



West Lothian
Council

Development and Transport Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

24 October 2014

A meeting of the **Development and Transport Policy Development and Scrutiny Panel** of West Lothian Council will be held within **Council Chambers, West Lothian Civic Centre** on **Thursday 30 October 2014 at 8:30 a.m.**

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minute of Meeting of the Development and Transport Policy Development and Scrutiny Panel held on Thursday 28 August 2014 (herewith).
5. Progress Update on Employability Initiatives
 - (a) Presentation by Clare Summers, Regeneration and Employability Co-ordinator
 - (b) Report by Head of Area Services (herewith)
6. Supplementary Planning Guidance: Developer Contributions for Extension to Deans Primary School, Livingston - Report by Head of Planning and Economic Development (herewith)

7. Supplementary Planning Guidance: Developer Contributions for Extension to St John Ogilvie Primary School, Livingston - Report by Head of Planning and Economic Development (herewith)
8. Planning Controls Over Pay Day Lending Premises and Betting Offices - Consultation by Scottish Government - Report by Head of Planning and Economic Development (herewith)
9. Edinburgh Local Development Plan - Second Proposed Plan - Report by Head of Planning and Economic Development (herewith)
10. Broxburn Conservation Area Boundary Appraisal - Report by Head of Planning and Economic Development (herewith)
11. Broxburn - The Great British High Street Awards 2014 - Report by Head of Planning and Economic Development (herewith)
12. Workplan (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

MINUTE of MEETING of the DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 28 AUGUST 2014.

Present – Councillors Cathy Muldoon (Chair), Tony Boyle, Harry Cartmill, Alexander Davidson, Martyn Day and Greg McCarra

In Attendance – Brian Johnstone (West Lothian Association of Community Councils Representative)

1. DECLARATIONS OF INTEREST

- Agenda Item 7 (SESPlan Supplementary Guidance for Housing) – Councillor T Boyle declared a non-financial interest in that he was a council appointed member of SESPlan; and
- Agenda Item 7 (SESPlan Supplementary Guidance for Housing) – Councillor C Muldoon declared a non-financial interest in that he was a council appointed member of SESPlan.

2. MINUTE

The Panel confirmed the Minute of its meeting held on 26 June 2014. The Minute was thereafter signed by the Chair.

3. WORK PLAN

The Panel considered a list of items that would form the basis of the Panel's work over the coming months.

Decision

Noted the contents of the Work Plan

4. SCOTTISH GOVERNMENT CONSULTATION ON CHANGES TO LOCAL BUS SERVICES REGISTRATION IN SCOTLAND

The Panel considered a report (copies of which had been circulated) by the Head of Operational Services advising of a Scottish Government consultation on changes to the local bus service registration system and to agree a response for approval by the Council Executive.

The Head of Operational Services explained that the basic legislation governing local bus services had remained constant since deregulation and privatisation in the mid-1980s and which meant that all local bus services needed to be registered with the Office of the Traffic Commissioner and, only with their approval, could services operate; it was a requirement of bus operators to undertake this process. In order to

make changes to services, operators needed to give notice to councils and the Traffic Commissioner.

The consultation, a copy of which was attached to the report, was principally about proposed changes to this process and about an increased requirement for operators to consult councils over changes rather than merely notifying them of changes, as at present.

The response, a copy of which was attached to the report at Appendix 2, was broadly supportive of the government's proposed changes as the changes were expected to give councils a marginal increased voice in service changes and to maintain the overall timescale for bus companies to notify councils of changes to services. The proposed changes did not challenge the basic tenants of the deregulated regime that had been in force since 1986.

It was recommended that the panel note the proposed West Lothian Council response to the Scottish Government's consultation on changes to the system of local bus service registration. It was also recommended that the panel agree to forward the consultation response to the Council Executive for approval.

Decision

1. Noted the contents of the report;
2. Requested that the Head of Planning and Economic Development confirm to Panel Members what the effect would be of the proposals on council subsidised bus services;
3. Requested that the Head of Planning and Economic Development confirm to Panel Members the money the council provided for bus subsidies; and
4. Agreed that the report be forwarded to the next appropriate meeting of the Council Executive with the recommendation that it be approved.

5. SESPLAN SUPPLEMENTARY GUIDANCE FOR HOUSING

The Panel considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing an update on progress with the Supplementary Guidance on Housing (SG) as required by Scottish Ministers in approving the Strategic Development Plan and to seek ratification of the decision of the SESPlan Joint Committee to adopt the SG as modified.

The Head of Planning and Economic Development explained that on 12 November 2013, SESPlan published Supplementary Planning Guidance for Housing Land in support of the approved Strategic Development Plan. Following a period of public consultation and an assessment of responses received the guidance was submitted to Scottish Ministers on 21 May 2014 for approval.

Scottish Ministers had now considered the terms of the SG and on 18 June 2014 notified SESPlan of their intention to adopt the guidance subject to modification. The modification was to be made to the SG prior to its adoption. A copy of the letter from Scottish Ministers was attached to the report at Appendix 1.

The report explored the modifications to the SG, and which related to the removal of a sentence which read “*Member Authorities would base their calculation of the five year land supply on the period 2009-2024, taking into consideration housing completions*” that Scottish Ministers had given notice on and the report explored the implications of this modification. The Joint Committee agreed to modify the SG as directed by Scottish Ministers and adopt it as modified.

The Head of Planning and Economic Development further advised that the implications of the proposed and agreed modification to the SG would be detailed in a future report to the Panel.

It was recommended that the Panel :-

1. Support the modification to the Supplementary Guidance on Housing as directed by Scottish Ministers and thereafter;
2. Support the approval of the Supplementary Guidance on Housing as modified; and
3. Agree to forward the report to the Council Executive on 16 September 2014 for approval.

Decision

1. Noted the contents of the report; and
2. Agreed that the report be forwarded to the next appropriate meeting of the Council Executive with the recommendation that it be approved.

6. WEST LOTHIAN HOUSING LAND AUDIT 2013

The Panel considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the housing land supply position in West Lothian at 31 March 2013, as identified in the West Lothian Housing Land Audit 2013 (HLA 2013).

The Head of Planning and Economic Development advised that a Housing Land Audit (HLA) was produced on an annual basis and contained information on the housing land supply in West Lothian. The most recent HLA, agreed with Homes for Scotland and the house building industry was HLA 2013, a copy of which was attached to the report at Appendix 1. The HLA set out the likely programme of future completions for the period 2013 to 2018.

The three functions of the HLA were to :-

- Demonstrate the availability of sufficient effective land to meet the strategic housing land requirement for a minimum of five years ahead;
- Provide a snapshot of the amount of land available for the construction of houses at any particular time; and
- Provide an information source for a variety of purposes, including school roll forecasts, infrastructure provision, affordable housing provision and projections concerning council tax income.

The report continued by providing a summary of the HLA 2013 and its role in the SESPlan Supplementary Guidance on Housing Land and the Emerging Housing Requirement.

In conclusion the HLA 2013 had been prepared during a period of continuing market uncertainty but completion figures nevertheless suggested that a recovery was now underway and this was supported by other anecdotal evidence. The issue being experienced in West Lothian was that there had been a significant shortfall in the delivery of housing since 2007-08. Simply put, sites had not come forward for development as quickly as envisaged when the pre-recession WLLP was prepared.

