



**Community and Enterprise Resources**  
Executive Director **Michael McGlynn**  
**Planning and Economic Development**

Daniel Owen  
Pleydell Smithyman Ltd  
20A  
The Wharfage  
Ironbridge  
TF8 7NH

Our Ref: P/20/0772  
Your Ref:  
If calling ask for: James Wright  
Date: 19 November 2020

Dear Sir/Madam

**Issue of decision – compliance with conditions**

**Proposal:** Mixed use development comprising of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and distribution) with associated landscaping, service facilities, internal roadways, SUDS and other ancillary work (Planning permission in principle)(Section 42 application to amend condition 1 to allow a further 5 year period to submit matters specified by conditions attached to planning permission CL/17/0157).

**Site address:** M74 Heat And Power Park, Former Dalquhandy Opencast Coal Site, West Of Junction 11 Of M74, Coalburn, Lanark

**Application no:** P/20/0772

I am pleased to enclose the decision notice relating to the above mentioned application which was recently approved by the Council, subject to conditions. Please note that the Council does not issue paper plans with the decision notice. The application is granted in accordance with the plans and any other documentation listed in the conditions imposed on the accompanying decision notice and which can be viewed using the Council's online planning application search at [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

Please check the decision notice carefully for any conditions imposed on the consent which require the submission and approval of details **before works start on site**. It is most important that these are dealt with **before** work on the development begins. If the development starts without complying with these 'pre-commencement' conditions, it may be rendered unlawful. Enforcement action may also be taken if conditions or details are not submitted and approved by the Council, if you are required to do so.

I would also advise you that under the Planning etc (Scotland) Act 2006, once you have decided the date that you will start work on the development, you must inform the Council of that date as soon as possible. This ensures that the Council is aware that the development is due to begin and can follow up on any suspensive conditions attached to the planning permission as mentioned above. If you do not notify the Council, that is a breach of planning control and action may be taken against you. I enclose a 'Notification of initiation of development' for you to submit when you are ready to begin work. Similarly, you require to notify us when the development has

Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB  
Email [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk) Phone: 01698 455903



been completed and a 'Notification of completion of development' is also attached for this purpose.

If you have any queries regarding the conditions which have been imposed, or the procedures associated with the notification of initiation of development or completion of development notices, then please contact the officer named above.

The Planning Service is undertaking a Customer Satisfaction Survey in order to obtain feedback about how we can best improve our Service to reflect the needs of our customers. The link to the survey can be found here:

If you were the applicant: <http://tinyurl.com/nrtgmy6>

If you were the agent: <http://tinyurl.com/od26p6g>

We would be grateful if you would take a few minutes to answer the questions in the survey based on your experience of dealing with the Planning Service in the past 12 months. We value your opinion and your comments will help us to enhance areas where we are performing well, but will also show us where there are areas of the service that need to be improved.

I do hope you can take part in this Customer Survey and look forward to receiving your comments in the near future. If you prefer to complete a paper version of the survey, please contact us by telephone on 0303 123 1015 quoting the application number. We will send you a copy of the survey and a pre-paid envelope to return it.

Yours faithfully

**Head of Planning and Economic Development**

Enc:

## Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006

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To : **Mr Theo Philip**  
**3R Energy Solutions Ltd**  
**Lanark Auction Market**  
**Hyndford Road**  
**Lanark**  
**ML11 9AX**

Per : **Daniel Owen**  
  
**20A**  
**The Wharfage**  
**Ironbridge**  
**TF8 7NH**

With reference to your application received 19.06.2020 for an application under the above mentioned Act:

**Description of proposed development:**

Mixed use development comprising of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and distribution) with associated landscaping, service facilities, internal roadways, SUDS and other ancillary work (Planning permission in principle)(Section 42 application to amend condition 1 to allow a further 5 year period to submit matters specified by conditions attached to planning permission CL/17/0157).

**Site location:**

M74 Heat And Power Park  
Former Dalquhandy Opencast Coal Site  
West Of Junction 11 Of M74  
Coalburn  
Lanark

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South Lanarkshire Council in exercise of their powers under the above mentioned Act hereby:

**GRANT PLANNING PERMISSION**

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, subject to the condition(s) listed overleaf in the paper apart. The condition(s) are imposed by the Council for the reasons detailed.

