



Southern Area Local Plan

COUNCIL CONSIDERATION
OF THE INQUIRY FINDINGS

INCLUDING THE
PROPOSED MODIFICATIONS

July 2008

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SOUTHERN AREA LOCAL PLAN

COUNCIL CONSIDERATION OF THE INQUIRY FINDINGS
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The Public Local Inquiry into objections made (but not withdrawn) to the Southern Area Local Plan Finalised Draft was held from September 2005 to March 2006. The Report of the Public Local Inquiry was received by the Council in June 2006.

The following pages provide a summary of the findings and recommendations of the Inquiry Reporter, the Council's consideration of the findings/recommendations and a table of modifications which are proposed to the Local plan.

This document also lists proposed modifications to the Local Plan which cover subjects which were not considered at the Inquiry but are regarded as minor changes to reflect up dated land supply schedules and recent developments.

In the 'modifications' sections, the modifications that are proposed to the Plan are generally highlighted in bold italic text.

The Council will only accept formal objections to the modifications which are now being proposed. Formal objections must be received at the address below no later than 5.00 pm on the xx of July 2008.

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Policy	Subject	Summary of Reporters' Recommendations and Modifications	Council's Consideration and Proposed Modifications
ENV 7	Environmental Policies	The designation of Aitkenhead Bing as an Urban Fringe Improvement Opportunity should be removed from Schedule ENV 7 1998 and the Proposals Map.	The proposed modifications have been agreed and incorporated in the Written Statement and Proposals Map.
ENV 8	Environmental Policies	The policy and text should be amended to identify mineral extraction as an appropriate use in areas designated Countryside Around Towns.	This recommendation reflects Government Guidance contained in the SPP16 Opencast Coal and SPP 21 Green Belts. The changes do not diminish the Council's level of control over developments within the Green Belt and brings them into line with accepted best practice. The proposed modifications have been agreed and incorporated in the Written Statement.
ENV 14	Environmental Policies	The last sentence of Policy ENV 14 Nature Conservation Sites (2001) should be amended along the following (or similar) lines: <i>"As an exception to the above policy, proposals for mineral extraction within a nationally designated nature conservation site, for which it can be demonstrated that the underlying objectives and overall integrity of the designated area would remain largely unaffected, or that the proposal would have national benefits that significantly outweighed the adverse effects on such an area may, following consultation with Scottish Natural Heritages, be allowed. Where proposals for mineral extraction fall within locally designated nature conservation sites, they will need to be given careful consideration, and whilst the degree of outright protection they will require will not normally be as high as that given to national or international designations, nevertheless, they will require the most rigorous of controls and environmental standards to apply."</i> The word "important" should be substituted for "critical" in paragraph 2.13 (2001).	This recommendation reflects Government Guidance contained in the SPP16 Opencast Coal. The changes do not diminish the Council's level of control over developments within environmentally sensitive areas but brings them into line with accepted best practice. The proposed modifications have been agreed and incorporated in the Written Statement.
ENV 15	Environmental Policies	The policy should be re-worded. The following text is suggested: <i>"The council will protect and enhance the Clyde Valley Area of Great Landscape Value as identified on the proposals map by resisting any proposal which would have a significant adverse effect on the character and quality of the environment."</i> There should be no change to the extent of the AGLV on the proposals map.	The Reporter's recommendation enhances the protection afforded to the Area of Great Landscape Value along the Clyde Valley and as such accords with Council's policy to protect this area. The proposed modifications have been agreed and incorporated in the Written Statement.