It was recommended that the panel note the content and conclusions of the HLA 2013 as set out in the report and its appendix.

Decision

Noted the contents of the report.

7. NATIONAL PLANNING FRAMEWORK NO.3

The Panel considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the publication of the National Planning Framework 3 (NPF3), a copy of which was attached to the report.

The Head of Planning and Economic Development advised that the approved NPF3 was published on 23 June 2014 and was a spatial expression of the government's Economic Strategy and set out its plans for infrastructure investment. The council had made three submissions to the call for candidate national developments for inclusion in the NPF3 which were considered to be of strategic importance. The submissions focussed on transport infrastructure, the Edinburgh to Glasgow Rail Improvement Programme and assistance required to deliver the growth agenda.

Together with the Scottish Planning Policy, NPF3 provided a clear national vision of what was expected of the planning system and the outcomes that it must deliver with NPF3 identifying national developments

and other strategically important development opportunities in Scotland.

Fourteen national projects had been identified to be delivered by a range of public and private sector organisations and these were summarised in the report. To support their delivery, priorities identified in NPF3 would be taken into account when future spending programmes were developed or reviewed.

Whilst there were no national projects for West Lothian some of the projects would have implications for the area and the Head of Planning and Economic Development provided a summary of these. These included the Central Scotland Green Network and EGIP, with West Lothian being strategically positioned to benefit from these.

It was recommended that the Panel note the content of NPF3.

Decision

Noted the contents of the report.

8. SCOTISH PLANNING POLICY (SPP) 2014

The Panel considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the publication and commencement of a revised Scottish Planning Policy (SPP) 2014 by the Scottish Government.

Scottish Planning Policy (SPP) 2014 was a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across Scotland. It would be identified as a material consideration and required to be taken into account when preparing strategic and local development plans and determining planning applications.

SPP 2014 was one of a series of over-arching policy and guidance documents in the Scottish planning system together with the National Planning Framework, the Architecture and Place Policy Statement, Designing Streets and various circulars and advice notes.

A review of the SPP was initiated by the Scottish Government in September 2012 with the stated aim of bringing the policy up-to-date, focusing on sustainable economic growth and emphasising “place-making”. At the same time preparation of the NPF3 had commenced and by undertaking these tasks in tandem it was the intention to enable connections to be made between where the government wanted to see development (NPF3) and how it wanted to it delivered (SPP).

SPP sets out national planning policies which reflected Scottish Ministers’ priorities for the operation of the planning system and for the development and use of land. The SPP also promoted consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.

In conclusion the planning system had a vital role to play in delivering high quality places for Scotland and the SPP would focus on plan making, planning decisions and development design with the Scottish Government's purpose being of creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth.

It was recommended that the Panel note the content of the new SPP

Decision

Noted the contents of the report.

9. REVIEW OF STRATEGIC DEVELOPMENT PLANS IN SCOTLAND

The Panel considered a report (copies of which had been circulated) by the Head of Planning and Economic Development advising of the publication of the Scottish Government's response to a review of Strategic Development Plans in Scotland.

The Head of Planning and Economic Development explained that in October 2013 the Scottish Government commissioned a review into whether the procedural arrangements and approaches to the preparation of SDP's were still fit for purpose. A team from Kevin Murray Associates and Glasgow University were appointed to carry out the review and their findings were summarised in Appendix 1 attached to the report.

The review set out twenty two findings which related to six themes, details of which were summarised in the report and included collaborative leadership & governance, effective engagement & scrutiny, housing & community building, transport & infrastructure role, the influence on delivery and resourcing & skills.

Scottish Ministers then published their response to the review of strategic planning with the response outlining the fourteen actions, as detailed in the report, that the Scottish Government would take, including working with others, to support strategic planning to realise its full potential.

It was recommended that the panel notes the content of the report.

Decision

Noted the contents of the report.

10. QUARTERLY PERFORMANCE REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Planning and Economic Development providing an overview of performance for the first quarter of 2014-15.

The report advised that the council's performance management system,

Covalent had two basic functions. Covalent used a simple traffic light system to show if progress was on target, in danger of falling behind target or below target. Covalent also measured progress on actions or initiatives with a definite start and finish

Appendix 1 to the report showed all actions and initiatives that supported the responsibilities of the D&T PDSP which provided the most up-to-date officers' notes on progress against all actions and initiatives.

Appendix 2 showed all performance indicators that supported the responsibilities of the D&T PDSP which provided the most up-to-date officers' notes on progress against all performance indicators.

Appendix 3 was an exception report which provided the most up-to-date officers' notes on progress.

The report also provided a summary of those performance indicators which either red or amber.

Decision

1. Noted the contents of the report;
2. Requested that the Head of Planning and Economic Development provide all Panel Members with details of the number of major planning applications dealt with by the council and the time involved in dealing with these; and
3. Requested that the Head of Planning and Economic Development consider the removal of performance data from 2007-08 from future performance reports.



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL

PROGRESS UPDATE ON EMPLOYABILITY INITIATIVES

REPORT BY HEAD OF AREA SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to provide an update on the progress of employability work undertaken by Access2Employment (A2E) and the More Choices, More Chances team (MCMC).

B. RECOMMENDATION

It is recommended that the Panel notes the significant progress that has been made in providing additional support and training opportunities in response to local need and in addressing the continued employability challenges faced in West Lothian.

C. SUMMARY OF IMPLICATIONS

I Council Values	Developing our economy and working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	The additional opportunities for young people will have a positive impact on relevant performance indicators linked to supporting young people to progress into a positive destination.
V Relevance to Single Outcome Agreement	Employability initiatives reinforce a number of aims of the Single Outcome Agreement specifically those aims at employability and tackling inequalities in West Lothian.
VI Resources - (Financial, Staffing and Property)	Significant budget commitment previously approved. £2.2 million to support employment initiatives aimed at tackling youth

unemployment approved at the Council Executive in October 2011.

Additional resources approved by the Scottish Government and European Social Fund (ESF) of up to £643,760 to create 200 wage subsidy places for 2013/14.

A further resource commitment of £2.241 million was approved by the Council Executive in June 2013 to continue the Steps n2 Work programme until 2017/18

VII Consideration at PDSP

Reports previously received at Development and Transport PDSP.

VII Other consultations

West Lothian Council services, Working Together West Lothian, partners in the West Lothian Economic Partnership.

D. TERMS OF REPORT

D.1 Introduction

This report provides an update on employability activity undertaken by Access2Employment and the More Choices, More Chances team from April 2013 – September 2014.

The panel should note that key elements of these projects and services benefit from European Social Fund (ESF) and European Regional Development Fund (ERDF) support through the West Lothian Skills Pipeline ESF and West Lothian Job brokerage ERDF projects.

The positive actions taken by West Lothian Council and partners are providing valuable opportunities for unemployed residents of West Lothian and support the capacity of local business and organisations.

