

Community and Enterprise Resources



Planning and Building Standards Services

South Lanarkshire Local development plan 2

Proposed plan
Volume 2

July 2018



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Introduction



1.0 Introduction

1.1 The South Lanarkshire Local Development Plan 2 Volume 2 – Additional Policies contains further policy guidance that will be used when assessing planning applications.

1.2 The policies in this volume provide detailed criteria against which development proposals will be considered. These additional policies are linked to specific land and topic based policies contained within Volume 1 of the proposed plan (see Appendix 1 of Volume 1). Volume 2 also

contains development management policies which will apply to all forms of development which justify a specific policy response to assist applicants.

1.3 This document is divided into the following sections:

- Sustainability and Climate Change
- Green Belt and Rural Area
- Development Management, Place Making and Design
- Visitor Economy and Tourism
- Industrial and Commercial Development
- Natural and Historic Environment
- Renewable Energy
- Minerals

1.4 There will also be supporting planning guidance produced which prospective developers should consult as appropriate. These cover the following topics; Community Infrastructure Assessment and Affordable Housing, Renewable Energy, Design and Placemaking, Green Network and Greenspace, Town Centres and Retailing and Natural and Historic Environment. Supporting guidance on other themes will be prepared as appropriate.

Sustainable Development and Climate Change



2.0 Sustainable Development and Climate Change

2.1 The [Climate Change \(Scotland\) Act 2009](#) sets the context for the Scottish Government's approach to responding to climate change. Local authorities have a legislative duty to contribute to national targets to reduce greenhouse gas emissions (climate change mitigation) and help prepare for expected future changes in the climate (climate change adaptation). This is a constant theme throughout the Governments planning policy framework including the [National Planning Framework 3](#)

(NPF3), [Scottish Planning Policy](#) (SPP) and various [Planning Advice Notes](#) (PANs) and online guidance. The Council in its role as Planning Authority seeks to contribute to achieving these aims as follows:

Mitigation by:

- promoting a mix of land uses within settlements that will help facilitate active travel or travel by public transport;
- encouraging reuse of existing building stock and vacant and derelict land;
- taking advantage of passive sources of energy through careful attention to the location of new development;
- carefully assessing the siting and orientation of new buildings, for example, by maximising solar gain and sheltering buildings from the prevailing wind; and
- supporting the expansion of renewable energy generating capacity and heat networks.

Adaptation by:

- ensuring new development is designed to withstand more extreme weather, including prolonged wet or dry periods;
- working with natural environmental processes, for example, through the development and promotion of strategic and local green infrastructure to support local biodiversity (such as green corridors);
- using sustainable drainage systems (SuDS) to reduce flood risk; and
- promoting landscaping and natural shading that cool spaces in built areas during hotter periods.

Sustainable Development and Climate Change

2.2 Policy 2 Climate Change in LDP2 Volume 1 sets the overall context relating to development and climate change. A series of theme based policies have been developed to address specific issues identified in Policy 2.

Vacant, Derelict and Contaminated Land

Policy SDCC1 Vacant, Derelict and Contaminated Land

The Council will work in partnership with the Scottish Government, Clyde Gateway Urban Regeneration Company and other agencies and private sector interests in implementing its delivery plan for remediation and redevelopment of vacant, derelict and contaminated land and buildings and will seek to secure continued funding for this activity.

Where contamination of a development site is suspected, applicants will be required to submit a contaminated land survey alongside their application.

Reasoned Justification

2.3 In order to promote a sustainable pattern of development, SPP requires development plans to consider the reuse or redevelopment of brownfield land before new development takes place on greenfield sites. The remediation and redevelopment of vacant and derelict land and buildings is a priority for the Council and is a key theme in the overall strategy in the [Council Plan](#).

2.4 An annual audit of vacant and derelict land is undertaken by the Council which helps to identify opportunities for redevelopment. In addition, where redevelopment is not appropriate, greening of vacant and derelict land sites will be supported. Such action is critical to the process of area renewal and regeneration, providing opportunities for economic development, new housing, recreation provision and enhancement of the environment. Action is currently focused on the priority area of Clyde Gateway, where remediation of chromium contamination in the Shawfield area is well underway. The Council will work with key agencies and developers to deliver redevelopment of vacant and derelict land.

2.5 Contaminated land has a specific definition in terms of Part IIA of the [Environmental Protection Act 1995](#). The [Contaminated Land Strategy](#) for South Lanarkshire sets out the Council's responsibilities in relation to the Act, providing procedures for inspection of land and its remediation. This does not, however, include all land where contamination is present. Contaminated land, for planning purposes, may be regarded as any site where the presence or suspected presence of contaminants is an obstacle to development.

2.6 When assessing development proposals the Council may require the applicant to provide a contaminated land survey to establish whether contamination is present and how it is to be treated. Such surveys should be undertaken by a suitably qualified professional. Further guidance is contained in [An Introduction to Land Contamination and Development Management](#).

Sustainable Development and Climate Change

Flood Risk

Policy SDCC2 Flood Risk

General

In accordance with the precautionary principle and the risk framework as set out in SPP, the Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. The redevelopment of existing buildings in areas of flood risk will only be acceptable if it has a neutral or beneficial impact on the level of flood risk.

Development in the Functional Flood Plain

The storage and conveyance capacity of the functional flood plain will also be safeguarded. Avoidance of development in the functional flood plain is the most sustainable option for the long term management of flood risk. New development will only be permitted within the functional flood plain when one of the following conditions are met:

- where it falls under the category of 'Essential Infrastructure' and a specific location is essential for operational reasons; or
- it falls under the category of 'Water Compatible Use'.

In addition, new development should achieve a minimum freeboard allowance of 600 mm, and 1 metre (where it is adjacent to a watercourse) as recommended to take account of:

1. the uncertainties involved in flood design, and
2. physical imponderables such as post-construction settlement or wave action.

Any new development in the flood plain should have no adverse impact on the integrity of Natura 2000 sites.

Development in Areas of Flood Risk

Should development be permitted within areas liable to flooding then consideration should be given to using water resistant and resilient building materials.

In line with the SPP, and to ensure sustainable development avoiding increased flood risk, all development will require to be accompanied by a flood risk assessment or other appropriate information which demonstrates that the proposal is consistent with the requirements of SPP.

For further information please refer to SEPA's planning guidance on Flood Risk.

Reasoned Justification

2.7 Across Scotland there is an increasing likelihood that climate change will result in more frequent and severe storm events (Met Office UKCP18). These changes will lead to an increase in flooding from pluvial (surface water), fluvial (watercourses such as rivers or burns), coastal (the Clyde Estuary), groundwater, sewers, culverts and pipes. This will put added pressure on infrastructure, particularly the sewerage and drainage network. Planning has a key role in the management of areas at flood

Sustainable Development and Climate Change

risk. It must also ensure that any new development is not at risk of flooding or would be likely to increase flood risk elsewhere. Policy SDCC2 provides more detailed guidance in support of LDP2 Volume 1 Policy 2 Climate Change and Policy 16 Water Environment and Flooding.

2.8 The Council manages the Water environment and Flood Risk within the area through the obligations and commitments set out within the Water Environment and Water Services (Scotland) Act 2003 (WEWS Act 2003) and the Flood Risk Management (Scotland) Act 2009 (FRM (Scotland) Act 2009). This legislation was transposed from the EU Water Framework Directive 2000 and the EU Floods Directive in 2007 respectively. The legislation enables the protection of the water environment and the management of flood risk in a sustainable manner. The FRM (Scotland) Act 2009 has led to the identification of Potentially Vulnerable Areas (PVA)s, these are areas where significant flood risk exists or is likely to occur in the future, taking account of Climate Change and the surrounding location. These (PVA)s are managed within 14 Local Plan Districts with the National Flood Risk Management Strategies being published by SEPA, (December 2015) and the Local Flood Risk Management Plans (LFRMPs) being published by the Local Plan District, (June 2016). South Lanarkshire Council are involved within 2 LFRMPs, the Clyde and Loch Lomond (CaLL) Local Plan District and the Tweed Local Plan District, these plans were produced in collaboration with other responsible authorities. The LFRMPs enable the objectives and actions within the national strategies to be locally targeted and delivered. These LFRMPs include a requirement to ensure that development is managed in a sustainable manner with homes and businesses are located away from high flood risk areas. The LFRMPs will be reviewed in six year planning cycles; the first cycle is from 2016-2022.

2.9 SEPA Flood Risk Maps provide detail on the impact of flooding to people, the economy, cultural heritage and the environment and are integral to planning decision-making in relation to flood risk. Under the

Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (as amended), planning authorities, when preparing development plans, must have regard to any approved flood risk management plan or finalised local flood risk management plan relating to the development plan area. Further guidance for the construction industry can be found in CIRIA C624 - Development and Flood Risk.

2.10 SPP states that a precautionary approach needs to be taken to the location of new development sites, with the aim of preventing further development on land which is at risk of flooding from all sources including watercourses, surface water and sewers. The Council will not support any development proposals which have a detrimental impact on the functional flood plain. In some areas where there is already development in the functional flood plain, further proposals will be assessed against the flood risk framework contained in SPP.

2.11 New development should not affect the ability of the functional flood plain to store and/or convey floodwater. The removal of the flood plain by land raising will displace floodwater and have an impact unless it is linked to the provision of compensatory storage, which will only be considered in exceptional circumstances. Where flood risk is an issue, this will be addressed through a masterplanning process so that flood risk and appropriate mitigation measures can be considered from the outset of the process.

2.12 Development proposals in the flood plain may have indirect effects on important nature conservation sites including Natura 2000 sites. This should be considered as part of the design process by developers and will be assessed during the application process.

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Sustainable Drainage Systems

Policy SDCC3 Sustainable Drainage Systems

The Water Environment and Water Services (Scotland) Act 2003 made it a legal requirement to utilise Sustainable Drainage Systems (SuDS) on all new developments with the exception of a single dwelling or those developments discharging to coastal waters.

Where surface water is proposed to be drained by as sustainable drainage system, shared by the Roads Authority and Scottish Water, an agreement under Section 7 of the Sewerage (Scotland) Act 1968 should be progressed during the initial design stages. The design of SuDS should be considered an integral part of any development and should be considered early in the design process. The design of these systems should be in accordance with the following documents; CIRIA C753 The SuDS Manual; South Lanarkshire Councils Developer Design Criteria; and Sewers for Scotland (latest edition) by Scottish Water.

Where the drainage scheme is not to be maintained by Scottish Water or a Roads Authority, the developer must indicate how the scheme will be maintained in the long term.

Where more than one development drains into the same catchment a co-ordinated approach to SuDS provision should be taken where practicable. This will involve considering what is happening at the catchment level rather than what is happening within a development boundary.

Reasoned Justification

2.13 SEPA define SuDS as: "A sequence of water management practices and facilities designed to drain surface water in a manner that will provide a more sustainable approach than what has been the conventional practice of routing run-off through a pipe to a watercourse". The use of these systems can minimise the risk of flooding at both the site and at existing properties downstream, and can also help to deliver environmental improvements.

2.14 The use of appropriate SuDS is legally required for most new developments to limit and control the rate of surface water run-off and reduce the adverse effects that it can have on water quality. SuDS can help to alleviate flooding by controlling the flow of surface water run-off into watercourses which could otherwise lead to water overflow on-site or elsewhere in the catchment.

2.15 The Council will encourage new developments to have SuDS features such as ponds and basins which should be integrated into their design. Other features such as green roofs, rainwater harvesting, infiltration trenches and porous paving should be considered for all new developments including single houses. This could be applied in parking areas and other paved facilities to decrease surface run off. SuDS facilities should be accessible for maintenance purposes. In addition, they should be fully integrated into the development's open space and contribute to the blue/green network.

2.16 All new planning applications for new development should include details of the SuDS to be incorporated into their development. Further guidance regarding this matter can be found in SEPA's Regulatory Method Systems and also in the South Lanarkshire Council Developer Design Guidance. Developers should refer to the current version of CIRIA SuDS Manual (C753).

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Sustainable Transport

Policy SDCC4 Sustainable Transport

New developments that result in a significant increase in traffic and pedestrian movements should be located in areas that are accessible by walking, cycling and public transport. Where appropriate, developers will require to submit a transport assessment, a travel plan and a design and access statement.

New developments require to recognise the needs of cyclists, pedestrians and people with disabilities. In addition they should incorporate access to public transport routes and hubs and have regard to the core path plans.

Where a development is not well connected to existing transport networks, new or extended services may be required. The developer should liaise with Strathclyde Passenger Transport (SPT) to ascertain if the development can be made accessible to the public transport network.

Where a development occurs which makes it necessary to close core paths and other safeguarded routes, provision of an alternative route will be required.

Any proposed new residential areas should include identified safe routes to school and be able to be accessed by a suitable path on foot or by bicycle. Footpaths and footways should be a minimum width of two metres and include dropped kerbs as appropriate.

In addition, to address climate change and support the use of electric vehicles, the Council will seek the inclusion of electric vehicle charging points within new developments.

Reasoned Justification

2.17 The Scottish Government promotes sustainable travel and SPP directs development to sustainable locations to minimise travel needs and maximise opportunities to use alternative transport to the private car. The most sustainable transport options are to walk or cycle. For longer journeys, public transport is the most sustainable option and the Council will ensure that, where possible, new development is sustainably located relative to public transport provision. Policy SDCC4 provides more detailed guidance in support of LDP2 Volume 1 Policy 2 Climate Change and Policy 15 Travel and Transport.

2.18 Developments should be designed to incorporate walking and cycling access routes and address the needs of people with disabilities. 'Designing Streets', part of the national planning policy, should be taken into account in the consideration of development proposals.

2.19 The Council will continue to promote the expansion of an electric vehicle charging network across South Lanarkshire. In addition, developers of major new development schemes such as new retail, office, leisure, tourism, and residential developments, should include vehicle charging points fit for public use.

2.20 Electric charging points and parking for mobility scooters should be provided in new developments in a convenient location at ground floor level. This particularly applies to flatted developments and amenity housing or housing for those with a disability where it may be difficult for occupants to charge scooters within the property itself.

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Waste Management Facilities and Buffer Zones

Policy SDCC5 Waste Management Facilities and Buffer Zones

Waste Management Facilities

In considering applications for waste management facilities or the disposal of waste, the Council will have regard to the Scottish Government's Zero Waste Plan and SPP. In this respect the Council may seek to promote the siting of new waste management facilities in areas where this type of facility already exists.

Proposals for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat.

Existing waste management facilities for the treatment and disposal of municipal and commercial waste, including waste transfer stations and recycling centres, and those granted planning permission during the lifetime of the plan, shall be safeguarded for waste management use. Any development on or adjacent to these sites which would adversely affect the operation of the facility will, in general, not be considered favourably.

All proposals for waste management operations and facilities will be assessed against the criteria in Policy 17 Waste in Volume 1 and other relevant LDP2 policies.

Buffer Zones

If appropriate the Council will consider a buffer zone between dwellings or other sensitive receptors and some waste management facilities based on landform and other features.

Reasoned Justification

2.21 Policy SDCC5 provides detailed guidance in support of LDP2 Volume 1 Policy 2 Climate Change and Policy 17 Waste.

2.22 Waste management in Scotland has traditionally been designed almost entirely around landfill disposal, which makes the assumption that waste has no value or would be too expensive or difficult to recycle.

2.23 The Scottish Government published the Zero Waste Plan (ZWP) in June 2010. The plan sets out the strategic direction for waste policy in Scotland until 2020 and contains a range of targets designed to assist the Scottish Government achieve its vision of a zero waste society.

2.24 The Waste (Scotland) Regulations 2012 set statutory measures to support delivery of the zero waste plan (ZWP). The regulations essentially address two waste categories:

1. Sorted materials for recycling.
2. Unsorted waste requiring further treatment, recovery and disposal.

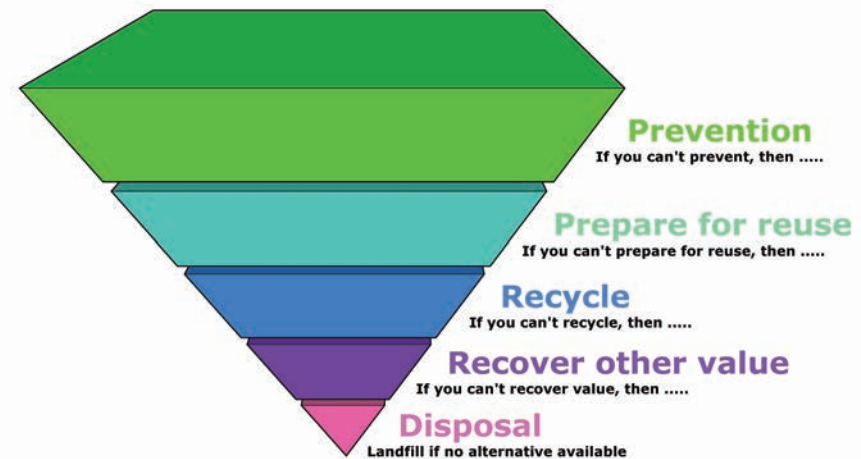
2.25 The regulations adopt a dual approach to maximise recycling and to maximise resource recovery through treatment of unsorted waste. The key elements in relation to how the Council delivers its waste management functions are as follows:

Sustainable Development and Climate Change

- A duty to take reasonable steps to promote high quality recycling.
- A duty to ensure the separate transportation of separately collected dry recyclable material or food waste.
- A duty to provide separate collection services for key recyclables (paper, card, metals, glass and plastics) to households.
- A duty to provide a separate food waste collection service to households.
- A ban on separately collected recyclable materials either being incinerated, co-incinerated or landfilled.
- A ban on biodegradable waste going to landfill from 1 January 2021.
- A requirement for new incinerators or co-incinerators (or existing facilities which require a variation to their Pollution Prevention and Control Permit) to ensure the removal of non-ferrous metals and hard plastics from residual waste prior to incineration or co-incineration.

2.26 The Council must also protect those properties which may be located adjacent to different types of waste management facilities. Buffer zones give a degree of protection to dwellings and sensitive receptors from the potential effects of different waste management facilities. These will be identified if appropriate.

Figure 2.1 European waste hierarchy



Renewable Heat

Policy SDCC6 Renewable Heat

LDP2 will generally support developments associated with the renewable generation of heat. All new heat generating developments should, where possible, be located close to potential heat users and the possibility of developing heat networks, including district heat networks, should be investigated.

Proposals for new development should ensure that the site can be connected to heat networks, including district heating, which may be developed in the future. This will require developers to safeguard

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sufficient capacity within the site's infrastructure to allow pipework to be connected to premises within the site and for future heat networks. Developers should also safeguard sufficient land, where appropriate, for the provision of energy centres to enable subsequent connections to heat networks to be made.

Where a developer can demonstrate that heat networks are not viable, micro-generation and heat recovery technologies, within or associated with individual properties, will be encouraged by the Council as an alternative.

All proposals will require to meet the Renewable Energy Assessment Criteria set out in Volume 2 Appendix 1.

Reasoned Justification

2.27 Scottish Government policy requires local development plans to promote the use of renewable heat systems and for new developments to incorporate provision for future heat networks including the land for any necessary pipework or infrastructure.

2.28 The Scottish Government is in the process of producing heat maps which will highlight areas across Scotland where there may be a surplus of heat supply. These maps may give an opportunity to identify potential development sites which could use surplus heat, thereby reducing carbon emissions and saving energy costs. This is still at an early stage therefore it has not been possible to comprehensively analyse these heat maps in the preparation of this plan. The development of heat networks is nevertheless supported by LDP2.

Green Belt and Rural Area



3.0 Green Belt and Rural Area

3.1 Policy 4 in Volume 1 outlines general policy guidance on the Green Belt and the Rural Area. The Council aims to control inappropriate development in these areas and maintain their rural function and character.

3.2 Policy GBRA1 provides a framework that is applicable to all forms of residential and non-residential development within the countryside. Thereafter, policies GBRA2 and GBRA3 provide policy relating to the formation of rural businesses.

3.3 Policies GBRA4 and GBRA5 relate to conversion and reuse of existing buildings and the reuse of previously developed land. This predominantly relates to residential developments but other uses

appropriate in the countryside will also be assessed against these policies. Thereafter, policies GBRA6 to GBRA11 relate to specific forms of residential development which may be considered acceptable within the Green Belt and Rural Area.

