

T: 0131-244-1786  
E: [rebecca.young@gov.scot](mailto:rebecca.young@gov.scot)

Laura Gaddis  
Planning and Building Standards Headquarters  
South Lanarkshire Council

By email:  
[Laura.Gaddis@southlanarkshire.gov.uk](mailto:Laura.Gaddis@southlanarkshire.gov.uk)

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Dear Laura

## South Lanarkshire Council – Local Development Plan 2 – Proposed Plan

I refer to your correspondence of 24<sup>th</sup> July 2018, inviting comments on the above document. Please see below representations from the Scottish Government.

### 1. National Policy

**Proposed change** – Amend paragraph 2.16 to read:

“The Scottish Government announced its preferred policy position to not support the development of unconventional oil and gas in Scotland in October 2017. The preferred position is currently subject to the necessary statutory assessments, prior to finalisation.”

**Reason** – To accurately reflect the latest Scottish Government position on Unconventional Oil and Gas.

### 2. Housing Supply

**Proposed change** – The plan should provide a clearer explanation of how the housing requirements from the SDP are being met through the plan.

**Reason** – Paragraph 119 and Diagram 1 of Scottish Planning Policy (SPP) set out the approach to be taken for Local Development Plans in city regions with respect to addressing housing land.

### 3. Specialist Housing Provision

**Proposed change** – The plan should confirm whether there is a need for specific sites to be allocated for specialist housing (including gypsy/travellers and travelling showpeople).

**Reason** – Paragraphs 132-134 of SPP set out that Local Development Plans should clarify the specialist housing need in the area. The plan makes no mention of specialist provision in terms of need or specified sites. The LDP refers to the Council's policy on Gypsies/Travellers in respect of how any potential sites will be treated for consideration but does not make any proactive comments on need.

### 4. Policy 2 Climate Change

**Proposed change** – Amend Policy 2 (4) to fully address section 3F of the Town and Country Planning (Scotland) Act 1997. Policy 2 (4) should state the level of emissions saving to be made as a result of the application of the generating technology and that the level of saving to be made will rise at a given point in the future or state when and how much the rise will be.

**Reason** – To comply with the requirements of Section 3F of the Town and Country Planning Act 1997. The Act requires that all Local Development Plans must include policies requiring all developments in the Local Development Plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies. Policy 2(4) does not completely fulfil the requirements of the legislation. Nor is this addressed in Volume 2 of the Proposed Plan.

### 5. Policy 15 Travel and Transport

**Proposed change** – Amend Policy 15 to provide stronger support for meeting the travel demands of development through active travel and the use of public transport.

**Reason** – Policy 15 supports walking, cycling and public transport networks which provide a viable and attractive alternative to the car. It also encourages development proposals that incorporate measures to reduce travel by private transport. Active travel and public transport facilities and access should be fundamental design and locational elements of new development. Para. 273 of SPP requires plans to identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the

extent to which its travel demands are met first through walking, then cycling, then public transport and finally through the use of private cars. The policy is cast such that active travel and public transport are mitigations added to a car based scheme, which is less robust than the position in SPP.

## **6. Policy 18 Renewable Energy**

**Proposed change** – Include detail on Wind Farm Strategic Capacity.

**Reason** – To accord with paragraph 162 of SPP which requires strategic and local development planning authorities to identify where there is strategic capacity for wind farms and areas with the greatest potential for wind farm development. Although the plan does include a map identifying the spatial framework for wind turbines in line with SPP, wind farm strategic capacity is not addressed in the proposed plan or the non-statutory supplementary guidance.

## **7. Policy SDCC4 – Sustainable Transport**

**Proposed change** – delete the phrase ‘where possible’ from paragraph 2.17.

**Reason** - It is superfluous to refer to ‘where possible’ and doing so dilutes the strength of the policy intent. The consequence of not working to ensure a sustainable location relative to public transport provision suggests an unsustainable location could be accepted, which would not satisfy the strategic vision of the plan as set out in volume 1, nor would it satisfy the approach set out in SPP.

## **8. Active Travel Exemplar**

**Proposed Change** – Insert a policy which responds to paragraph 5.14 of National Planning Framework 3 on exemplar walking and cycling friendly settlements.

**Reason** - Paragraph 5.14 of National Planning Framework 3 encourages all local authorities to develop at least one exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting the Scottish Government’s vision for increased cycling.

## **9. Policy SDCC6 Renewable Heat**

**Proposed change** – Delete Reasoned Justification Para 2.28 and replace with:

‘The planning authority has access to the national heat map and will use this in the preparation of the next local development plan and as information to inform decision making on individual planning applications.’

