

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 October 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0674
Planning proposal:	Installation of battery storage facility (S36 Scottish Government Consultation)

## 1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Alcemi Storage Developments 4 Limited
Location:	Land 700M North of Birkhill Mill Cairnhouses Road Douglas Lanark South Lanarkshire

## 2 Recommendation(s)

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

- (1) that the Scottish Government is informed that South Lanarkshire Council has no objection to the proposed installation of a battery storage facility under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Regulatory Services be authorised to undertake any discussions and further agreements of conditions if required, with the Scottish Government.

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: Jonathan Smith, RPS
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding  
Policy 18 Renewable Energy  
Policy RE1 Renewable Energy  
Policy DM1 New Development Design  
Policy SDCC2 Flood Risk  
Policy SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Roads Flood Risk Management

Countryside and Greenspace

West of Scotland Archaeology Service (WOSAS)

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an area of approximately 16.4 hectares of land west of the M74 some 2.5km southeast of the settlement of Lesmahagow. It also lies 1.4km southeast of Coalburn Electricity Substation. The eastern boundary of the site comprises the M74, with the B7078 (Carlisle Road) forming the western boundary of the site. To the north of the site is open grassland with the nearest residential property some 160m further north of the boundary. The southern boundary comprises further open grassland and then an existing animal feed business.
- 1.2 The site is open agricultural land and is designated as Rural within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). To the immediate west of the site, across the B7078 is the Coalburn Moss Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

### **2 Proposal(s)**

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the installation of a battery storage facility which involves the creation of up to 5 platforms (each 5,610 metres sq) to house the batteries. Each platform would have a building to house the batteries which would be up to 15m in height. The proposals also include the following associated components:-
- ◆ The creation of a new access from the B7078
  - ◆ Security fencing and CCTV
  - ◆ heating, ventilation, and air conditioning (HVAC) equipment
  - ◆ fire suppression equipment
  - ◆ cooling plant - control and protection apparatus
  - ◆ switchgear apparatus
  - ◆ inverters or power conversion systems
  - ◆ transformers
  - ◆ metering equipment
  - ◆ associated transmission cabling
  - ◆ welfare facilities
- 2.2 The proposals are to allow for the storage of energy at times when generating stations are working at full capacity which can then be released when additional power is needed within the grid during peak times or when energy generation has dropped. As more energy sources are now renewable, such as wind and solar, balancing generation versus demand is a critical issue for grid stability. Battery storage allows energy to be stored during peak renewable generation periods and released when demand outstrips generation. In short, the proposed battery takes in generated electricity when there is a surplus and stores it until there is a demand for electricity which can be released to meet this demand. The proposed batteries would be fed from and transmit back to the adjacent substation via underground cabling.
- 2.3 It should be noted that the energy stored within the batteries will be from all available sources. However, renewable energy production has the most variable rates of output and therefore whilst the electricity transmitted to the batteries may not solely be renewable, it's storage and subsequent release when needed is considered to meet the need for grid stability due to the further reliance on renewable energy. It is therefore considered that in essence the battery storage can be classed as renewable electricity infrastructure given the increased need for grid stability as renewable energy generation increases. As more traditional energy sources such as coal and gas are

being decommissioned and renewable energy sources are replacing them, balancing generation versus demand is becoming more critical due to the more sporadic nature of renewable energy development. Grid stability is therefore essential as the transition to renewable energy continues and battery storage is therefore considered an essential part of this need for ongoing grid stability.

- 2.4 The proposed storage capacity of the batteries is up to 500MW and is therefore of a scale (over 50MW) that requires consent through the Electricity Act with the Scottish Government as the Consenting Authority. In this instance, the Council is therefore a Consultee to the application process and not the Consenting Authority.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".

- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that "this SPP introduces a presumption in favour of development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

- 3.1.3 As noted in 2.3 above, the proposals would aid grid stability as renewable energy generation increases. It is therefore considered that, subject to the detailed assessment against the Development Plan criteria as set out in Section 6 below, the principle of the development accords with National Policy.