Rural Design and Development

Policy GBRA1 Rural Design and Development

Within the Green Belt and Rural Area all proposed developments will require to adhere to the following criteria:

1. Developments shall be sited in a manner that respects existing built form, land form and local landscape character and setting as appropriate
2. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic.
3. Proposals shall be of a high quality, of either traditional or contemporary innovative design which interprets and adapts traditional principles and features.
4. Proposals shall make use of appropriate materials which respect and reinforce local character and identity.
5. Developments shall have no adverse impacts on existing residential amenity, particularly in terms of overlooking or overshadowing of existing residential properties.

Green Belt and Rural Area

6. Proposals relating to residential development, including extensions and alterations, shall conform to the requirements of the Council's Residential Design Guide and, in particular, shall ensure the provision of appropriate private amenity space to all existing and proposed residential properties.

7. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes, shall be retained on site. A landscape framework shall be provided, where appropriate, to demonstrate how the development would fit into the landscape and improve the overall appearance of the site.

8. Proposals shall be readily served by all necessary infrastructure including water, sewerage and electricity as required to accommodate the development.

9. Proposals shall comply with all required parking and access standards and have no adverse impact in terms of road or public safety.

10. Proposals shall not have a significant adverse environmental impact on the amenity of the surrounding area. In particular, 'bad neighbour' uses which by virtue of visual impact, noise, smell, air and light pollution, disturbance, traffic or public safety are detrimental to local amenity, will not be permitted.

11. Proposals shall have no significant adverse impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.

12. In the case of a Listed Building or a property within a designated Conservation Area, proposals shall comply with all relevant policy and guidance relating to the historic environment.

Reasoned Justification

3.4 New development can permanently alter and change the appearance of a rural location. The continued protection of the countryside from inappropriate development is therefore essential in order to retain a high quality rural environment.

Business Proposals within Green Belt and Rural Area

Policy GBRA2 Business Proposals within Green Belt and Rural Area

For new businesses and those seeking to relocate to, or extend within the Green Belt and Rural Area, the preference is to re-use or convert existing buildings. Sympathetic extensions and alterations to existing structures may also be acceptable. Where it is shown that appropriate buildings are not available to accommodate the needs of the business, new development may be acceptable where it is shown to integrate within an established building group or it involves the redevelopment of previously developed land.

The following types of development are considered appropriate in the Green Belt and Rural Area:

1. Extensions to existing rural business, subject to provision of a reasoned justification for expansion.

Green Belt and Rural Area

2. Agricultural, forestry and horticultural developments, subject to providing details of the proposed business and evidence that land available to them is sufficient for current and future needs. (Commercial equestrian developments shall be considered under policy GBRA3).
3. Recreation, tourism, holiday accommodation, leisure and sporting developments subject to meeting the criteria in Policy 5 Visitor Economy and Tourism.
4. Farm diversification proposals, where an existing traditional building is converted. In exceptional circumstances, and generally within the rural area only, limited new build may be considered. Proposals should be complementary to farming activities on the rest of the farm.
5. Agricultural engineering and contracting, rural/agricultural repair services, limited storage of buses or caravan storage, boarding kennels and catteries which can operate entirely from existing rural residential properties, former farm steadings or existing buildings.
6. Renewable Energy or Mineral Extraction proposals which accord with Policies 18 and 19 in Volume 1.
7. In exceptional circumstances, proposals for larger scale business development that generates strategic or locally important employment opportunities where wider economic benefits and a specific locational need can be demonstrated and satisfactory mitigation of any adverse impacts can be achieved.

All uses and development types other than those listed above shall be assessed on their merits.

The location, siting and design of the proposed development shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. In addition, where required, a 5 year business plan shall be submitted.

Reasoned Justification

3.5 SPP states that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Within the Green Belt and Rural Area, the Council will initially seek to direct business development proposals to locate in existing settlements. However, diversification and growth of the rural economy shall be supported where it protects the distinctive character of the area, the service function of small towns and villages, and the natural and cultural heritage. A range of business uses as set out in Policy GBRA2 are considered appropriate for location in the Green Belt and Rural Area.

3.6 Tourism is increasingly important to the rural economy and complements South Lanarkshire's existing attractions. Policies VET1 and VET2 provide detailed guidance on tourism and accommodation proposals.

Green Belt and Rural Area

New Equestrian Businesses

Policy GBRA3 New Equestrian Businesses

Within the Green Belt and Rural Area proposals relating to the formation of equestrian businesses should meet the following criteria:

1. Demonstrate sufficient land is available for current and future needs of the business.
2. There is sufficient parking provision for clients and staff and onsite parking for trailers and horseboxes.
3. Site access should be suitable for large vehicles (horse boxes, delivery lorries).
4. Arrangements for equestrian waste/storage/disposal and location and lighting for outdoor arenas should not adversely affect neighbouring occupiers or the environment.

All equestrian development proposals shall require to submit a five year business plan.

The location, siting and design of the proposed development shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Where the proposal involves residential accommodation, Policy GBRA10 will apply.

Reasoned Justification

3.7 Commercial equestrian businesses such as livery yards can have significant environmental and amenity impacts including increased vehicular activity, noise, light and odour. These require to be addressed when considering new developments.

Conversion and Re-use of Existing Buildings

Policy GBRA4 Conversion and Re-use of Existing Buildings

Within the Green Belt and Rural Area, proposals for the conversion and re-use of traditional buildings and those of a local vernacular to a use in accordance with Policy GBRA2 or to residential use, will be required to meet the following criteria:

For all proposals:

1. Buildings shall be of a local, visual or historical merit which generally relates to traditionally constructed buildings.
2. Buildings shall be suitable for conversion and a structural survey submitted to determine the condition of the building to demonstrate that it is capable of conversion to the proposed use.

Green Belt and Rural Area

3. The structure, form, setting, historic and architectural integrity of the original buildings shall be respected and preserved so that they retain their traditional appearance after conversion.
4. Any alterations, extensions or increase in height of the original building shall be carried out sympathetically without detrimentally affecting the proportions or character of the original building.

For residential proposals:

- a. Private amenity space of a suitable scale shall be provided to any proposed dwelling. This should not unacceptably prejudice the size or use of the amenity space afforded to an existing dwellinghouse.
- b. The amenity of residents in new dwellings shall not be adversely affected by noise, privacy and/or odour in cases of working farms and other rural businesses. Similarly, new non-residential uses should not adversely affect existing residents.
- c. An existing farm or rural business shall be able to continue to operate alongside any new additional dwellings. Where farming operations require to be relocated as a result of the new housing, details of replacement buildings and their location will require to be submitted with the planning application.

In some cases the conversion and re-use of an existing building may not be practical due to structural or financial reasons. In such cases the provisions of Policy GBRA8 Redevelopment of Previously Developed Land Containing Buildings shall apply.

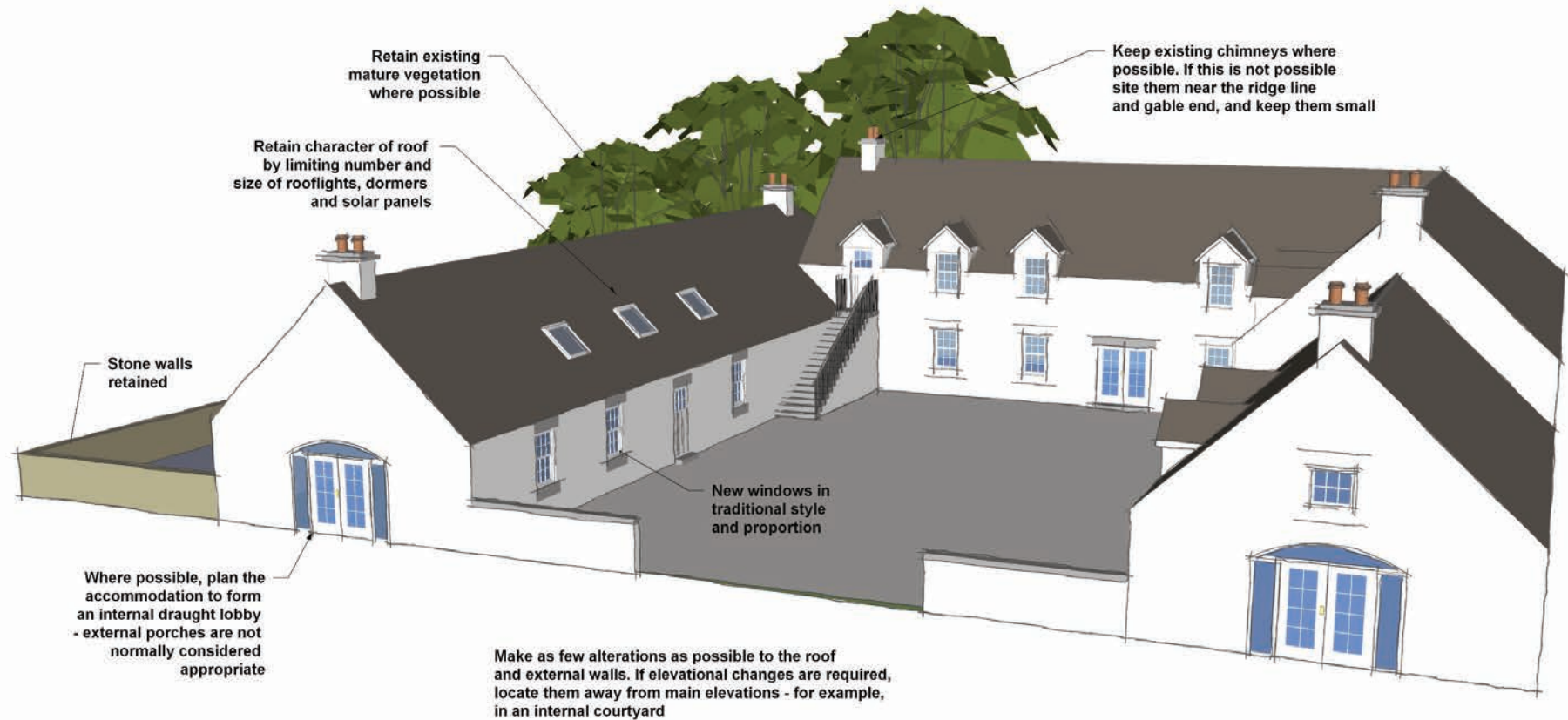
Reasoned Justification

3.8 There are many rural buildings in South Lanarkshire of traditional design and construction that contribute to the character and heritage of the countryside. The majority have historically been used for agricultural purposes and often form part of a cohesive farm steading, although there are other buildings of local vernacular.

3.9 The re-use and adaptation of such buildings provides an opportunity to retain the character of the countryside, protect the landscape, provide unique developments and meet the business and housing needs of rural areas. There is, therefore, general support for the conversion, subdivision and re-use of existing buildings in the countryside which are of architectural or historic merit where the conversion is sensitive to the site and the surrounding countryside.

Green Belt and Rural Area

Figure 3.1 Good example of the reuse of rural buildings



Green Belt and Rural Area

Figure 3.2 Poor example of the reuse of rural buildings



Green Belt and Rural Area

Redevelopment of Previously Developed Land Containing Buildings

Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings

Within the Green Belt and Rural Area the Council will aim to retain traditional buildings wherever possible. Where it is not technically possible to retain the building in its entirety, priority should be given to retaining the façade of the building or other important architectural features.

Where preservation is not an option, proposals involving the redevelopment of previously developed land containing buildings will be acceptable in principle in the following cases:

Modern Buildings

Where it is not desirable to retain an existing building because of its form and layout, for example, non-traditional agricultural or commercial buildings which have fallen into disuse or disrepair over an extended period.

This includes sites which are visually or environmentally intrusive or detract from the rural and visual amenity of the area and where there is no realistic prospect of the site being returned to agricultural land or woodland, or the buildings are being converted to form an alternative use appropriate to the countryside. This should be demonstrated through a design statement and/or viability appraisal.

The removal of recently constructed agricultural buildings (less than 10 years old) to facilitate new residential development will not be considered acceptable.

Traditional Buildings

Where the site contains traditional buildings and justification for their demolition is provided. This will require the submission of a structural survey showing that the buildings are not capable of conversion or financial evidence demonstrating that they are beyond economic repair and their retention is not viable.

General Requirements

For both types of buildings, significant and demonstrable visual and environmental benefits should result from the existing buildings being demolished or the site being redeveloped.

In all cases proposals shall comply with the following criteria:

1. New buildings shall generally occupy the same position on the site as those that are to be replaced.
2. The physical footprint of the new buildings shall not normally exceed that of the existing buildings in terms of floor area, unless it can be shown that there will not be a detrimental landscape impact or that the cost of rehabilitating the site requires the provision of additional units.

Green Belt and Rural Area

3. In exceptional circumstances and within the Rural Area only, new development may extend to the existing physical limit of built development within the site, including any hardstanding areas. However, justification through the submission of a design statement will be required to show why this is necessary.
4. The proposed houses shall be of a number, scale and design appropriate to the landscape setting, and to the services and infrastructure available at the location. The new development shall be in keeping with the main features of the landscape and integrate positively with its surroundings.
5. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Generally, the design, appearance and materials of the proposed house(s) shall be complementary to the rural setting of the site and shall respect the character and amenity of the local area.

Where appropriate, the Council will require the demolition of the original buildings and the satisfactory remediation of contaminated land prior to work starting on construction of any replacement buildings. A planning condition may be imposed in this respect to control the phasing of the development.

Reasoned Justification

3.10 Opportunities for the development of previously developed land may arise from the declining horticultural industry, changes to agricultural practices or the closure or downsizing of commercial uses. When such sites fall into disuse or are abandoned they can detract from the

environmental quality and landscape character of the area. The sensitive redevelopment or re-use of these sites can significantly enhance landscape quality through the removal of dilapidated or intrusive buildings and their replacement by new development of an appropriate scale, mass and design. It is also likely that some existing infrastructure and services will be present on these sites. The redevelopment of these sites should not result in a suburban form of development being created and should ensure that an appropriate landscape fit is achieved, taking into account the impact of the new development on rural amenity. This is likely to limit the overall scale and size of new build achievable on previously developed sites within rural areas.

3.11 The preference will always be for the conversion and re-use of the existing buildings on rural sites. Detailed guidance on this form of development can be found in Policy GBRA4. Only when this option has been discounted will the demolition of existing structures of a traditional design and the redevelopment of sites be considered.

Replacement Houses

Policy GBRA6 Replacement Houses

Within the Green Belt and Rural Area proposals for the erection of replacement houses will require to meet the following criteria:

1. Replacement dwellinghouses shall be permitted on a one-for-one basis only. Additional houses will not be permitted.
2. The policy shall not apply to substantially derelict or demolished properties.

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3. The Council will seek to retain houses that make a valuable visual contribution to the local area. As such, the applicant will require to demonstrate that the proposed loss of any property does not have a detrimental impact on local landscape character/visual amenity or will result in the loss of a building of historic/architectural merit.
4. The redevelopment of such sites shall not result in any extension to the residential curtilage unless it can be satisfactorily demonstrated that this will achieve significant environmental improvements.
5. The size of a new house shall sympathetically reflect the original house and must not result in a building that is disproportionately larger than the one it is replacing. The footprint of the replacement house shall not be more than 50% larger than the existing house and should be of a comparable height (or less) unless it can be shown that an increase in height can be achieved without adversely affecting the amenity or character of the site.
6. The replacement house shall be on or close to the footprint of the original house, unless it can be satisfactorily demonstrated that relocation elsewhere within the curtilage of the site will achieve significant environmental improvements or road safety benefits. In such cases it will be necessary to demonstrate that there is no increase in the overall landscape or visual impact as a result of the development.
7. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.

Reasoned Justification

3.12 Older houses in the countryside may no longer meet the standards for modern living in terms of the basic amenities within the house. They may have fallen into a poor state of repair, become dilapidated or been affected by serious structural defects. Furthermore, some houses are inappropriately located or are of a form, construction or appearance that is not in keeping with their surroundings. As a result they may detract from the appearance and the landscape setting of the countryside and their removal may be beneficial to the surrounding area and the landscape.

3.13 Consideration will be given to their replacement where this would result in the provision of a habitable house that meets current building regulations, remedies structural defects or where the replacement building would result in environmental improvements in terms of the impact of the development on its surroundings and the landscape.

Small Scale Settlement Extensions (Rural Area Only)

Policy GBRA7 Small Scale Settlement Extensions (Rural Area Only)

Within the Rural Area proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:

1. The development shall round off the existing built form of the settlement and maintain a defensible settlement boundary. This should be achieved through the retention or enhancement of existing features or by additional structural planting.

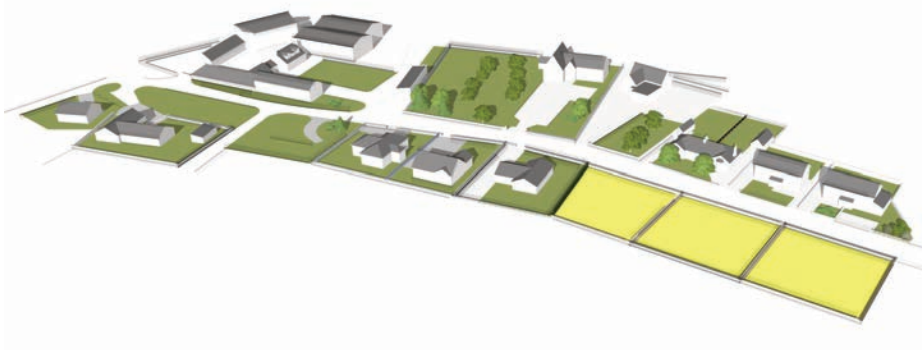
Green Belt and Rural Area

2. The proposals shall respect the specific local character and the existing pattern of development within the settlement. The development should be of a scale proportionate to the size of the existing settlement.
3. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.

Reasoned Justification

3.14 The development of small scale sites on the edge of existing settlements can represent a sustainable form of development that supports local services and reduces the need to travel. The inclusion of land for residential development on the edge of settlements can also represent an opportunity to 'round off' existing settlements within the Rural Area. Any proposals should respect the size and scale of the existing settlement.

Figure 3.3 Example of an appropriate small scale settlement extension (yellow plots).



Development of Gap Sites

Policy GBRA8 Development of Gap Sites

Within the Green Belt and Rural Area proposals for new houses within clearly identifiable gap sites will be supported where all of the following criteria can be met:

1. The building group shall form a clearly identifiable nucleus with strong visual cohesion. The site shall be bounded on at least two sides by habitable houses or other buildings (excluding ancillary residential uses, such as garages) that are currently, or are capable of, being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group.
2. The proposed house size to plot ratio shall be comparable to existing properties within the building group.
3. The proposed development shall not result in ribbon development or coalescence with another building group.
4. Exceptionally, within the Rural Area only, the layout of a group of buildings may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, or physical feature such as a boundary wall or road.

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5. Any new dwelling shall include provision for private amenity space at a comparable scale to existing properties within the building group. Any new dwelling, or its private amenity space, shall not unacceptably affect the size or use of the amenity space of any neighbouring dwellinghouses.
6. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Generally, the design, appearance and materials of the proposed house(s) shall be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it.

Reasoned Justification

3.15 The development of gap sites (see glossary of terms) within a recognisable cohesive group of houses in the countryside may be acceptable where it would not damage the character of the group or the wider countryside. The suitability of a site for this form of development will also depend on the character of the surroundings and the number of such groups in the area in order to avoid cumulative impact.

3.16 The development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in the open countryside or where the development would result in the extension of an existing ribbon form of development or contribute to coalescence with another building group.

Consolidation of Existing Building Groups

Policy GBRA9 Consolidation of Existing Building Groups

Within the Green Belt and Rural Area proposals for new houses within existing building groups will be supported where all of the following criteria can be met:

1. The scale and siting of new development shall reflect and respect the scale, character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group. Any new building shall be located within a reasonable distance of the existing properties within the building group.
2. The proposal shall not result in ribbon/linear development or the coalescence of the housing group with a nearby settlement or another housing group.
3. Development shall not significantly adversely affect the landscape character or setting of the area. In addition it shall have regard to the landscape backdrop, topographical features and levels. Definable natural boundaries between the existing group and adjacent countryside shall be maintained. Natural boundaries shall generally take precedence over man-made boundaries when defining the extent of a building group.

