audit. No unmet need has been identified for gypsies/travellers and travelling show people in South Lanarkshire. Should a need arise for this specialist group, this would be considered against policy DM14 (Gypsy, Travellers and Occupational Traveller's Sites).</p> <p>3. In policy 11(Housing) amend the first sentence as follows: There will be a minimum five year effective supply of housing land at all times during the lifetime of the plan, as set out in the strategic development plan (SDP2).</p> <p>4. Replace the second and third paragraphs of policy 11 (Housing) with the following: If, during the period of the plan, a shortfall in the five year supply of effective land is identified, the council will support development proposals, which are effective and capable of meeting the identified shortfall, in order of preference:</p> <ul style="list-style-type: none"> <li>• Non-effective sites that can now be demonstrated to be effective</li> <li>• Urban capacity sites</li> <li>• Additional brownfield sites</li> <li>• Sustainable green field sites</li> </ul>	
<b>016 - ST16 Policy 11 Housing Land Supply</b>	<p>I recommend that the following modifications be made:</p> <p>1. Replace paragraphs 5.5 to 5.9 of the section headed "5.0 Housing" with the following:</p> <p>?. The Strategic Development Plan (Clydeplan – 2017) requires the council to satisfy the housing land requirements set out in its schedules 8, 9 and 10 for each housing sub-market area and South Lanarkshire as a whole, up to year 10 from the date of adoption of the local development plan (Policy 8 – Housing land requirements). During the examination of this local development plan, various elements of the calculation of housing land supply up to 2030, (using the most up to date agreed 2018 Housing Land Audit), were the subject of unresolved disagreement. This was due to a combination of a lack of sufficient</p>	148

	<p>information and the information required not being able to be provided within the normal timescale of an examination. The examination report stated that the evidence submitted did not allow the reporter to safely conclude there was not a shortfall against the Clydeplan requirements. ?.</p> <p>Consequently, the council will work closely with the home building industry in the preparation of future housing land audits and in the preparation of the next local development plan to ensure that it adequately evidences how it has satisfied housing land requirements. Meanwhile, where a shortfall in the 5 year effective housing land supply does arise within a housing market area, a further release of housing land will be supported where policy 11 below is satisfied. At the same time, the council will work together with the home building industry to bring forward sites previously considered non-effective, ensure the efficient delivery of the existing supply and seek to overcome marketing issues or other constraints where possible.</p> <p>2. On the settlement plan for Strathaven:</p> <ul style="list-style-type: none"> <li>(a) delete the housing land supply and the green network designations from the Westpark site;</li> <li>(b) redraw the settlement boundary so that Westpark is no longer within it; and</li> <li>(c) show Westpark as part of the green belt.</li> </ul>	
<b>017 - ST17 Policy 12 Affordable Housing</b>	No modifications.	153
<b>018 - ST18 Policy 13 Green Network and Greenspace</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Amend the second sentence of paragraph 6.3 to Volume 1, as follows: Green infrastructure should be an integral element of the design of new development proposals, providing open space and landscaping, and opportunities for water management, access and habitat creation.</li> <li>2. Amend the third criterion in the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>3. There is no significant adverse impact on natural and/or built heritage resources, and no adverse effect on the integrity of any Natura 2000 site.</li> </ol> </li> </ol>	159

	<ol style="list-style-type: none"> <li>3. Add a fifth criterion to the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>5. development proposals which would impact upon outdoor sports facilities will be assessed against criteria set out in Scottish Planning Policy paragraph 226.</li> </ol> </li> <li>4. Amend the first part of the first sentence of the policy, as follows: Development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:</li> <li>5. Amend the fourth criterion under Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>4. the developer can provide compensatory provision of appropriate quality, accessibility and, where feasible, proximity; or where it can be demonstrated that positive management or improved function/accessibility of the areas to be retained can best be achieved by the redevelopment of part of the site</li> </ol> </li> <li>6. Add a sixth criterion to the section on Priority Greenspace, as follows: <ol style="list-style-type: none"> <li>6. developers should provide details of the green infrastructure maintenance requirements and the party responsible for these; funding for their long term delivery should be demonstrated to the planning authority before construction begins.</li> </ol> </li> </ol>	
<b>019 - ST19 Policy 14 Natural and Historic Environment</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Amend the sixth paragraph of Policy 14: Natural and Historic Environment as follows: In Category 3 areas, development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.</li> <li>2. Amend the first sentence of the Landscape section of Policy 14 as follows: Development proposals should take account of the guidance in the South Lanarkshire Landscape Capacity Assessment 2010 and, where relevant, the Landscape Capacity Study for Wind Energy 2016 and its 2017 Addendum Draft Tall Wind Turbines Landscape Capacity, Siting and Design Guidance.</li> </ol>	169



	<p>3. Amend the designation column of Table 6.2: Hierarchy of Natural and Historic Environment Designations as follows:</p> <p>Add the words “sites and their setting” after “Inventory of Gardens and Designed Landscapes” and after “Inventory of Historic Battlefields”.</p> <p>Add the words “and their settings” after “Other archaeological sites and monuments” and after “Conservation Areas”.</p> <p>Add the words “(includes categories 1b and 2b on SNH Ancient Woodlands Inventory)” after “Other long established woodlands and woodlands of high conservation value.”</p> <p>4. Amend paragraph 6.10 by adding the following sentence after the first two sentences:</p> <p>The Scottish Government has ambitious targets to achieve 15,000 hectares of woodland creation per year by 2025. The council recognises that it has an important role in contributing to that target.</p> <p>5. Amend paragraph 6.10 by the addition of the following as a final sentence:</p> <p>There are also opportunities for peatland restoration and management which would contribute to delivering the aspirations of Scotland’s National Peatland Plan.</p> <p>6. Add the Management Change series by Historic Environment Scotland to Appendix 1: Policies and Guidance in relation to Additional Guidance for Volume 1 Policy 14: Natural and Historic Environment.</p>	
<b>020 - ST20 Natural and Historic Environment Volume 2 Policies</b>	<p>I recommend that the following modifications be made:</p> <p>1. Amend the first sentence of Policy NHE2: Archaeological Sites and Monuments to read:</p> <p>Scheduled monuments shall be preserved in situ and in an appropriate setting.</p> <p>2. Add the following text to paragraph 7.12:</p> <p>Scheduled monuments are of national importance and, as such have a high level of protection with a separate consent system being administered by Historic Environment Scotland. Any works directly affecting a designated scheduled monument requires Scheduled Monument Consent, which is obtained from Historic Environment</p>	189