D.2 Employability

From April 2014 to the end of September 2014 A2E has worked with 664 new clients and supported 394 clients into a positive destination of work, training or further education. A2E currently delivers employability support on a full or part time basis in a range of locations based on the levels of unemployment within the area. Locations include Bathgate and Fauldhouse Partnership Centres, Blackridge, Armadale, and Stoneyburn Community Centre, community buildings including Boghall drop in, Mayfield Community House and the Vennie. The service is based full time in Almondbank Resources Centre, Whitburn Library and Bathgate Partnership Centre.

Access2employment continues to deliver work clubs in Almondbank Resource Centre, Fauldhouse, Forestbank, Armadale, Bathgate and Broxburn. The aim of the work club is to provide an informal location for residents to receive support to job search, apply for vacancies, update their CVs and receive basic IT support. Work clubs operate in an informal manner; clients can drop in throughout the session to receive support.

Community Learning and Development partner Access2employment at a number of the work clubs to provide basic IT support for clients. This includes how to set up an email account, how to email your CV and how to use the internet to job search. For more intensive IT training, clients are referred to an IT class run by the service.

The IT buddies project, which features in the Community Planning Partnership's Anti-Poverty response, is aimed at training volunteers in basic IT skills that they can then pass on to clients. All of Access2employment's work clubs now have IT buddies with additional sessions being run in Bathgate Partnership Centre for clients to drop in to receive support.

D.3 Welfare Reform

Access2employment has begun to see the impact of welfare reform on the clients engaging with the service.

Last June, Access2employment supported the development of an initiative to engage and support individuals and families directly affected by the benefit cap. On a weekly basis the cap was introduced to residents in West Lothian. This meant that benefit recipients experienced a reduction in benefits after a weeks' notice.

Through information provided by the Department of Work and Pensions an advisor from Access2employment and the Advice Shop contacted 61 residents, affected by the cap, to offer them a one to one home visit, 51 engaged with the team, 39 with Access2employment. The aim of the visit was to alleviate the pressures caused by the reduction in income and support them to engage with Access2employment to offer employment as a long term solution.

To date six residents has been successfully supported back into work, two have started up their own business, one has returned to college and one has taken up volunteering. This is a significant achievement given the challenging nature of the client group.

Live cases continue to be presented to the team, when a new case is entered into the system it is dealt with via the approach outlined above.

D.4 Additional Opportunities for Young People – Steps n2 Work

As previously reported to the panel Access2employment also delivers the Steps N2 Work programme, a range of interventions aimed at supporting young people aged 16 -24. The programme creates opportunities such as wage subsidies, West Lothian Jobs Fund places, Modern Apprenticeships and a Graduate Work Experience programme.

Steps n2 Work performance up to 30 September 2014 is as follows:

Wage Subsidy Programme

The Steps n2 Work Wage Subsidy Programme has created 510 wage subsidy opportunities within West Lothian businesses employing less than 50 employees and 22 opportunities within the voluntary sector. From April to September 2014 113 places have been created.

Once young people complete the period of subsidy they are supported to ensure they remain in a positive destination. Of the 192 programme completions 153 have remained in a positive destination with the majority of those being offered permanent contracts with their wage subsidy employer.

As a result, sustainability for the programme remains high at 80%.

To date the outcomes for the programme leavers are:

Total leavers	192
Offered a contract with the employer	126
Gained employment with another employer	17
Training	1
Full time or further education	7
University	2
Referred to a support agency (Access2employment, Youth Inclusion Project)	32
Other (e.g. prison, pregnancy, moved out of the area)	7

West Lothian Jobs Fund

The West Lothian Jobs fund has created 99 opportunities within West Lothian Council Services. Opportunities have been created within areas such as Access2employment, Community Facilities, Country Parks, Homelessness Team, Libraries, NETS and Operational Services, Social Policy and Youth Services.

Young people participating in the programme are allocated a £500 training budget to ensure that, on completion of the programme, they are in the best position to progress into a positive destination.

Trainees in a West Lothian Jobs Fund place have been receiving support from Access2employment to consider the training they would like to undertake as part of their opportunities. Examples of training opportunities identified to date include SVQs, SAGE accounting and ECDL (European Computer Driving Licence).

To date, 65 young people have completed the programme, 49 of whom have progressed onto a positive destination. As a result, sustainability for the programme remains high at 75%.

Modern Apprenticeships – Non Trade

In the summer, a further 10 non trade modern apprenticeship opportunities were created within West Lothian Council. This takes the total created to date to 60.

Opportunities were created within: Building Standards, Building Services, Health Improvement Team, IT, Education (Development), Bathgate Partnership Centre, Linlithgow Burgh Halls, Blackburn Connected and Archives.

Graduate Work Experience Programme

In 2013 a graduate work experience programme was added to the Steps n2 Work offer for young people. The aim of the programme is to offer unemployed graduates the opportunity to gain six months paid experience working within West Lothian Council to undertake a specific project or projects.

The programme created 13 places in 2013/14 against a target of 12. Opportunities were in areas such as Development Management, Financial Management Unit, Flood Risk, Housing, Human Resources, Public Transport, Schools with Education Support, and West Lothian Child Protection Committee.

From the 2013/14 intake of graduates 1, have secured a positive destination on completion of the programme with one leaving their opportunity to go traveling.

In May a further six places were created within Community Regeneration, Corporate Procurement Unit, Corporate Services, Planning Services - Development Planning, Property Management and Development and the Public Transport Unit. Five of the six places started in July/ August. One opportunity, within Corporate Procurement, has been re-advertised due to an inadequate level of applicants.

The next intake of six are currently out for advert. Opportunities will be within Children and Families, Country Parks, Community Facilities, Development Planning, Housing, Construction and Building Services and Human Resources.

Posts are being advertised on myjobscotland and through employability networks.

D.5 More Choices, More Chances (MCMC)

MCMC Key Workers

MCMC keyworkers support the hardest to reach young people to access further education, training or employment; and, in many cases, this can take up to a year or more. The keyworkers are based within the 11 mainstream secondary schools. From April 2014 – August 2014, 31 people have been referred to the MCMC keyworkers. During this same time period, 58 young people progressed to a positive destination, and 63 left the service. This equates to a positive outcome of 92%.

Total leavers	63
Employability Fund	24
Further Education	22
Employment	8
Returned to school	4
Disengaged	4
Ill Health	1

Skills Training Programme (STP)

The skills training programme offers 16-19 year olds the opportunity to engage in a 26 week programme that offers direct work experience within the council. This opportunity is open to 50 young people per year who can gain experience in care, administration or practical jobs.

Between April 2014 and August 2014, 29 young people completed the Skills Training Programme. 26 (90%) of these young people have progressed to positive destinations.

Total leavers	29
Employment	17
Employability Fund	6
Further Education	3
Disengaged	2
Moved out of the Authority	1

Activity Agreements

An Activity Agreement can be a learning option for a young person between 16-19 who is regarded as being the furthest from the labour market. An Activity Agreement is a learning contract between a trusted professional and a young person who faces barriers to progression. The learning is tailored to their individual needs.

In May, a Validated Self Evaluation was conducted on Activity Agreements. This process highlighted where West Lothian Activity Agreements show where we are demonstrating strength. These areas include:

- The support the young people receive from key workers.
- The quality of the relationships between young people and their key workers.
- Good quality provision.
- Flexibility for bespoke provision.
- The support and direction provided by the Activity Agreement Steering Group.

