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By email to:

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Our ref: PPA-320-2125

3 November 2020

Dear [REDACTED]

DECISION NOTICE

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
ALTERATIONS TO APPROVED PLANS FOR ENERGY FROM WASTE PROCESSING
BUILDING INCORPORATING A REDUCTION IN THE FOOTPRINT OF THE BUILDING,
CHANGES TO THE DESIGN OF THE BUILDING, AN INCREASE IN THE HEIGHT OF
THE VENTILATION STACK TO 80 METRES, AN INCREASE IN THE GROSS ENERGY
OUTPUT TO 27MW, AN INCREASE IN THE THROUGHPUT OF WASTE FUEL TO
204,000 DRY TONNES PER ANNUM (AN INCREASE OF 24,000 TONNES) AND
ASSOCIATED ACCESS IMPROVEMENTS TO THE JUNCTION WITH THE A8, ON LAND
AT FORMER SHANKS AND McEWAN SITE, CARNBROE, COATBRIDGE (the 'Proposed
Development')**

1. This letter contains Scottish Ministers' decision on the above planning appeal by North Lanarkshire Bio Power Limited.
2. The application for planning permission was made to the planning authority, North Lanarkshire Council, on 7 February 2018. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010 the appeal came into a class to be determined by a person appointed by Scottish Ministers, rather than by Scottish Ministers themselves. In exercise of the powers under paragraph 3(1) of Schedule 4 to the Act, Scottish Ministers directed, on 21 June 2018, that they would determine the case themselves. The reason given for the direction was the sensitive nature of this particular type of development, the Proposed Development's possible implications for development plan policies, including policies for the promotion of clean air, public health, zero waste and visual amenity and because of the significant level of public interest.
3. The appeal was considered by written submissions by reporter [REDACTED] BA (Hons) BPI MRTPI, appointed by Scottish Ministers for that purpose.

4. The Reporter conducted unaccompanied site inspections on 22 August 2018 and 3 October 2019. The final report with Reporter's recommendation was issued to Scottish Ministers on 25 November 2019.

5. Planning permission for a commercial, industrial and municipal waste material recovery and renewable energy facility on the site was granted by Scottish Ministers at appeal on 17th May 2011. This decision was the basis of unsuccessful legal challenges by North Lanarkshire Council. Works were started on site in 2014 (but have not been completed) and the planning permission remains in place without a time limit.

Reporter's Recommendation and Scottish Ministers' Decision

6. The Reporter has recommended that the appeal be allowed subject to conditions. Scottish Ministers have carefully considered all the evidence presented and the Reporter's conclusions and recommendation. For the reasons given below, Scottish Ministers disagree with the Reporter's recommendation and refuse planning permission. A copy of the Reporter's report ('the Report') is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

The Reporter's Report

7. The Report provides a background to the Proposed Development in Chapter 1. In Chapter 2, the main findings of the EIA Report are summarised; main issues are considered in the subsequent topic-based chapters; with overall conclusions and recommendation in Chapter 8.

Environmental Impact Assessment

8. The determination of this appeal is subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations"). The EIA Report was submitted and consulted on during the course of this appeal. The Reporter was satisfied that the EIA Report contains sufficient information to enable a reasoned conclusion on the environmental effects of the scheme to be drawn. Scottish Ministers have taken the EIA Report into account when considering this proposal

9. Chapter 2 of the Report contains a summary of the findings of the EIA Report and the technical comments received on it from North Lanarkshire Council, SEPA and Scottish Natural Heritage. Appendix 2 of the Report contains a summary of the main points made in representations. Together, these form summaries of the environmental information and the results of the consultations and information gathered pursuant to Parts 5 and 6 of the EIA Regulations and how those results have been incorporated or addressed. Chapter 2 also contains (in paragraph 2.3) information regarding the arrangements taken to ensure the public had the opportunity to participate in the decision-making procedures. Ministers agree with and adopt those summaries as their own for the purposes of this decision notice.