	<p>Scotland. Advice on the Scheduled Monument Consent process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh EH9 1SH. Telephone: 0131 668 9716 or email: <a href="mailto:hmenquiries@hes.scot">hmenquiries@hes.scot</a></p> <ol style="list-style-type: none"> <li>3. Delete paragraph 7.18 of Volume 2 and replace with: All listed buildings are a national designation however they have differing levels of importance. Category A listed buildings are of national importance, Category B are of regional importance and Category C are of local importance.</li> <li>4. Amend the first sentence of Policy NHE5: Historic Battlefields, as follows: Any development affecting sites listed in the current Inventory of Historic Battlefields shall take cognisance of the battlefield and its setting and shall demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.</li> <li>5. Replace the second sentence of paragraph 7.27 with: Inclusion in the inventory is a material consideration in the planning process.</li> <li>6. Amend the first sentence of Policy NHE7: Natura 2000 Sites, as follows: Development which would have a likely significant effect on a Natura 2000 site will be subject to an appropriate assessment.</li> <li>7. Delete the last sentence of paragraph 7.35.</li> <li>8. Amend the introductory section to part b) of Policy NHE9: Protected Species, as follows: b) Development which would be likely to have an adverse impact on an animal or plant species protected under the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless it can be shown that:</li> <li>9. Amend part d) of Policy NHE9: Protected Species, as follows: d) Where invasive non-native species (INNS) are present on a development site, or where planting is proposed as part of the development, planning permission will only be granted where</li> </ol>	
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	<p>developers can demonstrate that the provisions of the Wildlife and Countryside Act 1981 (as amended) relating to non-native species have been fully accounted for.</p> <p>10. Amend the introductory section of Policy NHE10: Prime Agricultural Land, as follows:</p> <p>Development on prime agricultural land (James Hutton Institute, Classes 1, 2 or 3.1) or land of lesser quality that may be identified as locally important will only be supported:</p> <p>11. Amend Policy NHE11: Peatland and Carbon Rich Soils, as follows:</p> <p>The council shall seek to protect peatland and carbon rich soils from adverse impacts resulting from development.</p> <p>Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO2) emissions. Where peatland is drained or otherwise disturbed, there is likely to be a release of CO2 to the atmosphere. Developments should aim to minimise this release. The Scottish Natural Heritage Carbon and Peatland map can be accessed at: <a href="https://nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016-map">https://nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-soils/carbon-and-peatland-2016-map</a>.</p> <p>Proposals for the commercial extraction of peat will be assessed under Policy MIN4.</p> <p>Any other development proposals affecting peat must be accompanied by a full peat survey, carried out in accordance with current Scottish Government Guidance on Developments in Peatland, and a peatland habitat assessment. Proposals must demonstrate how the peat survey and habitat assessment have been used to avoid or minimise impacts on peat and peatland habitats. Where appropriate, applications should be accompanied by:</p> <ul style="list-style-type: none"> <li>• a schedule of mitigation measures to minimise impact on peat</li> <li>• a method statement for post-construction re-instatement of disturbed peatland and</li> </ul>	
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	<ul style="list-style-type: none"> <li>• a peatland management and/or enhancement plan showing how any significant losses of peatland habitat are to be compensated for.</li> </ul> <p>Renewable energy proposals will be assessed on the basis of the specific criteria on peat contained in the renewable energy assessment checklist and the requirements set out in supporting planning guidance for renewable energy.</p> <p>For ancillary extraction of peat associated with other developments, the council will seek to ensure that best practice is used for the handling, storage and restoration of the peat, in order to minimise potential degradation and promote active peat formation and, where appropriate, the creation of habitats of nature conservation interest.</p> <p>12. Amend Policy NHE13: Forestry and Woodland, paragraph 3, as follows: New amenity tree planting will be encouraged, where appropriate, through a requirement to submit and implement a landscaping scheme for new developments. Priority should be given to the use of native species. Further information is contained in supporting planning guidance on Green Networks and Greenspace.</p> <p>13. Amend Policy NHE16: Landscape, as follows: Special Landscape Areas Development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if:</p> <ol style="list-style-type: none"> <li>1. they accord with LDP2 policies and guidance on Green Belt and Rural Area, and</li> <li>2. they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated.</li> </ol> <p>All development proposals within or adjacent to an SLA shall take into account the guidance within the council's Report on Validating Local Landscape Designations (2010).</p> <p>Landscape protection and enhancement</p>	
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	<p>Within the SLAs and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character, including:</p> <ul style="list-style-type: none"> <li>• the scale, design and location of development within the landscape,</li> <li>• the setting of settlements and buildings within the landscape,</li> <li>• the pattern of woodland, fields, trees, hedgerow, waterbodies and other features, particularly where they define/create a positive settlement/urban edge,</li> <li>• the historical qualities of the area and its sensitivity to change,</li> <li>• landform features including key/notable skylines and hills, and views to and from them.</li> </ul> <p>Development proposals should take account of the South Lanarkshire Landscape Assessment 2010 and, where relevant, the Landscape Capacity Study for Wind Energy 2016 and Tall Wind Turbines Landscape Capacity, Siting and Design Guidance 2017.</p> <p>14. Amend Policy NHE20: Biodiversity by adding the following sentence to point ii:</p> <p>Development proposals affecting designated nature conservation sites shall be assessed against the requirements set out in the relevant LDP2 policy for that designation.</p>	
<b>021 - ST21 Policy 15 Travel and Transport</b>	<p>I recommend that the following modifications should be made:</p> <ol style="list-style-type: none"> <li>1. After the words “Proposed railway station” on the Strategy Map and “New Proposal (Railway Station)” in the key to the Small Settlements Plans, add the words: Aspirational site, currently being investigated.</li> <li>2. In volume 1 of the plan, add the following sentence after the first sentence of paragraph 7.9: Scottish Transport Appraisal Guidance options are being considered.</li> </ol>	203