Areas for development include:

- A common information and assessment template for all agencies would make collating and sharing of information easier and support progression.
- More robust evaluation systems.
- Increasing the range of certificated learning.
- The timing of provision and provision over holiday periods.
- Consider a wider range of provision.
- Extend youth literacy provision, particularly 1 to 1 support.
- Joint CPD across agencies.
- Develop more opportunities for work experience.

A visit has taken place with Fife Council to glean best practice. The Activity Agreement steering group will address these issues over the coming months.

Between April 2014 and August 2014, 56 young people were referred onto an Activity Agreement. Over that same time scale 63 young people progressed from an Activity Agreement **(36.5%)**.

Total leavers	63
Disengaged	33
Employment	11
Training (STP)	5
Further Education	4
Employability Fund	3
Post 20 (too old)	3
Moved out of the Authority	2
Ill Health	1
Prison	1

The Activity Agreement positive destination statistic has been a real source of concern and these numbers have been analysed. Concerns have been raised that young people are engaging on an Activity Agreement before they are ready to do so, and the Activity Agreement steering group is looking to introduce a pre-Activity Agreement or an Activity Agreement induction. This is a model that East Renfrewshire use. This development is in the early stages, an update will be provided to the PDSP on its progression.

D.6 Internal Hubs

Each school has nominated a member of staff to continue the role of Transition to Work Co-ordinator within existing resources. A range of interventions to enable schools to support young people requiring More Choices, More Chances is provided. This includes an innovation fund for which schools submit a MCMC bid to commission activity. Examples of this include: a young drivers programme; hairdressing programmes; rural skills; creative digital media and targeted group work provision with the third sector. Each Internal Hub has been the subject of a Validated Self-Evaluation visit during the 2013/14 school session. This has provided scope to identify and share best practice in this area across all our schools and to identify areas of development.

Opportunities for You Programmes

Those requiring more choices and more chances to progress from school onto a positive destination are able to participate in a wide range of opportunities. Pupils are able to participate in a variety of vocational programmes which include Football Coaching, Construction Skills, Hairdressing & Beauty and Motor Vehicle Maintenance to help them develop workplace skills. Pupils are also able to participate in a range of soft skills development programmes which tackle personal barriers to progressing onto a positive destinations. These programmes are designed to tackle issues with self-confidence, working with others, personal care and fitness.

Business Partnerships

Each school has benefited from having a member of staff tasked with enhanced partnerships with businesses. These development posts were introduced in 2013 and have been sustained through the 2014/15 school session. A number of key partnerships have been established and have evolved since these posts were introduced notably the link between Armadale Academy and Mitsubishi and Deans CHS and Shinetsu.

Data Collection and Student Tracking

All schools have adopted a new system to track intended destinations and the career aspirations of all students in S1-S6. This information is recorded on a customised area within SEEMiS and analysis of the data will inform future course provision and will enable providers to target support. A risk matrix tool has also been introduced across all secondary schools which also sits within SEEMiS. This resource enables schools to identify those most at risk of not achieving a post school positive destination and it uses a variety of factors to determine risk: attainment levels, attendance, ASN status, looked after status, SIMD etc. Both resources are being utilised by Internal Hubs to support young people into positive destinations.

E. CONCLUSION

Significant progress has been made in providing support and additional opportunities in response to local need for those not currently in work and to address continued employability challenges.

Whilst significant achievements have been made employability remains a key challenge for the council and its Community Planning Partners.

F. BACKGROUND REFERENCES

Previously reports to the Development and Transport PDSP on 26 June 2014, 13 November, 13 June 2013, 13 December 2012 and 5 April 2012

Appendices/Attachments: none

Contact Person: Clare Summers, Regeneration and Employability Co-ordinator, Tel 01506 281100, e-mail: clare.summers@westlothian.gov.uk

Steve Field
Head of Area Services

Date: 30 October 2014



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL

**SUPPLEMENTARY PLANNING GUIDANCE: DEVELOPER CONTRIBUTIONS FOR
EXTENSION TO DEANS PRIMARY SCHOOL, LIVINGSTON**

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to advise members of draft supplementary planning guidance (SPG) for developer contributions for an extension to Deans Primary School, Livingston to provide an additional 102 school places. The extension is needed to support the approved development plan strategy in relation to the West Lothian Local Plan.

B. RECOMMENDATION

It is recommended that the panel:

1. notes the key principles to be included in the SPG and agrees to consultation being carried out; and
2. agrees that the outcome of the consultation should be reported to the Council Executive for decision.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs

Being honest, open and accountable

Providing equality of opportunities

Making best use of our resources

Working in partnership

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The implementation of the West Lothian Local Plan (WLLP) requires substantial funding for education infrastructure and substantial developer contributions. It is a key requirement of the WLLP that development should not proceed beyond existing infrastructure capacity and that planning permission should not be granted until relevant infrastructure is provided or committed. Policy 9 of the approved Strategic Development Plan (SDP) for Edinburgh and South East Scotland identifies similar provision.

	<p>Policy IMP3 of the WLLP indicates that legal agreements will be required to secure the provision of school extensions.</p> <p>Policy IMP17 of the WLLP indicates that planning agreements (section 75s) will be entered into where appropriate and that developer contributions will be sought in accordance with circular 12/1996 – Planning Agreements (this circular has recently been replaced by circular 1/2010).</p> <p>Developer contributions may also be obtained through section 69 agreements under the Local Government (Scotland) Act 1973. There are no SEA, equality, health or risk assessment issues.</p>
III	<p>Implications for Scheme of Delegations to Officers</p> <p>None.</p>
IV	<p>Impact on performance and performance indicators</p> <p>None.</p>
V	<p>Relevance to Single Outcome Agreement</p> <p>Outcome 1 - Our children have the best start in life and are ready to succeed.</p> <p>Outcome 2 – We are better educated and have access to increased and better quality learning and employment opportunities.</p> <p>Outcome 3 – Our economy is diverse and dynamic and West Lothian is an attractive place for doing business.</p>
VI	<p>Resources - (Financial, Staffing and Property)</p> <p>Residential developers will be required to make payments in accordance with the SPG.</p> <p>The SPG will apply to council owned sites that are to be developed for housing.</p>
VII	<p>Consideration at PDSP</p> <p>The D&T PDSP has not previously considered this SPG.</p>
VIII	<p>Other Consultations</p> <p>Internal: Education, Finance, Estates and Legal.</p> <p>External:</p> <p>Community councils, developers, landowners and Homes for Scotland will be consulted on the draft SPG.</p> <p>The draft SPG will also be published on the council's website during the consultation period.</p>

D. TERMS OF REPORT

West Lothian Council adopted the West Lothian Local Plan (WLLP) on 13 January 2009. The plan proposes major housing growth and, as a consequence, a number of new schools and school extensions are required to support the local plan strategy. The Main Issues Report to the West Lothian Local Development Plan, which was approved for consultation by the council on 19 June, proposes a continuation of this strategy.