Policy Context

10. Under the terms of section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises-

- The Glasgow and Clyde Valley Strategic Development Plan (2017) (Clydeplan);
- North Lanarkshire Local Plan (2012)

SDP

11. In para 1.16 the Reporter states that Schedule 14 of the strategic development plan defines waste management facilities with capacities of over 25,000 tonnes per annum, electricity generating developments with capacities of over 20 megawatts, and industrial developments of over two hectares as being strategic in scale, and thus likely to impact on the plan's vision and strategy. Such developments fall to be assessed against various provisions of the plan. Ministers agree with the Reporter that the proposed development meets these criteria, and therefore the policies of the strategic development plan are relevant.

Local Plan & Proposed Plan

12. In the North Lanarkshire Local Plan, the appeal site is specifically identified as an 'Industrial and Business Area – Existing Waste Management Facility'.

13. In para 1.35 the Reporter notes that the Proposed North Lanarkshire Local Development Plan is at an early stage in its preparation process. The Modified Proposed Local Development Plan ('the modified Proposed Plan') was published for consultation from February to April 2019. Ministers acknowledge that North Lanarkshire Council has now submitted its Modified Proposed Plan to the Scottish Ministers for examination on 22 July 2020.

14. In the Plan Map Book for Coatbridge in the Proposed Plan, the appeal site is shown as being on land within an Existing Business Site within a Business Centre. Rosasco Properties Ltd submitted a representation to the Proposed Plan, seeking that the Plan Map Book for Coatbridge be changed to show this land with a 'W' reflecting its Energy from Waste allocation and planning approval. As the Proposed Plan is still at an early stage of examination, objections to it are not yet fully resolved and its policies may still be subject to change, Ministers consider the Proposed Plan carries limited weight as a material consideration at this time.

NPF

15. The National Planning Framework 3 states that "a decentralised network of processing facilities will be needed to achieve our vision for a circular economy where waste is recognised as an opportunity, not a burden."

SPP

16. Scottish Planning Policy (SPP) sets out the following policy principles for planning for zero waste:

- "promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arising to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal."

17. Scottish Ministers agree with the Reporter's assessment of the development plan and supplementary guidance as set out in paras 1.15 – 1.34.

Planning History

18. The planning history of the site is a material consideration in the determination of the appeal. The site has extant planning permission for a "Commercial, Industrial and Municipal Waste Material Recovery and Renewable Energy Facility comprising Main Processing Building and Office Block". This permission was granted following an appeal against North Lanarkshire Council's refusal of the application. The Council challenged (appealed against) the Reporters' decision at the Court of Session. Lord Stewart was satisfied that the Reporters' decision was within the powers of the 1997 Act, and having rejected the Council's submissions, refused the Council's appeal.

Main Issues

19. Scottish Ministers consider that the main issues in this case are those identified by the Reporter in para 1.36 and set out below. These will be considered in turn –

- The principle of the use of this land for an energy-from-waste plant;
- Air quality, emissions and public health;
- Landscape and visual impact; and
- The benefits of the development.

The principle of the use of this land for an energy-from-waste plant

20. Ministers acknowledge that the appeal site is identified as an existing waste management facility in the North Lanarkshire Local Plan. Ministers agree with the Reporter (para 3.4) that the Proposed Development complies with the relevant locational criteria set out in Policy 11 of the strategic development plan, but that the policy caveats its support by saying this will be subject to local considerations. Ministers agree with the Reporter's reasoning and conclusions on location/spatial strategy at paras 3.5 to 3.8 that the principle of the Proposed Development draws support from: Policy 10 of the strategic development plan, which supports the delivery of heat and electricity through alternative renewable technologies; Policy EDI1A of the local plan which supports the continuing industrial and business character; Policy EDI3A which provides in-principle support for all forms of renewable energy generation; Policy EDI3C, which supports applications for waste management facilities; and Policy NBE2C which promotes the re-use of vacant and derelict land such as the appeal site.