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ENV 16	Environmental Policies	The text of Pre-Inquiry Change 2.18 should be incorporated into the plan.	The proposed modifications have been agreed and incorporated in the Written Statement.
ENV 20	Environmental Policies	The first sentence of Policy ENV 20 should be amended along the lines of: <i>"There will be a presumption against any development proposals which could have a significant adverse effect upon the character of a Historic Garden or Designed Landscape included in the Inventory of Gardens and Designed Landscapes or proposed for inclusion during the plan period."</i>	The Reporter's recommendation enhances the protection afforded to Historic Gardens and Designed Landscapes in keeping with Government Guidance and as such accords with Council's policy to protect these designations. The proposed modifications have been agreed and incorporated in the Written Statement.
ENV 21	Environmental Policies	The first sentence of Policy ENV 21 should be amended along the lines of: <i>"The council will not normally allow development which would have an adverse impact on scheduled ancient monuments. Where development would affect other archaeological sites and industrial archaeology resources and their settings, the relative importance of those features will be weighed against other factors including the benefits of the proposed development"</i>	The Reporter's recommendation enhances the protection afforded to Scheduled Ancient Monuments in keeping with Government Guidance and as such accords with Council's policy to protect these designations. The proposed modifications have been agreed and incorporated in the Written Statement.
HSG 2	Housing Policies	Schedule HSG 2 should be revised to take account of the lack of production from Ravenscraig to date. Table 3.2 should be amended to accord with the figures in Technical Report 10 of the GCVJSP: In relation to: Branchal Rd, Cambusnethan; Hareshaw Rd, Hareshaw; Knowenoble Farm, Cleland; Morningside Rd, Newmains; and Castlehill Rd, Gowkthrapple, Wishaw, the plan should remain unaltered. There is no strong reason to reallocate the existing industrial allocation to the east of Morningside Rd, Newmains for housing.	Schedule HSG 2 will be revised as per the recommendation Table 3.2 has been amended to accord with the figures in Technical Report 10 of the GCVJSP: The Reporters support for the housing sites listed is noted. The Council did not request the land to be rezoned for housing as there is sufficient capacity within the existing Housing Land Supply. However, given the Reporters recommendation (Mod ref 11) to remove the industrial zoning from the site on the grounds of amenity, the sites location in the middle of the village lends itself to a residential zoning. It is recommended that the proposed modifications be accepted by the Council with the exception of the recommendation relating to Morningside Road, Newmains. It is recommended that the Council does not accept the

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HSG 3	Housing Policies	The proposed revised wording in the 2001 "Modifications" should be substituted for the 1998 version.	proposed modification relating to Morningside Road, Newmains and that the site be rezoned from industry to a residential zoning.
HSG 6	Housing Policies	Policy HSG 6 Special Needs Housing should be deleted.	The proposed modifications have been agreed and incorporated in the Written Statement.
HSG 12	Housing Policies	The last sentence of paragraph 3.47 should be deleted and replaced with the two sentences as set out in paragraph 3.47 of the "Modifications" 2001.	The proposed modifications have been agreed and incorporated in the Written Statement.
IND 1	Industrial & Business Policies	<p>The proposed industrial site at Morningside Rd should be deleted, although the extant planning permission will, of course be honoured, if pursued. (See also the housing chapter.)</p> <p>With respect to Legbrannock Rd, there should be no amendment to the plan beyond the textual changes proposed by the council.</p>	<p>The Reporter has requested that this site be deleted from the Industrial Land Supply on the grounds that such a use is incompatible with the adjacent residential properties. It is recommended that the Council accepts this view, however, the removal of the industrial use leaves the issue as to what alternative use should be given to the site. The most acceptable alternative use given the sites location within the centre of the village is a residential designation.</p> <p>It is recommended that the Council accepts the proposed modification and that the site is rezoned from industry to a residential zoning.</p> <p>This recommendation relates to Christian Salvesen's request for the industrial zoning at Newhouse Industrial Estate is expanded to include their premises south of Edinburgh Road at Legbrannock Road. Christian Salvesen feels that the Green Belt zoning of their premises restricts opportunities for expansion. This view was challenged by the Council as Green Belt policy allows existing industrial sites to be expanded; this view was supported by the Reporter.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>