There are two options to extend the school, both of which increase the listed school capacity by 102 pupils from 360 pupils in 12 classes to 462 pupils in 16 classes. Accommodation is generally suitable for a full 2 stream school and it is the limited number of classrooms that restrict the building from reaching its maximum capacity. In practice, class size legislation means that a maximum sustained intake of 47 pupils can be accommodated P1-P7, in 12 classes, giving a total roll of 329 pupils. In simple terms, the increase in capacity increase would support around 320 new houses in the catchment area of the school in the medium term (on the basis of the 2012 child per house ratio). Details are set out below:

Option 1

This would be a two storey extension apart from the single story nursery class extension.

- New two storey extension to northern gable of existing two storey block.
- Stores between 2 No classrooms to the north of two storey block on ground and first floors removed, 1 no classroom on each floor reduced on size to provide corridor access to new extension.
- Existing wall broken through to provide access to new extension and existing windows on gable wall sealed over.
- New extension will provide Learning Support, storage WC provision, and 3 new classrooms.
- New staircase included to ensure fire escape distances will meet current building regulations for both existing and new accommodation.
- Inclusion of a platform lift will ensure access to upper floor of both existing and new accommodation.
- Additional incline platform lift could be provided to give access to stage/dining area.
- New single storey extension to the nursery wing would provide 60/60 capacity, appropriate for a 2 stream primary school (An increase from current 40/40 capacity).

Option 2

This would be a single storey extension throughout.

- New extension provided to the east of the gym hall providing a new courtyard.
- Minimal works required to existing building with existing door access providing links to extension at both sides.
- New extension provides Learning Support, Storage, WC provision and 3 new classrooms
- Inclusion of platform lift will ensure access to stage/dining area.
- An external platform lift could be included to upgrade the existing two storey block providing access for all to the whole school. 2 no. classrooms sizes will be reduced to provide access to lift.
- New single storey extension to the nursery wing would provide 60/60 capacity, appropriate for a 2 stream primary school (An increase from current 40/40 capacity).

Costs and Consultation:

The current indicative cost of the extension for **Option 1** is £735,285. Based on these indicative costs, a developer contribution rate of £2,518 per residential unit has been established for Option 1.

The current indicative cost of the extension for **Option 2** is £778,773. Based on these indicative costs, a developer contribution rate of £2,667 per residential unit has been established.

The timing of developer contribution payments to fund school infrastructure projects is critical if the council is to avoid escalation in forward funding requirements that it may not be able to support on an ongoing basis.

The draft SPG will require consultation with landowners, developers and with other relevant stakeholders. The draft SPG is attached as Appendix A.

The outcome of the consultation will be reported to Council Executive in due course.

E. CONCLUSION

The draft SPG for developer contributions for extension to Deans Primary School will support housing growth in West Lothian. Consultation will be carried out before being considered by Council Executive.

The proposed developer contribution rates should help to improve the financial viability of the housing developments planned within the catchment area of Deans Primary School.

F. BACKGROUND REFERENCES

West Lothian Local Plan.

Strategic Development Plan for Edinburgh and South East Scotland (SESplan)

SG Circular 3/2012 – Planning Obligations and Good Neighbour Agreements.

Report to Education Executive on 16 June 2008 - Education Strategy to support the West Lothian Local Plan including pre-adoption modifications

Report to Education Executive on 18 March 2014 - 2012 Base School Forecasts

Appendices/Attachments: One – Draft SPG

Contact Persons:

David McKinney, Planning and Information Manager Tel: 01506 281861

e-mail: david.mckinney@westlothian.gov.uk

Steven McLucas, Planning Officer, Development Planning Tel: 01506 282425

e-mail: steve.mclucas@westlothian.gov.uk

Craig McCorriston
Head of Planning and Economic Development

Date: 30 October 2014

Appendix A

SUPPLEMENTARY PLANNING GUIDANCE - DEVELOPER CONTRIBUTIONS FOR EXTENSION TO DEANS PRIMARY SCHOOL, LIVINGSTON

1.0 INTRODUCTION

- 1.1 West Lothian Council adopted the West Lothian Local Plan (WLLP) in January 2009. The WLLP proposes major housing growth and, as a consequence, a number of new schools and school extensions are required to support the local plan strategy. The Main Issues Report to the West Lothian Local Development Plan, which was approved for consultation by the council on 19 June, proposes a continuation of this strategy.
- 1.2 The purpose of this supplementary planning guidance (SPG) is to set out details of primary school infrastructure works at Deans Primary in Livingston necessary to support further housing development in the catchment area. The SPG sets out developer contribution rates which will apply to all proposed housing developments within the catchment area of Deans Primary School. There are two options at present and therefore two different rates are being proposed, the final amount will be determined in time.
- 1.3 The adopted West Lothian Local Plan (WLLP) sets out a development strategy for West Lothian. The success of the local plan development strategy is dependent upon additional non-denominational primary school capacity being provided.
- 1.4 The catchment area of Deans Primary School, which presently has capacity for 360 pupils and an actual school roll of 258 pupils (at start of academic year 2013-2014, embraces a catchment area within north/central Livingston.
- 1.5 The WLLP anticipates that an extension to Deans Primary School will be required to support existing housing allocations within the catchment, as well as the re-development on Deans South immediately south of the site, south of Deans North Road and there are potential allocations emerging through the Local Development Plan. This will enable the listed capacity of the school to be increased by 102 places, taking it up to 462 places and potentially allowing for 320 new houses to be provided within the catchment area of the school in the medium term.
- 1.6 The scale of infrastructure being planned must also have regard to some allowance for the scale of windfall development that might be supported.
- 1.7 At this stage, the council wishes to ensure that there is some flexibility in how the primary school infrastructure projects at Deans Primary are taken forward and therefore two options for development are provided. This is necessary because of the current uncertainty about future house completion rates and the timing of developer contribution payments to fund school infrastructure projects. The timing of developer contribution payments to fund school infrastructure projects is critical if the council is to avoid escalation in forward funding requirements that it may not be able to support on an ongoing basis.

- 1.8 This SPG will be taken into account in the determination of all planning applications for housing which lie within the catchment area of Deans Primary School from the date the policy is approved. The policy will be revised as circumstances require. Factors which could lead to the SPG being reviewed include:
- updates in the Housing Land Audit;
 - higher or lower rates of house completion than that assumed in the Development Planning Housing Model;
 - availability of updated information on costs;
 - changes in assumptions about the child/house ratio as a result of the actual housing mix proposed;
 - demographic changes;
 - changes in the pattern of attendance at schools;
 - changes in the type of residential units that are to be exempt from contributions;
 - updated school roll forecasts;
 - changes in catchment areas;
 - changes to the Strategic Development Plan;
 - approval of the Local Development Plan; and
 - any other significant matter that impacts on denominational primary school provision in the catchment area of Deans Primary School.
- 1.9 It is noted that the rate of house building in West Lothian has fallen significantly as a consequence of the recession, although there is evidence that completions are increasing again. The council will continue to monitor the rate of house building and will further adjust school roll forecasts, as and when required, to reflect changes in the housing market.
- 1.10 With the recession resulting in a severe slowdown of the private sector housing market and creating difficulty for developers in raising finance to forward fund major infrastructure, the council will keep its education strategy under review and, where possible, be flexible.
- 1.11 Given the current financial constraints, it is essential that the council only brings on stream additional capacity when it is needed. This will help developers to manage their cashflow and help the council to manage its revenue budget.
- 1.12 Further information on the council's approach to developer contributions can be found in its *Planning for Education* SPG.