21. Ministers agree with the Reporter that the Proposed Development should be treated as a fresh proposal for a different scheme and not an amendment to the existing permission. The Reporter considers the extant permission is indicative of the general acceptability of the use of this land for some form of energy to waste facility.

22. The Reporter concludes at para 3.18 that the principle of an energy-from-waste (EfW) development at this location is likely to be acceptable – primarily due to the site's allocation in the local plan; support given by Policy 11 of the Strategic Development Plan; the history of waste management use for this land; and the extant permission.

23. Ministers agree with the Reporter's conclusions that the principle of an EfW development at this location is likely to be acceptable, and gains significant support from the provisions of the development plan. However, Ministers have taken into account that at the time of the Local Plan's adoption in 2012, the approved waste management facility building

was 8 metres lower in height than the building now proposed, and the approved stacks were 53 metres lower in height than the stack now proposed. The Proposed Development is materially different to the approved development.

24. Ministers note that the appeal site is on land identified in the modified Proposed Plan as being an 'Existing Business Site' within a Business Centre (specifically, 'Shawhead and Carnbroe, Coatbridge' Local Business Centre). Ministers also note that there are unresolved objections to the Modified Proposed Plan which is undergoing examination. However, Ministers consider that the Modified Proposed Plan, as it stands, provides support in principle to the use of the appeal site for an EfW plant.

25. Ministers consider that the in-principle support of the development plan and the emerging Local Development Plan for an EfW development on the site does not negate the requirements of Policy DSP4 of the Local Plan for development to relate well to the existing context, and avoid any adverse impact on existing or proposed properties through loss of amenity.

Air quality, emissions and public health

Air Quality

26. Ministers agree with the Reporter (para 4.50) that the air quality and health impacts of the Proposed Development would fall within acceptable limits, and that the proposal adequately mitigates its air quality impacts as required by Policy DSP4 (criterion 3d) of the North Lanarkshire Local Plan.

Impacts on Ecological Receptors

27. Ministers agree with the Reporter's conclusions at para 4.36 that based on the information available, air quality impacts on ecological receptors would fall within acceptable limits. On this basis Ministers agree with the Reporter's conclusions that the Proposed Development complies with relevant policy in the local plan in regard to the effects of emissions on natural heritage and biodiversity.

Vehicle Emissions

28. Ministers agree with the Reporter's conclusions in para 4.43 that emissions from road traffic arising from the development would fall within acceptable limits when considered in combination with background air quality and emissions from the facility itself.

Health Impact

29. Ministers agree with the Reporter's conclusion at para 4.49, that based on the information available, no significant health risks would arise.

Visual impact

30. Ministers acknowledge the Reporter's consideration in para 5.11 that the appeal site is currently brownfield land with no upstanding development on it.

31. The 2011 decision notice in respect of the extant permission for the EfW development (granted at appeal) noted that without mitigation, only properties at the western end of Locher Walk in Carnbroe would suffer a large adverse visual effect. The Environmental Statement for the approved development found that as viewed from the west and north west,

without mitigation, some flats and terraced houses at Dunottar Avenue would suffer moderate to large adverse visual effects. However, these properties were all between 450m and 620m from the site boundary and it was considered that, at that distance, the buildings and associated chimneys would merge into the predominantly industrial character of the surrounding area. It was found that that the imposition of suitably framed conditions would be sufficient to mitigate adequately any adverse visual impacts of the Proposed Development.

32. Ministers note that the proposed stack in the Proposed Development the subject of the current appeal would be 80 metres high, and the proposed building would rise to 38 metres.

33. Ministers agree with the Reporter (para 5.26) that the stack in particular would become a notable landmark on one of central Scotland's most important transport corridors and that (para 5.27) the utilitarian appearance of the proposed development means it would detract from the visual experience of road users. Ministers also agree with the Reporter that the visual impact on these roads is important due to the high volumes of traffic using them and thus the large number of people who would experience this view.