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IND 6	Industrial & Business Policies	The 2004 version of policy IND 6 should be adopted.	The proposed modifications have been agreed and incorporated in the Written Statement.
RTL 1 RTL 5	Retail & Commerce Policies	The 2004 version of policies RTL 1, RTL 5 and supporting text should be adopted. No other changes are required.	The proposed modifications have been agreed and incorporated in the Written Statement.
RTL 9	Retail & Commerce Policies	The local plan Proposals Map should reflect the planning permission for the Ravenscraig Access Improvements, including as they affect the area of the existing bus depot site.	The recommendation requires the alteration of the Proposals map to include the exact land take required to facilitate the development of the Ravenscraig Approaches roadworks adjacent to the First Bus Depot on Airbles Road/Hamilton Road, Motherwell. The Ravenscraig Approaches application S/02/00066/OUT was granted in October 2003. The proposed modifications have been agreed and incorporated in the Written Statement and on the Proposals Map.
TR 3	Transportation Policies	The supporting text should be amended to make a general reference to the need for a passenger station to serve the Eurocentral site while deleting the specific location of the station as indicated on the proposals map 2001.	The proposed modifications have been agreed and incorporated in the Written Statement.
TR 6	Transportation Policies	The Ravenscraig access improvements for which planning permission has been granted should be indicated on the proposals map, including as they affect the bus depot site.	The recommendation requires the alteration of the Proposals map to include the exact land take required to facilitate the development of the Ravenscraig Approaches roadworks adjacent to the First Bus Depot on Airbles Road/Hamilton Road, Motherwell. The Ravenscraig Approaches application S/02/00066/OUT was granted in October 2003. The proposed modifications have been agreed and incorporated in the Written Statement and on the Proposals Map.
Para. 7. 32	Transportation	There is no need to amend the plan beyond the minor change to the supporting text at paragraph 7.	The proposed modifications have been agreed and incorporated in the Written Statement.

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MIN 2 (1998) MIN 2 (2001) MIN 3 (1998) MIN 5 (2001)	Mineral Extraction & Waste Management Policies	<p>The revised wording in policy MIN 2 2001 should be adopted with the exception that the word "allowed" should be substituted for the word "acceptable", in the interests of clarity.</p> <p>Paragraph 7.51 of the supporting text should be amended as in the 2001 version. However, it should make clear that the normal 500m "stand-off" distance as proposed by the council refers to communities irrespective of which local authority jurisdiction they fall within, with specific reference to Fauldhouse. The substance of that text would be better placed in the policy itself. The reference to "working face" should be deleted and the phrase "site boundaries" substituted for it. The proposals map should be amended to ensure a stand off distance of 500m between areas of search and existing settlements.</p> <p>Policy MIN 5 Assessing Applications for Mineral Extraction 2001 should be substituted for Policy MIN 3 Assessing Applications for Opencast Coal Working 1998, subject to the following amendments:</p> <ul style="list-style-type: none"> • <i>cumulative impact (including with extraction of minerals other than coal and with landfill sites) should be included in the criteria;</i> • <i>the declaration that "the council will refuse planning permission for mineral extraction proposals that fail to satisfy the assessment carried out in terms of Policy MIN 5" should be included in the terms of the policy; and in view of its importance, reference should be made within the policy to the guidance contained in SPP16.</i> 	<p>The scope of the changes recommended by the Reporter are in keeping with the recent Government Guidance contained in the Draft SPP16 Opencast Coal published in July 2005. The changes do not diminish the Council's level of control over the consideration of opencast coal proposals but rather brings them into line with accepted best practice.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>
MIN 4 (1998)	Mineral Extraction & Waste Management Policies	<p>The criteria listed in the policy should be set out in full and the second sentence of the policy amended along the following lines:</p> <p><i>"All proposals to extend the supply of rock will be assessed against the following criteria:</i></p> <ol style="list-style-type: none"> <i>1) the need to ensure a 10 years' forward supply of hard rock (taking into account any extant planning permissions);</i> <i>2) the environmental implications of the proposal, including the impact on landscape quality, visual amenity, nature conservation and watercourses;</i> <i>3) the impact of the proposal on the residential amenity of nearby communities;</i> <i>4) the effect on highway safety and traffic movements, and the scope to utilise rail freight;</i> <i>5) the potential cumulative impact when considered with other mineral extraction operations;</i> <i>6) the nature of the proposed working methods, including timescales, measures for screening and aftercare; and</i> 	<p>The scope of the changes recommended by the Reporter is in keeping with the Government Guidance contained in NPPG 4 Land for Mineral Working. The changes do not diminish the Council's level of control over the consideration of hard rock quarrying proposals but rather brings them into line with accepted best practice.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>

