

2. WEST LoTHIAN LOCAL DEVELOPMENT PLAN - PROPOSED PLAN

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the outcome of the consultation on the West Lothian Local Development Plan (LDP) and to set out the next stages for progressing the LDP for submission to the Scottish Government's Planning and Environmental Appeals (DPEA) for Examination.

The Council Executive were advised that the preparation of a development plan was a statutory requirement under the terms of the Planning, etc (Scotland) Act 2006. The development plan set out how places should change and what they could be like in the future. It also set out what type of development should take place and where and which areas should not be developed.

The current development plan for West Lothian comprised the Strategic Development Plan for Edinburgh and South East Scotland (SDP), approved by Scottish Ministers in June 2013 and the West Lothian Local Plan (WLLP), adopted by West Lothian Council in January 2009. The plan was also supported by a range of supplementary guidance.

The WLLP was in the process of being replaced by the West Lothian Local Development Plan (LDP) and the proposed plan was published for consultation in October 2015 and set out where new developments were proposed and the policies that would guide decision-making on planning applications. The LDP would cover a ten year period from 2014 to 2024.

The LDP proposed plan was published for a 6 week consultation period and resulted in 728 submissions being received. All submissions were acknowledged and were available to view on the council's web pages. The consultation consisted of a statutory notice being placed in local newspapers, consultation with local communities including community councils, consultation with key agencies including SEPA and local developers, use of facebook and twitter accounts and a number of open events in communities.

A requirement of the new planning legislation governing the preparation of LDP's was that the LDP was submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) for Examination. The report on the Examination was generally binding on the council. Prior to the start of the Examination the council was required to prepare a Statement of Conformity with a Participation Statement for the LDP which set out how the council had engaged with interested parties on the LDP.

In preparing the council's response to the representations the council was required to group the representations by issue and respond to these in a standard format known as a Schedule 4. The Schedule 4 contained a summary of all unresolved issues/representations received to the LDP, details of any modifications sought by the respondent, the council's response to these and any changes that the council would be prepared to support to the LDP. The Schedule 4 documents were contained in a

series of appendices attached to the report.

In addition the council had received requests for new sites to be included in the LDP which had not been previously intimated to the council. And the council had received a number of requests for re-consideration of sites that were submitted back in 2014 however it was not proposed to alter the LDP to include these sites.

A key consideration for the LDP had been the approach to Linlithgow. The Proposed Plan allocated a number of sites in the town for development following a sequential approach. These allocations and the approach to the development of the town had attracted the most comment as had proposed residential development sites in Broxburn and Livingston. The proposed response to these submissions was set out in the relevant Schedule 4's. In all cases it was proposed to maintain the approach set out in the LDP which was considered to be robust and defensible and therefore not make any substantive changes to the LDP or the spatial strategy.

A number of changes were however required to the Proposed Plan to correct drafting errors in the document, update it and to address comments received following consultation. The proposed changes were considered to be minor changes and therefore did not require being subject to further public consultation.

In order to assist in the Examination process and the preparation of Schedule 4's, a number of Position Statements had been prepared which set out the background and justification for the council's position in relation to major land use issues such as housing land, countryside belts and landscape protection and education. Copies of these were provided in a series of appendices attached to the report. The report provided a brief summary of the Position Statements.

The report continued to provide information on the Strategic Environmental Appraisal that had been carried out along with the preparation of a Habitats Regulations Appraisal.

The report concluded that it was anticipated that an Examination of the LDP by a Scottish Government Reporter would commence later this year. Officers were in liaison with the DPEA regarding the submission and anticipated examination process. At the conclusion of the Examination a report would be prepared by the Reporter and submitted to the council with the findings, in all but exceptional circumstances, binding on the council.