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4. Private amenity space shall be provided to any new dwelling at a comparable scale to existing properties within the building group. Any new dwelling, or private amenity space afforded to it, shall not unacceptably prejudice the size or use of the amenity space afforded to an existing dwellinghouse.
5. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance. Generally, the design, massing, scale, appearance and materials of the proposed house(s) shall be complementary to the character of the existing building group unless it is shown that there is no distinct design character within it.

Reasoned Justification

3.17 Small building groups, consisting of three or more houses or buildings situated in close proximity to each other, are characteristic of much of the countryside in South Lanarkshire. The consolidation of these sites with sensitively located and designed new housing offers the potential to meet demand for new housing in the countryside. The suitability of a site for this type of development depends on the form, character and cohesiveness of the group and the level of containment provided by natural boundaries such as watercourses, trees or enclosing landform, or existing man-made boundaries such as roads, plantations or other means of enclosure.

3.18 However, there are areas of the countryside that have already been subject to previous development pressure which have resulted in adverse impacts on the amenity and character of that locality. The cumulative impact of development will be an important consideration in assessing proposals.

Figure 3.4 New appropriately scaled buildings illustrated here by the pink walls



Green Belt and Rural Area

Accommodation Associated with an Existing or Proposed Business

Policy GBRA10 Accommodation Associated with an Existing or Proposed Rural Business

Within the Green Belt and Rural Area the provision of a dwelling house or temporary accommodation may be considered in association with a rural business. Proposals will be required to meet the following criteria:

A - All Proposals

1. The applicant should first consider whether there are traditional buildings suitable for conversion, redundant buildings, gap sites or opportunities to consolidate a building group within the land available to them.
2. The business proposal shall comply with Policy GBRA2.
3. It is demonstrated that accommodation is essential for the successful management of the business.
4. It is demonstrated that the business (new, relocating or established) is based upon a robust market assessment, planned on a sound financial basis and the business will become viable in the long term.
5. The submission of a 5 year business plan will be required to demonstrate compliance with criteria 3 and 4.

6. The accommodation shall meet rural design policy as set out in Policy GBRA1 and in supporting planning guidance.

B - Established Businesses

For established businesses a permanent dwelling shall be considered subject to the following criteria:

1. Evidence is provided to demonstrate the business has been trading at the proposed location for at least 2 years. For businesses relocating from an existing countryside location, the submitted business plan shall demonstrate why the relocation is required and that the business would continue to be profitable.
2. If the proposed dwellinghouse is located in an isolated position and the business use is the only justification for this siting, an occupancy condition will normally be attached to any permission granted.
3. The new dwelling shall be commensurate with the functional requirement of the business.

C - Proposed Businesses

For businesses which are proposed or cannot yet demonstrate profitability for the preceding 2 years, temporary accommodation shall be considered subject to the following criteria:

Green Belt and Rural Area

1. For the first two years only temporary accommodation will be permitted.
2. After 2 years if it can be demonstrated that the business is currently profitable and projected to remain so for a further 2 years, then a proposal for a permanent dwelling shall be considered. This should comply with the above criteria for established businesses. If it cannot be demonstrated that the business is currently profitable, then an extension to the time period for the temporary accommodation shall be considered. This will be subject to submission of a revised business plan which shows that the business can become viable.

The Council will require the removal of any temporary accommodation where the business has failed to develop successfully or within 6 weeks of:

- either the expiry of the permission, or
- the occupation of any subsequent permanent dwelling granted permission.

Reasoned Justification

3.19 There are circumstances where a new house in the Green Belt or Rural Area is required for a person employed in a rural business where the nature and demands of the work associated with the business necessitate someone to live close by. Traditionally this has related to housing for agricultural workers, however, there is an increasing demand for accommodation attached to a range of businesses that can be found in the countryside where on-site supervision is necessary.

3.20 If the proposal fully complies with Policies GBRA4 or GBRA9, then the proposal shall be considered under those policies and no assessment of business details or imposition of occupancy conditions will be required.

Hutting

Policy GBRA11 Hutting

All proposals for huts will require to comply with the following criteria:

1. The external area of the hut is limited to a maximum of 31m², and this includes decking, over hangs and any detached structure such as external toilet. No further extensions to the built area will be permitted.
2. The hut shall only be used intermittently as recreational accommodation, and shall not be used as a permanent residential dwelling. The hut should not be rented out as a commercial holiday let. Should planning consent be granted a condition will be attached to restrict the use and occupancy of the hut.
3. The site should be reasonably accessible by public transport, cycling or walking. The formation of any new vehicular access provision and car parking should be justified, and where demonstrated to be necessary, should be constructed using low impact temporary material.

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4. The hut shall be restricted in height to single storey with attic space, and constructed using natural materials or reclaimed metal, which enables the structure to be easily removed.
5. There should be no connection to mains water, electricity or sewerage, however renewable technologies attached to the hut may be acceptable.
6. Should the hut become vacant or derelict then it shall be removed from the site. Should planning consent be granted a condition will be attached to ensure the removal of the hut is carried out.
7. The hut shall be erected on ground that is not visually obtrusive from main public views, or detracts from areas of special landscape value. Huts can be located adjacent to farm steadings where they do not appear isolated or sporadic, or within existing woodland clearings.
8. The hut shall not be located within a flood plain, or on ground of unsuitable condition. No solid permanent foundations or ground works will be permitted to accommodate the hut; therefore the ground conditions must be suitable to support the hut without alteration.
9. The erection of a hut will not establish a land use, or the principle of development on that site, and should be considered a greenfield site even when in use.
10. Proposals shall have no significant adverse impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.

Reasoned Justification

3.21 Hutting provides basic accommodation in simple rustic surroundings to enable a connection with the outdoors and nature. The benefits of a hutting culture include;

- improved health and well being through physical activity and relaxation;
- development of outdoor skills;
- appreciation for the protection and enhancement of the natural environment; and
- sustainable rural development.

3.22 Access to the hut should encourage walking or cycling, and new vehicular access provision should be minimal. The key is to provide simple, low impact buildings which can be removed with little or no trace.

3.23 As the name "hutting" suggests, the intention is that the structure is basic, and should be constructed of natural and, where possible, locally sourced materials. Materials such as brick, concrete tiles or panels will not be permitted. However, reclaimed or recycled metal may be used, and consideration should be given to living roofs. The hut should not be connected to mains water, sewerage or the national grid. In certain circumstances for larger groups, a connection to a water pipe may be considered. To enable a small source of power, the use of small scale renewable technologies attached to the building may be considered.

Development Management, Place Making and Design



4.0 Development Management, Place Making and Design

Framework

4.1 Good design is essential to the creation of successful places. The policies contained within this chapter aim to assist the consideration of all development within South Lanarkshire to deliver good design and ensure the creation of high quality environments.

4.2 Detailed criteria is included that can be used to consider and assess a range of proposals from domestic extensions to installation of electronic communications.

4.3 Further design advice is available on subjects ranging from residential design to Windows and Doors for Listed Buildings which are contained within supporting planning guidance.

New Development Design

Policy DM1 New Development Design

New development will require to promote quality and sustainability in its design and layout and should enhance or make a positive contribution to the character and appearance of the urban or rural environment in which it is located.

New developments will require to:

1. Respect the local context and be appropriate to the character and topography of the site in terms of layout, scale, proportion, massing and appearance of buildings, structures and landscaped and hard surfaced areas.
2. Be of a high quality design which is sympathetic to local traditions of form, detailing and materials. Modern, innovative design can reflect local tradition through scale, massing, siting and colour rather than replicating existing building forms. Where local tradition is indistinct or of poor quality, development should be of an imaginative and innovative design which improves the visual quality of the area in which it is located and which creates a strong sense of place.

Development Management, Place Making and Design

3. Ensure that any archaeological, built heritage, landscape features and nature conservation interests on the site, or those adjacent to the site, are identified and incorporated into the overall layout and design of the development, with appropriate measures taken to enhance and/or protect the setting of these features.

4. Address sustainable development issues including the incorporation of energy efficient designs and layouts (including heat networks), the re-use/recycling of materials, water and waste, and the use of alternative energy sources.

5. Incorporate the use of sustainable drainage systems (SuDS).

6. Make provision for creating new or extending existing footpaths, cycle routes and access to public transport, and appropriate linkages to local centres and services.

7. Ensure appropriate provision of green infrastructure, including open space and landscaping as an integral part of the development.

8. Ensure provision of an appropriate road layout and parking, and where appropriate electric vehicle charging points, in accordance with the Council's Guidelines for Development Roads and the Local Transport Strategy.

9. Ensure that there is no conflict with adjacent land uses and no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, overshadowing, noise or disturbance.

10. Make provision for any building that the public may use, of safe, easy and inclusive access for all people regardless of disability, age or gender.

11. Incorporate crime prevention and community safety considerations within the layout and design of the development.

12. Minimise the generation of waste during its construction and operation and be designed to include appropriate provision for the recycling, storage, collection and composting of waste materials once completed and occupied.

13. New houses, business properties and redevelopment proposals should be designed in such a way as to incorporate high speed broadband connection.

Where appropriate, a Design and Access Statement will be required to accompany planning applications for major developments.

Reasoned Justification

4.4 Good design is essential to the creation of successful places. (see Creating Places). Ensuring high standards of design in new development is crucial to successful place making, creating opportunities to enhance the existing built environment, contribute to the green network and improve local distinctiveness. To deliver good design there must be a co-ordinated and integrated approach.

4.5 The design of new buildings and the layout of sites, together with extensions to existing buildings, play a key role in delivering high quality environments. The Council will ensure that good quality design is given a high priority in development proposals in urban areas and settlements. To achieve this, all new buildings or alterations to existing buildings will require to be designed to high standards in terms of location, relationship

Development Management, Place Making and Design

with the surrounding environment, materials, style of development and scale. The Council will safeguard basic amenity and promote sensitive design which respects and contributes positively to its surroundings.

House Extensions and Alterations

Policy DM2 House Extensions and Alterations

House extensions and alterations will be considered favourably where it can be demonstrated that the proposal complies with the following criteria:

1. The siting, form, scale, design and materials respect the character of the existing dwelling and the wider area. Within this context, high quality, innovative design will be encouraged where it complements the character of the building and its surroundings.
2. It does not dominate or overwhelm the existing dwelling, neighbouring properties or streetscene in terms of size, scale or height.
3. It does not significantly adversely affect adjacent properties in terms of overlooking or loss of privacy, daylight or sunlight.
4. It retains adequate car parking, usable garden ground and bin storage within the site.
5. It does not have an adverse impact on traffic or public safety.

Reasoned Justification

4.6 Many housing areas have a distinct character resulting from the quality of the buildings, their layout and landscaping. Every house contributes to the general character of its street and surrounding area, and as such it is important that extensions or external alterations are in keeping with both the original house and the context of the local area. Poor house extensions and alterations can have a detrimental effect on the visual appearance of an area and on the residential amenity of neighbours. Extending or altering the property to a high standard and sympathetic to the original design helps to maintain or enhance the character of the local area. Further advice on design of extensions and alterations is contained in supporting planning guidance.

4.7 Those domestic renewable energy proposals that do not fall within permitted development shall be assessed against Policy RE1 Renewable Energy and the checklist in Appendix 1.

Subdivision of Garden Ground

Policy DM3 Subdivision of Garden Ground

The development of a new house (or houses) within the curtilage of an existing house will only be considered where it can be demonstrated that the proposal complies with the following criteria:

1. The proposed house(s) is of a scale, massing, design and material sympathetic to the character and pattern of development in the area and does not result in a development that appears cramped, visually obtrusive or is of an appearance which is out of keeping with the established character or is harmful to the amenity of the area.

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2. The proposed house plot(s) and that remaining to the existing house are comparable with those nearby in terms of size, shape, and amenity and accords with the established pattern of development in the surrounding area.

3. The proposed house(s) should have a proper road frontage of comparable size and form to surrounding curtilages unless the proposal reflects the development pattern of the area.

4. The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.

5. The garden space allocated to the proposed house(s) and that remaining for the existing house should be sufficient for the recreational and amenity needs of the occupants.

6. The proposed development will not cause an unacceptable reduction in privacy to existing houses and will, itself, enjoy a level of privacy comparable with surrounding dwellings.

7. The proposed development will not overshadow adjacent properties to a degree which results in a significant loss of amenity for residents or is significantly adversely affected by overshadowing.

8. All existing features such as trees, hedges, walls, fences and buildings that contribute to the character of the area should be retained and should not be adversely affected by the development.

9. Adequate parking for both the proposed and existing house must be provided within the site and must not be harmful to the established character and amenity of the area.

10. The proposal must not jeopardise or be prejudicial to any future development proposals in the vicinity.

Reasoned Justification

4.8 Throughout South Lanarkshire, pressure exists for the subdivision of garden ground belonging to existing dwellings, to allow for the development of additional dwellings within them. Whilst some gardens may be capable of accommodating additional dwelling units, this type of proposal has the potential to adversely affect residential amenity if standards relating to distances between dwellings, garden sizes, access, parking and privacy cannot be met. In addition, this type of proposal can erode the established layout and character of an area.

Conversion of Domestic Buildings

Policy DM4 Conversion of Domestic Buildings

The conversion of outbuildings within residential curtilages to form a separate self contained unit of accommodation will be considered where it can be demonstrated that the proposal complies with the following criteria;

1. A structural survey has been prepared to show that the buildings are capable of conversion.
2. The buildings are capable of conversion without the need for a significant extension or alteration.

Development Management, Place Making and Design

3. The self contained unit will have its own separate garden and amenity space comparable with that remaining attached to the existing house and to that of other dwellings in the vicinity.

4. The proposed vehicular access is of an adequate standard and will not have adverse implications for traffic safety or adversely affect the amenity of adjacent properties by virtue of noise or loss of privacy.

5. Adequate parking for both the converted building and the existing house must be provided within the site and must not be harmful to the established character and amenity of the area.

6. The converted building must not cause an unacceptable reduction in privacy or significant degree of overlooking of the donor property or adjacent houses and gardens and must, itself, enjoy a level of privacy comparable with surrounding dwellings.

7. All existing features such as trees, hedges, walls and fences that contribute to the character of the area should be retained and not adversely affected by the development, and any new boundary treatment must reflect existing features.

Reasoned Justification

4.9 Many substantial dwellings set in large curtilages have accompanying outbuildings which may originally have been used for ancillary purposes. Permission is sometimes sought to convert such outbuildings to bedrooms, living rooms, flats or ancillary residential accommodation. When this results in the creation of accommodation that would be used as a self contained dwelling; planning permission is

always required. However alterations to the building which would result in ancillary accommodation to the existing house may not require planning permission.

4.10 The conversion of these buildings can sometimes lead to over intensive development of the site, resulting in loss of amenity to the detriment of the character of the area. The suitability of an outbuilding for conversion will depend on the size and character of the building and its position within the site. Proposals for conversion will be examined carefully to ensure that there is a proper means of access, no loss of amenity to existing buildings, or damage to their setting. This advice is only applicable to domestic outbuildings and does not relate to the conversion of redundant or vacant rural buildings/outbuildings.

Extended Family Accommodation

Policy DM5 Extended Family Accommodation

The formation of separate family accommodation through either the extension of existing dwellings, the conversion of an outbuilding within the curtilage of the donor house, or formation of alternative temporary accommodation such as a chalet or lodge shall be acceptable where all of the following criteria can be met:

1. A detailed justification will require to be submitted to demonstrate the need for the development and the form and scale of the proposed accommodation.
2. Adequate garden ground, access, parking and turning facilities continue to be provided within the site.

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3. No harm to the amenity of neighbouring properties through loss of privacy, overlooking or overshadowing will occur.

4. The proposals do not harm the amenity or the character of the surrounding area.

5. The proposal takes account of any supporting planning guidance prepared by the Council, where relevant to the proposal.

Where proposals for the formation of a family annex are acceptable, any planning consent will be the subject to imposition of a tying condition. This will stipulate that the extension or converted building shall be used solely as accommodation ancillary to the main dwellinghouse. This is to ensure that the family annex is not occupied, let or sold as a separate dwelling unit where otherwise the formation of an additional dwelling would be unacceptable due to a lack of garden ground, insufficient parking or unsuitable access.

In the case of temporary accommodation, this would also be limited by planning condition relating to timescales and purpose for which it is required.



Reasoned Justification

4.11 In circumstances where a householder seeks to provide accommodation in the form of a self contained unit for a family member through an extension to the house, conversion of an outbuilding, or formation of alternative accommodation such as a chalet or lodge; the Council will consider the effect of the proposal on the appearance of the existing dwelling, on the streetscene in general and on neighbouring properties. In cases where the proposed accommodation is considered to be overly large, inconsiderately located or badly designed; then planning permission will not be granted simply because the

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accommodation is for a family member. The Council will also consider whether the additional accommodation exceeds what is reasonably necessary.

Subdivision of Property for Residential Use

Policy DM6 Subdivision of Property for Residential Use

The Council will assess development proposals for the subdivision of properties to form additional residential units on their individual merits and in accordance with the following criteria:

- The subdivision of villa properties should generally result in one self-contained dwelling unit per floor unless it can be shown that the amenity and character of the building would not be harmed.
- Parking should be provided within the curtilage of the property in accordance with the Council's residential parking standards.
- Vehicular access and parking 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 streetscene and should not result in the loss of features such as trees, hedges, walls, fences and buildings that contribute to the character and amenity of the area.
- Appropriate levels of garden ground to serve the proposed number of units should be maintained.

- Any proposed extension to the existing building should be in keeping with the scale, character and design of the building.
- Generally, each residential unit created as a result of subdivision should have a satisfactory aspect to the front of the property. Single aspect flats to the rear of buildings will usually be unacceptable unless it can be adequately demonstrated that the rear aspect has an outlook and setting which provides a satisfactory level of residential amenity.
- Each sub-divided unit should have natural lighting for ordinary domestic purposes.
- Generally, the intensification of the residential use of the property should not adversely affect the amenity of the area through traffic generation, noise, disturbance or loss of privacy.
- Adequate refuse collection and drying areas should be provided.
- Any requirement for the provision of external fire escapes/stairs must be capable of being carried out sympathetically such that the external appearance of the building, and the amenity of adjacent properties are not adversely affected.
- Where a proposal involves the subdivision of a residential property, which is a Listed Building or is located within a Conservation Area, the external appearance of the building, must not be adversely altered and internal works must be acceptable in relation to any special architectural features.

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Reasoned Justification

4.12 In many areas, the demand for certain types of housing has led to pressure to subdivide large dwellings into self-contained flats. Guidance on this is required to ensure that good quality accommodation is provided and that there are no adverse effects on residential amenity resulting from additional demands for car parking and refuse disposal. Subdivision proposals frequently involve extension of the existing property and this must be appropriate in terms of design, impact on the amenity and character of the area. The subdivision of buildings in other uses such as churches or offices to residential use will also be assessed against this policy.

Demolition and Redevelopment for Residential Use

Policy DM7 Demolition and Redevelopment for Residential Use

Residential redevelopment proposals involving the demolition of existing buildings will require to comply with the following specific criteria:

- Demolition and redevelopment of a Listed Building or a building within a Conservation Area will be assessed against appropriate policies in LDP2.
- The scale and design of new development should be sympathetic to the scale/mass/height and materials of adjacent buildings and to development within the immediate area. It

should not significantly breach any existing layout convention such as an established building line or height of adjacent buildings.

- Redevelopment proposals should not result in overdevelopment, be out of keeping with, or occupy a significantly greater footprint than the demolished building or of those flanking the site, where this is to the detriment of the visual character of the area or results in other criteria of this policy being unable to be met.
- Redevelopment shall not result in increased overlooking of adjoining property or garden ground, either through the formation of habitable side windows or by virtue of the new development extending further into a site beyond the footprint of the demolished building.
- Redevelopment shall not be detrimental to the amenity of adjacent properties or garden ground in terms of overshadowing, visual impact or noise and disturbance. Assessment of the impact of the new development shall have regard to orientation, height, proximity to boundaries and adjacent buildings.
- 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, and the major part of the surface area of the front or rear gardens should remain in use as garden ground.

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Reasoned Justification

4.13 Demolition of existing buildings and the redevelopment of the vacant site for residential use can create particular issues in terms of retaining the character and integrity of the established streetscene. Careful consideration of the siting of buildings, massing, architectural treatment, use of materials and maintenance of the existing landscape is essential to ensure that redevelopment schemes do not adversely affect the quality and character of the residential environment. Attention also needs to be given to the design of any new vehicular access and its relationship to the street.