34. Ministers agree with the Reporter's conclusions in para 8.10 that there has been a major change in circumstances since the extant permission for the EfW development was granted. Ministers have taken into account the Reporter's consideration in paras 3.12 - 3.13 that on 14 February 2018 the council granted planning permission in principle for a mixed use development including 400 houses on land immediately to the east of the appeal site separated by the Motherwell to Coatbridge railway line. If implemented, this approval would bring residential property much closer to the proposed EfW plant than was the case at the time of the earlier permission being granted. For instance the proposed chimney stack could be around 100 metres from the nearest proposed houses as opposed to around 350 metres from existing houses.

35. The Reporter for the current appeal concluded that that the Proposed Development would have a significant visual impact on the proposed housing area. He recognises that the separation distance would be significantly less than the 250 metre guideline appropriate buffer distance between sensitive receptors and thermal treatment plants suggested at paragraph 191 of SPP. Ministers note that this is a guideline and each proposal should be assessed on its own merits on a case by case basis. In this case Ministers consider that the proximity of the proposed development to the approved housing area, combined with the heights and industrial nature of the proposed chimney stack and building, would result in significant and demonstrable adverse visual impacts on that housing area.

36. Ministers agree with the Reporter that (para 5.22) the buildings and stack of the Proposed Development would appear as very large prominent features from any houses and associated gardens or public space with open west-facing views built in the western part of the approved residential site. As clearly industrial structures, the buildings and stack would be out-of-keeping with the otherwise residential and domestic character of the new estate. Ministers share the Reporter's doubt (para 5.22) that the existing or any bolstered peripheral planting would be sufficient to fully screen the plant buildings, and agree with the Reporter that the stack would dominate the visual experience from any west-facing windows and gardens closest to the boundary. Ministers agree with the Reporter (para 5.33) that where the stack and plume are visible, the plume may serve to draw greater attention to the stack, and to its industrial function, and that some people may have increased sensitivity to views of the proposed plant given their knowledge that it is an energy-from-waste plant and their level of concern about emissions from such plants.

37. Ministers note that the Reporter states (para 5.23) that no houses have as yet been built on the land to the east of the appeal site, and there is no certainty that a housing development will in fact go ahead. He also notes that detailed proposals for the part of the land closest to the appeal site have not yet been forthcoming, and so could take account of any permission for the energy-from-waste plant. Ministers consider it would be very difficult or impossible to achieve a high quality development in terms of its layout and design which also mitigates the visual impacts of the Proposed Development on the residential area (including public space within it) to an acceptable level, especially given the number of homes proposed.

38. The Reporter states in para 5.23 that in the event that the appeal were allowed and the energy-from-waste plant built, potential residents would be aware of the visual effect before deciding whether to move to the affected houses. Ministers do not consider that this justifies, or makes acceptable, the significant and demonstrable adverse effects of the Proposed Development on residential amenity on the site.

39. Ministers agree with the Reporter's conclusion (para 5.24) that the visual effect of the Proposed Development on the residential development site to the east would potentially be highly detrimental, and given the points above Ministers consider the visual effect is *very likely* to be highly detrimental.

40. Ministers agree with the Reporter's overall conclusion at paras 5.35 and 8.5 that the Proposed Development would be contrary to criterion 3f of Local Plan Policy DSP4 due to the failure to fully relate well to the existing context, and to avoid any adverse impact on existing or proposed properties through loss of amenity. As the Proposed Development is contrary to that criterion, Ministers consider that the Proposed Development is contrary to policy DSP4 as a whole. Ministers consider there would be significant adverse visual impacts on the local area and the approved residential development that cannot be adequately mitigated by screening or other measures.

41. Ministers consider that the significant adverse visual and amenity impacts on the local area significantly and demonstrably outweigh the benefits of the Proposed Development.

The benefits of the development

42. Ministers agree with the Reporter's conclusions at para 6.11 and para 8.11 that the Proposed Development would produce a number of benefits including the treatment of waste that might otherwise have gone to landfill, the generation of renewable power, the avoidance of carbon emissions and the potential for the use of waste heat. Ministers have also taken into account the Reporter's view that most of these benefits mainly arise at the national and global scale, rather than being direct benefits for local communities.