#### **3.2 Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). The GCVSDP is a high level, strategic document and it is considered that proposals of this scale would not have any strategic implications within the Strategic Development Plan Area. As such there is no detailed assessment of the proposals against this strategic Plan.
- 3.2.2 Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

In this regard, the application site and associated proposal is affected by the following policies contained in SLLDP2:-

Volume 1

1. Policy 1 Spatial Strategy
2. Policy 2 Climate Change

3. Policy 4 Green Belt and Rural Area
4. Policy 14 Natural and Historic Environment
5. Policy 15 Travel and Transport
6. Policy 16 Water Environment and Flooding
7. Policy 18 Renewable Energy

#### Volume 2

1. Policy SDCC2 Flood Risk
2. Policy SDCC3 Sustainable Drainage Systems
3. Policy DM1 New Development Design
4. Policy RE1 Renewable Energy

### **3.3 Planning Background**

- 3.3.1 On 27 August 2020, the Scottish Government's Chief Planner issued a letter in relation to electricity storage and the consenting regime. In this letter the Chief Planner stated that the Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station.
- 3.3.2 In light of this statement and as noted in 2.4 above, the proposals fall within the scope of the Electricity Act 1989 and as such the Council is a consultee to the application rather than the Consenting Authority.
- 3.3.3 Whilst the application site is currently open farmland it and a wider area to the south has several extant planning permissions as set out below.
- 3.3.4 Outline planning consent (CL/02/0693) was granted in November 2003 for the development of the site for general industrial (Class 5) and storage/distribution purposes (Class 6). The animal feed business was the subject of a subsequent reserved matters approval and it has been implemented and is operational. A reserved matters application (CL/04/0873) was granted in 2005 for the remainder of the undeveloped land, and this consisted of the formation of accesses and structural landscaping. A further reserved matters application (CL/08/0022) was granted consent in February 2009 for the erection of 14 industrial units with ancillary office space (Class 5 general industry and Class 6 storage or distribution) with associated car parking and infrastructure. In November 2011 planning permission was granted for the erection of a bio-gas production facility on a large portion of the current application site. Whilst some preparation works on site have been carried out in relation to this permission they have not been deemed adequate in terms of securing the planning permission and these permissions have now lapsed.
- 3.3.5 Planning permission was granted in 2016 for two, 98.14 metre high wind turbines within the site (Ref: CL/16/0090) and this application was granted for a further 3 years in January 2020 (Ref: P/19/0363). The consent has not been implemented however it is still live.
- 3.3.6 In April 2020, Planning Committee granted planning permission in principle for the Erection of data centre (Class 4 Business) and associated 12MW Solar farm and 7.5MW gas turbine with light industrial (Class 5) area and associated infrastructure. In September 2021 a hydrogen facility was granted through a matter specified by condition application via this planning permission in principle. A new access off the B7078 for the Hydrogen facility was granted planning permission (P/21/0438) in August 2021. An application for matters specified by condition of the solar panel element of this planning permission in principle has been submitted (P/21/2200) and is currently pending consideration.

- 3.3.7 It should be noted that whilst the applications referenced in 3.3.6 above are extant, they have not yet been implemented on site.

#### **4 Consultation(s)**

- 4.1 **Roads Development Management** – have no objections to the proposals subject to conditions relating to the following:-

- ◆ Site access including design and drainage
- ◆ An Abnormal Load Route Assessment for delivery of the specialist components of the proposals
- ◆ A Traffic Management Plan for the construction period
- ◆ A Roads Dilapidation Survey prior to commencement

**Response:** Noted. Appropriate conditions form part of the recommended consultation response to the Scottish Government.

- 4.2 **Environmental Services** – no objections to the proposals subject to a condition setting noise limits on the proposals.