	<p>3. Amend Policy 15: Travel and Transport by replacing the first two paragraphs with the following:</p> <p>The council expects active travel and the availability and /or provision of public transport facilities and access to be fundamental design and locational elements of new development.</p> <p>New development proposals should promote opportunities for travel by sustainable travel modes in the following order of priority – walking, cycling, public transport and car. Where appropriate, planning applications will be accompanied by an active travel plan that demonstrates this order of priority has been considered and include proposals to reduce travel by car and encourage walking, cycling and public transport as alternative modes of transport. Proposals should also consider measures to mitigate the impact of increased traffic growth and have regard to the need to reduce air pollution and greenhouse gas emissions.</p> <p>The council will complete active travel studies for the settlements within its area. In turn they will be adopted as supporting planning guidance to inform decision making on planning applications and develop measures to incorporate active travel schemes to serve new development.</p> <p>Existing walking and cycling routes including former railway lines will be safeguarded and enhanced where appropriate. The loss of these routes will only be acceptable where compensatory replacement can be provided.</p> <p>The council will support and promote infrastructure to encourage increased use of public transport. The council's cycling strategy identifies proposed strategic routes across the council area and reviews provision within towns.</p> <p>4. Add the following paragraphs after paragraph 7.2:</p> <p>Scottish Planning Policy also states that plans should encourage new development in locations that are accessible by cycling and public transport and access to local amenities is within walking distance.</p> <p>Active travel networks should be identified and opportunities for</p>	
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	<p>sustainable travel modes promoted in the order of priority of walking, cycling, public transport and cars. As a result, proposals must seek to ensure, through the submission of an active travel plan, that active travel reflecting this order of priority is considered as a fundamental part of the master planning of the site and that sustainable transport options are incorporated into new development. In particular, the provision of new walking and cycling routes, and the enhancement of existing networks, to town centres and community, recreation and educational facilities and the feasibility of promoting public transport to serve developments should be explored.</p> <p>In order to identify active travel networks, the Council has embarked on a programme of producing Active Travel Studies for the main settlements within South Lanarkshire. The aim of these is to identify the perceived and actual barriers to walking and cycling for everyday journeys in and around towns, encourage modal shift to walking and cycling by providing a range of facilities and priorities as well as the formation of “active travel friendly towns”. Each study includes a walking and cycling plan which identifies the following:</p> <ol style="list-style-type: none"> <li>1) Major destinations within settlements and how well they are connected</li> <li>2) A schematic active travel network connecting those destinations</li> <li>3) The functions and derived level of provision for different types of connections</li> <li>4) A programme of recommendations to make active travel a viable option for everyday journeys</li> </ol> <p>To date, studies have been completed for East Kilbride, Cambuslang, Newton and Rutherglen and work is currently ongoing for Carluke, Hamilton and Lanark. Funding awards are being sought for next financial year for the settlements of Bothwell, Uddingston, Blantyre, Larkhall, Strathaven, Stonehouse and Forth. Following from that, studies</p>	
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	<p>for the settlements of Biggar, Kirkmuirhill, Blackwood, Douglas and Abington will be taken forward.</p> <p>By engaging with the communities in these settlements and providing additional active travel opportunities it is envisaged that walking and cycling activities will increase for commuting to schools and places of work, leisure activities such as shopping and will improve the health and wellbeing of those living in South Lanarkshire.</p> <p>5. Amend the list of regional and strategic policies listed in Appendix 5 to include the Regional Transport Strategy.</p>	
<b>022 - ST22 Water Environment and Flooding</b>	<p>I recommend that the following modifications be made.</p> <p>1. In policy 16: Water Environment and Flooding, after the first sentence in the second paragraph insert:</p> <p style="padding-left: 40px;">This approach is key to the delivery of sustainable flood management.</p> <p>2. In policy 16: Water Environment and Flooding, delete the last sentence in the second paragraph and put instead:</p> <p style="padding-left: 40px;">All development must take account of the requirements in SEPA's development plan guidance on flood risk.</p> <p>3. In policy 16: Water Environment and Flooding, delete sub-paragraph 1 and put instead:</p> <p style="padding-left: 40px;">1. watercourse or culvert capacity is exceeded and out-of-bank flow occurs,</p> <p>4. In policy 16: Water Environment and Flooding, insert after sub-paragraph 1:</p> <p style="padding-left: 40px;">2. sewer flooding,</p> <p>and renumber the two following sub-paragraphs.</p> <p>5. In the first sentence of policy 16: Water Environment and Flooding, delete "a significant adverse" and put instead "an unacceptable".</p> <p>6. In the supporting text for policy 16, delete paragraph 7.13 and put instead:</p> <p style="padding-left: 40px;">7.13 The SDP2 supports the protection and enhancement of the water environment and the reduction of flood risk through:</p> <p style="padding-left: 80px;">the delivery of collaborative, partnership working with organisations such as the Metropolitan Glasgow Strategic Drainage Plan Partnership;</p>	207



	<p>extension of the Glasgow and Clyde Valley Green Network; the use of sustainable urban drainage systems (SUDS); and the safeguarding of the storage capacity of all functional floodplains.</p> <p>7. In volume 2 of the proposed plan, in policy SDCC2 Flood Risk delete “impact on the integrity of Natura 2000 sites” and put instead “effect on the integrity of Natura 2000 sites”.</p>	
<b>023 - ST23 Policy 17 Waste</b>	<p>I recommend that the following modification be made:</p> <p>1. In criterion 3 of policy 17: Waste, delete “impact” and put instead “effect”.</p>	211
<b>024 - ST24 Policy 18 Renewable Energy</b>	<p>I recommend that the following modifications be made:</p> <p>1. In volume 1 of the proposed plan, at the end of paragraph 7.28, add the following new sentence.</p> <p style="padding-left: 40px;">This document will also give consideration to strategic capacity for wind farms.</p> <p>2. In volume 1 of the proposed plan, in paragraph 7.28 after the sentence “There are no Group 1 designations in South Lanarkshire.”, insert the following additional text.</p> <p style="padding-left: 40px;">Group 2 areas incorporate community separation areas that are two kilometres wide. Where landform or other features restrict views from the settlement, land less than two kilometres from a settlement may be considered to have potential for wind energy development.</p> <p>3. In volume 1 of the proposed plan, delete the text in paragraph 7.27 and put instead:</p> <p style="padding-left: 40px;">Repowering of existing wind energy developments is becoming more significant as developments mature. This generally involves the installation of larger turbines and can result in additional environmental impacts. Repowering may also have environmental advantages such as increased electricity output and reuse of existing access tracks, underground services and control buildings. The policies in this local development plan will apply to proposals for repowering as well as to other wind energy proposals.</p>	229