Enabling Development

Policy DM8 Enabling Development

Proposals for single houses or small scale housing shall be considered where it is required to fund works to a Listed Building or other significant historical asset. Proposals will be required to meet the following criteria:

1. It requires to be demonstrated that this is the only means to prevent the loss of the asset and secure its long term future. Consequently, this policy shall be applicable only once in relation to that asset.
2. Evidence is required in all cases to demonstrate that other sources of funding have been pursued and why these are unavailable or unable to fully fund the project.

3. Any new development shall be the minimum necessary to bridge any gap in funding to achieve the works required.

4. A business plan will be required. The expected demand and sale price of the proposed dwelling(s) shall be evidenced and based on a local market assessment.

5. The development shall be designed and sited carefully to preserve and enhance the character and setting of the historical asset and the surrounding landscape or townscape, and must comply with the relevant historic environment policies in Chapter 7.

6. The location, siting and design of the new house(s) shall meet existing design policy and guidance as set out in LDP2 and supporting planning guidance.

In all cases, a Section 75 obligation and/or planning condition will be required to control the phasing of the works in relation to the proposed dwellings.

Reasoned Justification

4.14 SPP details that enabling development shall be considered in the cases of Listed Buildings where it is the only means of preventing their loss and securing their long term future. There are other historical assets within South Lanarkshire which are worthy of retention and as such consideration will extend to these properties also. Close assessment and management of such proposals is necessary in order to ensure that they are appropriate and justified.

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Hot Food Shops

Policy DM9 Hot Food Shops

1. Retail/Commercial Areas

Within retail/commercial areas identified in LDP2, applications for hot food shops will be considered against the following criteria:

- An adequate level of shopping provision is maintained and the viability of the retail/commercial centre and its retail function is not adversely affected.
- A satisfactory balance is retained between retailing and non-retailing uses.
- The proposal does not have a significant impact in terms of environmental, traffic, public safety and amenity considerations (for example noise, disturbance or smell), particularly in relation to residential properties above, adjacent or near to the site.

2. Single Shops/Small Groupings of Shops

Where there are single shops or groupings of small numbers of shops located in a predominantly residential area, which meet the daily shopping needs of people within a locality, proposals for hot food shops will be assessed against the following criteria:

- An adequate level of shopping provision to meet the daily shopping needs of the local area will still exist at the location.

- In the case of a single shop, alternative shopping facilities to meet local needs will be available.
- There is shown to be no local need for the existing use or it has been unsuccessfully marketed for a year for an appropriate use to the Council's satisfaction.
- There is no significant impact in terms of environmental, traffic and amenity considerations (for example noise, disturbance or smell), particularly in relation to residential properties above, adjacent or near to the site.

3. Residential/Industrial Areas

Hot-food takeaways will generally not be permitted within an industrial or residential area. Proposals will be assessed against ICD2 Non-conforming uses in Core Industrial Areas and ICD3 Other Employment Land Use Areas and Policy 3 General Urban Area and Settlements.

4. General

In all cases the applicant shall demonstrate that they have control over the land or buildings to implement any ventilation system that may be required. If an external flue is required details must be included in the planning application. Where the hot food shop is proposed on the ground floor of a building where residential properties are located on upper floors or in adjoining properties; the applicant must demonstrate that appropriate ventilation arrangements can be provided. Since the rear of the building is often in common ownership, evidence of agreement from all owners

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should be provided to demonstrate that permission is given for the implementation of ventilation on the relevant elevation of the property and on the roof.

Any planning permission will be subject to the installation of a ventilation system to the satisfaction of the Council and to conditions relating to restrictions on noise levels and on hours of opening commensurate with the recognised nature and level of activity in the locality. These will vary depending on the precise location of the site.

Reasoned Justification

4.15 There is pressure for hot food takeaways in neighbourhood centres within residential areas where the maintenance of residential amenity is of prime concern. The Council also wishes to ensure the ongoing viability of all commercial areas is maintained and that they continue to provide appropriate facilities reflecting their role and function.

Advertisement Displays

Policy DM10 Advertisement Displays

Applications for hoardings/poster display panels or displays with advertisements unrelated to the site on which they are located will be acceptable where they comply with the following criteria:

- The advertisement has no adverse impact on the general character of the area, including any features of historic, archaeological, architectural, landscape or cultural interest.

- If located on a building, the advertisement is of a size, scale, position, design and materials appropriate to the scale of that building and the appearance and characteristics of the surrounding area.
- If freestanding, the advertisement is of a size, scale, position, design and materials appropriate to the appearance and characteristics of the surrounding area.
- The advertisement does not result in clutter or have an adverse impact on amenity by creating a proliferation of advertisements on a building or in the surrounding area.
- The advertisement has no adverse impact on the amenity of nearby residents by virtue of light or noise pollution.
- The advertisement has no adverse impact on public safety by virtue of causing distraction, confusion or creating a hazard to pedestrians, cyclists or drivers.

It is particularly important to maintain the visual amenity and character of the following sensitive locations and as such, advertising proposals in these areas will be strictly assessed against the criteria specified above.

1. Within or adjoining Conservation Areas.
2. Attached to, or in the vicinity of, Listed Buildings.
3. In rural areas or in the open countryside.
4. In villages and small settlements.

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5. In predominantly residential areas or non-residential areas where the site is overlooked by a number of residential properties.
6. In prominent/sensitive locations.
7. Along principal traffic corridors.
8. Within Strategic Economic Investment Locations (SEILs).

Consent for hoardings, poster displays and free standing signs will generally be granted where the proposed location meets the following:

- i. 'Temporary' vacant sites where future development is expected.
- ii. Gap sites/untidy ground or unsightly gables where screening and environmental improvements may be achieved.
- iii. Locations where the general environment is such that advertisement hoardings and accompanying environmental improvements would not detract from the existing amenity of the area and may assist in improving the locality.

In general, schemes for the above mentioned locations will require to incorporate generous landscaping treatment and screen fencing where appropriate. Prominent, isolated displays without an acceptable background will not be allowed.

Reasoned Justification

4.16 The legislation dealing with the control of advertisements is the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. This legislation states that only two matters can be taken into account in considering applications; amenity and public safety. In terms of amenity, the Council is obliged to take account of the general characteristics of the area and, in particular, any feature of architectural, historic, cultural or civic interest. In terms of public safety, regard must be given to the potential effect of the proposed advertisement on road safety where it may cause a distraction to road users.

4.17 The Council's policy seeks to ensure that care is taken with the display of outdoor advertisements so that they do not prejudice amenity or public safety, having regard to the specific circumstances of each proposal. The Council will encourage the provision of well designed advertisements which respect the building or location where they are to be displayed and which do not adversely affect amenity. Advertisements can, in particular circumstances, add colour and interest to the streetscene. However, in the rural area it is important to ensure that the unique qualities and amenity are protected. This will also apply to important townscape features such as Listed Buildings and Conservation Areas. Advice on other types of signage can be found in the Shopfront Design Guide.

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Electronic Communications Development

Policy DM11 Electronic Communications Development

In assessing proposals for electronic communications, the Council will have regard to Government policy and advice, the operational requirements of networks, the technical limitations of the technology, and to policies which seek to safeguard amenity and the environment. Proposals for electronic communications development will be permitted provided that the following criteria are met:

General

1. The siting and design of the proposed apparatus and associated structures shall minimise any adverse impact on the visual amenity, character or appearance of the surrounding area.
2. On a building or structure, or within a streetscene, the proposed apparatus and associated structures shall be sited and designed to minimise its impact on the appearance of the building or streetscene and, where appropriate, shall:
 - Be sympathetic to architectural form, location and settings.
 - Be coloured to match the background.
 - Be in proportion to the size of the building, structure or existing street furniture.
 - Have minimal impact on roof lines.
 - Respect important views or skylines.

3. The development shall be designed to minimise environmental and visual impact through exploration of a range of options including:

- The use of small scale antennas and equipment.
- The use of innovative design or positive design features.
- Concealment, disguise or the use of screening features including buildings, trees or landscaping.
- Placing installations on existing buildings or infrastructure.
- Mast sharing.
- Site sharing.

All applications shall include a statement setting out the site selection process and design. Where a mast is proposed, the applicant will demonstrate that the possibility of erecting apparatus on existing buildings, masts or other structures has been explored.

4. Individual proposals shall be sited and designed as sensitively as possible in order to minimise potential adverse cumulative visual impact. Cumulative impact can result from the presence of a number of insensitively designed and visually obtrusive installations in a locality, as well as the gross number of installations.

The assessment of cumulative impact will have regard to:

- The visual impact of development on rooftop sites and on the wider roofscape.
- The visual impact of additional antennas sharing a mast.
- The visual impact of additional masts sharing a site.
- The visual impact where two or more masts are visible at the same time.

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5. Replacement electronic communications infrastructure shall aim to be less visually intrusive than the existing equipment which it is replacing, unless technical or operational requirements demonstrate that this is not feasible.

Sensitive sites

There are a number of locations which have been identified as visually or environmentally sensitive. In these areas, electronic communications development will only be permitted where it can be satisfactorily demonstrated that there will be no unacceptable adverse effect on either visual amenity or on the integrity and quality of the designated area.

The locations are:

- Conservation Areas, Listed Buildings and their settings.
- Sites and settings of Scheduled Monuments and other significant archaeological sites and landscapes, including the Inventory of Historic Gardens and Designed Landscapes.
- Sites of Special Scientific Interest, Natura 2000 sites.
- Special Landscape Areas, Nature Reserves.
- World Heritage Sites.
- Historic Battlefields.

Siting opportunities

The Council has identified the following locations as less visually sensitive and which may offer opportunities for the siting of standard equipment. The Council will generally support appropriately designed electronic communications infrastructure in these locations:

- Industrial areas and commercial areas.

- Land adjacent to railway lines.
- On or near electricity pylons, water towers, floodlighting towers, chimneys, gas tanks, agricultural silos, granaries, church steeples/bell towers (concealed equipment) or other substantial structures.
- Locations where existing features, trees or landscaping can provide screening to help minimise any adverse visual impact.

Proposals relating to these sites must comply with the General criteria 1 – 5 set out in this policy.

The siting and design criteria contained in this policy are applicable to all components of the proposed electronic communications development including antennas, supporting structures, equipment housing, fencing, cable runs, planting, landscaping, access, power supply and land lines.

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Reasoned Justification

4.18 South Lanarkshire Council recognises the importance of the electronic communications network, including telecommunications, broadband and digital infrastructure and the important economic and social role it plays in our lives. While the Council seeks to support the expansion of the industry, it must continue to ensure that the environmental impact of its equipment is kept to a minimum. In general, siting and design are the key planning issues to be considered in the assessment of any planning application made. It should be noted that concerns raised in respect of impact on health are not considered a material planning consideration.

4.19 Operators and their agents should note that while this is the Council's planning policy in relation to electronic communications development, the Council has a separate policy relating to proposals on land or buildings within Council ownership. Any electronic communications development proposed on Council land/buildings should be discussed with Housing and Technical Resources prior to submitting a planning application in order to establish the likelihood of the Council granting permission as landowner.

Working from Home

Policy DM12 Working from Home

The need for planning permission for proposals to use part of a dwelling for commercial use depends on whether a material change of use of the property would occur. The following criteria shall be used to determine each case on its own merits:

1. The extent to which the main use of the property remains as a dwelling.
2. The proportion of rooms/space in the dwellinghouse or flat to be used for business or professional purposes.
3. The extent to which non-residents of the household are employed on the premises.
4. The extent to which activities associated with the business are detrimental to the amenity of the area by virtue of noise, vibration, smell, fumes, smoke, ash, dust or grit.

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5. The number/frequency of commercial vehicles used in conjunction with the business.

6. The manner and extent of retailing that takes place from the property.

7. The number/frequency of delivery or dispatch vehicles generated by the business.

8. The extent to which external storage of materials or goods takes place at the dwelling.

If an approved business intensifies, so that it no longer meets the above criteria, it will require to apply for planning permission.

Where it is determined that the proposal constitutes a material change of use and requires planning permission, the planning application shall comply with the following:

- a. There will be no adverse impact on the residential amenity of neighbouring properties in terms of noise, disturbance, smell and dirt generated by the business or by members of the public visiting the premises.
- b. There will be no adverse impact on traffic or public safety resulting from traffic generated by the use.
- c. There is provision for satisfactory car-parking and servicing facilities.
- d. There will be no adverse impact on neighbours caused by activities taking place outside normal working hours and at weekends.

e. Any required storage of materials/vehicles is satisfactorily accommodated on the site without any adverse impact on neighbouring properties.

Reasoned Justification

4.20 Small businesses make an important contribution to the economy of South Lanarkshire. Permission is not normally required where the use of part of a dwellinghouse for business purposes by the owner or occupier of that property does not change the overall character of its use as a single dwelling, for example, the use of a room as an office. However, once the business activity increases and the non-residential use of the property ceases to be ancillary to its use as a single dwelling; a material change of use is likely to have taken place and planning permission is required.

Mobile Snack Vans

Policy DM13 Mobile Snack Vans

Mobile snack vans will be unacceptable in the following locations:

- On sites in proximity to established retail centres or where local shops exist nearby.
- On or adjacent to major traffic routes or where traffic safety problems will result from the siting of the snack van.
- In locations where the siting of the van is likely to result in a significant loss of amenity in urban or rural areas by virtue of noise, smell or visual impact, including impact on the quality

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and integrity of any natural or historic environment designations.

- In locations where planning consent has already been granted for a mobile snack van to ensure no more than one van operates in a particular industrial estate or localised area.

Mobile snack vans may be acceptable on sites where there is an identifiable shortage of locally available hot food facilities such as industrial estates remote from nearby shopping provision. If a site can be identified which meets this requirement, planning permission may be granted subject to the following:

- Provision of adequate litter disposal facilities.
- Satisfactory external appearance of the snack van.
- Provision of satisfactory arrangements for the storage and disposal of waste, including waste water and liquids.
- Provision of adequate parking and access arrangements.
- Imposition of a planning condition limiting the operation of the snack van to a temporary period, usually of one year, to allow the operation to be monitored.

Reasoned Justification

4.21 The siting of snack vans can raise important planning issues. This can include an impact on existing shopping centres particularly if located near to established centres or local shops. This can result in direct competition with existing premises and can have an adverse impact on local traders.

4.22 In addition, there are traffic implications when mobile snack vans are located on busy main roads or in lay-bys adjacent to roads. Congestion, illegal parking and additional turning movements can arise as a result of customers' vehicles visiting the snack van.

4.23 Waste from a snack van can come from a variety of sources including litter from packaging, waste water, food scraps, fat, oil and grease. It is important to ensure that waste water from mobile snack vans be collected and disposed/discharged into a foul or soil drain. Under no circumstances should waste water from a mobile snack van be disposed/discharged into road gullies or other surface water drainage systems.

Gypsy, Travellers and Occupational Travellers Sites

Policy DM14 Gypsy, Travellers and Occupational Travellers Sites

Where there is a newly arising need for a site to accommodate Gypsy, Travellers and Occupational Travellers; it should be demonstrated that:

1. Sites should not cause significant harm to the character and appearance of their surroundings. Where an area has an established character, high quality landscape value or visual appearance, the site should not significantly detract from this to the detriment of the visual amenity or integrity of the area.
2. The site can be sympathetically located and provided with essential services such as water and toilet provision and refuse facilities (including self-contained solutions and amenity blocks).

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3. Sites should not be on or near contaminated land or sites at risk of flooding.

4. Layout and parking arrangements should provide for sufficient parking for any work vehicles in addition to caravan stances and cars. In light of seasonal movement, consideration should be given to allocating enough space for both permanent and touring caravans, and also for those of visitors.

5. Appropriate boundary treatment is provided to ensure better integration of the visual appearance of the site within the wider setting of the surrounding area, in particular within rural landscape settings.

6. Open space or garden ground is provided within the confines of the site.

Reasoned Justification

4.24 Under the Human Rights Act 1998 and the Equality Act 2010, public authorities must have due regard to human rights, equality and diversity when exercising their functions. It is important to note that Scottish Gypsy/Travellers are recognised as an ethnic group for the purposes of the Equality Act 2010, and as such the Public Sector Equality Duty (PSED) is of relevance.

4.25 When submitting a planning application, the applicant should include a site layout plan showing the minimum space standards they require for an acceptable standard of living and functionality for their needs. As a general guide, an average family pitch should be capable of accommodating an amenity building, outdoor drying area, a larger trailer and touring caravan, parking space for 1-2 vehicles and a small

garden area (although there may be a communal outdoor garden rather than individual gardens). Additional space is preferable to accommodate visiting and short term stay gypsy/travellers.

4.26 Travelling showpeople are a separate community from Gypsies and Travellers, and are not recognised as an ethnic group. Showpeople require permanent sites for accommodation, storage and maintenance of equipment, and to store their caravans and other vehicles when they are not travelling.

Water Supply

Policy DM15 Water Supply

Development will only be permitted where there is an adequate supply of water to serve the site including a supply of water for human consumption, adequate in quantity and quality as prescribed under EU Directive 80/778; the Water Supply (Water Quality) (Scotland) Regulations 1990 and the Private Water Supplies (Scotland) Regulations 1992.

Reasoned Justification

4.27 The availability of a suitable water supply and foul and surface water sewerage infrastructure is a material consideration in determining planning applications. Scottish Water is responsible for water and sewerage provision in South Lanarkshire and their advice should be sought before development proposals are submitted.

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4.28 Where a private water supply is intended to serve a development, the applicant will require to show an adequate source can be provided in terms of quality and quantity and without detriment to other users of the supply.

Foul Drainage and Sewerage

Policy DM16 Foul Drainage/Sewerage Provision

Foul Drainage/Sewerage Provision (Public)

All development within or adjacent to publicly sewered areas will require to connect to the public network unless:

1. The development is in a small settlement where no connection exists or where the collection system serves a limited number of dwellings. If the public collection system cannot be developed due to technical constraints or the connection being unacceptable to Scottish Water, then a private system may be permitted subject to the system not creating or exacerbating an environmental risk from cumulative development; or
2. The development is in an area where connection to the collection system is not permitted due to lack of capacity, but where Scottish Water has confirmed that investment has been allocated within its investment programme to address this constraint. In such cases:

- Systems must be designed and built to a standard to allow adoption by Scottish Water.
- Systems must be designed so that in the future, they can be easily connected to the public sewer (drainage will require to be provided to a likely connection point). The developer will require to fund Scottish Water's completion of the connection following upgrading of the sewerage system.

Developers should ensure that the location and installation of infrastructure for public or private foul drainage has no adverse impacts on the integrity of any Natura 2000 site or other SSSI.

Where multi-ownership developments are permitted, the developer(s) will require to enter into a Section 75 agreement with the Council requiring the establishment of a single body or arrangement responsible in perpetuity for ongoing maintenance, operation and refurbishment.

Foul Drainage/Sewerage Provision (Private)

All development outwith areas served by a public adopted and maintained sewer network shall incorporate private foul drainage arrangements for the collection and treatment of householder wastewater, all designed to accord with the requirements of SEPA in terms of compliance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

1. Foul drainage provision shall incorporate one of the following;

A septic tank and an associated soakaway/reed bed system,
or

A package sewage treatment plant (for example a biodisc system).

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2. All new private foul drainage infrastructure shall be subject to registration with SEPA, prior to the completion of the relevant development.



Reasoned Justification

4.29 New development can create additional demands for water and sewage disposal. All proposals in the urban and rural areas will require to demonstrate that appropriate provision of water supply, foul drainage and sewerage can be achieved without creating or exacerbating pollution in receiving watercourses or groundwater.

Air Quality

Policy DM17 Air Quality

Development proposals which have the potential to have a detrimental impact on air quality or introduce new relevant human exposure into an area where there is existing poor air quality will not be acceptable unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the planning authority. The Council will, in assessing an application for such developments, require the submission of an assessment of the likely impact of the development on air quality and any proposed mitigation measures. This assessment should include:

- existing air quality in the study area (base year),
- prediction of the future air quality without the proposed development in place (future base year),
- future air quality with the development in place,
- measures required to mitigate the potential impact on air quality,
- future year air quality predictions with and without proposed development in place should include any other committed developments,
- a construction phase dust impact assessment may also be required based on the size and location of the development.

In addition, developers must take cognisance of other relevant planning guidance, including the Council's Air Quality Action Plan.