**Response:** Noted. An appropriate condition forms part of the recommended consultation response to the Scottish Government.

- 4.3 **Countryside and Greenspace** – no objections to the proposals.

**Response:** Noted.

- 4.4 **West of Scotland Archaeological Service (WoSAS)** – note that there has been previous archaeological investigations within the application site that did not uncover anything of archaeological interest and therefore do not recommend the need for further archaeological work.

**Response:** Noted.

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

- ◆ Roads Flood Risk Management

#### **5 Representation(s)**

- 5.1 Statutory advertisement of the application was undertaken by the applicant in April 2022. No representations have been made to the Council following this advertisement.

#### **6 Assessment and Conclusions**

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development with a generating capacity of over 50MW. In this instance South Lanarkshire Council is a consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the application is made under the Electricity Act 1989 and not the Planning Act and therefore the Development Plan does not have the primacy it normally would for planning decisions, but it is still an important material consideration in this instance and informs the Council's consultation response.
- 6.2 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) and the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

As noted in 3.2.1 above, it is considered that the GCVSDP is a strategic, high-level document and an application of this scale and nature does not raise any strategic implications. Therefore, no further assessment against this document is required.

- 6.3 SLLDP2 Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application site is on land designated as Rural within the SLLDP2, therefore Policy 4: Green Belt and Rural Area is of relevance. This policy states that the Rural Area functions primarily for agriculture and other uses appropriate to the countryside. Isolated and sporadic development will not be appropriate. Policy GBRA2 provides a list of uses that are suitable in the Rural Area including renewable energy proposals. In addition, the site is adjacent to an area that has extant planning permissions for similar development (as set out within 3.3 above) and is not therefore considered isolated. It is also within close proximity of Coalburn Substation and within an area that has several large scale wind farms within the locale which therefore allows the minimum amount of transmission infrastructure to be required to connect the battery proposals to the national grid. It is therefore considered that the proposals accord with the relevant criteria and provisions of SLLDP2 in this regard.
- 6.4 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. As noted in 2.3 above, whilst the electricity transmitted for storage within the proposed batteries will have come from a mixture of renewable and non-renewable sources the purpose of the batteries is to ensure there is always grid stability. As renewable energy becomes more prevalent, grid stability becomes a significant issue due to the intermittent nature of renewable energy generation. As such it is considered that the batteries purpose is intrinsically linked to renewable energy generation and therefore can be viewed as renewable infrastructure to support increased renewable energy generation. Therefore, the proposals are considered to be in accordance with the aims of this Policy.
- 6.5 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within SLLDP2 Policy DM1 'New Development Design. Due to battery technology constantly evolving a finalised design for the proposals has not been set but the Environmental Impact Assessment Report (EIAR) has been drawn up based on the largest design parameters envisaged and therefore any subsequent changes would be scaled down and thus reduce the proposals impact. The design proposed is functional in form and involves the siting of up to 5 platforms (each 5,610 metres sq) to house the batteries. Each platform would have a building to house the batteries which would be up to 15m in height. It is considered that the scale of the proposals is similar to the hydrogen facility that has planning permission immediately adjacent to the site and the existing animal feed factory further south from the site. This results in the proposals being in keeping with the character of the immediate area and would not dominate the surrounding landscape. A functional battery building would not detract from the amenity of the area and would be read as essential electricity infrastructure similar to the Coalburn Substation to northwest of the site. Screen planting is also proposed to further soften the proposals visual impact. It is therefore considered that the design of the proposals would not be detrimental to the surrounding area and any visual impact is minimised by the site's location being clustered next to the substation.