	<p>4. In volume 1 of the proposed plan, add the following sentence to the end of paragraph 7.33. Current government guidance is contained in “Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments” (May 2019).</p> <p>5. In volume 1 of the proposed plan, in paragraph 7.33 delete the sentence “Contributions are based ..... in June 2013.” In its place put the following. Contributions based on £5,000 per megawatt installed capacity will be sought.</p> <p>6. In volume 1 of the proposed plan, in paragraph 7.28 add the following to the sentence that ends “..... on Figure 7.1.” and in more detail on Renewable Energy Map 1</p> <p>7. In volume 1 of the proposed plan, at the end of paragraph 7.29 add the following new sentence. Renewable Energy Map 2 shows some of these development management considerations.</p> <p>8. On Renewable Energy Map 1, show the full extent of the Muirkirk and North Lowther Uplands special protection area by extending it across the adjacent SSSI designation.</p>	
<b>025 - ST25 Renewable Energy – Volume 2 Policies and Appendix 1 Checklist</b>	<p>I recommend that the following modifications be made:</p> <p>1. In volume 2, policy RE1: Renewable Energy, delete “Applications for renewable energy ..... and guidance set out in:” and put instead: Proposals for renewable energy development must take into account the considerations, criteria and guidance contained in:</p> <p>2. In volume 2, policy RE2: Biomass, delete the second paragraph and put instead: Proposals for small-scale biomass or district heating schemes outwith existing industrial areas will only be acceptable where these are associated with local residential developments, community facilities or businesses.</p> <p>3. In volume 2, after paragraph 8.5 on page 83 insert the following new paragraph:</p>	247

	<p>The preferred location for commercial biomass facilities is within industrial locations. Small-scale facilities associated with existing or proposed developments such as schools, housing developments, industrial uses or commercial uses may also be acceptable subject to development management considerations. It is recognised that such facilities can contribute to national energy targets through supplying surplus electricity or gas to the electricity grid or the gas grid.</p> <p>4. In volume 2, Appendix 1: Renewable Energy Assessment Checklist: change the title of Appendix 1 to “Renewable Energy Assessment Checklist and Criteria”; change the table heading by inserting “and” after “checklist” so that it reads “Assessment checklist and criteria for renewable energy proposals”; and delete the text in the first left-hand box (“Proposals for wind ..... discuss with Council”) and put instead:</p> <p style="padding-left: 40px;">Proposals for wind energy and other renewable energy developments must give consideration to the matters listed in the following categories, as indicated by the three columns to the right. Some of the categories also include criteria that are normally expected to be met. Proposals for renewable energy developments must accord with relevant policies in LDP2 and must take into account supporting planning guidance. Y – proposals must give consideration to the matters in this category ? – proposals may have to give consideration to the matters in this category – discuss with Council.</p> <p>5. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 1 add after “..... SLLDP2 Volume 2.”:</p> <p style="padding-left: 40px;">For the avoidance of doubt, relevant policies in SLLDP2 Volume 2 do not include policies GBRA 1 and 2.</p> <p>6. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 2 delete “There shall be no ..... mapping 2016” and put instead: Proposals must demonstrate how all significant impacts on land identified in Classes 1 and 2 of the national Scottish Natural Heritage</p>	
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	<p>carbon and peatland map are substantially overcome through siting, design or other mitigation.</p> <p>7. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 7(b), delete 'Y' and put '?'.</p> <p>8. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 10(a), add the following to the first sentence: or to demonstrate that an assessment is not required.</p> <p>9. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 11 after "soils and peat", both in the heading and in the text, insert: that are not identified as Classes 1 and 2 on the national Scottish Natural Heritage carbon and peatland map</p> <p>10. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 25 delete the words "prior to construction".</p> <p>11. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 7(b) delete "specific" and put "sensitive" instead.</p> <p>12. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 8(a) delete "Renewable energy proposals ..... SPG paragraph 5.43" and put instead: Renewable energy proposals must contain an appropriate landscape and visual impact assessment as set out in SPG paragraph 5.43 and demonstrate that there would be no unacceptable adverse effects on landscape designations, landscape character and visual amenity.</p> <p>13. In volume 2, Appendix 1: Renewable Energy Assessment Checklist category 9(c) delete "Where there may ..... cumulative impact assessment" and put instead: Proposals must demonstrate that there will be no unacceptable significant adverse cumulative impacts on ecological or ornithological interests. This should include the preparation of a cumulative impact assessment.</p>	
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<b>026 - ST26 Policy 19 Minerals</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. In volume 1, page 49, paragraph 7.35 delete the second sentence ("Policy 15 ..... construction aggregates."). Instead insert the following.  Policy 15: Natural Resource Planning – Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained. This will include a land bank for construction aggregates equivalent to at least ten years' extraction.</li> <li>2. In volume 1, policy 19: Minerals Development delete the last sentence in paragraph 1 ("Any development ..... appropriate mitigation."). Instead insert the following.  Any development proposals for the extraction, processing and deposition of minerals or material associated with mineral extraction must be carried out with impacts reduced to acceptable levels and with appropriate mitigation.</li> <li>3. In volume 1, policy 19: Minerals Development add the following new paragraph to the end of the policy.  If, at the time when an application for planning permission to extract construction aggregates is under consideration, the landbank for such aggregates is less than that needed to provide a supply for at least ten years, the deficiency will be a material consideration in the determination of the application.</li> </ol>	255
<b>027 - ST27 Volume 2 Minerals</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. In volume 2, policy MIN3: Restoration, delete the third sentence ("Any opportunities ..... be considered."). Instead, put the following.  Restoration proposals should include enhancement of biodiversity, community recreation and access except where it has been demonstrated that such enhancement is not possible or is not appropriate in relation to the proposed afteruse of the site.</li> <li>2. In volume 2, policy MIN4: Peat Extraction, delete the second bullet point. Instead, put the following.  The conservation value is low and restoration to peatland is not possible.</li> </ol>	260