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Reasoned Justification

4.30 Good quality, clean, clear, unpolluted air is essential to maintaining the balance of life for humans, wildlife, vegetation, water and soil. Poor air quality is a result of a number of factors, including emissions from various sources, both natural and man-made causes. Poor air quality occurs when pollutants reach high enough concentrations to endanger human health and/or the environment. Everyday actions such as driving cars, industrial practices or burning fossil fuels, can have a significant impact on air quality.

4.31 Under the local air quality management (LAQM) regime, local authorities have a legal duty to review and assess air quality within their areas against a set of health based objectives, and where required, take measures to work towards improving air quality.

4.32 Air quality across South Lanarkshire is generally good, and pollutant concentrations are within the health based air quality objectives at most locations. There are some locations that have been identified where pollutant concentrations are in excess of the objectives and where there may be a risk to human health. These are mainly where high volumes of road traffic are close to residential properties and places of work. In 2018, there were three Air Quality Management Areas (AQMAs) in South Lanarkshire, at East Kilbride, Rutherglen and Lanark. Further AQMAs may be identified as required.

Noise Management Areas

Policy DM18 Noise Management Areas

Within or adjacent to noise management areas development proposals should seek to reduce noise by:

- Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals.
- Separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation.
- Promoting new technologies and improved practices to reduce noise at source.
- Improving walking routes and cycle paths in noise management areas thus decreasing the level of vehicular noise by encouraging the use of these alternative methods of transport.

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Reasoned Justification

4.33 Environmental noise is generally considered as the sound that can be detected across a wide locality. It can come from a variety of sources but mostly from transport and industry. UK legislation on noise control is contained in The Environmental Noise Directive. Following on from this the Environmental Noise (Scotland) Regulations 2006 were introduced. These required noise maps to be produced covering large agglomerations (of over 250,000 inhabitants) and major transport infrastructure. These are used to identify areas where the noise climate is deemed to be poor and in need of improvement (noise management areas) and areas where it is good and warrants protection (quiet areas). Policy NHE19 relates to the protection of Quiet Areas.

4.34 South Lanarkshire currently has two noise management areas, a section of the M74 in Larkhall and a section of the A725 in High Blantyre. Both areas are associated with roads managed by Transport Scotland who are currently considering options to reduce the adverse impact of traffic noise at these locations.

4.35 Any development proposals must also take account of Policy 5 Development Management and Placemaking which requires that there is no significant adverse impact on amenity as a result of noise. Specific requirements for wind energy developments can be found in supporting planning guidance. Further guidance on noise for new developments can be found in Royal Environmental Health Institute of Scotland (REHIS) Briefing Note 017.

Sterilisation of Mineral Reserves

Policy DM19 Sterilisation of Mineral Reserves

The Council will only be minded to grant planning permission for development which would result in the sterilisation of reserves of known mineral deposits where:

- (a) there is an over-riding need for the development to be undertaken;
- (b) there would be no significant adverse effect on local communities or the environment in the context of the policies in LDP2.

Reasoned Justification

4.36 In assessing whether or not there is an overriding need for a non mineral development on land underlain by minerals reserves, the economic viability of extracting the existing minerals will be taken into account. Where it is shown not to be economic to extract the mineral deposits this may be sufficient to justify progression of the development. If the minerals are economically viable, it will be necessary to consider the feasibility of extracting the minerals prior to development taking place. Development will only be allowed without prior extraction if this is not shown to be feasible. In providing this evidence, it will be necessary to engage with the minerals industry in order to assess the economic viability of the minerals, and if they are economically viable, the feasibility of extraction prior to development taking place.

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Supporting Information

Policy DM20 Supporting Information

All applications submitted to the Council must be accompanied by sufficient information and supporting documents to enable the application to be assessed and determined. This will vary depending on the scale and nature of the proposal.

Early engagement with the Council on the likely scope and content of supporting information is recommended. This should prevent subsequent delay, ensure unnecessary work is not carried out, and establish if specific surveys or assessments are required.

Reasoned Justification

4.37 To enable the Council to fully consider the potential impact of development, planning applications require to include sufficient supporting information to allow them to be assessed. Requirements for specific development types, for example, retail, renewable energy, minerals are set out in relevant Volume 2 policies and supporting planning guidance.

Legal Agreements

Policy DM21 Legal Agreements

The Council will require, where necessary, an applicant to enter into legal agreements to control aspects of the development which cannot be satisfactorily controlled through planning conditions and/or a

financial guarantee bond or other financial provision. Costs associated with the preparation of the legal agreements shall be borne by the applicant.

Reasoned Justification

4.38 In certain instances it may not be possible to mitigate the effects of a development by means of planning conditions and/or a financial guarantee bond or other financial provision. In these instances, it may be more appropriate to enter into a planning agreement under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, or a legal agreement under other legislation to provide the necessary mitigation.

Enforcement

Policy DM22 Enforcement

The Council will take enforcement action against any unauthorised development that it considers unacceptably harms public amenity, public safety or the existing use of land and buildings meriting protection in the public interest. In considering whether or not to take enforcement action, the Council will assess the breach against the following:

- LDP2 and other supporting planning guidance.
- Enforcement Charter.
- Impact on residential amenity.
- Impact on road safety.
- Magnitude of the breach.

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- Sensitivity of the location.
- Severity of harm to the environment, and
- Compliance with any planning consent on the land.

Reasoned Justification

4.39 SPP highlights that effective enforcement is important as a means of maintaining public confidence in the planning system. It is essential that planning procedures and decisions are respected and adhered to. The Planning etc. (Scotland) Act 2006 contains a range of additional powers on enforcement and SPP states that planning authorities should use the full range of powers available to them to ensure that enforcement action is appropriate, proportionate, speedy and effective.

4.40 Every breach has to be considered on its merits to establish if the use of enforcement action would be proportional to the breach of control. In this regard Scottish Government advice provides a general discretion to Planning Authorities when it comes to taking enforcement action against any minor or technical breach of planning control. Such action must only be taken when it is considered expedient to do so, having regard to the provisions of the development plan and any other material considerations. This means the Planning Authority has to decide whether it is in the public interest to take enforcement action, and may decide against taking action where there is good reason to do so.

4.41 South Lanarkshire Council's Enforcement Charter explains how the enforcement process works, the Council's role, and expectations. Within the process the Council will attempt to negotiate with the owner or occupier of land to voluntarily put right any harmful effects of unauthorised development. However, where there is unacceptable harm

to the public then discussions will not delay any formal enforcement action required to stop the activity or make the development acceptable for planning reasons.

Monitoring

Policy DM23 Monitoring

Monitoring shall be undertaken to ensure that development is carried out in accordance with planning legislation, approved plans and conditions. Priority for monitoring shall be given to those developments which are most likely to have an impact on the environment and/or on neighbours and shall be in accordance with the Council's Enforcement Charter.

Reasoned Justification

4.42 Effective controls are necessary to ensure development is carried out strictly in accordance with planning legislation and planning consents. Problems may arise if development is not carried out in accordance with the planning permission which has been granted. For example, incorrect siting of buildings, inadequate protection to existing trees and hedgerows, inappropriate use of materials, or the use of inadequate hard and soft landscaping/boundary treatment.

4.43 Conditions may also have been imposed on a planning permission to address potential problems arising from a development. Effective monitoring is therefore required to ensure that development takes place in accordance with approved plans and conditions.

Visitor Economy and Tourism



5.0 Visitor Economy and Tourism

5.1 Visitor Economy and Tourism comprises of a number of elements including visitor attractions and visitor accommodation. The role of Planning is to ensure that any proposals for attractions or accommodation are considered, and supported where possible.

5.2 The main strategy of the plan is to direct development of the right type to the right location, and this is particularly relevant to tourism which should be located in areas that people want to visit, that offer a range of attractions, and quality accommodation.

Policy VET1 Visitor Attractions

Proposals involving the creation of new visitor attractions or the expansion of existing facilities will be supported in appropriate locations where:

1. The financial viability and contribution of the proposal towards the visitor economy within South Lanarkshire, and how the business could positively impact on attracting visitor footfall, can be demonstrated. This will require the submission of a business plan.
2. At countryside locations the development is of a form, design and scale consistent with the Green Belt and Rural Area policies and guidance. A high quality traditional or contemporary design approach should be explored. Within a settlement boundary the form, design and scale shall take cognisance of the established character within the streetscape.
3. Proposals shall respect the landscape character and rural amenity of the surrounding area and do not adversely affect the setting of a Special Landscape Area.
4. They are reasonably accessible by public transport where available, cycling and on foot.
5. Proposals for sites within the countryside shall include plans for landscaping to integrate any new build development with the surrounding area.
6. They have no adverse impact on local residential amenity or the operation of existing adjacent uses.

Visitor Economy and Tourism

Reasoned Justification

5.3 There is a wide range of visitor attractions across South Lanarkshire ranging from the World Heritage site at New Lanark to country parks, the Clyde Walkway and historic town centres such as Biggar and Strathaven. Many of these attract day visitors who will have other needs such as parking and provision of a choice of cafes and restaurants. Visitor attractions should take account of the needs of both the visitor and local communities.

Policy VET2 Visitor Accommodation

Proposals new visitor accommodation and extensions to existing accommodation shall be supported where they respect the existing development pattern within the locality and avoid dispersed patterns of development and visually integrate well with the location of the site and surrounding area. The form and type of accommodation proposed should be tailored, where appropriate, to suit the proposed visitor demographic for which it is targeted: for example outdoor pursuits may be more suited to bunk house accommodation.

Where the scale, external design and materials of the proposal have the character and appearance of a dwellinghouse, such a proposal will be assessed under Policy GBRA1 - Rural Design and Development.

In all cases proposals shall comply with the following criteria:

1. A business plan showing the need for the accommodation and the financial viability of the proposal should be provided..

2. Proposals for new buildings within the countryside shall be of a form, design and scale consistent with Policy GBRA1 Rural Design and Development. Proposals may involve traditional design and materials or, alternatively, a high quality and bespoke contemporary design with effective use of composite materials suitable for the area in which the site is located.

3. For proposals within a settlement boundary the form, design and scale shall take cognisance of the established character within the streetscape. Where no distinct character or value exists, a high quality contemporary design is encouraged.

4. The conversion and, where appropriate, extension of traditional rural buildings should accord with guidance on this form of development in Policy GBRA4. Extensions or alterations which overwhelm the character of the original building will not be supported.

5. The continuous occupation of new tourist accommodation in the countryside will be controlled by planning condition(s) to ensure that it is not occupied on a permanent residential basis. Proposals to convert tourist accommodation with an existing occupancy condition to other uses must be supported by evidence showing that it has been actively marketed at a reasonable market price for a minimum of a year with no formal interest having been shown in the property and that the current business is no longer viable.

Reasoned Justification

5.4 There are a variety of different types of tourist accommodation from large multi national hotel chains to small chalets, caravans and bed and breakfasts in farmhouses. The main aim of this policy is to distinguish

Visitor Economy and Tourism

between tourist accommodation and mainstream housing. In addition, proposals for tourist accommodation should be of an appropriate scale and type to the area in which it is to be located.

Industrial and Commercial Development



6.0 Industrial and Commercial Development

6.1 There are a range of areas designated for industrial and commercial development across South Lanarkshire as shown in Table 4.1 in Volume 1 of LDP2. The policies contained within this chapter relate to the assessment of development proposals within these areas.

Strategic Economic Investment Locations

Policy ICD1 Strategic Economic Investment Locations

Within the Strategic Economic Investment Locations (SEILs), development proposals should support the strategic role and function of the SEIL as listed in LDP2 Table 4.1 Schedule of Employment Land Categories. Other development proposals may be acceptable where these:

1. Create significant new Class 4/5/6 employment opportunities.
2. Involve the creation of strategic office developments (refer to ICDC4).
3. Are identified in the Council's Economic Strategy or any approved masterplan for the SEIL.
4. Provide essential ancillary services or facilities for the businesses within the SEIL. Such proposals should be accompanied by a business plan demonstrating the viability of the business, and justifying its location in a SEIL.

All developments proposals within SEILs should be of a high standard of design and not adversely affect the amenity or environmental quality of the location.

Industrial and Commercial Development

Reasoned Justification

6.2 Strategic Economic Investment Locations are identified in the SDP as the priority locations to promote the Scottish Government's key economic sectors. The SDP requires the LDP to promote relevant investment in the SEILs and safeguard them from inappropriate development. The SEILs are the highest quality industrial and business locations in South Lanarkshire and the design and type of any proposed developments in these areas must reflect this.

Non-conforming Uses in Core Industrial/Business Areas

Policy ICD2 Non-conforming Uses in Core Industrial/Business Areas

In all core industrial/business areas, proposals for uses which do not conform to the general industrial policy (LDP2 Policy 8) will be assessed against the following criteria:

- a. The effect the proposal will have on the continuity of the marketable industrial land supply in terms of quantity, range and quality.
- b. Development for residential use will not be permitted.
- c. The proposal must not undermine the vitality and viability of existing town and local centres within South Lanarkshire and should follow the sequential approach as set out in LDP2 Policy 10.

- d. That the development of the site or premises would not adversely affect the industrial operation, amenity, industrial character or function of the area, including traffic movement and circulation.
- e. The site or premises has been subject to a marketing appraisal for uses within classes 4, 5 and 6 to the Council's satisfaction and has been actively marketed for these uses for a minimum period of six months.
- f. The site or premises can easily be accessed from main road routes and has satisfactory access by walking, cycling and public transport.
- g. The infrastructure implications, including the impact on the transport network of the development are acceptable, or can be mitigated to an acceptable level.
- h. The proposal includes appropriate parking provision for the type of development.
- i. The development shall have no significant impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.

Proposals for non-conforming uses should be accompanied by a business plan demonstrating the viability of the business and a justification for locating in an industrial area.

Proposals for conforming uses will generally be supported but must meet the relevant criteria in Policy 5 Development Management and Placemaking and any other relevant LDP2 policies.

Industrial and Commercial Development

Proposals for waste management facilities will be considered on a case by case basis and assessed against the waste management policies in LDP2.

Reasoned Justification

6.3 The core industrial and business areas of South Lanarkshire are an effective resource which offer a full range of industrial sites and premises. It is important that a long-term industrial land supply is maintained, whilst allowing a degree of flexibility in relation to other employment generating uses. The core industrial and business areas should primarily be reserved for conforming uses (Class 4, 5 and 6 of the Use Classes Order) and only in specifically defined circumstances will non-conforming uses be permitted.

6.4 In some cases, depending on the type of use and its location, there may be potential to accommodate non-conforming uses in the core industrial and business areas. An appropriate non-conforming use should seek to serve the industrial area within which it is located. In these areas residential development will not be acceptable. Development which could potentially be accommodated in town centres should follow the sequential approach set out in SPP and should not undermine the vitality and viability of town and local centres. The length of time a site or premises has been vacant shall be a consideration in the assessment of proposals.

6.5 SPP advises that industrial and business locations may be appropriate for accommodating waste management facilities. In South Lanarkshire this is defined as the core industrial and business locations. In addition, opportunities for integrating efficient energy and waste innovations within business environments should be supported.

Other Employment Land Use Areas

Policy ICD3 Other Employment Land Use Areas

In other employment land use areas indicated in the proposals map, proposals for non industrial/business uses will be considered subject to meeting the following criteria:

- a. Development for residential use will not be permitted.
- b. The proposal does not involve retail uses that could undermine the vitality and viability of existing town and local centres within South Lanarkshire.
- c. The development will not prejudice the operation of adjoining businesses.
- d. The site or premises can easily be accessed from main road routes and have satisfactory access by walking, cycling and public transport.
- e. The development will not adversely affect public safety.
- f. The infrastructure implications, including the impact of the development on the transport network, are acceptable or can be mitigated to an acceptable level.

Industrial and Commercial Development

- g. The proposal includes appropriate parking provision for the type of development.
- h. The development shall have no significant impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.

Proposals for class 4/5/6 uses will generally be supported but must meet the relevant criteria in Policy 5 Development Management and Placemaking and any other relevant LDP2 policies.

Reasoned Justification

6.6 It is recognised that certain categories of non-industrial uses are facing genuine difficulties in finding sites and locations suited to their requirements. In some cases the uses serve the needs of a local community. A number of industrial estates have become the focus of such development and have seen their character change from core industrial and business areas to areas with a wider range of uses. LDP2 recognises that allowing more flexibility in such areas will help to stimulate the local economy and serve local communities.

6.7 In general, small scale class 4 developments will be acceptable in all industrial and business areas subject to an assessment of their impact on factors such as infrastructure, environment and traffic, and will be assessed against policies ICD2 and ICD3.

Large Office Developments

Policy ICD4 Large Office Developments

Large office developments of more than 2,500 m² which cannot be accommodated in town centres or edge of centre locations should be directed to the following Strategic Economic Investment Locations in urban areas:

Clyde Gateway
Hamilton International Technology Park
Scottish Enterprise Technology Park
Peel Park North

Development proposals should accord with the relevant criteria in Policy 5 Development Management and Placemaking in Volume 1 and DM1 New Development Design in Volume 2. They will also be assessed against the following criteria:

1. Infrastructure implications, including accessibility by walking cycling and public transport, and appropriate parking provision.
2. Impact on the transport network.
3. Impact on the environmental quality of the surrounding area.
4. Impact on the surrounding industrial/business/commercial operators.
5. Contribution to green network where relevant.

Industrial and Commercial Development

6. Where appropriate, applications should be accompanied by a Transport Assessment, Travel Plan and/or a Design and Access Statement.
7. The development shall have no significant impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.

Reasoned Justification

6.8 New office development over 2,500 m² gross floorspace will be subject to a sequential town centre first approach in accordance with paragraph 68 of SPP. However, due to the nature of South Lanarkshire's town centres there are limited opportunities for significant new office development. Where a town centre or edge of centre location is not possible, priority will be given to SEILs. In particular, the Clyde Gateway regeneration project has significant potential to accommodate large new class 4 office developments in South Lanarkshire. Large office developments will be expected to contribute to green network creation and be readily accessible by public transport, walking and cycling.

Class 2 Office Developments

Policy ICD5 Class 2 Office Developments

Small scale class 2 office development of less than 2,500 m² (gross) should generally be located within or adjoining the strategic and town centres (see LDP2 Policy 9 Network of Centres and Retailing). New proposals and changes of use of existing properties for this type of development will be assessed against the following criteria:

- a. Upper floors within the shopping centres are the preferred locations, however this should take account of equalities legislation relating to access.
- b. Ground floor office development should not undermine retail provision within the centres.
- c. Change of use proposals for offices within residential areas adjoining or in close proximity to town centres should not undermine existing or proposed office developments within these town centres or residential amenity of neighbouring areas.
- d. The development shall have no significant impact on the natural and historic environment and no adverse impact on the integrity of any Natura 2000 sites.

Reasoned Justification

6.9 Class 2 offices are an appropriate use in town centres and can help sustain the viability of these centres. Such uses shall be encouraged subject to meeting certain criteria. In particular, they should not undermine the key retailing activity in the centres.

6.10 In addition, small scale offices serving local needs will also be acceptable in neighbourhood centres where they complement the retail function of these centres.

Natural and Historic Environment



7.0 Natural and Historic Environment

7.1 This chapter contains detailed policies for the international, national and local designations set out in table 6.2 Hierarchy of National and Historic Environmental Designations in LDP2 Volume 1.

7.2 The section is structured as follows:

- Historic Environment.
- Natural Environment.
- Biodiversity and Geodiversity.

7.3 Additional guidance and information for developers is set out in supporting planning guidance on the natural and historic environment.

Historic Environment

New Lanark World Heritage Site

Policy NHE1 New Lanark World Heritage Site

The character, integrity, authenticity and quality of the New Lanark World Heritage Site and its setting, recognised by UNESCO will be protected, conserved and enhanced. Development will require to respect the sustainable future of the New Lanark World Heritage Site both as a viable community and as an internationally recognised heritage asset for educational and cultural enrichment.

In determining planning applications and applications for Conservation Area and Listed Building Consent within the World Heritage Site and its buffer zone and setting, the Council will not permit development that adversely impacts on the:

- historical and topographical character and landscape quality
- skylines and views to and from the Site
- natural diversity and ecology of the area
- landscape and ecological links with the surrounding areas.