It was recommended that the Council Executive :-

1. Approve the contents of the Proposed Schedule 4's for submission to the Scottish Government's Planning and Environmental Appeals Division (DPEA) (Appendix One);
2. Approve the contents of the West Lothian Housing Land Position Statement for submission to the DPEA to assist in the LDP

Examination (Appendix Two);

3. Approve the content of the West Lothian Countryside Belt Position Statement for submission to the DPEA to assist in the LDP Examination (Appendix Three);
4. Approve the contents of the West Lothian Local Landscape Designation Position Statement for submission to the DPEA to assist in the LDP Examination (Appendix Four);
5. Approve the contents of the West Lothian Education Position Statement for submission to the DPEA to assist in the LDP Examination (Appendix Five);
6. Approve the contents of the West Lothian Statement of Conformity with the Participation Statement for submission to the DPEA to assist in the LDP Examination (Appendix Six);
7. Approves the list of minor changes proposed by the council to the West Lothian Local Development Plan Proposed Plan and agrees the details of proposed changes to the West Lothian Local Development Plan for consideration by the Reporter at Examination (Appendix Seven);
8. Delegates authority to the Head of Planning, Regeneration and Economic Development in consultation with the Executive Councillor for Development and Transportation to make non-substantive (minor) or technical changes to the Schedule 4 documents including consolidating the Schedule 4's to reduce them in number prior to submission of the LDP and associated documents to the DPEA for Examination;
9. Delegates authority to the Head of Planning, Regeneration and Economic Development in consultation with the Executive Councillor for Development and Transportation to make non-substantive (minor) or technical changes to the Position Statements and to update the draft Action Programme and Habitats Regulations Appraisal prior to submission of the LDP and associated documents to the DPEA for Examination; and
10. Notes the timetable for progressing the West Lothian Local Development Plan.

Motion

“Council Executive notes the significant level of public opposition to the allocation of site MU5, Almondvale Roundabout South, north of Bluebell Glade, Adambrae, as an allocation for mixed use development in the West Lothian Local Development Proposed Plan.

Given the significant level of public opposition and having regards to the non-strategic nature of the site in residential, economic or retail land supply terms, the Council Executive sees merit in the representations objecting to the proposed mix use allocation.

Paragraph 87 of Scottish Government Circular 6/2013 Development Planning sets out that Scottish Ministers expect an authority's priority to be to progress to adoption of the Local Development Plan as quickly as possible. It goes on to say that notifiable modifications (such as the removal of a site from the plan) can cause significant delay and so should not be undertaken as a matter of course. The Circular goes on to recognise that the Examination also provides an opportunity to change the plan so if authorities see merit in a representation they may say so in their response to the reporter.

Accordingly Council Executive agrees to approve the recommendation in the report subject to the following changes:

1. Change the council's response to site MU5 as set out in Schedule 4 Reference 16U to read as follows :

MU5

21889062-c99098f (Bellsquarry and Adambrae Community Council c/o Mr Peter Jeppeson); WL/LDP/PP/0413 (Petition Bellsquarry and Adambrae Community Council c/o Mr Jim Wilkie) and WL/WLP/PP/0220 & 21416622-3fd8b29 (Livingston Centre Ltd and Livingston Almondvale Ltd c/o Ms Ally Campbell Montague Evans LLP)

When Livingston Development Corporation formed the road network they included underpasses on the north and east boundaries. Access was intended from the NW corner of the site off Charlesfield Road. However, in the interim, since the roads were formed the site was wooded over. The site was first allocated for mixed use in the West Lothian Local Plan, which was adopted by the council on 13 January 2009. The allocation was initially retained in the LDP to contribute to the growth of Livingston as a sub-regional centre by providing a mixed use opportunity within the town centre boundary.

However, the site is small, detached from the town centre, and has resulted in a significant level of local opposition. Given this, and to reflect the non-strategic nature of this site in residential, economic and retail land supply terms, the council sees merit in the representations received which request that the site is designated as open space within the town centre and invites the reporter to review the allocation.

2. Delete the change to the proposals map, identified as Change 36 in Schedule 4 reference 1X which was intended to correct a drafting error in the Proposed Plan.
3. Delegates the Head of Planning, Economic Development and Regeneration, in consultation with the Executive Councillor, to make any other consequential changes to Schedule 4s and associated documents to reflect the terms of this motion.

In addition, and to reflect the terms of the motion, Council Executive agrees to rescind the approved development brief for the site which was approved by Council Executive on 28 June 2011.

- Moved by Councillor Boyle and seconded by Councillor Dodds

Decision

1. To approve the terms of the report and the motion; and
2. To record a note of thanks to all the officers for their hard work in preparing the Proposed Local Plan.