2.0 LEGISLATIVE AND POLICY CONTEXT

- 2.1 Section 75 of the Town and Country Planning (Scotland) Act 1997 allows planning authorities to secure developer contributions, through the use of planning obligations, to overcome obstacles to the granting of planning permission.
- 2.2 Scottish Government Circular 3/2012 (Planning Obligations and Good neighbour Agreements) sets out current policy on planning obligations. This indicates that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the proposed development acceptable in planning terms.
 - Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should be relevant to development plans.
 - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area.
 - Fairly and reasonably relate in scale and kind to the proposed development.
 - Be reasonable in all other respects.

2.3 The approved Strategic Development Plan for Edinburgh and South East Scotland (SDP) requires sufficient infrastructure to be available, or its provision to be committed, before development can proceed. The plan also supports the delivery of infrastructure through developer contributions, funding from infrastructure providers or other appropriate means, including the promotion of alternative delivery mechanisms.

2.4 The adopted West Lothian Local Plan (WLLP) sets out a development strategy for West Lothian. The success of the local plan development strategy is dependent on additional denominational primary school capacity being provided. In accordance with Policy IMP3 of the WLLP, legal agreements will be required to secure the provision of new schools or extensions and associated community facilities from developers where this is directly attributable to serving their proposed housing development. Policy IMP17 of the WLLP also requires legal agreements to be in place to secure key infrastructure.

3.0 FORECASTS

3.1 The approved 2014 base school roll forecast for Deans Primary School is shown below:

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
258	258	290	292	289	296	288	286	278	273	266	269

2012 & 2013 are actual start of school session census rolls

3.2 The council produces a housing model called the *Development Planning Housing Model* (DPHM) which shows where and when new house building is expected to take place over the next 20 years. The above school roll forecasts are based on programmed completions as set out in the West Lothian DPHM 2012. The forecast housing programme will also include more current decisions of Development Management Committee and housing sites less than 5 units. The forecast housing schedule (and the DPHM) acknowledges the fact that much of the proposed housing within local plan allocations will take place in the latter period of the current development plan.

3.3 Table 1 below shows the projected start of session school roll for Deans Primary School together with the relevant capacity.

Table 1

Year	Deans Primary School	Capacity
12/13	258	360
13/14	258	360
14/15	290	360
15/16	292	360
16/17	289	360
17/18	296	360
18/19	288	360
19/20	286	360
20/21	278	360
21/22	273	360
22/23	266	360
23/24	269	360

* It is proposed that additional accommodation is always planned to be available 1 year in advance of forecast need and that the additional accommodation caters for 3-4 years of school roll growth which, is necessary to avoid unnecessary disruption for pupils.

Assumptions

Child per house ratio 0.3156 (rounded)

Stage migration factor 1.0173 (rounded)

Number of units in Start of Session Roll forecast: 104

Number of units programmed beyond the forecast period: 0

Forecasts are based on the current pattern of attendance.

- 3.4 Deans Primary School currently has a listed capacity for 360 pupils in 12 classes. Accommodation is generally suitable for a full 2 stream school and it is the limited number of classrooms that restrict the building from reaching its maximum capacity. In practice, class size legislation means that a maximum sustained intake of 47 pupils can be accommodated P1-P7, in 12 classes, giving a total roll of 329 pupils. The school is currently organised in 11 classes and thus there is limited scope within the school for the creation of an additional class that could support new residential development.
- 3.5 On the basis of the above assumptions, present school capacity is not forecast to be fully utilised but it is noted that there are a number of potential planning applications to consider that could make use of current forecast capacity (and require more). The council will therefore aim to secure developer contributions and/or identify funding which ensures that additional capacity is in place when and if residential development commences that would exceed current school capacity. It should be noted that spare capacity can be taken up by placing requests; likewise, housing completions could occur sooner than expected so it is possible that capacity could run out sooner than predicted. There may also be alternative or intermediate short term capacity options noting that budget, pupil safety and school detriment would require very careful consideration.
- 3.6 The council uses well established and robust methods for estimating the number of children resulting from new developments, including household survey as well as cross matching of its pupil placement information (as set out in the *SPG Planning for Education*).
- 3.7 Education forecasting entails making assumptions about the rate of house build, stage migration factors, child per house ratios and transfer rates. The timing of education infrastructure projects could, therefore, vary from those indicated in Appendix 1 if trends differ significantly from those assumed.

4.0 FUNDING THE PROVISION OF THE ADDITIONAL CAPACITY

- 4.1 It is expected that the extension to Deans Primary School will be entirely funded through developer contributions. This is because all committed development can be accommodated within the existing capacity of the school and the additional capacity is needed to support further housing in the catchment from existing housing allocations in the adopted West Lothian Local Plan, the re-development of Deans South housing estate and potential emerging allocations in the West Lothian Local Development Plan.
- 4.2 Taking into account the principles in SG Circular 3/2012 *Planning Obligations and Good Neighbour Agreements* that developer contributions secured through planning agreements should be reasonable in all respects and should reflect the scale of development and the likely impacts it will generate, the approach which is adopted in this policy is that developer contributions should be based on the likely impact that each development will have on the demand for places at Deans Primary School, Livingston.
- 4.3 The precise cost of the school extensions, in terms of both options, has yet to be established. This can only be done once project briefs have been finalised and the projects have been subjected to a tendering process. The council's Construction Services unit has provided indicative costs based on first quarter 2011 prices for the projects. These should be used at this stage for determining the level of developer contributions and are set out in Appendix 2. The indicative costs include school commissioning costs.
- 4.5 Based on these indicative costs and options, developer contribution rate of £2,518 - £2,667 for a residential unit has been established. The methodology for establishing the level of contributions is set out in Appendix 2. The indicative costs include school commissioning costs.
- 4.6 Actual payments will be index linked to the changes indicated in the RICS Building Cost Information Service Tender Price Index using the first quarter 2011 as the base date.
- 4.7 The levels of contribution will be reviewed regularly to take account of changed circumstances.
- 4.8 Developers should be aware that places at particular schools cannot be guaranteed.
- 4.9 Where the need to provide new education infrastructure arises as a result of several proposed housing developments, there is a need for the council to establish an indicative budget cost for the works deemed necessary and to publish developer contribution rates. An appropriate contingency is built into the budget cost. This is necessary to safeguard the council's position as the council should not be expected to carry the financial burden of unexpected development costs. If surplus funds are left over once the projects have been completed, these will be repaid, on a pro-rata basis, to those parties who made the contributions towards the project. It may be necessary to adjust contribution rates as more details about the project become known.

- 4.10 Whilst it is understood that developers of large sites will not be in a position to make all their contributions up front, the council will need to have sufficient funds in place for each project before committing to a contract to build that project. Thus, whilst some phasing of payments is likely to be acceptable, some developers will need to make large payments at appropriate stages to ensure that constraints can be overcome. As a general principle, if one party makes overpayments to forward fund education infrastructure in order to overcome a constraint and other applicants later benefit from this, the council will seek to refund the overpayments to the party who made them once contributions are received from the other applicants who have benefited and it is clear that surplus funds are available.