The following criteria will be applied when assessing proposals:

1. Development will not create an adverse impact on the Outstanding Universal Value of the World Heritage Site.

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2. Development must preserve, protect and where appropriate enhance, the character, integrity, authenticity and quality of the New Lanark World Heritage Site and its setting.

3. Development shall be of a design and form which respects the visual envelope of the World Heritage Site and its setting and conserves and enhances the essential character of the World Heritage Site and its buffer zone in its topographical and wider landscape setting.

4. Development shall be of a design quality to reflect and complement the character, townscape and form of that part of the World Heritage Site to which it relates and shall respect historic plot patterns, street patterns, layout, building frontages, key views, landmarks and skyline.

5. Design of buildings shall reflect the scale, form, massing, proportions, roofscape, features and details of their context and materials will be of an appropriate size, colour and texture to the World Heritage Site and its setting.

6. Development will not be permitted where it will result in the loss of important built or landscape features such as walls, traditional boundary treatments, ancillary buildings, trees or hedgerows within the World Heritage Site or those which may affect its setting.

7. Development shall take full account of the archaeology of the site.

8. Development will not be permitted on open spaces which make a positive contribution to the character of the World Heritage Site and its setting, or which provide important settings for, or views to and from, existing buildings and features.

9. Development will not be permitted which leads to the coalescence of the World Heritage Site and the settlement of Lanark.

Proposals must also conform, where appropriate, to policies NHE2, NHE3, NHE4, NHE6, NHE7, NHE8, NHE13 and NHE16 which protect specific designations within the WHS.

Reasoned Justification

7.4 The Council recognises that the New Lanark World Heritage Site (WHS) and its setting require a specific policy to acknowledge its special environment and historical qualities which contribute to its Outstanding Universal Value (OUV). Conservation and maintenance of the historic fabric and the natural landscape are therefore essential to preserving New Lanark's OUV. The central aim of the policy is to protect the 'critical heritage capital' of the WHS, which are those features which are irreplaceable, such as the Listed Buildings and skylines.

7.5 World heritage status does not confer any statutory powers, protection is achieved primarily through the effective operation of the planning system and controls derived from other primary legislation. In determining planning applications and applications for Conservation Area and Listed Building Consent within the WHS and its buffer, and in undertaking its overall responsibilities, the Council will give significant weight to the OUV of the WHS and due assessment to the proposed development's impact on its setting. All decisions will also require to take account of the aims and objectives of the New Lanark World Heritage Management Plan.

7.6 It is necessary to distinguish between the Buffer Zone and Setting of New Lanark. Buffer zones are considered by UNESCO to represent zones that are not in themselves of outstanding value, but that may

Natural and Historic Environment

influence a WHS. A key function of the buffer zone is to protect the setting of the WHS by ensuring that the potential impact on the OUV is considered in the assessment of any development proposals in the area.

7.7 The aim of the buffer zone is not to preclude all development in the area but to ensure that all proposals for development within it are considered carefully, as they may have the potential to affect the WHS. When development is proposed in the buffer zone it should be considered in terms of the likely impact on the OUV, and the authenticity and integrity of the WHS. The buffer zone of New Lanark is formally defined and is shown on the LDP Strategy Map (New Lanark Inset).

7.8 The WHS and its buffer zone is associated with a number of special designations, including:

- the New Lanark and Falls of Clyde Conservation Area,
- the Lanark Conservation Area (within the buffer zone),
- a concentration of category A Listed Buildings and scheduled monuments within the WHS itself,
- the Falls of Clyde garden and designed landscape with its range of Listed Buildings and monuments,
- the Middle Clyde Valley Special Landscape Area,
- the Falls of Clyde SSSI and the Falls of Clyde Nature Reserve of the Scottish Wildlife Trust which is part of the Clyde Valley Woodlands National Nature Reserve.

7.9 These designations recognise the importance of this collection of historic sites and monuments, buildings and spaces, woodlands and open space, river, gorge and waterfalls which form a unique assemblage with significant associations with Scotland's natural and cultural history. Therefore whilst it is recognised that the role of the buffer zone is to

protect the WHS, any intrinsic value of areas within the buffer zone, will be assessed separately such as through a property's listing or designation as a Designed Landscape.

7.10 Historic Environment Scotland Guidance: Managing Change in the Historic Environment - World Heritage (2016) states that 'The setting of a World Heritage Site can extend more widely than the limits of any formal buffer zone'. The setting can include elements such as key views into and from the site. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. For these reasons it is not considered appropriate to define the setting of the New Lanark WHS on a map, however it must be taken into account when considering development proposals within the WHS and in the wider area around New Lanark.

7.11 It is of paramount importance that any future development in the WHS and buffer zone that affects its setting conserves and enhances the WHS's local distinctiveness and character and is undertaken to a high standard in accordance with best practice.

Archaeological Sites and Monuments

Policy NHE2 Archaeological Sites and Monuments

Scheduled Monuments and their Setting

Scheduled monuments and other identified nationally important archaeological resources shall be preserved in situ and in an appropriate setting.

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Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances.

Non-scheduled Archaeological Sites and Monuments

All non-scheduled archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

Reasoned Justification

7.12 Archaeological remains of national importance are protected as scheduled monuments under the Ancient Monuments and Archaeological Areas Act 1979. SPP advises that where there is potential for development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. If a monument is directly impacted by a proposed development within its scheduled area, there will be a requirement for Scheduled Monument consent from Historic Environment Scotland.

7.13 The setting of any historic site (archaeological monument, battlefield or historic building) is a material consideration and care must be taken to balance the potential benefits of the development with the visual impact on the monument. Developments which would have an adverse effect on the integrity of the setting of a scheduled monument will only be granted where there are exceptional circumstances. It is important to note that the provisions of the Ancient Monuments and Archaeological Areas Act 1979 do not extend beyond the legally protected area defined in the scheduling document; therefore safeguarding the setting of monuments is solely a matter for the planning system.

7.14 In addition to scheduled monuments there are sites and monuments which are of regional or local significance. SPP notes that sites which do not have statutory protection are still an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

7.15 Archaeological sites and objects are vulnerable to any form of development or use of land that involves disturbing the ground. Modern development/redevelopment activities often mean the removal of all traces of earlier occupation. Activities such as construction, road building, the laying of drains or underground electricity cables, or mineral extraction can all potentially damage or destroy archaeological remains.

7.16 There are numerous non scheduled archaeological remains in South Lanarkshire. Furthermore, site preparation for development may uncover previously unknown remains. If such discoveries are made during any development they should be reported to the planning authority.

7.17 For developments which affect or are likely to affect archaeological resources, a heritage appraisal or archaeological field survey may be required. Further detail on this is contained in supporting planning guidance.

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Listed Buildings

Policy NHE3 Listed Buildings

Development affecting a Listed Building or its setting shall, as a first principle, seek to preserve the building and its setting, and any features of special architectural interest which it has.

The layout, design, materials, scale, siting and use of any development shall be sensitive to, and respect the character and appearance of, the Listed Building and its setting. Any proposals for repairs, alterations, and extensions to Listed Buildings shall demonstrate a sound knowledge and understanding of the building, and demonstrate a full awareness of its cultural significance and all phases of its development.

Proposals for the total or substantial demolition of a Listed Building will only be supported where it is demonstrated to the satisfaction of the Council that every effort has been exerted by all concerned to find practical ways of keeping it. This will include the provision of evidence to the Council that the building is incapable of physical repair and re-use, or the building is capable of repair but the costs of doing so mean that its repair is not viable. Supporting evidence should include a valuation of the existing building and site, a full survey identifying the repairs required, development costs including a schedule of repairs and an estimated value of the repaired property in accordance with current Historic Environment Scotland guidance.

Proposals for enabling development associated with Listed Buildings will be assessed against Policy DM8 in Volume 2.



Reasoned Justification

7.18 Buildings of special architectural or historic interest are listed by the Scottish Ministers and divided into categories A, B or C. In terms of the hierarchy of Policy 14 of LDP2 and the categories of designation, Category A Listed Buildings are a national designation and Categories B and C, are a local designation.

7.19 Listed Buildings make an important contribution to the townscape and architectural heritage of South Lanarkshire and the Council seeks to ensure their preservation, protection and proper maintenance.

Natural and Historic Environment

7.20 The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the building's special interest is controlled. When determining planning applications and Listed Building Consent applications, the Council must have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it has.

7.21 Repairs, alterations and extensions to Listed Buildings can damage their architectural integrity unless carried out with great care. Conservation of the original fabric is always important and the presumption will be in favour of retaining all original features of interest. Repair, alterations or extension works must relate sensitively to the original building. The setting of a Listed Building is also of great importance and should not be adversely affected by unsympathetic neighbouring development. Development which adversely affects the setting or an important view of a Listed Building will not normally be permitted.

7.22 The general presumption is that all buildings on the statutory list will be preserved because of their architectural and/or historic interest. In accordance with SPP, enabling development may be acceptable where it can be demonstrated to be the only means of preventing the loss of a Listed Building and securing its long term future.

7.23 Depending on the nature of proposals affecting the Listed Building these may require a number of consents including Listed Building Consent, Planning Permission and Advertisement Consent. Further information on these requirements is contained in supporting planning guidance.

Gardens and Designed Landscapes

Policy NHE4 Gardens and Designed Landscapes

Development affecting sites listed in the Inventory of Gardens and Designed Landscapes shall protect, preserve and, where appropriate, enhance such places and shall not significantly impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.

Development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource, or where the conservation value of the designed landscape is enhanced.

Reasoned Justification

7.24 SPP states that planning authorities should, through the provision of appropriate policies in their development plans, protect and, where appropriate, enhance gardens and designed landscapes included in the current Inventory. The Historic Environment Scotland Policy Statement 2016 states that while no primary legislation gives specific protection to gardens and designed landscapes, national planning policy confirms that maintaining and enhancing the quality of the historic environment and preserving the country's heritage are important functions of the planning system. Planning authorities should outline policy criteria to ensure appropriate protection, conservation and management of designed

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landscapes, both of national importance and also of sites that do not meet the inventory criteria, but nevertheless make an important contribution to the local historic environment and landscape character.

7.25 Gardens and designed landscapes are an important part of the area's history and character and they contribute to the enjoyment of the countryside and settlements. In some cases they provide a landscape setting for an important building, have rare plant collections or contain interesting woodland or wildlife habitats. For these reasons, the Council will seek to protect and where appropriate, allow for their enhancement. A Conservation Strategy and guidance notes for landowners has been produced by the Clyde and Avon Valley Landscape Partnership (CAVLAP). This provides good practice advice and should be taken into account when considering proposals that affect gardens and designed landscapes in the Clyde and Avon Valley area.

7.26 The primary aim is to protect the quality and historic integrity of the designed landscape and avoid damage to their special character. However, it is recognised that development may on occasion be accommodated within or adjacent to these areas provided it is carefully sited and designed. Planning authorities are required to consult Historic Environment Scotland on any development that may affect a historic garden or designed landscape and their views will be a material consideration in the determination of the application.

Historic Battlefields

Policy NHE5 Historic Battlefields

Any development affecting sites listed in the current Inventory of Historic Battlefields shall take cognisance of the battlefield and shall demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.

Development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource.

Reasoned Justification

7.27 Historic Environment Scotland has compiled an Inventory of Historic Battlefields in Scotland. While inclusion in the inventory does not carry any new statutory restrictions, it is a material consideration in the planning process.

7.28 Each Inventory report reflects the best interpretation of the extent of the battlefield, based on documentary and archaeological research and identifies key characteristics, important features and archaeological potential of the battlefield landscape. The key components of battlefields can include a wide variety of elements such as hills, gorges and water courses, views, buildings, buried features such as graves and pits and objects associated with the battle surviving in the topsoil such as weapons and horse gear.

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7.29 This policy aims to assist with the sympathetic management of change within the battlefield rather than automatic preservation in situ, in perpetuity. Development proposals affecting the battlefields in South Lanarkshire need to take into account overall landscape characteristics, key specific feature and archaeological potential.

7.30 Where a historic battlefield or its setting may be impacted by a development there is a requirement to consult with Historic Environment Scotland and their views will be a material consideration in the determination of the application.

Conservation Areas

Policy NHE6 Conservation Areas

Development and demolition within a Conservation Area or affecting its setting shall preserve or enhance its character and be consistent with any relevant Conservation Area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the Conservation Area and its setting.

Trees which are considered by the Council to have amenity value and contribute to the character and appearance of the Conservation Area shall be preserved.

Where appropriate, consents to demolish buildings within Conservation Areas will be subject to conditions which prohibit demolition until a contract has been let for the redevelopment of the site in accordance with a development scheme which has been approved by the Council.

Given the importance of assessing design matters, planning applications in principle will not normally be considered appropriate for developments in Conservation Areas.

Reasoned Justification

7.31 Conservation Areas are places of special architectural or historic interest. When determining planning applications and Conservation Area Consent applications, there is a duty on Councils to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area where the site is located. Within a Conservation Area some developments that would normally be considered permitted development require to be consented. SPP provides the national policy context for Conservation Areas and is a material consideration in the determination of planning applications.

7.32 In all cases the Council will expect applications to provide sufficient information about the proposed development to enable the effect of the proposal on the character and appearance of the Conservation Area to be fully assessed. In this regard, applications in principle will not normally be accepted for developments within Conservation Areas.

7.33 A Conservation Area appraisal is a management tool which helps to identify the special interest and changing needs of an area. They provide information about the special needs and characteristics of the area and help developers identify and formulate development proposals in a manner that safeguards and enhances the Conservation Area. Conservation Area appraisals have been approved for a number of Conservation Areas in South Lanarkshire. These include Leadhills, New Lanark, Rutherglen and Douglas.

Natural and Historic Environment

7.34 Depending on the nature of proposals there may be a range of consents required such as Listed Building Consent, Conservation Area Consent, Planning Permission and Advertisement Consent. In addition there is specific protection for trees in Conservation Areas. Further information on these matters is contained within supporting planning guidance.

Natural Environment

Natura 2000 Sites

Policy NHE7 Natura 2000 Sites

Development which would likely have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an appropriate assessment is unable to conclude that a development will not adversely affect the integrity of the site, subject to agreement by Scottish Ministers, development will only be permitted where:

- there are no alternative solutions,
- there are imperative reasons of overriding public interest, including those of a social or economic nature,
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons, or it will have beneficial consequences of primary importance to the environment.

The requirements of this policy apply to all proposed or designated Natura 2000 sites which could be affected by a proposal, including those which adjoin, or are located outwith the boundary of South Lanarkshire.

Reasoned Justification

7.35 Sites classified as Special Protection Areas (SPA) under the Wild Birds Directive and selected as Special Areas of Conservation (SAC) under the Habitats Directive are intended to form a European Community-wide network of protected areas for those habitats and species which are endangered, vulnerable, rare or otherwise require special attention. Collectively these are known as Natura 2000 Sites. Eight locations within South Lanarkshire are classified as Natura 2000 sites and are protected under European law. Additionally, Natura 2000 sites located within adjoining authorities could also potentially be affected by development in South Lanarkshire. For example, the River Tweed SAC and Westwater SPA lie within adjacent authority areas but have significant ecological connections to South Lanarkshire. In addition there is also connectivity via the River Clyde with the Inner Clyde SPA which lies downstream from South Lanarkshire.

7.36 The Conservation (Natural Habitats) Regulations 1994 and subsequent amendments place a statutory duty on Councils to meet the requirements of the Habitats Directive. In instances where a development proposal has the potential to affect a Natura 2000 site, the proposal must undergo a Habitats Regulations Appraisal (HRA). Where a Council concludes that a development proposal is likely to have a significant effect on a Natura 2000 site and is not directly connected with, or necessary to, the conservation management of that site, then it must undertake an appropriate assessment of the implications for the

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conservation interests for which the area has been designated. This requirement also applies to development outwith the boundary of the designated area where this may affect the interests within the site.

7.37 If the initial HRA appraisal concludes that the proposal is likely to have a significant effect on a Natura 2000 site it must then be subject to appropriate assessment by the 'competent authority', in consultation with SNH. In the case of planning applications the Council is the competent authority. The purpose of the appropriate assessment is to determine that the proposal will not adversely affect the integrity of the site. This is a precautionary test and if the outcome is negative or inconclusive, permission will not be granted unless the criteria set out in Policy NHE7 Natura 2000 sites can be met. SNH Publication: Natura Sites and the Habitats Regulations sets out the step by step assessment process for proposals affecting these sites.

National Nature Reserves and Sites of Special Scientific Interest

Policy NHE8 National Nature Reserves and Sites of Special Scientific Interest

Development that affects a Site of Special Scientific Interest/National Nature Reserve will only be permitted where an appraisal has demonstrated:

- a. the objectives of designation and the overall integrity of the area will not be compromised; or
- b. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Reasoned Justification

7.38 Sites of Special Scientific Interest (SSSI) represent the best of Scotland's natural heritage. They are 'special' for their plants, animals or habitats, their rocks or landforms, or a combination of these. SNH has a statutory duty under the Nature Conservation (Scotland) Act 2004 to notify SSSIs. All public bodies when exercising their functions affecting SSSIs, must take reasonable steps to further their conservation and enhancement. SSSIs provide the foundation for a range of natural heritage designations and are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.

7.39 National Nature Reserves (NNRs) are areas of land set aside for nature, where the main purpose of management is the conservation of habitats and species of national and international significance. NNRs are managed primarily for nature but public access is important too, where it does not harm or disturb the habitats and wildlife.

7.40 Development which has adverse impacts on an SSSI or NNR and which cannot be mitigated, will require to demonstrate clear social or economic benefits of national importance.

Protected Species

Policy NHE9 Protected Species

- a) Development that would impact on a European Protected Species will not be permitted unless it can be shown that:

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- the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment,
- there is no satisfactory alternative,
- the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.

b) Development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be permitted unless it can be shown that:

- the development will contribute to significant social, economic or environmental benefit,
- there is no other satisfactory solution,
- there will be no significant negative impact on the conservation status of the species.

c) Development likely to have a significant effect on any other protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant legislation.

d) Where invasive non-native species (INNS) are present on a development site, planning permission will only be granted where 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.

All these requirements will be given full consideration in the assessment of development proposals and developments that cannot meet the terms of the above policy shall be judged not to accord with the plan.

Reasoned Justification

7.41 The legal framework for protected species is complex, and there are a wide variety of species subject to protection. For example, a number of 'European Protected Species' are identified in the Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). Other species are protected under the Wildlife and Countryside Act 1981 (as amended), and badgers are protected under the Protection of Badgers Act 1992.

7.42 Development that would be likely to have a significant adverse effect on a protected species will be resisted unless it can be demonstrated to the Planning Authority that the potential effects can be satisfactorily mitigated and there will be no further adverse impacts following implementation of the measures proposed.

7.43 If there is evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. It is a legal requirement, in instances where a development may affect a protected species, for potential effects to be fully assessed in advance of determination of the application. Further information on protected species surveys is contained in supporting planning guidance on the natural and historic environment.

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7.44 Invasive Non-Native Species (INNS) threaten native biodiversity and some species can cause significant damage or even harm human health. The Wildlife and Countryside Act 1981 (as amended) aims to prevent the release and spread of non-native species and ensure that rapid and effective control and eradication measures can be taken. Should an invasive species be present on a development site, the developer is legally required to take action to prevent further spread. The Scottish Government Code of Practice on Non-Native Species sets out a framework of responsibilities relating to non-native species.

Prime Agricultural Land

Policy NHE10 Prime Agricultural Land

Development on prime agricultural land (James Hutton Institute, Classes 1, 2 or 3.1) or land of lesser quality that has been identified as locally important will only be supported:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

Reasoned Justification

7.45 Prime Agricultural Land, (Class 1, 2 or 3.1 in the land capability classification for agriculture developed by James Hutton Institute), is land considered to be capable of being used to provide a wide range of crops due to local climate, gentle slopes and deep, well drained soils. This land is considered to be highly flexible for other uses also, such as for biofuel, crops and woodland. Only 8% of Scotland's land area is considered to be Prime Agricultural Land. A small portion of this land is located within South Lanarkshire mainly associated with the River Clyde and its tributaries.

7.46 SPP requires the protection of prime agricultural land and also land of lesser quality that is locally important.

Peatland and Carbon Rich Soils

Policy NHE11 Peatland and Carbon Rich Soils

The Council shall seek to protect peatland and carbon rich soils from adverse impacts resulting from development.