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Date: 19th November 2020

**Head of Planning and Economic Development**

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This permission does not grant any consent for the development that may be required under other Legislation, e.g. Planning Permission, Building Warrant or Roads Construction Consent.

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

## **South Lanarkshire Council**

### **Grant planning application**

**Paper apart - Application number: P/20/0772**

### **Conditions and reasons**

01. Prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, no later than 5 years from the date of this permission and in accordance with the limitations prescribed in 1(b) of section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).  
These matters are as follows:
- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
  - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
  - (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
  - (d) the design and location of all boundary treatments including walls and fences;
  - (e) the landscaping proposals for the site, including details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs, including, where appropriate, the planting of fruit/apple trees;
  - (f) the means of drainage and sewage disposal.
  - (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. That no consent is hereby granted for any of the buildings or internal access roads shown on the application plan.

Reason: Planning Permission is granted in principle only and no approval is given for these details.

03. That the further application(s) required under Condition 1 above shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: In the interests of the visual amenity of the area.

04. That the further application(s) required under Condition 1 above shall include an Environmental Management Plan (EMP) based on the matters identified in the

Preliminary Ecological Appraisal prepared by MacArthur Green, dated March 2017 and shall include matters such as:

- mitigation measures in accordance with Section 7 of the report
- measures to maintain water quality throughout all construction works
- measures to enhance water quality

Reason: To ensure that provision is made to safeguard the ecological interest on the site.

05. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interests of Transportaiton Planning

06. That unless otherwise agreed in writing by the Council as Planning Authority (in consultation with Transport Scotland and following the submission and consideration of an addendum to the Transport Assessment, dated March 2017 by Transport Planning Ltd), the gross floorspace for each use hereby approved shall not exceed the following :

Business (Class 4) - 14,000 square metres

General Industrial (Class 5) - 63,000 square metres

Storage and Distribution (Class 6) - 63,000 square metres

Reason: In the interests of road safety and to retain effective planning control

07. That the existing core path and right of way CL/5735/3 as far as it lies within the application site shall remain in place and be available for use by the general public until the replacement route, as shown on Figure 6: Indicative Layout of the Planning Statement by 3R Energy, dated April 2017 has been constructed to a specification of the Council as Planning Authority. Thereafter the Core Paths Plan shall be amended under the Land Reform (Scotland) Act 2003 to formalise the diversion of the path. The developer shall be responsible for meeting the full cost of promoting the amendment.

Reason: To ensure the ongoing provision of a walking and cycling route across the application site.

08. That the further application(s) required under condition 1 above shall include -
- a) details of parking provision which shall be in accordance with SCOTS National Roads Development Guide;
  - b) details of proposals to connect the development with cycling and walking routes in the area including the existing NCN74 cycle route at Junction 11 of the M74 (namely advisory carriageway lane markings and associated signage along the private road to its junction with Junction 11 of the M74) and the route to Coalburn via Middlemuir Road
  - c) details of cycle storage and related facilities, in accordance with Transport Scotland: Cycling by Design 2010;
  - d) details of construction traffic routing, parking for construction vehicles/staff;
  - e) arrangements for wheel cleaning and keeping public roads free from debris and mud;
  - f) details of soil management.

Reason: Planning Permission is granted in principle only and no approval is given for these details.

09. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for the treatment of surface water drainage. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage

Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

10. That the further application required under the terms of Condition 1 above shall include a Flood Risk/Drainage Assessment and Independent Checks in accordance with the latest guidance listed within Section 4.0 of the Council's Design Criteria Guidance Note.

Reason: To ensure that there will be no increased risk of flooding to land and properties either on-site or downstream due to impedance of flood flows, increased surface water run off and/or reduction of flood storage capacity.

11. That the further application required under the terms of Condition 1 above shall include a Noise Assessment to determine the impact of noise on nearby dwellings and noise sensitive premises, using the principles set out in British Standards BS 4142:2014- Method for Rating Industrial Noise affecting Mixed Residential and Industrial Areas, or by a method agreed by the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

### **Reason(s) for decision**

The request to extend the submission period for matters specified by permission on an extant planning permission in principle from 3 to 5 years is considered to have no additional planning implications subject to the imposition of the previous suite of planning conditions. The proposals therefore comply with Policies 1, 2, 3, 4, 7, 11, 15 and 16 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Planning Guidance and the Proposed South Lanarkshire Local Development Plan 2 (2020).