5.0 EXEMPTIONS

- 5.1 The only circumstances where developers will be exempt from this policy will be:

a) Sites which already have the benefit of a live planning permission and that permission has not expired unless it is proposed to increase the number of units or change in the housing mix. Where there is an increase in the number of units or change in the housing mix, the need for contributions will be assessed on a case by case basis and any contributions sought will be in proportion to the additional demand for school places which is generated. The existing and proposed demand for school places will be established by applying the child per house ratios set out in Appendix 1.

b) Sheltered housing, purpose built student housing and other types of housing designed or approved for special population groups which do not include children within the resident's household.

c) Sub-division of existing residential units provided no more than one of the resultant units has more than two habitable rooms. Where more than one of the resultant units has more than two habitable rooms, the first residential unit with more than two habitable rooms will be exempt but a full contribution will be payable for each of the other residential units with more than two habitable rooms.

d) Sites where it is proposed to (1) demolish existing occupied residential units or (2) demolish existing houses which have been vacant for less than two years at the time that a planning application is submitted to replace them or (3) replace houses which have been demolished but were previously occupied within the two years leading up to the submission of a planning application being submitted to replace them, provided in all cases there is no increase in the number of residential units. Where there is an increase in the number of units, additional contributions will be required based on the increase in the number of residential units with more than two habitable rooms.

e) Residential units that contain less than three habitable rooms.

Definition: For the purposes of this SPG, a habitable room shall be defined as any enclosed room intended for human occupation, excepting any room used solely as a kitchen, bathroom, toilet, washroom, utility room, shower room, hall and stair.

6.0 SECURING THE DEVELOPER CONTRIBUTIONS

- 6.1 Developer contributions may be secured by means of a Section 75 Obligation concluded between the applicant and the council, prior to the issue of planning permission. In some cases, the use of a Section 69 Agreement under the Local Government (Scotland) Act 1973 may be more appropriate.
- 6.2 In some cases, where relatively small sums of money are involved, it may be possible to avoid formal Section 75 Obligations and Section 69 Agreements and for the council to collect contributions through an exchange of letters prior to planning permission being granted.
- 6.3 Wherever possible, the council will allow developers to make phased payments. Planning conditions to phase housing developments may be necessary in some cases to ensure that infrastructure thresholds are not exceeded.

7.0 SCHOOL SPECIFICATION AND TIMESCALE

- 7.1 The council will decide the appropriate design, specification and procurement route for all education projects.

8.0 FURTHER INFORMATION

- 8.1 For further information or advice please contact:

For planning enquiries -
Steve McLucas
Planning Officer, Development Planning
West Lothian Council
Lomond House
Livingston
EH54 6QF
Tel: 01506 282425
Email: steve.mclucas@westlothian.gov.uk

For education enquiries -
David McKinney
Planning and Information Manager
Education Planning
Lomond House
Livingston
EH54 6QF
Tel: 01506 281861
Email: david.mckinney@westlothian.gov.uk

Appendix 1

Possible timing of project which will provide additional for Deans Primary School, Livingston

Year	Project	Capacity Increase
TBC (application dependent)	Extension	102 places

Assumptions:

1. forecast assumptions are sustained;
2. build rate is as per the DPHM;
3. developer contributions are paid at appropriate stages, and
4. satisfactory progress is made on school consultation.

Appendix 2

Extension Option 1

Methodology for calculating developer contribution rate

At this stage, only **indicative costs** are available. These are:

Estimated non-denominational primary school costs: **£710,285**
Deans Primary School

- New two storey extension to northern gable of existing two storey block.
- Stores between 2 No classrooms to the north of two storey block on ground and first floors removed, 1 no classroom on each floor reduced on size to provide corridor access to new extension.
- Existing wall broken through to provide access to new extension and existing windows on gable wall sealed over.
- New extension will provide Learning Support, storage WC provision, and 3 new classrooms.
- New staircase included to ensure fire escape distances will meet current building regulations for both existing and new accommodation.
- Inclusion of a platform lift will ensure access to upper floor of both existing and new accommodation.
- Additional incline platform lift could be provided to give access to stage/dining area.
- New single storey extension to the nursery wing would provide 60/60 capacity, appropriate for a 2 stream primary school (An increase from current 40/40 capacity).

There would be commissioning costs of some £25,000 to support the nursery class and primary school increase in capacity.

Total to be funded by developers £735,285

Extension Option 2

Methodology for calculating developer contribution rate

At this stage, only **indicative costs** are available. These are:

Estimated non-denominational primary school costs: **£753,773**

Deans Primary School

- New single storey extension provided to the east of the gym hall providing a new courtyard.
- Minimal works required to existing building with existing door access providing links to extension at both sides.
- New extension provides Learning Support, Storage, WC provision and 3 new classrooms
- Inclusion of platform lift will ensure access to stage/dining area.
- An external platform lift could be included to upgrade the existing two storey block providing access for all to the whole school. 2 no. classrooms sizes will be reduced to provide access to lift.
- New single storey extension to the nursery wing would provide 60/60 capacity, appropriate for a 2 stream primary school (An increase from current 40/40 capacity).

There would be commissioning costs of some £25,000 to support the nursery class and primary school increase in capacity.

Total to be funded by developers £778,773

Summary

This scale of infrastructure (102 additional places extending Deans Primary School to 462 pupil capacity) will support 320 residential units (including exempt residential units) within the current catchment area of Deans Primary School.

It is assumed that 8.63% of the residential units will be exempt, so for the purposes of this SPG the total cost (£923,000) is divided by 292 (the total number of units likely to be contributing) to give a developer contribution rate of £2,518 per residential unit based on first quarter 2011 prices for Option 1 and £2,667 per residential unit for Option 2

Actual payments will be linked to the RICS Building Tender Price Index using first quarter 2011 as the base date.



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT & SCRUTINY PANEL

**SUPPLEMENTARY PLANNING GUIDANCE: DEVELOPER CONTRIBUTIONS FOR
EXTENSION TO ST JOHN OGILVIE PRIMARY SCHOOL, LIVINGSTON**

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to advise members of draft supplementary planning guidance (SPG) for developer contributions for an extension to St John Ogilvie Primary School, Livingston to provide an additional 47 school places. The extension is needed to support the approved development plan strategy in relation to the West Lothian Local Plan.

B. RECOMMENDATION

It is recommended that the panel:

1. notes the key principles to be included in the SPG and agrees to consultation being carried out; and
2. agrees that the outcome of the consultation should be reported to the Council Executive for decision.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs

Being honest, open and accountable

Providing equality of opportunities

Making best use of our resources

Working in partnership

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The implementation of the West Lothian Local Plan (WLLP) requires substantial funding for education infrastructure and substantial developer contributions. It is a key requirement of the WLLP that development should not proceed beyond existing infrastructure capacity and that planning permission should not be granted until relevant infrastructure is provided or committed. Policy 9 of the approved Strategic Development Plan (SDP) for Edinburgh and South East Scotland identifies similar provision.