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MIN 5 (1998)	Mineral Extraction & Waste Management Policies	<p>7) <i>satisfactory proposals for after-use.</i> <i>The council will refuse planning permission for hard rock quarry operations that fail to satisfy the above assessment."</i></p> <p>In the interests of clarity, the relevant considerations identified within Policy MIN 5 Assessing Applications for Mineral Extraction 2001 should be set out in the terms of this policy.</p> <p>See also Policy MIN 5 Assessing Applications for Mineral Extraction 2001 above.</p>	<p>The scope of the changes recommended by the Reporter are in keeping with recent Government Guidance contained in the Draft SPP16 Opencast Coal published in July 2005. The changes do not diminish the Council's level of control over the consideration of opencast coal proposals but rather brings them into line with accepted best practice.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>
MIN 6 (1998)	Mineral Extraction & Waste Management Policies	<p>Policy MIN 6 should be deleted.</p>	<p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>
MIN 7 (1998) MIN 6 (2001)	Mineral Extraction & Waste Management Policies	<p>The policy should be amended as suggested in the 2001 Proposed Modifications, subject to:</p> <ul style="list-style-type: none"> the reference to waste disposal operations being changed to indicate that bonds will be required for those operations where such matters are not already covered under SEPA licensing; and addition of the option that an operator should be allowed to demonstrate alternative arrangements to the satisfaction of the planning authority (along the lines of paragraph 53 of NPPG14). Paragraph 7.61 (1998) should be deleted. 	<p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>
MIN 7 (2001)	Mineral Extraction & Waste Management Policies	<p>The policy should refer to new permissions rather than "all operators of mineral extraction sites". It should not require regular progress plans to be prepared by independent engineers. Their use should be reserved for instances where such independence is needed. The policy should include examples of the stages of development, etc at which the council might require assessment reports. The supporting text should mention that any commercially sensitive information disclosed as part of the assessments would not be divulged.</p>	<p>The scope of the changes recommended by the Reporter are in keeping with the recent Government Guidance contained in the Draft SPP16 Opencast Coal published in July 2005. The changes do not diminish the Council's level of control over the consideration of opencast coal proposals but rather brings them into line with accepted best practice.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>

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L 2	Leisure & Tourism Policies	Reference L 2.1 Aitkenhead Bing should be removed from the Schedule. A golf course proposal at Knowenoble should not be added to the Schedule.	The proposed modifications have been agreed and incorporated in the Written Statement.
L 3	Leisure & Tourism Policies	The land at 35/75 Clydesdale St should not be designated under Policy L 3. Zoning as part of the adjoining Established Housing Area (policy HSG 8) would be appropriate.	While the proposed modification removes the protected open space designation for the site this does not in itself mean that the site can be developed for housing as any subsequent planning application will need to be tested against Policy HSG 8 and other local plan policies. The proposed modifications have been agreed and incorporated in the Written Statement.
Schedule CS 1	Community Services & Utilities	The proposals map should be amended to exclude the site of the BT exchange from the allocation for a new primary school at Harthill.	This is a minor drafting change to the Schedule and associated Proposals Map and would reflect the physical separation of the two sites on the ground. The proposed modifications have been agreed and incorporated in the Written Statement.
CS 5	Community Services & Utilities	Harthill Telephone Exchange should be removed from the primary school zoning. Bellshill, Cambusnethan, Shotts, Uddingston and Harthill Telephone Exchanges should be zoned under Policy CS 5 Established Utilities. The proposals map should be amended to show Cambusnethan and Shotts Telephone Exchanges under that zoning (they were omitted in oversight from the 2001 proposals map). There should be no change to the zoning of Motherwell Telephone Exchange. Wishaw Telephone Exchange should be rezoned under policy CS 5. Motherwell Telephone Engineering Centre should retain its zoning as an IND 8 site.	These modifications represent minor drafting changes to the Proposals Map. The proposed modifications have been agreed and incorporated in the Written Statement.
CS 6	Community Services & Utilities	Policy CS 6 (in its various versions) should be replaced by that suggested on behalf of BT, with the addition of the phrase "and environmental" in order to address, for example, potential harm to the nature conservation interest of a site: "and dishes" to cover the range of equipment which might	The Reporter recommends that the amendments to Policy CS 6 Assessing Applications for Telecommunications Development as promoted by British Telecom be adopted in favour of those promoted by the Council. The Reporter