**Reason** - This paragraph refers to Scottish Government work on the production of heat maps. The national heat map is now available and all local authorities have access to it.

## **10. Policy DM6 Subdivision of Property for Residential Use**

**Proposed change** – Amend final bullet point to read:

‘Where a proposal involves the subdivision of a residential property, which is a listed building or located within a conservation area the external appearance of the building must not be adversely altered. A separate consent process for listed building considerations is required especially as it is a criminal offence to carry out works that affects the character of a listed building, both their internal and external appearance, without gaining the appropriate consent. Internal works to a listed building must to acceptable in relation to any special architectural features.’

**Reason** – There is no remit for internal works within conservation areas to be considered unless they have an impact on a building’s external appearance which has already been highlighted.

## **11. – Policy DM19 Sterilisation of Mineral Resources**

**Proposed change** – Remove the caveat from DM19 of being minded to grant planning permission on the grounds of over-riding need for the development.

**Reason** – To better align with SPP policy para 237 – which does not contain such a caveat when discussing the safeguarding of workable mineral resources.

## **12. Policy NHE2 Archaeological Sites and Monuments**

**Proposed change** – Amend the first sentence of the Policy to read:

‘Scheduled monuments shall be preserved in situ and in an appropriate setting’.

**Reason** – Other identified nationally important archaeological resources are not designated.

## **13. Policy NHE2 Archaeological Sites and Monuments**

**Proposed change** - add the following text to the end of paragraph 7.12:

‘Scheduled monuments are of national importance and, as such, have a high level of protection with a separate consent system being administered by Historic Environment Scotland (HES). Any works directly affecting a designated scheduled monument requires Scheduled Monument Consent (SMC) which is obtained from HES. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate,

Historic Environment Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.

Telephone: 0131 668 8716 or email: [hmenquiries@hes.scot](mailto:hmenquiries@hes.scot)'.

**Reason** – Local planning authorities have no remit over direct impacts on scheduled monuments as Historic Environment Scotland are the consenting authority for Scheduled Monument Consent.

#### 14. Policy NHE3 Listed Buildings

**Proposed change** – Delete paragraph 7.18 and replace with:

'All listed buildings are a national designation however they have differing levels of importance. Category A Listed Buildings are of national importance, Category B are of regional importance and Category C are of local importance'.

**Reason** – For clarity.

#### 15. Policy NHE5 Historic Battlefields Paragraph 7.27

**Proposed change** – Delete the second sentence of paragraph 7.27 and replace with:

'Inclusion in the inventory is a material consideration in the planning process.'

**Reason** – For clarity and recognising the statutory notification direction on Battlefields and limitations of Permitted Development Rights within Battlefields.

#### 16. Policy NHE11 Peatland and Carbon Rich Soils

**Proposed change** – Amend Policy NHE11 paragraph 1 to read:

'Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO<sub>2</sub>) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO<sub>2</sub> to the atmosphere. Developments should aim to minimise this release'.

**Reason** – To accord with paragraph 205 of SPP.

#### 17. Policy RE1 Renewable Energy

**Proposed change** – Reword Policy RE1 to read as follows:

'Applications for renewable energy development should be prepared with consideration of the following:

**Reason** – Policy RE1 sets out that development will only be acceptable if it accords with the relevant requirements and guidance set out in associated studies and guidance as well as other policies in the LDP. As it stands, policy RE1 has the potential to conflict with Policy 18 in Volume 1. In addition, a requirement for development to accord with non-statutory

guidance is inappropriate. Non-statutory guidance is essentially a material consideration in the decision making process but should not carry the same weight as policy, which would be the effect of the wording in policy RE1 that 'development will only be acceptable if they accord with the relevant requirements and guidance...'. Guidance that the council wishes to have development plan status should be progressed as statutory supplementary guidance and subject to the relevant processes therein.

## 18. Policy RE2 Biomass

**Proposed change** - The policy should be amended to the degree that it acknowledges that combined heat and power plant which is connected to the national electricity grid cannot guarantee consumption locally of the electricity generated. In these circumstances it is the factors listed in the bullet points which are important, rather than where the electricity generated is consumed.

**Reason** - The policy requires that power generated by a small scale combined heat and power plant not sited in an industrial area should be for local consumption. If the plant is connected to the national electricity grid, local consumption of electricity generated cannot be guaranteed. Indeed placing such a restriction onto the development may create viability problems for the electricity element of the development and would reduce the potential of the development to contribute to national security of energy supply, which is an aim of paragraph 235 of SPP.

Yours sincerely

**Rebecca Young**  
**Senior Planner**