Other Matters

43. The Reporter has considered other matters raised in representations including concerns about noise, impact on trees and wildlife, pollution of the Calder Water, traffic, odour/ vermin/ flies, a detrimental effect on tourism, and ground stability.

Noise

44. Ministers agree with the Reporter (para 7.9) that the proposal mitigates any likely noise impacts, as required by Local Plan Policy DSP4 (criterion 3d).

Impact on trees and wildlife

45. Ministers agree with the Reporter's conclusion at para 7.17 that the Proposed Development would comply with local plan Policy NBE1 because it safeguards sites of importance for natural heritage and biodiversity, and that protected species would either not be compromised or any adverse effects can be mitigated.

Pollution of the Calder Water

46. Ministers agree with the Reporter's conclusion at para 7.18 that the Proposed Development would mitigate any likely pollution impacts on this watercourse as required by local plan Policy DSP4 (criterion 3d).

Traffic

47. Ministers agree with the Reporter's conclusion at para 7.22 that the Proposed Development would not give rise to any problematic issues in relation to traffic.

Odour/ vermin/ flies

48. Ministers agree with the Reporter's conclusion at para 7.27 that the proposals would avoid harm to neighbouring amenity in respect of odour, vermin and flies, and that restriction on the outdoor storage of material could be secured by condition.

Tourism

49. Ministers agree with the Reporter's conclusion at para 7.28 that while some negative impact on the visitor experience is possible, this would be small and diffuse.

Ground Conditions and Stability

50. Ministers agree with the Reporter's conclusion at para 7.29 that there is no basis for refusing planning permission for reasons of ground conditions or stability.

Scottish Planning Policy (SPP)

51. SPP states (at paragraph 33) that where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

52. Ministers consider that the relevant policies of the Local Plan (including Policy EDI3A which relates to 'Utilities Development' including renewable energy generation and Policy EDI3C, regarding waste development) are not inconsistent with Scottish Planning Policy. However, as the Local Plan is more than five years old, Ministers are applying the principle set out in paragraph 33 of SPP, and regard the presumption in favour of development that contributes to sustainable development as a significant material consideration in this case.

53. Paragraph 28 of SPP states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right

development in the right place; it is not to allow development at any cost. SPP then (in para 29) sets out principles which should guide policies and decisions. Ministers consider the following principles are of most relevance in this case:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

54. Ministers consider that the Proposed Development would create net economic benefit (although Ministers share the Reporter's doubt at para 6.8 that job creation could be considered to be a significant benefit of the proposed development); and make efficient use of land. The Proposed Development would support the delivery of business development and energy infrastructure. It would also support climate change mitigation, for the reasons set out by the Reporter in para 6.7. It would facilitate the management of waste, promote resource recovery and reduce the amount of waste that would otherwise have gone to landfill. In those respects, the Proposed Development would contribute to sustainable development. However, whether it is, in overall terms, a sustainable development is another question.

55. For the reasons discussed above (including in paragraphs 33 - 41 above) Ministers consider that the Proposed Development would not protect the amenity of new development, and would represent over-development. For the same reasons, Ministers consider that the Proposed Development does not represent good design.

56. Given those shortcomings, and even when taking into account paragraph 33 of SPP as part of this judgement, Ministers consider that the Proposed Development would not in overall terms, be a sustainable development, and would not represent "the right development in the right place" as expected by paragraph 28 of SPP. Ministers consider the adverse impacts of the Proposed Development as identified in paras 33 - 41 above would significantly and demonstrably outweigh the benefits of the Proposed Development as identified in paras 6.6 to 6.11 of the Report.

Overall Conclusion

57. Ministers agree with the Reporter (para 8.7) that to reach a conclusion on overall compliance with the development plan, there needs to be an assessment of the development plan's support for the principle of this form of development at this location, and the proposed development's compliance with policy provisions relating to emissions, noise and other matters. This needs to be balanced against the Proposed Development's non-compliance with the policy provisions relating to quality of development (including impact on amenity).