	<p>3. In volume 2, paragraph 9.8 on page 87, delete “restoration is impossible” and put instead “restoration to peatland is impossible”.</p> <p>4. In volume 2, policy MIN4: Peat Extraction, delete “commercial”.</p> <p>5. In volume 2, policy MIN1: Settlements delete the first two sentences (“Minerals development ..... be permitted.”). Instead, put the following. Minerals development will only be permitted where impacts on settlements (shown on the settlements maps) and communities have, with appropriate mitigation, been reduced to acceptable levels.</p>	
<b>028 - ST28 New Settlements</b>	<p>I recommend that the following modifications be made:</p> <p>1. In the Small Settlement Plans, amend the boundary of the proposed new settlement at Blaircross to include Kintore House and its grounds (as shown on the council’s schedule 4 site map – Issue ST28 Map 1 Blaircross).</p> <p>2. Add the following sentence to paragraph 3.13 of Volume 1 of the plan: In the next local development plan, the council intends to carry out a wider assessment of community boundaries in the rural area.</p>	267
<b>029 - ST29 Local Nature Reserves</b>	<p>I recommend that the following modification be made:</p> <p>1. Amend the strategy map to extend the notation for Langlands Moss Local Nature Reserve by including the woodland area described in the representation from the Friends of Langlands Moss and depicted on Schedule 4 Site Map Issue ST29 Map 2 Langlands Moss, East Kilbride.</p>	275
<b>030 - ST30 Appendices</b>	<p>I recommend that the following modification be made:</p> <p>1. In Appendix 3: Development Priorities, add the following bullet point to the list of requirements for the Community Growth Areas at Ferniegair, Larkhall, and Carluke:</p> <ul style="list-style-type: none"> <li>• Improved public transport services through the development area.</li> </ul>	280
<b>031 - ST31 Technical Amendments</b>	<p>We recommend that the following modifications be made:</p> <p>1. Update the Strategy Map (including Environmental Designations) to incorporate the 2018 extension to the Muirkirk and North Lowther Uplands Special Protection Area around Anderson Flow and Cove Glen.</p> <p>2. Refer to project D as the Cuningar Loop Woodland Park on the Rutherglen/ Cambuslang map.</p>	288

	<p>3. Add the following text to Policy VET1 Visitor Attractions as a seventh criterion:</p> <p style="padding-left: 40px;">Proposals demonstrate that there would be no adverse impacts on the integrity of any Natura 2000 site or on the objectives of designation and the overall integrity of any SSSI and no significant adverse impacts on the wider natural heritage interests during construction or operation of the facility.</p> <p>4. See also recommendations in issues listed above.</p>	
<b>032 - ST32 General</b>	<p>I recommend that the following modifications be made:</p> <p>1) Add to the start of paragraph 2.28 of volume 1, "This plan will cover a period of 5 years from the date of adoption".</p> <p>2) Add to paragraph 3.23 of volume 1, "The council has not carried out a comprehensive review of all of its settlements at this time".</p>	294

<b>PART 2</b>		
<b>033 - CR1 South of Cathkin Roundabout, Cambuslang</b>	No modifications.	298
<b>034 - CR2 East Greenlees Farm Phases 1 and 2, Cambuslang</b>	No modifications.	303
<b>035 - CR3 Corner of East Kilbride Road, Cambuslang</b>	No modifications.	307
<b>036 - CR4 Alternative Site Hallside East, Cambuslang</b>	No modifications.	311
<b>037 - CR5 Kirkhill Golf Course Cambuslang</b>	No modifications.	316
<b>038 - CR6 Dalmarnock Road, Rutherglen</b>	I recommend that the following modification be made: 1. Amend the Dalmarnock Road Out of Centre Commercial Location designation on Settlement Map Rutherglen, Stonehouse, Strathaven and Cambuslang by including the whole of the site as set out in the Schedule 4 Site Map Issue 037 Site CR6 Dalmarnock Road, Rutherglen.	320
<b>039 - CR7 Mathieson Road- Duchess Road, Farme Cross, Rutherglen</b>	No modifications.	324
<b>040 - CL1 Boghall Road, Biggar</b>	No modifications.	330
<b>041 - CL2 Lindsaylands Road, Biggar</b>	No modifications.	335
<b>042 - CL3 Loaningdale, Biggar</b>	No modifications.	343
<b>043 - CL4 Airdrie Road, Carluke</b>	No modifications.	350
<b>044 - CL5 Mauldslie Road-Luggie Road, Carluke</b>	No modifications.	358
<b>045 - CL6 Bellefield Road, Lanark</b>	I recommend that the following modifications be made: 1. Inclusion of the western site in the settlement boundary for Lanark. 2. Deletion of the rural area and the special landscape area designations so far as they apply to the western site. 3. Designation of the western site as a residential masterplan site. 4. In appendix 3 of volume 1 of the proposed plan, inclusion of the western site as a residential masterplan site with the following requirements:	364



