

North Lanarkshire Council Report

Planning Committee

approval noting

Ref LB

Date 27/02/20

**Planning Application no. 18/01785/PPP
Residential-led Mixed-use Development Comprising of up to 523
no. Residential Units (Class 9); Flexible
Commercial/Retail/Community Uses (Classes 1, 2, 3, 4, 10); as
well as Creation of Accesses; Landscaping; Car Parking and
Associated Development
Site at Stirling Road, Airdrie**

From Pamela Humphries, Head of Planning & Regeneration

Email bowdenl@northlan.gov.uk

Telephone

Lorna Bowden, Planning and
Place Manager:
Tel. 01236 632638

Executive Summary

This report seeks authority to address the requirement for formation of a Habitat Management Area (HMA) in association with the above development, by means of planning conditions rather than under a Section 75 legal agreement.

Recommendations

It is recommended that the Committee agrees to the use of planning conditions to secure provision of the HMA.

The Plan for North Lanarkshire

Priority Improve the health and wellbeing of our communities

Ambition statement (16) Transform our natural environment to support wellbeing and inward investment and enhance it for current and future generations

1. Background

- 1.1 The Full Council and Planning Hearings Committee were minded to approve the above application at their meeting on 19th December 2019 subject to conclusion of a Section 75 legal agreement to secure the appropriate level of financial contribution to education provision and formation of a HMA.

2. Report

- 2.1 The development will result in the loss of 2.6 hectares of habitat on a Site of Importance for Nature Conservation (SINC) on the eastern edge of the site, and approximately 4 hectares of terrestrial habitat for Great Crested Newt (GCN). To compensate, a HMA extending to 8.6 hectares is to be formed on land outwith the application site to the south, which forms part of an extensive landholding owned by the applicant outlined in blue on the application drawings. If all compensatory objectives cannot be achieved within this area, particularly for GCN, the applicant has confirmed that additional land will be made available.
- 2.2 In preparing instructions to legal services to commence drafting of the legal agreement, it is alternatively now considered that provision of the HMA can adequately be secured by planning conditions rather than under a legal agreement, noting that this approach has been adopted on other occasions where similar compensatory habitat mitigation measures have been required. A Section 75 legal agreement will still be required to secure education contributions.
- 2.3 It is considered that the following conditions should be added to the planning permission in principle:
14. No later than 6 months before the commencement of development, a detailed habitat management plan shall be submitted to, and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. The habitat management plan shall be accompanied by:
- An ordnance survey scaled plan which clearly identifies the location and extent of the 8.6 hectares Habitat Management Area which is to be formed within part of the blue line area owned by the applicant to the south of the application site. If all objectives cannot be achieved within the 8.6 hectares area particularly for Great Crested Newts (GCN), then identification of the location and extent of additional land within the blue line area to be made available to accommodate all objectives, shall be submitted;
 - A detailed strategy of aims/objectives/intended works to be carried out;
 - A timetable for carrying out the various works and confirmation of the lifespan of the habitat management plan; and
 - Details of a monitoring/maintenance regime with associated reporting and appointment of an Ecological Clerk of Works for the area.
- The approved habitat management plan, amended as the case may be, shall thereafter be implemented in full to the satisfaction of the Planning Authority, unless otherwise agreed in writing.
- Reason: To allow the Planning Authority to consider these aspects in detail.
15. Notwithstanding the terms of condition 14 above, the Habitat Management Plan approved under the terms of that condition shall make provision for the formation of a Habitat Management Group (HMG) to monitor implementation of the plan and details shall be provided on the intended frequency of meetings of the HMG, a minimum of which shall be once per annum unless otherwise agreed in writing by the Planning Authority. Should the Habitat Management Group amend the Plan approved in terms of condition 14 then the agreed scheme as amended shall thereafter be implemented in full.

Reason: In the interests of ensuring that the approved Habitat Management Plan is carried out and monitored in accordance with the agreed scheme.

16. Notwithstanding the terms of conditions 14 and 15 above, the approved Habitat Management Plan as may be amended by the Habitat Management Group shall be submitted to the Planning Authority for review every 12 months over the lifespan of the Plan unless otherwise agreed in writing by the Planning Authority.

Reason: To allow the Planning Authority to consider these aspects in detail.

3. Equality and Diversity

- 3.1 Fairer Scotland Duty:
No impact
- 3.2 Equality Impact Assessment:
No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified.

4. Implications

- 4.1 Financial Impact:
None
- 4.2 HR/Policy/Legislative Impact:
None
- 4.3 Environmental Impact:
No adverse impact.
- 4.4 Risk Impact:
None

5. Measures of success

- 5.1 The use of planning conditions are adequate to secure provision of the HMA.

6. Supporting documents

- 6.1 None.

Pamela Humphries
Head of Planning and Regeneration