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		<p>be located on an existing structure; and "especially with respect to areas designated for their natural history interest ... careful consideration" to address the council's main areas of environmental concern, but in the light of government guidance, namely:</p> <p><i>Planning permission will normally be granted for telecommunications developments where:</i></p> <ul style="list-style-type: none"> a) there are no satisfactory alternative sites for telecommunications available; b) there is no reasonable possibility of sharing existing facilities; and c) in the case of radio masts, there is no reasonable possibility of erecting antennas and dishes on an existing building or other structure. <p><i>Whilst recognising technical and operational considerations, any development should be sited and designed so as to minimise its visual and environmental impact, especially with respect to areas designated for their natural history interest and landscape quality, and to listed buildings and conservation areas. Development affecting areas of international or national interest and buildings of national or regional interest will require particularly careful consideration.</i></p> <p>Paragraphs 9.29-9.31 (1998) should be deleted.</p> <p>The second, third and fourth sentences of paragraph 9.31 (2001) should be deleted, together with the first word of the fifth sentence, and part of the first sentence in paragraph 32. The text would then read:</p> <p><i>"Advances in telecommunications technology together with a significant growth in the number of operators have led to increasing demands for masts and other forms of apparatus, and the development of third generation telecommunications will result in the replacement of some apparatus and the development of new sites. The council recognises the importance of modern communications in meeting the needs of businesses, public services and individuals, and that the telecommunications developers/ operators have certain obligations with regard to the coverage and level of service they have to achieve within prescribed time limits. Accordingly, Policy CS 6 seeks to establish clearly the circumstances in which telecommunications apparatus will be acceptable, and those where they will not.</i></p> <p><i>The council also wishes to ensure that the environment is not adversely affected by telecommunications developments. Mast sharing and site sharing provide means by which different operators can enhance their coverage without adding to the number of masts or sites, and the council will require operators to justify proposals for additional masts or sites with regard to the potential to share other facilities. In addition, it is considered that careful</i></p>	<p>is of the view that the BT amendments reflect Government Guidance and industry best practice whereas the Councils wording is too restrictive and prescriptive. The reworded policy still allows the Council a range of criteria against which to assess telecoms proposals and as such the proposed changes to the policy are considered acceptable and in keeping with the Council's original intentions.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>

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		<p><i>design can reduce adverse visual impacts of masts, and telecommunications operators will be expected to submit proposals which take the visual impact of their developments into account.</i></p> <p>Pre-Inquiry Changes 9-05 and 9-06 should be deleted.</p>	
CS 7	Community Services & Utilities	<p>In the proposed new policy, the words "referral to" should be deleted and replaced by the words "consultation with".</p> <p>The part of the policy dealing with Health and Safety Notification Areas should be reworded along the following lines: "There will be a presumption against development within Health and Safety Notification Areas, which are opposed by the HSE."</p>	<p>These minor modifications suggested by the Reporter do not represent a significant change to the strategy and aims of the plan.</p> <p>The proposed modifications have been agreed and incorporated in the Written Statement.</p>

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