	Air quality assessment required. Flood risk assessment required. Substantial landscaping on the western and north-western edges of the site.	
<b>046 - CL7 Hyndfordbridge, Lanark</b>	I recommend that the following modifications be made: 1. In the Small settlements plans part of the proposed plan, on page 14: (a) extend the settlement boundary for Hyndfordbridge so that it includes the land identified as CL7 on the schedule 4 site map; and (b) delete the Rural Area designation of the land identified as CL7 and instead designate it as Housing Land Supply.	366
<b>047 - CL8 Old Bridgend</b>	No modifications.	371
<b>048 - CL9 Land North of Law (Birks Farm)</b>	No modifications.	381
<b>049 - EK1 Midshawton Farm, Chapelton</b>	No modifications.	385
<b>050 - EK2 Colvilles Road, East Kilbride</b>	No modifications.	390
<b>051 - EK3 Hayhill Road, Jackton, East Kilbride</b>	No modifications.	394
<b>052 - EK4 Jackton Road, East Kilbride</b>	No modifications.	399
<b>053 - EK5 Langlands West-Mid Crosshill Farm-Auldhouse Rd, East Kilbride</b>	No modifications.	409
<b>054 - EK6 North of East Kilbride</b>	No modifications.	413
<b>055 - EK7 O'Cathian Farm, East Kilbride</b>	No modifications.	417
<b>056 - EK8 Old Glasgow Road, Nerston</b>	No modifications.	424
<b>057 - EK9 West of Redwood Drive, East Kilbride</b>	I recommend that the following modifications be made: 1. In volume 1 of the proposed plan, chapter 3, table 3.1 insert the following into the list of East Kilbride Area Residential Masterplan Sites: West of Redwood Drive, East Kilbride 2. In volume 1 of the proposed plan, in Appendix 3, in the section containing Residential Masterplan Sites insert the following new entry.	430

	<p><u>Location:</u> West of Redwood Drive</p> <p><u>Requirements:</u> Residential development. Development must take account of the findings of a flood risk assessment. SuDS. Any detrimental effects on amenity associated with any acoustic fence must be reduced to an acceptable level. Public access must be established between the site and the Bogton Farm development by means of the existing railway bridge or by some other means unless it is demonstrated that this is not possible. Provision of a safe and convenient means by which pedestrians may cross Redwood Drive.</p>	
<b>058 - EK10 Westend Farm, Eaglesham Road, Jackton, East Kilbride</b>	No modifications.	434
<b>059 - EK11 The Ferme, Glassford</b>	No modifications.	439
<b>060 - EK12 Colinhill Road, Strathaven</b>	No modifications.	448
<b>061 - EK13 East Overton Extension, Strathaven</b>	No modifications.	460
<b>062 - EK14 Glasgow Road, Strathaven</b>	No modifications.	468
<b>063 - EK15 Glassford Road, Strathaven</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. In the requirements for the Glassford Road site that are set out in Appendix 3 of volume 1 of the proposed plan (page 70) delete "Site development ..... Berebriggs Road" and instead put: Site development shall not progress until Berebriggs Road has been widened in accordance with a design that has been approved by the Council.</li> <li>2. To the requirements for the Glassford Road site that are set out in Appendix 3 of volume 1 of the proposed plan (page 70) add the following three requirements.</li> </ol>	480

	<p>No dwellings shall be constructed on that part of the site that is south-west of Berebriggs Road.</p> <p>A Landscape Assessment shall be submitted to demonstrate how development can be accommodated on the site whilst minimising impact on views from the surrounding area. Key viewpoints must be agreed with the Council prior to submission.</p> <p>Development must incorporate reinforcement planting along the north-east boundary of the site. Buildings must be kept back from the north-east and south-east boundaries of the site.</p>	
<b>064 - EK16 Kibblestane Place, Strathaven</b>	No modifications.	485
<b>065 - EK17 Muirkirk Road, Strathaven</b>	No modifications.	491
<b>066 - EK18 Newhouses Farm, Strathaven</b>	No modifications.	498
<b>067 - EK19 Sidehill Farm, Strathaven</b>	No modifications.	505
<b>068 - EK20 Braehead Road, Thorntonhall</b>	No modifications.	510
<b>069 - EK21 Peel Road, Thorntonhall</b>	<p>I recommend that the following modifications be made:</p> <ol style="list-style-type: none"> <li>1. Proposal 29 be deleted from the proposed plan.</li> <li>2. The site of proposal 29 be included in the green belt.</li> </ol>	521
<b>070 - EK22 South Hill of Dripps, Thorhtonhall</b>	No modifications.	526
<b>071 - HM1- Bardykes, Blantyre</b>	No modifications.	530
<b>072 - HM2 - Shott Farm, Blantyre</b>	No modifications.	536
<b>073 - HM3 Ferniegair</b>	No modifications.	542
<b>074 - HM4 Newhousemill Road, Hamilton</b>	No modifications.	548
<b>075 - HM5 Ashgillhead, Ashgill, Larkhall</b>	No modifications.	554
<b>076 - HM6 Ashgillhead, Shawsburn</b>	No modifications.	560

<b>077 - HM7 Carlisle Road, Larkhall</b>	No modifications.	565
<b>078 - HM8 Shawsburn, Larkhall</b>	No modifications.	570
<b>079 - HM9 Limekilnburn Road, Quarter</b>	No modifications.	575
<b>080 - HM10 Stonehouse</b>	No modifications.	585

<b>PART 3</b>			
<b>Para/ Table/ Fig</b>	<b>Text from proposed LDP</b>	<b>Reporters' Amendment</b>	<b>Council's Response</b>
CHAPTER 2			
2.6	The above provides the physical, economic and social context within which a vision for the South Lanarkshire Local Development Plan (SLLDP) can be developed and realised. This vision is ambitious but soundly based on the opportunities and the benefits offered by <i>South Lanarkshire and its communities</i> ; using these to address the forthcoming challenges and promote the area as a place in which to invest, live and work.	Add "including the voluntary sector" after South Lanarkshire and its communities.	Wording will be included within revised text.