- 6.6 In terms of the impact the proposals would have on the amenity of the area, including air quality, it is noted that the proposals would not emit any gases as part of the process and are in essence similar in nature to electricity substations. Environmental Services have reviewed the Noise Impact Assessment (NIA) submitted as part of the planning application and are satisfied with the conclusions of the NIA. The site is located in a rural area and there are no immediate neighbouring, residential properties. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.7 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. The site is not located in proximity to any listed building, Conservation Area or other historical asset that would be impacted upon by the proposals. Protected species surveys were undertaken and the results were included within the EIAR. No evidence of protected species was found within the site but it was noted that there was potential for some protected species to use habitat within the area surrounding the application site. The application site is within close proximity to the Coalburn Moss SAC and SSSI, which is designated for its active raised bogs and degraded raised bogs which are still capable of natural regeneration, however, there is separation by the B7078. It is considered that the proposals would not have any impact on this asset. In their response direct to the Scottish Government, NatureScot have no objections to the proposals subject to conditions ensuring the Coalburn Moss SAC water table is not affected by the proposals. It is, therefore, considered that the proposals accord with the relevant criteria of this policy.
- 6.8 SLLDP2 Policy 15 'Travel and Transport' requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. Due to the site's location within the countryside it is not accessible via public transport but as noted above, the location of the proposals adjacent to an existing substation minimise the electricity transmission infrastructure needed to connect to the grid which, given the low level of traffic to the site due to remote monitoring, is considered more sustainable than access to public transport in this instance. Roads (Development Management) have no objection to the proposals subject to the conditions outlined in 4.1 above.
- 6.9 SLLDP2 Policy 16 'Water Environment and Flooding' states that development proposals within areas of flood risk or that are detrimental to the water environment will not be supported. Policies SDCC2 Flood Risk and SDCC3 Sustainable Drainage Systems provide further detailed advice in support of Policy 16. The application site is not located within any area at risk from river, surface or coastal flooding. A Flood Risk Assessment (FRA) has been submitted as part of the EIA Report which notes that the site is not mapped as at a risk of flooding. Sustainable drainage is proposed for dealing with surface water and it is considered that this is acceptable subject to the design meeting the Council's drainage design criteria. It is also noted that SEPA, when responding directly to the Scottish Government, have no objections to the proposals. A Sustainable Drainage System is proposed for the site. It is therefore considered that the proposals accord with the relevant provisions of the development plan.
- 6.10 SLLDP2 Policy 18 'Renewable Energy' is an overarching renewable energy policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of SLLDP2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the

South Lanarkshire Landscape Capacity for Wind Energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant SLLDP2 Policies. It is noted that the majority of this guidance relates to wind turbines and it is considered that the relevant, remaining development management criteria have already been assessed throughout the above policy criteria assessment.

- 6.11 In conclusion, it is considered that the proposed development complies with the adopted South Lanarkshire Local Development Plan 2 and, therefore, it is recommended that the Scottish Government be notified that the Council has no objections to the application subject to the conditions as set out within the paper apart.

## **7 Reasons for Decision**

- 7.1 The proposed development complies with Policies 1,2, 4, 5, 14, 15, 16, 18, SDCC2, SDCC3, RE1 and DM1 of the Adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

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

29 September 2022

### **Previous references**

- ◆ CL/02/0693
- ◆ CL/04/0873
- ◆ CL/08/0022
- ◆ CL/16/0090
- ◆ P/19/0363
- ◆ P/21/0320
- ◆ P/21/0438

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
  
- ▶ Consultations
  - Environmental Services 16.08.2022
  - Roads Development Management Team 24.08.2022
  - West Of Scotland Archaeology Service 13.06.2022
  - Countryside And Greenspace 14.06.2022

### **Contact for further information**

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

James Wright, Planning Officer, Council Offices, Floor 6, Almada Street, Hamilton, ML3 0AA