Proposals for the commercial extraction of peat will be assessed under policy MIN4.

Any other development proposals affecting peat must be accompanied by a full peat survey and assessment, carried out in accordance with current Scottish Government Guidance on Developments on Peatland. Proposals must demonstrate how the peat survey and assessment have been used to avoid or minimise impacts of peat and, where appropriate, be accompanied by:

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- A peatland mitigation plan,
- A method statement for post-construction re-instatement of disturbed peatland, and,
- A schedule of mitigation measures to minimise impacts on peat.

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 planning guidance for renewable energy.

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.

Reasoned Justification

7.47 Peatlands and carbon rich soils are fundamentally important carbon stores and deliver key ecosystem services such as clean water and flood control. They are often important for biodiversity, supporting species such as wading birds, invertebrates and rare plants.

7.48 Extensive areas of peatland habitat can be found in South Lanarkshire and the best examples are designated as SSSI. Five of these SSSI's are internationally designated as Special Areas of Conservation. However the conservation value of the undesignated peatland sites is increasingly recognised. The habitat takes thousands of years to develop and is thus deemed to be irreplaceable once lost. The Council therefore places a high priority on the conservation and restoration of peatland

and carbon rich soils. Development on peatland can result in the release of carbon dioxide to the atmosphere. SPP requires that this is taken into account in the consideration of planning proposals.

7.49 SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. Classes 1 and 2 on the SNH Peat Maps represent the nationally important carbon rich soil, deep peat and priority peatland habitat referred to in SPP. The maps provide an indication of the likely presence of peat on each individually mapped area. Although the map can only indicate that carbon-rich soils, deep peat and priority peatland habitat are likely to be present, it will assist developers in their initial site selection process. However, a more detailed site survey will usually be needed to inform the siting, design, construction, aftercare and restoration stages of a development.

7.50 In many cases peat overlies other potential development sites. Where the Council approves development of such sites, the removal of the peat will be required prior to commencement of development. The extraction and storage of peat destroys its integrity and the carbon stored in the peat is released. In addition its biodiversity and water storage functions are damaged. Furthermore, when the top layer of peat is removed it is almost impossible to maintain a living and functioning layer and keep the underlying layers wet so that they retain their structure and so reduce the potential for carbon loss. Land management practices related to the extraction and storage of peat as a result of development activities should aim to protect and enhance peat organic carbon. In this context, all proposals for the extraction and storage of peat should be accompanied by details showing how the handling, storage and restoration of the peat will reflect current best practice and how potential degradation will be minimised and active peat formation promoted.

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Water Environment

Policy NHE12 Water Environment and Biodiversity

Development proposals should protect and where possible enhance the water environment in accordance with the Water Framework Directive. Development proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration will be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment.

New development proposals should be designed to minimise impact on the water environment. This should include, where appropriate, blue/green network links incorporating provision of SuDS and adequately sized buffer strips between developments and water courses to protect the riparian zone. Physical changes to the water environment should be avoided (for example culverting for land gain).



Reasoned Justification

7.51 SPP sets the current policy on the water environment. It states that the planning system should promote the protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal water and ground water, in a sustainable and co-ordinated manner. This supports the objectives of the Water Framework Directive which seeks to ensure that all inland and coastal surface waters reach at least 'good ecological status/potential' by 2027. In addition, account must be taken of SEPA's River Basin Management Plans.

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7.52 The water environment has an important role to play in biodiversity in South Lanarkshire and supports a variety of wildlife, including protected species, birds, aquatic species and biota. Development can potentially affect the water environment for example through run-off, contamination, erosion and disturbance to ground waters. Furthermore, certain water features such as waterfalls cannot be successfully recreated if they are removed for mineral extraction purposes or as part of a diversion of a watercourse. Incorporation of suitable SuDS schemes and buffer strips to water courses within developments protect the water environment and benefit biodiversity.

7.53 Development should not have a significant adverse impact on any part of the water environment. SEPA is the regulatory authority responsible for ensuring that the water quantity and quality is protected and maintained.

Forestry and Woodland

Policy NHE13 Forestry and Woodland

Development proposals should seek to manage, protect and enhance existing ancient semi-natural woodland (ASNW), other woodlands, hedgerows and individual trees. Proposals likely to impact on woodlands, hedgerows or individual trees should be accompanied by a full tree survey and written justification for any losses. Proposals should accord with the Council's Tree Strategy.

In all cases involving the proposed removal of existing woodland, the acceptability of woodland removal and the requirement for compensatory planting will be assessed against the criteria set out in the Scottish Government's Policy on Control of Woodland Removal. Removal for development purposes will only be permitted

where it would achieve significant and clearly defined public benefits. Where the woodland proposed to be removed is ASNW, such public benefits should be of national importance. In all cases, developers will generally be expected to deliver compensatory planting.

New amenity tree planting will be encouraged, where appropriate, through a requirement to submit and implement a landscaping scheme for new developments. Further information is contained in supporting planning guidance on Green Networks and Greenspace.

The Council supports the creation of new woodlands in accordance with national forestry policy and the guidance in the Glasgow and the Clyde Valley Forestry and Woodland Framework.

Reasoned Justification

7.54 Ancient semi natural woodland is identified by SPP as an irreplaceable national resource that should be protected and enhanced. It is identified as category 2 designation in table 6.2 of LDP2 Volume1. In Scotland, ancient woodland is defined as land that is currently or has been continually wooded, since 1750. This type of woodland has important biodiversity and cultural values by virtue of its antiquity. Once destroyed, it is impossible for an Ancient Woodland to be recreated.

7.55 Long Established Woodland of High Conservation Value is also recognised as being important for biodiversity. The Forestry Commission Scotland's Native Woodland Survey of Scotland (NWSS) is a useful source of information on the location, extent, type and condition of all of Scotland's native woodlands.

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7.56 In addition, SPP notes that other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality and so should be protected from adverse impacts resulting from development. The Council is preparing a Tree Strategy, which will provide additional guidance and requirements for developers. This will be incorporated into supporting planning guidance.

7.57 The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting.

7.58 National Government policy supports the expansion of forestry and woodland in Scotland. The planning process can support this objective by ensuring that appropriate tree planting is incorporated in the design of new developments. In addition, there may be opportunities for significant new woodland creation in the rural areas of South Lanarkshire which complement proposals in adjoining authorities.

Tree Preservation Orders

Policy NHE14 Tree Preservation Orders

Trees and woodlands that are considered to be of significance will be protected from inappropriate development through the enforcement of existing Tree Preservation Orders (TPOs). Further Tree Preservation Orders will be promoted as and when required.

Any development likely to affect existing protected trees should be accompanied by a full tree survey with written justification for any losses.

For any proposals to fell or carry out any works to trees within a Conservation Area Policy NHE6 Conservation Areas, should be referred to.

Reasoned Justification

7.59 Tree Preservation Orders (TPOs) exist to protect the amenity of the area by protecting individual trees or groups of trees which make a significant contribution to the landscape or locality in which they are situated. A TPO gives the Council control over any works on individual trees or groups of trees and can be used to ensure that all works on protected trees are carried out properly on site.

7.60 TPOs are made by the Planning Authority under Section 160 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and with the procedures set out in the Town and Country Planning (Tree Preservation Orders and Trees In Conservation Areas) (Scotland) Regulations 2010. With regard to development affecting TPOs, Circular 1/2011 advises that an application must be made to the planning authority specifying the operations for which consent is sought, the reasons for such operations and must identify by means of a map or plan (of sufficient size and scale) the protected trees that would be affected.

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Local Nature Reserves

Policy NHE15 Local Nature Reserves

Development that affects a local nature reserve or potential local nature reserve listed in Table 6.1 of LDP2 will only be permitted where;

- an appraisal has demonstrated that any significant adverse effects on the sites natural heritage, amenity or educational value are clearly outweighed by significant social or economic benefits; and
- appropriate compensation for the natural heritage, amenity or educational value lost can be delivered by planning agreements or conditions.

Within the limits of available resources, and where this would be compatible with existing nature conservation interests, the Council will seek to identify, designate and manage any other areas suitable for Local Nature Reserve status.

Reasoned Justification

7.61 Local Nature Reserves (LNRs) are areas of locally important natural heritage, designated and managed by local authorities to give people better opportunities to learn about and enjoy nature close to where they live. Langlands Moss, currently the only designated LNR in South Lanarkshire, is a lowland raised peat bog located to the south of East Kilbride. The Council also proposes to formally designate Morgan Glen on the western edge of Larkhall as an LNR. Morgan Glen contains some of the finest examples of the ancient Clyde Valley woodlands and

is covered by SSSI and Special Area of Conservation designations. The LDP2 also contains a list of potential Local Nature Reserves which will be subject to a formal designation process subject to availability of resources. (Refer to Table 6.1 in Volume 1)

Landscape

Policy NHE16 Landscape

Special Landscape Areas

Development proposals within the Special Landscape Areas (SLA) identified on the Strategy Map will only be permitted if;

1. they accord with LDP2 policies and guidance on Green Belt and Rural Area, and
2. they can be accommodated without having a significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated.

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).

Landscape protection and enhancement

Within the SLAs and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character including:

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- the pattern, scale and design of development within the landscape,
- the setting of settlements and buildings within the landscape,
- the pattern of woodland, fields, trees, hedgerows, waterbodies and other features, particularly where they define/create a positive settlement/urban edge,
- the historical qualities of the area and its sensitivity to change,
- skyline and hill features, including key views.

Development proposals should take account of the South Lanarkshire Landscape Assessment 2010 and where relevant the Landscape Capacity Study for Wind Energy 2016 and draft Tall Wind Turbines Landscape Capacity, Siting and Design Guidance 2017.

Reasoned Justification

7.62 SPP requires planning authorities to facilitate positive change while maintaining and enhancing distinctive landscape character and make provision for local landscape designations to be identified in development plans. The purpose of these designations is to:

- safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; and
- promote understanding and awareness of the distinctive character and special qualities of local landscapes; and
- safeguard and promote important local settings for outdoor recreation and tourism.

7.63 South Lanarkshire's extensive rural area contains landscapes of notable quality. In 2010 the South Lanarkshire Local Landscape Character Assessment (LCA) was carried out, updating work carried out by SNH in

1998. This provides greater detail on the local landscape character and was used to inform the preparation of the Council's report on 'Validating Local Landscape Designations'.

7.64 The Council's report, Validating Local Landscape Designations was approved in 2010. It identifies six special landscape areas (SLAs) based on the areas of highest landscape quality and value in South Lanarkshire. These are:

- Lower Clyde and Calderglen
- Middle Clyde Valley
- Upper Clyde Valley and Tinto
- Douglas Valley
- Pentland Hills and Black Mount
- Leadhills and the Lowther Hills

7.65 Whilst landscape in general is a planning consideration when assessing development proposals, SLA's are specifically designated to ensure that these landscapes in particular are not damaged by inappropriate development and to encourage positive landscape management. Applicants should take particular care to ensure that new development in or adjacent to an SLA does not detract from the special qualities or character of the landscape. They should also ensure that, where possible, aspects of siting, layout and design should enhance the qualities for which the area has been designated.

Non-designated Landscapes

7.66 The siting and design of development should take account of local landscape character and consider the potential effects on landscapes, including cumulative impacts.

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7.67 Different landscapes have differing capacities to accommodate development and the siting and design of new development should be informed by local landscape character. The South Lanarkshire LCA (2010) provides development guidelines for each of the 14 landscape character types in South Lanarkshire and these should be taken into account when development proposals are being considered. Specific landscape requirements for wind energy developments are set out in supporting planning guidance for renewable energy.

Country Parks

Policy NHE17 Country Parks

Development proposals affecting a Country Park will only be permitted if they can be accommodated without significant adverse effect on the landscape character, biodiversity or any other special qualities and features which contribute to the recreational value of the park.



Reasoned Justification

7.68 Country Parks are areas of land close to towns and cities, specifically identified and managed to give people convenient opportunities to enjoy the countryside and for open-air recreation. Local authorities may designate country parks where they consider there to be a need using their powers granted under section 48 of the Countryside (Scotland) Act 1967. SPP states that proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

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7.69 In South Lanarkshire there are two Country Parks at Chatelherault, Hamilton and Calderglen, East Kilbride.

Walking, Cycling and Riding Routes

Policy NHE18 Walking, Cycling and Riding Routes

The Council will seek to safeguard existing and proposed walking, cycling and riding routes, core water routes and water access/egress points within South Lanarkshire as identified in the Core Paths Plan. Particular support is given to the development of the Clyde Walkway and National Cycle Network Routes 74 and 75 on or around the lines identified.

Where appropriate, linear routes, such as former railway lines, will be safeguarded to provide walking, cycling and riding opportunities.

Development proposals adjacent to or on the line of any route will require to take account of the route in the design and layout of their scheme. Developments should seek to connect to the wider network and where appropriate, developer contributions will be sought for the provision or upgrading of the route.

Reasoned Justification

7.70 Core Paths are the basic framework of key routes that provide for the main needs of users. Core water routes, water access/egress points and core paths share the same status with respect to the Land Reform (Scotland) Act 2003 and are included in the Core Paths Plan.

7.71 Rights of Way are public rights of passage, between two public places, in general over private property by a defined route. Public rights of way in Scotland become established through a history of use. The Council may take appropriate legal action to maintain the public right of way if required and can divert or extinguish routes where necessary and appropriate.

7.72 Access routes form an important part of the strategic and local green network providing recreational opportunities and encouraging active travel. In addition to established core paths and rights of way, the Council will encourage new and enhanced opportunities for access linked to wider networks. New developments should incorporate appropriate access provision and links to the wider access network where possible.

Quiet Areas

Policy NHE19 Quiet Areas

The Council will seek to ensure that the noise climate of the quiet areas identified in South Lanarkshire is not adversely affected by new development proposals. Developments in or adjacent to these areas will be subject to strict noise management controls.

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Reasoned Justification

7.73 Quiet areas are designated under the Environmental Noise (Scotland) Regulations 2006. These are areas where the noise climate is deemed to be 'good' and merits protection. Areas which have been granted quiet area status should be protected in terms of both size and noise climate. New development within or adjacent to designated quiet areas should ensure there is no adverse impact on the noise climate within these sites. Currently there are two quiet areas designated in South Lanarkshire at Bothwell Castle and Cambuslang Park.

Biodiversity and Geodiversity

Biodiversity

Policy NHE20 Biodiversity

In order to further the conservation of biodiversity;

- i. Development proposals should demonstrate that they have no significant adverse impact on biodiversity, including cumulative impacts.
- ii. Development proposals likely to lead to significant loss of biodiversity will only be supported if adequate mitigation and offsetting measures are agreed with the Council.
- iii. Development proposals should consider opportunities to contribute positively to biodiversity conservation and enhancement, proportionate to the scale and nature of the proposal.

Reasoned Justification

7.74 Biodiversity is the variety of life on Earth, including all plants, animals and fungi and the habitats in which they live. Under the Nature Conservation (Scotland) Act 2004, South Lanarkshire Council has a statutory duty to "further the conservation of biodiversity" and SPP requires that this duty must be reflected in development plans and development management decisions.

7.75 New development proposals should undertake a basic site audit to determine the possible ecological issues and opportunities on the site. Proposals should be sited and designed to minimise adverse impacts upon biodiversity, ensuring that the development will not lead to habitat fragmentation or isolation. There should be no net loss of habitat therefore where on-site work is not possible; opportunities for off-site compensation should be sought. Development which impacts on a biodiversity asset may be required to submit a biodiversity assessment and survey. Further information is contained in supporting planning guidance. Provision for long term management and maintenance of such assets should be made as part of the development.

7.76 New developments can offer opportunities to enhance biodiversity, particularly through the creation or restoration of habitats and connection of habitat networks. Use of native species for planting and landscaping can enhance developments and should be considered as a priority for the majority of sites.

7.77 SPP makes provision for development plans to identify local nature conservation sites (LNCS) which are locally important for their biodiversity. At present there are no LNCS identified in South Lanarkshire, however the Council recognises that such areas require to be surveyed and identified and work has commenced on this through the Local

Natural and Historic Environment

Biodiversity Strategy (LBS). In the interim, priority will be given to the conservation and enhancement of habitats/ecosystems deemed by the LBS to be irreplaceable in the short to medium term. These biodiversity assets are peatland habitats (Policy NHE11), ancient woodlands (NHE13) and freshwater systems (Policy NHE12).

Geodiversity

Policy NHE21 Geodiversity

In order to further the conservation of geodiversity:

1. Development proposals should demonstrate that they have no significant adverse impact on geodiversity, including cumulative impacts.
2. Where there is potential for local geodiversity features to be affected by a proposal, these should be retained in situ wherever feasible. Where it is not feasible to retain such features, the developer should make provision for these to be recorded and documented in advance of development.

Any applications which are considered to affect geodiversity will be considered on a case by case basis.

Reasoned Justification

7.78 Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form and alter them. Geological diversity underpins biological, landscape and

cultural diversity and is therefore a fundamental consideration when assessing the potential impacts of new developments. South Lanarkshire has diverse geology and geomorphology which contributes to its landscape character and biodiversity.

7.79 There are currently no locally identified geodiversity sites in South Lanarkshire, however there are parts of the area that are potentially of local importance. Development proposals should identify opportunities to protect, restore or enhance geological features and mitigation should be undertaken if necessary. Where it is not feasible to preserve geological and geomorphological features in situ, the Council may require these to be recorded in advance of development.

Renewable Energy



- Volume 2 Appendix 1 Assessment Checklist for Renewable Energy Proposals
- Supporting Planning Guidance on Renewable Energy
- Landscape capacity study for wind energy 2016 (as amended by the draft Tall Wind Turbines Guidance 2017).
- Other relevant policies in LDP2.

Reasoned Justification

8.1 SPP states that development plans should set out the factors to be taken into account in considering proposals for renewable energy developments. The factors will depend on the scale of the proposal and its relationship to the surrounding area and include the considerations set out at paragraph 169 of SPP. It should be noted that some of these factors may only be relevant to specific types of renewable energy development. The Council shall seek to ensure that a balanced approach is undertaken when considering these factors in the assessment of applications.

8.2 To assist developers, a checklist has been prepared setting out which matters have to be addressed in applications for renewable energy development. This applies to all scales of wind energy developments and all other types of renewable energy developments. The criteria relate to both assessment and technical requirements. In some cases, particularly for small scale developments, developers are advised to discuss with the Council whether a criterion is relevant. This is indicated in the checklist. The checklist forms part of the development plan and is supported by detailed requirements for developers set out in supporting planning guidance. The Council has also prepared a landscape capacity study for

8.0 Renewable Energy

Renewable Energy

Policy RE1 Renewable Energy

Applications for renewable energy development will only be acceptable if they accord with the relevant requirements and guidance set out in:

Renewable Energy

wind energy 2016 as amended by the draft Tall Wind Turbines Guidance 2017, which provide detailed requirements for siting and design of developments.

8.3 While it is intended that the checklist provides a comprehensive guide to developers, it is always possible that individual applications may raise site specific issues which are not addressed in the list. In addition, the renewable energy field is constantly evolving with existing technologies being refined, and new technologies emerging. Furthermore, guidance from the Scottish Government and other statutory agencies may change in future, therefore developers must comply with guidance that is current at the time of their application. The checklist must be used in conjunction with the detailed requirements set out in supporting planning guidance on renewable energy.

Biomass

Policy RE2 Biomass

Any proposals for commercial biomass plants, not ancillary to wider development proposals, will generally be directed to existing industrial areas unless an alternative location can be justified.

Proposals for small scale biomass or district heating schemes outwith existing industrial areas will only be acceptable where their primary function is the production of heat or combined heat and power for local residential or business consumption.

Development may be acceptable where:

- The Council is satisfied that there will be no significant negative effects in terms of their scale, design, location, emissions,

landscape setting, storage facilities, cumulative impact, odour and noise.

- Levels of pollutants have been minimised through the use of best available technology, including abatement technology.
- Proposals meet the relevant criteria in the assessment checklist for renewable energy developments.

Reasoned Justification

8.4 Biomass is the general term for natural or organic fuel source. Biomass is produced from organic materials derived from recently living plant organisms or from metabolic by-products such as organic or food waste products.