## **APPENDIX 2**

### **SOUTH LANARKSHIRE LOCAL DEVELOPMENT PLAN 2**

Issue 069 (EK21) – Peel Road, Thorntonhall

#### **1. Background**

- 1.1 The Reporter has examined the Proposed South Lanarkshire Local Development Plan 2 (SLLDP2) and made recommendations regarding Issue 069 (EK21) which related to representations to re-designate a site at Peel Road in Thorntonhall (“the Site”) from Green Belt to a Residential Masterplan site. The Reporter’s recommendation is to delete the Site from the proposed plan and retain it as Green Belt. The Reporter’s reasons for deleting the Site are summarised in section 4.2 of the committee report. The committee report in turn recommends that all of the modifications recommended in the Examination Report (including that relating to Peel Road) are accepted.
- 1.2 Following the publication of the Examination Report, Shepherd + Wedderburn (S + W), solicitors acting on behalf of the developers promoting the site, wrote to the Council on 15 September 2020 pointing out that a LDP Examination Reporter’s conclusions are not binding on the Council and that the Council must carefully evaluate the Examination Report for errors. Their view is that the Council has strong grounds for declining to accept the Reporter’s recommendations related to the Site as they considered a number of the Reporter’s key conclusions are erroneous. They undertook to provide further details in due course.
- 1.3 S + W have subsequently written to the Council on three separate occasions on 22 October, 28 October and 2 November setting out their reasoning for the Council to reject the Reporter’s recommendations. This correspondence was copied to elected members. However, this correspondence was received too late to summarise in the committee report on the agenda for the Planning Committee on 3 November. Officers have responded in writing to these observations which have also been copied to members.

#### **2. Statutory Position.**

- 2.1 The Scottish Government’s examination of a local development plan is a strict statutory process. In terms of Section 19 (10)(a) of Town and Country Planning (Scotland) Act 1997, planning authorities can only oppose modifications on specific grounds. Where the Reporter has exercised a discretion, Regulation 2 (c ) of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 at Regulation 2 (c ) limits these grounds to reasonableness and states that the modification may only be rejected if it is based on conclusions that the Reporter could not reasonably have reached based on the evidence considered in the course of the examination.. Therefore, the Council cannot refuse to accept a modification on the grounds that the Reporter reached a different conclusion to that put forward in the proposed LDP or that the Council does not agree with the Reporter’s decision. The Council must have substantive evidence that the Reporter made an irrational decision.

### **3. Summary and Assessment of representations made by Shepherd +Wedderburn**

- 3.1 S + W set out examples of conclusions that they consider the Reporter could not have reasonably reached on the evidence before him during the examination. They conclude that the majority of the conclusion are flawed and unreasonable. As a result, the Council should reject the Reporter's recommendations in relation to the Site and reinstate it as a Residential Masterplan Site.
- 3.2 The following paragraphs, taken from S + W 's correspondence list the reasons, which in S+W's view, show that the Reporter was in error to conclude that the allocation of the Site as Residential Masterplan was not appropriate. S+W's comments on each are noted. The considered response by the Council's planning officers follows each point.

#### **a) Impact on the green belt would be acceptable**

S + W's view: The Reporter advises that he has taken account of the purpose of the green belt. Development of the site would not result in adverse impact to the landscape character of the green belt or the character of the community. It would not result in coalescence with any other community and none of the site is used as open space or provides access to open space. In view of these findings, it is difficult to understand on what basis the Reporter could recommend that the site be included in the green belt. His Report is a series of findings that the site does not fulfil green belt purposes. There is nothing in the Report that explains why he considered the site should be designated as Green Belt. That recommendation was therefore unfounded.

Council's Response: The Reporter has concluded that the proposals would not have an adverse impact on the Green Belt in terms of the purposes of the Green Belt. However, in concluding overall that release of the site is not appropriate for other reasons, he recommends that the site remain in the Green Belt. The key issue is that the Site is already identified in the adopted Local Development Plan as being in the Green Belt. The position proposed by the Reporter to retain the site in the Green Belt is, therefore, unchanged.

#### **b) Part of the site may not be effective because it is occupied by a conifer plantation that may not be ready for felling for some time**

S + W view: This conclusion is based on the Reporter's findings that the trees in the plantation appear not to be fully grown; that the felling may be some years in the future; the trees occupy most of the width of the central part of the site; and their continuing presence might be a significant constraint on development of other parts of the site. In contrast, the Reporter had before him a Condition Report on Thorntonhall Woodlands which identifies three areas of woodland of different character, including Area B, which contains the block of commercial conifer to which the Reporter refers. The Woodland Report notes that the commercial timber had grown so quickly it could be felled now.

Council's Response: It is clear from the Examination Report that the evidence before the Reporter included a site visit, a Woodland Report submitted by the developer, and a Summary of Unresolved Issues from the Council which stated that the conifer plantation would be felled when economically viable to do so. The conclusion of the Reporter was that the conifer plantation "may not" be ready for felling for some time, rather than it *would* not be. This is a view he is entitled to take based on the evidence before him.

**c) The part of the site that is north-west of Peel Road has capacity for a relatively limited number of houses**

S + W view: The Reporter notes a number of potential issues with development close to trees and concludes that development of the north-west part of the Peel Road site should be kept well back from the perimeter trees. As a result, the Reporter concludes this part of the site would have capacity for a relatively limited number of houses. In contrast S + W refer to the Woodland Report that concludes that development could easily be incorporated into the open ground with beneficial enhancement of the shelter belt taking place at the same time which would have a positive impact on the woodland. Separately, the Reporter failed to consider the concept Masterplan submitted to the Examination which shows a variety of properties set well back from the existing trees. The evidence the Reporter had before him did not justify the conclusion that the north western part of the Site would have capacity for a relatively limited number of houses.

Council's Response: The Reporter provides reasoning for his conclusion that this part of the Site is almost entirely surrounded by mature trees while there are trees in the central part of this area. He states that they make a substantial and beneficial contribution to the character and amenity of the locality. As a result, his conclusion that development should be kept well back from the trees is appropriate and that this would in consequence limit the capacity of this part of the site is reasonable.

**d) Development on the site would require removal of trees and woodland. This conflicts with Policy 14 of SLLDP2**

S + W's view: The Reporter states that Policy 14 does not preclude the felling of commercial woodland but requires development proposals to seek to manage, protect and enhance existing trees and woodland, in accordance with the Council's Tree Strategy. The Council appears not to have published a Tree Strategy and it is therefore difficult to see how the Reporter could conclude that the development proposals conflict with the policy. In addition, while LDP2 states that any development proposals which involve loss of woodland should take account of the Scottish Government's control of woodland removal policy, this is not a blanket prohibition on development that would result in the removal of any trees. The Reporter did not consider this issue or request any information that would allow him to reach conclusions on whether allocation of the Site could comply with this policy statement. The Woodland Report refers to beneficial enhancement of the existing trees and woodland within the site. The Reporter ignored that evidence and did not explain how the proposals would breach Policy 14. His conclusions are not justified by the evidence he had before him.