## Notes to applicant

**Application number: P/20/0772**

### Important

The following notes do not form a statutory part of this decision notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

01. This decision relates to drawing numbers:

Reference	Version No:	Plan Status
A Location Plan	Fig 1	Approved
Land Ownership Plan	Fig 2	Approved
Former Infrastructure Plan	Fig 3	Approved
Development Parameters Plan	Fig 4	Approved
Development Context Plan	Fig 5	Approved
Indicative Layout Mixed Use	Fig 6	Approved
Indicative Layout Drinks Industry Hub	Fig 7	Approved
Planning Statement June 2020		Approved

02. Failure to comply with the conditions imposed on this consent can result in the planning authority serving a breach of condition notice and/or enforcement notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2000.

03. The person carrying out the development must give advance notice in writing to the planning authority of the date when it intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].

04. As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)].







The Town and Country Planning (Scotland) Act 1997  
Town and Country Planning (Development  
Management Procedure) (Scotland) Regulations 2013

**Notification of initiation of development (regulation 40)**

This notice must be submitted to the Council before you intend to start work which has planning permission. Failure to do so is a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

Please check your planning permission carefully for any conditions imposed which require the submission and approval of details before works start on site. You must ensure that these are dealt with before work on the development begins. If the development starts without complying with these 'pre-commencement' conditions, it may be rendered unlawful.

Please complete the form and return it to Planning and Economic Development, South Lanarkshire Council, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB or email [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**Planning application reference number**

**P/20/0772**

**Date of decision notice**

**19.11.2020**

**Name and address of person carrying out development**

Mr Theo Philip  
M74 Heat And Power Park  
Former Dalquhandy Opencast Coal Site  
West Of Junction 11 Of M74  
Coalburn  
Lanark

**Is the above person the owner of all the land to which the development relates?**

☐

Yes

☐

No

**If not, please provide the name and address of the owner**

**Is any person being contacted to oversee carrying out of the development on site?**

☐

Yes

☐

No

If yes, please provide the name and contact details for that person

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**Description of development**

Mixed use development comprising of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and distribution) with associated landscaping, service facilities, internal roadways, SUDS and other ancillary work (Planning permission in principle)(Section 42 application to amend condition 1 to allow a further 5 year period to submit matters specified by conditions attached to

**Site location**

M74 Heat And Power Park  
Former Dalquhandy Opencast Coal Site  
West Of Junction 11 Of M74  
Coalburn  
Lanark

**Intended date of initiation of development**

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**Signed (agent/developer\*)**

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**Date**

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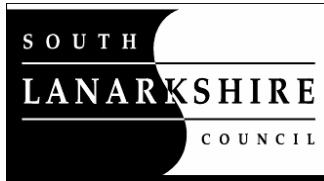
**Contact details:**

Planning and Economic Development  
Montrose House  
154 Montrose Crescent  
Hamilton ML3 6LB

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk) Phone: 01698 455903

Web: [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)





## The Town and Country Planning (Scotland) Act 1997

### Notification of completion of development

This notice must be submitted to the Council as soon as is practicable after completion of the work which has planning permission. If the planning permission is for a phased development, notice of the completion of each phase must be notified to the Council. As soon as the development (or phase of development) is completed, please complete the form and return it to:

Planning and Economic Development, South Lanarkshire Council, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB or email [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk) Tel: 0303 123 1015, selecting option 7.

**Planning application reference number**

P/20/0772

**Date decision notice issued**

19.11.2020

**Name and address of person carrying out development**

Mr Theo Philip  
M74 Heat And Power Park  
Former Dalquhandy Opencast Coal Site  
West Of Junction 11 Of M74  
Coalburn

**Description of development**

Mixed use development comprising of Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and distribution) with associated landscaping, service facilities, internal roadways, SUDS and other ancillary work (Planning permission in principle)(Section 42 application to amend condition 1 to allow a further 5 year period to submit matters specified by conditions attached to

**Site location**

M74 Heat And Power Park  
Former Dalquhandy Opencast Coal Site  
West Of Junction 11 Of M74  
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**Date of completion**

**Signed (agent/developer\*)**

**Date**