Phone: 07551 839 698

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### Conditions and reasons

01. That prior to works commencing on site the applicant shall submit, for written approval of South Lanarkshire Council, detailed proposals covering the site access onto the B7078 Carlisle Road including junction visibility splays, road markings and signage all designed in accordance with the Design Manual for Roads and Bridges. The design shall include crossing details over the existing National Cycle Network NCN74. The design shall be supported by a Stage 2 Road Safety Audit together with the Designer's Response. The applicant shall demonstrate that they have all rights to implement and maintain the visibility splay where it traverses third party land. That once approved in writing, the site access shall be constructed and thereafter maintained in accordance with the agreed plans and specification to the satisfaction of the South Lanarkshire Council. FOR THE AVOIDANCE OF DOUBT the access shall be constructed in such a way as to prevent any surface water or deleterious material from running onto or entering the B7078 Carlisle Road and be maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of road safety

02. That prior to commencement of works on site the applicant shall submit, for the written approval of South Lanarkshire Council's Bridges & Structures Team Roads Authority, an Abnormal Load Route Assessment (ALRA) for delivery of specialist components which should detail any modifications to the Council's local road network associated with the ALRA.

Reason: In the interests of road safety

03. That no development shall commence until a construction phase Traffic Management Plan (TMP) has been submitted for the written approval of South Lanarkshire Council. The plan shall include details of the following and once approved all construction works shall be undertaken in accordance with the approved TMP:-
- a. The routing of all traffic associated with each phase of the development via Junction 11 of the M74 at Poniel.
  - b. Measures to ensure that the specified routes are adhered to by all operatives and suppliers, including monitoring procedures;
  - c. Details of all temporary construction direction signage;
  - d. Provisions for emergency vehicle access;
  - e. Wheel washing facilities to provide detritus being deposited on the public road;
  - f. Site staff car parking as no parking is permitted on the public road
  - g. Delivery and laydown space;
  - h. Identification of a nominated person to whom any road safety issues can be referred.

Reason: In the interests of road safety

04. That prior to works commencing on site the developer shall undertake a roads dilapidation survey in conjunction with South Lanarkshire Council Roads Area Office covering the B7078 Carlisle Road for 50metres either side of the proposed site access. Interim and final surveys shall be undertaken as directed by the Roads Area Office. Each inspection shall be recorded in a report to include photographs, plans and description of road condition, and be submitted for record purposes within timescales

determined by South Lanarkshire Council. The Applicant shall be responsible for repairing damage attributable to their operations and undertake all necessary repairs within timescales stipulated by South Lanarkshire Council.

Reason: In the interests of road safety

05. The following noise levels shall not be exceeded resultant from and specific to the development:-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (L<sub>Ar</sub>,1hr) shall not exceed the pre-existing background noise level (L<sub>A90</sub>,30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (L<sub>Ar</sub>,15min) shall not exceed the pre-existing background noise level (L<sub>A90</sub>,30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Part 2

The internal noise levels within any residential property and resultant from the development shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open do not exceed an L<sub>Aeq</sub>,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open do not exceed an L<sub>Aeq</sub>,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open do not exceed an L<sub>Amax</sub> of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an L<sub>Aeq</sub>,16hr of 50dB daytime in any garden amenity areas, when measured free-field

Part 3

The Internal Noise Rating Values, within any residential property and resultant from the neighbourhood (industrial and commercial) and neighbour noise (installed services), shall not exceed-

- o NR25 between 23.00hrs and 08.00hrs
- o NR35 between 08.00hrs and 23.00hrs

Reason: In the interests of residential amenity

06. That before the development, hereby approved, is brought into use details of landscaping and screen planting, including ongoing maintenance, shall be submitted for the written approval of the Council, as Planning Authority. Once approved the landscaping and planting will be implemented as approved and maintained as such for the lifetime of the development hereby approved.

Reason: In the interest of visual amenity.

07. That all works on site should comply with appendices 1, 3 and 5 from the Council's drainage design guidance.

Reason: In the interests of drainage and flooding

P/22/0674

Land 700M North of Birkhill Mill, Cairnhouses Road, Douglas



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Scale:  
1:30,000  
Date:  
16/09/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development