Council's Response: Policy 14 is a high level strategic policy and contains a general principle that development proposals should seek to manage, protect and enhance existing trees and woodland. There was evidence before the Reporter that the treatment of trees and woodland on this Site would be a key factor if this Site were to proceed to development and that further information would be required to support any planning application. This was not available to him during the examination. Overall, it is legitimate that the Reporter reached this conclusion.

**e) The footway network has shortcomings. The extent to which the network could be improved in association with the development on the Peel Road site has not been demonstrated**

S + W view: This conclusion ignores the terms of the Policy 7: Community Infrastructure Assessment which states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. The Council will require any necessary improvements in the footpath network as part of the determination of any future planning application. The Council did not state that adequate footpath provision could not be put in place. The Reporter disregarded the Council's submissions and the likelihood that any necessary improvements could be made to the footway network. His conclusions are therefore not justified by the evidence that was before him.

Council's Response: The evidence before the Reporter included a site visit and a Transport Statement while the statement of Unresolved Issues from the Council stated there were concerns with the footpath infrastructure. The Reporter discusses his concerns in relation to the footway network's shortcomings in the Examination Report including his observation that Peel Road does not have continuous footways on both sides of the road which would prevent pedestrian access to the bus stops or railway station. It is clear that his conclusions are informed from these submissions and site inspection.

**f) apart from the railway station and bus stops on East Kilbride Road, Thorntonhall had no services**

S +W view: This finding is factually incorrect as it ignores the new club house for the tennis club which is a recognised community hub used as a community hall. The Reporter's conclusions also disregard the proximity of Thorntonhall to facilities and services which can be accessed via existing footpath and cycle networks including the HMRC Tax office; a Riding and Outdoor Shop; the Cow On The Hill Restaurant; the Seasons Restaurant; the Carnbooth House Hotel/Restaurant; the You Fit Gym and Swimming Pool; the Holiday Inn Hotel with all facilities; Peel Park Offices and business/Industrial Units; a Furniture Showroom and a Kitchen Showroom.

Council's Response: There are no convenience retail services, NHS medical services or a primary school in the village. The services listed above are not what would be considered essential services for a community. The Reporter has drawn his conclusion based on the evidence before him that the new development would be highly car dependent to access such everyday services.

**g) the development would be highly car dependent**

S +W view: This conclusion ignores the evidence contained in the Council's Local Transport Strategy that demonstrates the growth of rail passengers in Thorntonhall by 50% (circa 6,000 passenger trips) between 2002/03 and 2011/12. Rail patronage has continued to increase significantly in Thorntonhall and will improve further once Network Rail's ongoing electrification works to the line are completed. The Reporter found that rail travel was not encouraged because of the poor access to the station and parking provision however this ignores the evidence that the site is well within the walking distances set out in Scottish Government Planning Advice Note 75. The adequacy of parking provision would not be a particularly relevant factor for prospective residents at the site.



Council's Response: As noted above, the Reporter observed from a site visit that footpath connections to the railway station are not continuous and therefore the assertions made by S + W are not founded.

- h) Point 1 in Policy 1 of the LDP says that larger developments are to be directed to sustainable urban locations and that development proposals for villages are to be of compatible scale. With its lack of services, I find that Thorntonhall is not a sustainable location**

S +W view: The Reporter links his conclusion on services and sustainability to Policy 1 and concludes he is not convinced that the scale of development would be compatible with that of the existing village. Policy 1 specifically acknowledges that village development is supported by the LDP strategy even though it may be outwith "sustainable urban locations". The wording of the policy clearly demonstrates that the Council's Spatial Strategy does not expect or require all development proposals to be located immediately adjacent to the full range of services that one would expect to find in an urban location. The true test of compliance with Policy 1 for a development within a village such as Thorntonhall is the extent to which it is of a compatible scale.. The Reporter's conclusions on this issue were therefore not justified by the evidence before him as he misunderstood the level of development that was likely and misinterpreted the meaning of Policy 1.

Council's Response: LDP2 Policy 1 provides that larger developments should be directed to sustainable urban locations and that any development proposals for smaller towns and villages are of a compatible scale. It takes into account matters such as availability to services, accessibility by walking, cycling and public transport as well as physical character and size of the settlement The Reporter concludes that the Site would not be in keeping with Policy 1 and provides justification for that in the report.

## **4 Conclusions**

- 4.1 The key issue in determining if the recommendation to delete the site from the proposed plan fails to meets criteria set out in the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 is whether, if judged objectively, the evidence before the examination supported the Reporter's conclusions. The matter for determination by the Council is whether there are sufficient facts and reasoning in the Examination Report to support the Reporter's decision or is the decision wholly without merit. The matter for determination is not whether the Reporter should have come to a different decision.
- 4.2 The argument made by S + W on behalf of their clients and the officers' review of the Reporter's reasoning is set out in section 2 above. Overall, it is considered that the rationale used by the Reporter to remove the Peel Road site from the plan is sound, reasonable and can be supported in planning terms. Accordingly, the Council is satisfied that the Reporter had sufficient information in front of him to make an informed recommendation on this issue and that he exercised his discretion appropriately and reasonably. There are no statutory grounds on which the Council can base a determination to reject the Reporter's recommendation on this matter. It is concluded that the modification recommended to delete the Site should be accepted

## **5 Recommendation**

- 5.1 On the basis of the above and having fully considered the letters dated 22 October 2020, 27 October 2020 and 2 November 2020 submitted by Shepherd +Wedderburn against the relevant contents of the Examination Report, it is considered that there is no basis to reject the recommendations made by the Reporter in respect of Issue EK 21 and that the Reporter's recommendation is accepted by the Council.