58. For the reasons given in the next paragraph, Ministers disagree with the Reporter's overall conclusions at para 8.8 that the in-principle support given by the plan is the more powerful factor in this case. The Reporter states at para 8.8 that in his mind, the in-principle support brings with it an acceptance that some form of large visually prominent utilitarian building would be constructed on the site. Ministers acknowledge this, but consider the in-principle support does not bring with it an acceptance that any development on the site would necessarily have significant adverse visual effects, which the Proposed Development would. The Reporter also states that in terms of the weight to be given to the potential visual impact, it is also relevant that the proposed neighbouring housing site remains unbuilt and its detailed design remains to be agreed. However, this does not reduce the weight given by Ministers to the potential visual impacts, as it should be assumed that the extant permission for the residential development will be implemented.

59. Ministers note that Policy DSP4 is within the Development Strategy section of the Local Plan, and page 11 of the Local Plan states that the Development Strategy has four Policies that apply to all applications for planning permission. Policy DSP4 begins by stating "Development will only be permitted where high standards of site planning and sustainable design are achieved." Ministers therefore consider that the in-principle support of the Local Plan does not negate the requirements of Policy DSP4 for development to relate well to the existing context, and avoid any adverse impact on existing or proposed properties through loss of amenity. Ministers consider that the significant adverse visual effects on residential and local amenity, contrary to Policy DSP4, make the Proposed Development unacceptable and not compliant overall with the development plan.

60. Ministers agree with the Reporter (para 8.12) that while some considerations militate against the Proposed Development, others add to the case for granting planning permission. Considerations militating against the development include the adverse visual impacts of the development, contrary to Local Plan Policy DSP4. Considerations adding to the case for granting permission include the proposed development's economic benefit and its support of waste management and climate change mitigation, as set out in paras 6.6 to 6.11. Ministers agree with the Reporter (para 6.11) that most of the benefits would mainly arise at the national and global scale, rather than being direct benefits for local communities.

61. On balance the Reporter considers (para 8.12) that the council's approval of residential development on neighbouring land, and the fact that this would bring houses closer within the 250 metre buffer mentioned in SPP, are not such powerful factors as to justify putting aside the support for the proposed energy-from-waste plant given by the development plan. Ministers disagree with the Reporter that the development plan gives support to the specific development proposed in this appeal – it only gives support to the principle of an energy-from-waste development, whereas as explained above, the Proposed Development is not compliant overall with, and not supported by, the development plan.

62. For the reasons given above, Ministers consider that the Proposed Development is not in accordance with the development plan overall due to significant adverse visual impacts contrary to Policy DSP4 of the local plan. Ministers consider that these adverse impacts significantly and demonstrably outweigh the benefits of the proposal, including the environmental and economic benefits of the scheme (outlined by the Reporter in paras 6.6 – 6.11) when assessed against the wider policies in Scottish Planning Policy.

Formal Decision

63. Accordingly, for the reasons given above, Scottish Ministers disagree with the Reporter's recommendation and hereby dismiss the appeal and refuse planning permission

for Alterations to approved plans for energy from waste processing building incorporating a reduction in the footprint of the building, changes to the design of the building, an increase in the height of the ventilation stack to 80 metres, an increase in the gross energy output to 27Mw, an increase in the throughput of waste fuel to 204,000 dry tonnes per annum (an increase of 24,000 tonnes) and associated access improvements to the junction with the A8 at 251 Glasgow And Edinburgh Road, Coatbridge, ML5 4UG, in accordance with planning application ref: 09/00675/FUL, dated 7 February 2018.

Right to Challenge

64. The decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

65. A copy of this letter and the Reporter's report has been sent to the representatives of North Lanarkshire Council. Those parties who lodged representations will also be informed of the decision.

Yours sincerely




Chief Planner