8.5 The role of the planning system is to consider the production facility and any associated impacts and not the production of the fuel source. The location of biomass plants is likely to be determined by a number of factors related to the economic costs of transporting supply materials from source, the availability of feedstock through the year, the location of the end user and the scale of the plant. Biomass plants are industrial in nature but require to be located close to sources of feedstock and be accessible to the end users of the product and/or a national grid connection for large power producing industrial plant. These factors will be taken into account when considering applications. Consideration should also be given to how to dispose of the waste from the burnt fuel.

8.6 The combustion of biomass has the potential to impact air quality. There are national commitments to increase renewable heat however these commitments have to be balanced against protecting air quality and public health. A biomass screening assessment will be undertaken by the Council as part of the application process; this may identify a requirement for more detailed modelling.

Renewable Energy

Alternative sources of heat

8.7 SPP outlines that LDP2 should consider other sources of heat supply. This includes biogas production, heat recovery from mine waters, aquifers, other bodies of water and heat storage systems. The utilisation of this type of energy is at an early stage and further supporting planning guidance will produced as required.



9.0 Minerals

Settlements

Policy MIN1 Settlements

Minerals development will only be permitted where there are no significant adverse effects on settlements (shown on the settlements maps), following the implementation of any mitigation measures. Development proposals which may adversely affect these settlements and their communities will not be permitted. There will

normally be a buffer zone around settlements within which there will be no extraction of minerals, but the extent of this will depend upon the circumstances of the case.

Surface coal extraction areas or other forms of mineral extraction where blasting is involved will require to be at least 500 metres from a settlement boundary. Otherwise a buffer less than 500 metres may be acceptable dependent upon the circumstances and actual effects that may arise from any mineral extraction.

Within the buffer zone, ancillary development may be acceptable and beneficial where this involves tree planting, visual screening, noise attenuation buffers or reclamation of derelict or despoiled land.

Minerals

Reasoned Justification

9.1 Settlements and their surrounding environment require protection from the adverse effects of minerals development. To ensure that this is enforced, a buffer has been identified around settlements that may be affected by mineral extraction and no development involving extraction will be allowed within that buffer zone.

Cumulative Impact

Policy MIN2 Cumulative Impact

In assessing all mineral proposals, the Council will consider the cumulative impact that concentration of development may have on communities, natural and built heritage designations, sensitive landscapes, the existing road network and other relevant resources. Applications for new minerals development which will result in an unacceptable cumulative impact on these resources, taking into account current or approved minerals development and landfill development, will be resisted. Particular regard will be given to the cumulative impact of minerals development within Special Landscape Areas.

Reasoned Justification

9.2 SPP states that LDPs should set out the factors that specific mineral proposals will need to address, including cumulative impact with other mineral and landfill sites in the area.

9.3 SPP seeks to ensure there is an emphasis on protecting local communities from significant cumulative impacts. South Lanarkshire includes large accessible rural areas, interspersed with many settlements, which provide opportunities for mineral extraction because of their geographical location, geology and topography. In order to prevent an unacceptable concentration of development in a particular area and to minimise the potential impact on community and environmental interests, any proposals for mineral extraction will have to take into account cumulative effects with current or approved minerals development and landfill development. This process may include developments and resources outwith the Council's administrative area.

Restoration

Policy MIN3 Restoration

The Council will only grant planning permission for mineral extraction where proper provision has been made for the restoration and aftercare of the site. Restoration proposals should take account of specific characteristics of the site and its locality and restore and/or enhance the landscape character of the area. Any opportunities for enhancing biodiversity, community recreation and access should be considered. The Council will normally require applicants to provide a restoration and aftercare bond or make other financial provision to ensure full restoration and reinstatement of the site should the developer fail to implement the previously agreed restoration plan.

Reasoned Justification

9.4 Restoration of mineral development sites presents the opportunity to improve the landscape, encourage biodiversity and create recreational opportunities for local communities. This can only be achieved if the application includes high quality and, if appropriate, innovative restoration and aftercare proposals. The Council will expect developers to work with local communities at the pre-application stage to prepare a strategy for restoration schemes.

9.5 Traditionally mineral sites have been restored back to agricultural land and forestry. In recent years the focus has moved more towards schemes that include improvements to biodiversity and elements of community recreation and access; such schemes can include improvements to habitat connectivity and other local issues. The appropriate form of restoration depends on site characteristics and proximity to local communities.

9.6 To ensure that restoration and aftercare proposals are carried out, the Council will normally require developers to provide a financial guarantee bond or make other financial provision, of a sum to be agreed with the Council, to cover any failure to implement restoration proposals in accordance with the conditions imposed on the grant of planning permission. The only exception to this requirement will be where the Council considers that the restoration proposals have such limited financial requirements as to make such a financial provision unnecessary. The financial guarantee bond or other financial provision will be made before work can commence on site.

9.7 With regard to the type of financial provision, the Council will require a financial guarantee bond unless, in the context of SPP, the operator can satisfactorily demonstrate that another arrangement, such

as an industry guarantee scheme, will be sufficient to ensure the implementation of the restoration proposals, including the necessary financing, phasing and aftercare of the site.

Peat Extraction

Policy MIN4 Peat Extraction

Proposals for the commercial extraction of peat will only be permitted where any significant adverse effects are clearly outweighed by significant social or economic benefits and it can be demonstrated that:

- the peat land is already degraded or significantly damaged by human activity;
- the conservation value is low and restoration is not possible.

Reasoned Justification

9.8 Peat and other highly organic soils are a major source of carbon in the form of soil organic matter, with pristine peat bogs accumulating vast quantities of carbon. Peat as both a natural habitat and as a carbon sink has the potential to mitigate against the effects of climate change. This is supported in SPP although the commercial extraction of peat is permitted only in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. The Council has not been made aware of any such sites in South Lanarkshire.

Minerals

Controlling Impacts from Extraction Sites

Policy MIN5 Controlling Impacts from Extraction Sites

The Council will seek to ensure that all applications for mineral development will not create an unacceptable impact through the generation of noise, dust, vibration, air and light pollution particularly where they affect sensitive land uses including hospitals, schools, dwellings and recreation facilities.

Operators shall ensure that appropriate monitoring regimes are in place and that the data collected is available to the Council on request.

Reasoned Justification

9.9 The Council recognises the effect of the mineral extraction process on local communities is one of the key issues to be addressed. This is also acknowledged in the policy principles of SPP which sets out that the planning system should minimise the impacts of extraction on local communities.

9.10 Of particular significance to communities is the potential impact of noise, dust and vibration from both the minerals extraction site itself and from lorries transporting the material off site. In addition, there can be unacceptable potential impact from light particularly if the site operates 24 hours a day or is brightly lit during the winter months.

9.11 Any applications for mineral development will include monitoring and mitigation measures necessary to address community and environmental issues that might arise, both on and off-site, particularly where local amenity and wildlife would be affected. Where an environmental report has been provided, the monitoring and mitigation measures should reflect the conclusions contained therein.

Community Benefit

Policy MIN6 Community Benefit

To mitigate the effects of minerals development on local communities and to ensure wider community benefit from such developments, the Council will encourage mineral operators working within South Lanarkshire to contribute to the Council's Aggregates Quarry Fund, Renewable Energy Fund or another similar mechanism as agreed. Contributions will be based upon an appropriate rate per tonne of minerals worked to be agreed between the operators and the Council, and this will be reviewed as appropriate during the period of the local development plan.

Reasoned Justification

9.12 The Council recognises the effect of the mineral extraction process on local communities is one of the key issues to be addressed. This is also acknowledged in the policy principles of SPP which sets out that the planning system should minimise the impacts of extraction on local communities. Notwithstanding the importance of mineral extraction to South Lanarkshire and the wider economy, this process generally involves surface mineral extraction which may have a significant impact on the

environment in which it is located. Other policies in this plan address the direct impact of such development, to the extent that the visual and other adverse impacts of minerals development are avoided or minimised.

9.13 Attempts to secure unreasonable provision not directly related to the proposed development or securing general benefits for the wider community should not be taken into account in decision making on planning applications. In this context, the Council recognises that these funds are to provide wider benefits to communities, must be managed outwith the development management process and must be completely separate from the direct management of minerals extraction.

Bing Reclamation

Policy MIN7 Bing Reclamation

Proposals for the reworking of old colliery spoil tips for coal or secondary materials will only be permitted where they are environmentally acceptable or seek to remediate legacy risks in accordance with other policies in LDP2.

Applications will be supported where the material extracted;

- can be used as a substitute for primary material, or
- there is a demonstrable need for the material locally.

All applications must be supported by full restoration plans which demonstrate environmental improvement of degraded land.

Reasoned Justification

9.14 South Lanarkshire has a legacy of previous mine workings which impact on the landscape and amenity of the area. The vast majority of these take the form of colliery spoil tips or bings. Some of these bings have regenerated and are considered worthy of retention due to their biodiversity whilst others form landscape features. On the other hand some bings are considered to have a negative impact on the landscape or require to be removed for development purposes. Some bings contain valuable mineral resources which can be recycled or reused as secondary aggregates.

Aggregate Recycling

Policy MIN8 Aggregate Recycling

The Council will support proposals for;

- the recycling of mineral, demolition and construction material, and
- the re-use and deposit of any such material arising from mineral operations or construction projects for land improvement.

Providing;

(a) the operation does not prejudice the reclamation or improvement of the site;

(b) there would not be a significant adverse effect on local communities or the environment;

Minerals

(c) the processing or deposit site is well located, both in terms of the source of the material and, where appropriate, its final destination;

(d) the proposal would not create an adverse impact on the local road network.

Reasoned Justification

9.15 The Scottish Government sustainable development agenda seeks to place more emphasis on secondary and recycled aggregate material. This type of mineral activity however can have a significant impact on the amenity of the surrounding area. Careful consideration is therefore required to be given to proposals of this nature paying particular attention to where the material is located, quality of the road network to absorb further heavy vehicle movements or proximity to sensitive land uses or habitats.

9.16 This policy will be applicable to, for example, development involving the infilling of land and/or the processing, crushing and screening of materials, but does not apply to any application which includes the extraction of materials as its principal process.

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals

Proposals for wind energy and other renewable energy developments will be assessed against the criteria set out in the Assessment Checklist for Renewable Energy Proposals and the relevant guidance in the supporting planning guidance (SPG) for renewable energy. Proposals must also accord with any other relevant policies in LDP2.

Y - proposals in this category must comply with this criterion

? - proposals in this category may require to comply with this criterion - discuss with Council

Single/small
Wind Turbine
Applications
Up to 3
turbines of
any height

Wind Energy
developments 4
turbines or
more

Other
renewable
energy
developments

1. Impact on international and national designations identified as significant areas of protection in spatial framework*

See SPG paragraphs 3.8 - 3.10

The impact of all renewable energy developments on international; and national heritage designations must accord with South Lanarkshire Local Development Plan2 (LDP2) Policy 14 Natural and Historic Environment and the relevant policies in SLLDP2 Volume 2.

- New Lanark World Heritage Site and its buffer zone and setting (NHE1)
- Natura 2000 Sites and Ramsar sites (Special Protection Areas and Areas of Conservation including sites outwith the South Lanarkshire boundary (NHE7)
- National Nature Reserves and Sites of Special Scientific Interest (NHE8)
- Sites identified in the Inventory of Gardens and Designed Landscapes (NHE4)
- Sites identified in the Inventory of Historic Battlefields (NHE5)

Y

Y

Y

2. Impact on carbon rich soils, deep peat and priority peatland habitat (CPP)*

See SPG paragraphs 3.12 - 3.15

There shall be no significant adverse effects on land identified in Classes 1 and 2 of the SNH national CPP mapping 2016 (see also criterion 11)

Y

Y

Y

3. Community separation for consideration of visual impact*

See SPG paragraphs 3.16 - 3.21

Y

Y

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals			
A 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.			
4. Economic benefits See SPG paragraphs 5.2 - 5.3 Proposals for renewable energy should provide a statement, proportionate to the scale of the development, of the socio-economic benefits that will arise from the project.	?	Y	Y
5. Scale of contribution to renewable energy targets See SPG paragraphs 5.4 - 5.5 Proposals should contain a statement setting out how the proposal contributes to national renewable energy targets.	Y	Y	Y
6. Effects on greenhouse gas emissions See SPG paragraph 5.6 Applications should contain a statement setting out how the proposal contributes to reducing greenhouse gas emissions.	Y	Y	Y
7. Effects on the natural heritage, including birds a) South Lanarkshire Local Biodiversity Strategy, local nature conservation designations, bird sensitivity, protected species and bats (see criterion 1 for national and international designations) See SPG paragraphs 5.7 - 5.24 The impacts from renewable energy developments on South Lanarkshire's natural heritage require to be fully assessed and if appropriate, mitigation measures require to be identified. Proposals must accord with the relevant natural environment policies in LDP2 Volume 2.	Y	Y	Y

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals

7. Effects on the natural heritage, including birds

b) Habitat management plans

See SPG paragraphs 5.11 - 5.14

For larger wind energy schemes, and for other schemes where specific species/habitats are affected, developers will be required to submit a Habitat Management Plan (HMP) setting out the means of land management that will secure biodiversity objectives.

?

Y

?

8. Landscape and visual impacts

a) Landscape designations; landscape character; visual impacts

See SPG paragraphs 5.25 - 5.43

Renewable energy proposals should have no unacceptable significant adverse effects on landscape designations, landscape character and/or visual impact and should contain an appropriate Landscape and Visual Impact assessment (LVIA) as set out in SPG paragraph 5.43

Y

Y

?

8. Landscape and visual impacts

b) Landscape capacity study

See SPG paragraphs 5.25 - 5.27

Wind energy proposals greater than 15m in height shall be assessed against the guidance for specific landscape character types contained in Table 6.1 of the Landscape Capacity Study for Wind Energy (February 2016), as amended by the draft Tall Wind Turbines: Landscape Capacity, Siting and Design Guidance 2017.

Y

Y

9. Cumulative impacts

a) Landscape and visual

See SPG paragraphs 5.44 - 5.57

Y

Y

?

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals			
The cumulative landscape and visual impact of wind energy and, where relevant, other renewable energy developments must be fully assessed and shown to be acceptable.			
9. Cumulative impacts b) Areas where cumulative impact limits capacity for further development See SPG paragraphs 5.47 - 5.55 Applications require to address the criteria set out in Table 5.2 of SPG regarding the areas where cumulative impact limits capacity for further development.	Y	Y	?
9. Cumulative impacts c) Natural heritage See SPG paragraphs 5.21 - 5.22 Where there may be significant cumulative impacts on ecological and/or ornithological interests, developers will be required to undertake a cumulative impact assessment.	Y	Y	Y
10. Impact on communities and individual dwellings a) Residential visual amenity See SPG paragraphs 5.58 - 5.65 For all wind turbine proposals of more than 15 metres the Council will expect an assessment to identify the likely significant effects of the proposals on residential visual amenity. Residential visual amenity surveys may also be required for other renewable energy developments.	Y	Y	Y
10. Impact on communities and individual dwellings	Y	Y	?

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals

b) Noise

See SPG paragraphs 5.66 - 5.74

All applications for wind turbine developments should be accompanied by a site specific noise assessment. Noise assessments may also be required for other renewable energy developments.

10. Impact on communities and individual dwellings

c) Shadow flicker

See SPG paragraph 5.75

Where turbines are within 10 rotor diameters of a residential property an assessment should be undertaken by the applicant to assess potential effects due to shadow flicker.

11. Impact on carbon rich soils and peat (see also criterion 2)

See SPG paragraph 5.76 - 5.81

Where proposals affect carbon rich soils and peat, developments must be designed to minimise soil disturbance when building and maintaining roads and tracks, turbine bases and other infrastructure to ensure that the carbon balance savings of the scheme are maximised and appropriate mitigation measures must be set out.

12. Impact on public access

See SPG paragraphs 5.83 - 5.85

The impact from renewable energy developments on core paths, wider access network routes and recreational uses across South Lanarkshire should be fully assessed and if appropriate , mitigation measures require to be identified

13. Impact on the historic environment (see also criterion 1)

	Y	Y	
	Y	Y	Y
	?	Y	?
	Y	Y	Y

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals			
See SPG paragraphs 5.86 - 5.90 The impact from renewable energy developments on the historic environment of South Lanarkshire should be fully assessed and if appropriate, mitigation measures require to be identified. Proposals must accord with the relevant historic environment policies in LDP2 Volume 2.			
14. Impact on tourism and recreation See SPG paragraphs 5.91 - 5.93 The impact from renewable energy developments on tourism and recreation should be fully assessed and if appropriate, mitigation measures require to be identified.	?	Y	?
15. Impact on aviation and defence See SPG paragraphs 5.94 - 5.104 The impacts of the proposals on radar performance , defence interests and other air safety and seismological recording considerations must be satisfactorily addressed and demonstrated to the satisfaction of the relevant technical authority.	Y	Y	?
16. Impact on transmitting or receiving systems See SPG paragraphs 5.105 - 5.108 It must be demonstrated no electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system or, where such disturbances may be caused, that measures will be taken to remedy or minimise any such disturbances.	Y	Y	?
17. Impact on road traffic and trunk roads See SPG paragraphs 5.109 -5.113	Y	Y	Y

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals

The impact from renewable energy developments on road traffic and trunk roads should be fully assessed and if appropriate, mitigation measures require to be identified and agreed with Transport Scotland and/or SLC Roads and Transportation.

18. Impact on hydrology, water environment and flood risk

See SPG paragraphs 5.114 - 5.123

The impact from renewable energy developments on hydrology, the water environment and flood risk should be fully assessed and if appropriate, mitigation measures require to be identified. Proposals must accord with LDP2 policies on Water Environment and Flooding.

Y

Y

Y

19. Decommissioning and restoration

See SPG paragraphs 5.124 - 5.126

Renewable energy applications must acknowledge the need for decommissioning, restoration and aftercare at the end of permission or the life of the turbines, if earlier. Developers are required to satisfy the Council that the plan for decommissioning and restoration of the proposed development is robust.

?

Y

?

20. Energy storage

See SPG paragraphs 5.127 - 5.128

The Council will consider proposals for energy storage on a case by case basis.

?

?

?

21. Site decommissioning and restoration bond

See SPG paragraphs 5.129 - 5.130

The Council requires a financial bond or guarantee to be put in place to meet all the expected costs of the proposed decommissioning and restoration phase.

?

Y

?

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals			
22. Forestry and woodland removal See SPG paragraph 5.132 - 5.136 The effects a proposed development will have on woodlands and the consequences that woodland removal will have on the ecology and landscape of the area and environs requires to be fully assessed, and appropriate mitigation measures identified. Proposals must accord with LDP2 Policy NHE13.	Y	Y	Y
23. Impact on prime agricultural land See SPG paragraph 5.82 Renewable energy development on Prime Agricultural Land (James Hutton Institute classes, 1, 2 and 3.1) shall only be acceptable where restoration proposals will return the land to its former status.	Y	Y	Y
24. Borrow pits See SPG paragraphs 5.38 - 5.40 Borrow pits associated with wind farm and other renewable energy developments shall only be permitted if they comply with the requirements in paragraph 243 of SPP 2014.	?	Y	?
25. Environmental protection See SPG paragraph 5.137 Developers must obtain all required authorisations or licenses under current environmental protection regimes prior to construction and ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development.	Y	Y	Y
26. Notifiable installations and exclusion zones. See SPG paragraph 5.139	Y	Y	Y

Renewable Energy Assessment Checklist

Assessment checklist criteria for renewable energy proposals

When locating wind turbines and other renewable energy infrastructure attention must be paid to their proximity to notifiable installations and exclusion zones.

27. Mitigation

Where proposals are shown to have a significant adverse impact in respect of any of the above criteria, the developer will require to demonstrate that appropriate mitigating measures will be applied.

28. Legal agreement

Where appropriate, the Council will normally require an applicant to enter into a legal agreement (Section 75 Agreement/Section 96 Agreement) to address community benefit payments, planning monitoring officer, roads and bridge structures and other matters.

29. Environmental Impact Assessment (EIA)

The Council will require all applications for renewable energy developments which fall within the scope of the Environmental Assessment legislation to be accompanied by an Environmental Statement, and encourage these to be preceded by a pre-application scoping report. Developments that do not clearly fall within the EIA regulations should undergo screening.

*Criteria 1-3 relate to the spatial framework for wind energy but are also applicable to all renewable energy developments



South Lanarkshire
Local Development Plan 2

South Lanarkshire Council
Community and Enterprise Resources
Planning and Building Standards Services
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