	<p>Policy IMP3 of the WLLP indicates that legal agreements will be required to secure the provision of school extensions.</p> <p>Policy IMP17 of the WLLP indicates that planning agreements (section 75s) will be entered into where appropriate and that developer contributions will be sought in accordance with circular 12/1996 – Planning Agreements (this circular has recently been replaced by circular 1/2010).</p> <p>Developer contributions may also be obtained through section 69 agreements under the Local Government (Scotland) Act 1973. There are no SEA, equality, health or risk assessment issues.</p>
III	<p>Implications for Scheme of Delegations to Officers</p> <p>None.</p>
IV	<p>Impact on performance and performance indicators</p> <p>None.</p>
V	<p>Relevance to Single Outcome Agreement</p> <p>Outcome 1 - Our children have the best start in life and are ready to succeed.</p> <p>Outcome 2 – We are better educated and have access to increased and better quality learning and employment opportunities.</p> <p>Outcome 3 – Our economy is diverse and dynamic and West Lothian is an attractive place for doing business.</p>
VI	<p>Resources - (Financial, Staffing and Property)</p> <p>Residential developers will be required to make payments in accordance with the SPG.</p> <p>The SPG will apply to council owned sites that are to be developed for housing.</p>
VII	<p>Consideration at PDSP</p> <p>The D&T PDSP has not previously considered this SPG.</p>
VIII	<p>Other Consultations</p> <p>Internal: Education, Finance, Estates and Legal.</p> <p>External:</p> <p>Community councils, developers, landowners and Homes for Scotland will be consulted on the draft SPG.</p> <p>The draft SPG will also be published on the council's website during the consultation period.</p>

D. TERMS OF REPORT

West Lothian Council adopted the West Lothian Local Plan (WLLP) on 13 January 2009. The plan proposes major housing growth and, as a consequence, a number of new schools and school extensions are required to support the local plan strategy. The Main Issues Report to the West Lothian Local Development Plan, which was approved for consultation by the council on 19 June, proposes a continuation of this strategy.

St John Ogilvie Primary School currently has a listed capacity for 415 pupils in 14 classes, 7 of which are limited to 30 pupils maximum. General Purpose provision is provided through 3 open areas and one small enclosed music room. In practice, class size legislation means that a maximum sustained intake of 56 pupils can be accommodated P1-P7, in 14 classes, giving a total roll of 392 pupils. Extension to the school could provide a listed capacity increase of 47 pupils to achieve a maximum 462 capacity if 2 full size classrooms were provided together with appropriate hall provision. In simple terms, this capacity increase would support around 500 new houses within the catchment area of the school in the medium term (on the basis of the 2012 child per house ratio).

The school is currently a 14 class organisation with a 35/35 nursery. In order to extend the school facility the following is proposed:

- New extension west side breaking through from existing assembly/dining hall, with the removal of the current school reception, head teacher, staff and visiting services accommodation.
- The new extension will provide an appropriately sized internal gym hall with changing accommodation, improved hall storage, 2 full size classrooms, school reception head teacher, staff and visiting services accommodation.
- An extension to the nursery would provide 60/60 capacity, appropriate for a 2 stream primary school.

Costs and Consultation:

The current indicative cost of the extension proposal is £1,758,413 (base March 2014) and there would be an additional requirement for £25,000 commissioning costs. Based on these indicative costs, a developer contribution rate of £3,902 per residential unit has been established.

The timing of developer contribution payments to fund school infrastructure projects is critical if the council is to avoid escalation in forward funding requirements that it may not be able to support on an ongoing basis.

The draft SPG will require consultation with landowners, developers and with other relevant stakeholders. The draft SPG is attached as Appendix A.

The outcome of the consultation will be reported to Council Executive in due course.

E. CONCLUSION

The draft SPG for developer contributions for extension to St John Ogilvie Primary School will support housing growth in West Lothian. Consultation will be carried out before being considered by Council Executive.

The proposed developer contribution rates should help to improve the financial viability of the housing developments planned within the catchment area of St John Ogilvie Primary School.

F. BACKGROUND REFERENCES

West Lothian Local Plan.

Strategic Development Plan for Edinburgh and South East Scotland (SESplan)

SG Circular 3/2012 – Planning Obligations and Good Neighbour Agreements.

Report to Education Executive on 16 June 2008 - Education Strategy to support the West Lothian Local Plan including pre-adoption modifications

Report to Education Executive on 18 March 2014 - 2012 Base School Forecasts

Appendices/Attachments: One – Draft SPG

Contact Persons:

David McKinney, Planning and Information Manager Tel: 01506 281861
e-mail: david.mckinney@westlothian.gov.uk

Steven McLucas, Planning Officer, Development Planning Tel: 01506 282425
e-mail: steve.mclucas@westlothian.gov.uk

Craig McCorriston
Head of Planning and Economic Development

Date: 30 October 2014

Appendix A

SUPPLEMENTARY PLANNING GUIDANCE - DEVELOPER CONTRIBUTIONS FOR EXTENSION TO ST JOHN OGILVIE PRIMARY SCHOOL, LIVINGSTON

1.0 INTRODUCTION

- 1.1 West Lothian Council adopted the West Lothian Local Plan (WLLP) in January 2009. The WLLP proposes major housing growth and, as a consequence, a number of new schools and school extensions are required to support the local plan strategy. The Main Issues Report to the West Lothian Local Development Plan, which was approved for consultation by the council on 19 June, proposes a continuation of this strategy.
- 1.2 The purpose of this supplementary planning guidance (SPG) is to set out details of primary school infrastructure works at St John Ogilvie Primary in Livingston necessary to support further housing development in the catchment area. The SPG sets out developer contribution rates which will apply to all proposed housing developments within the catchment area of St John Ogilvie Primary School.
- 1.3 The adopted West Lothian Local Plan (WLLP) sets out a development strategy for West Lothian. The success of the local plan development strategy is dependent upon additional non-denominational primary school capacity being provided.
- 1.4 The catchment area of St John Ogilvie Primary School, which presently has capacity for 415 pupils and an actual school roll of 377 pupils (at start of academic year 2013/2014), embraces a catchment area within north/central Livingston.
- 1.5 The WLLP anticipates that an extension to St John Ogilvie Primary School will be required to support existing housing allocations within the catchment, as well as the re-development of Deans South and potential housing allocations emerging through the Local Development Plan. This will enable the listed capacity of the school to be increased by 47 places, taking it up to 462 places and potentially allowing for 500 new houses to be provided within the catchment area of the school in the medium term.
- 1.6 The scale of infrastructure being planned must also have regard to some allowance for the scale of windfall development that might be supported.
- 1.7 The timing of developer contribution payments to fund school infrastructure projects is critical if the council is to avoid escalation in forward funding requirements that it may not be able to support on an ongoing basis.

- 1.8 This SPG will be taken into account in the determination of all planning applications for housing which lie within the catchment area of St John Ogilvie Primary School from the date the policy is approved. The policy will be revised as circumstances require. Factors which could lead to the SPG being reviewed include:
- updates in the Housing Land Audit;
 - higher or lower rates of house completion than that assumed in the Development Planning Housing Model;
 - availability of updated information on costs;
 - changes in assumptions about the child/house ratio as a result of the actual housing mix proposed;
 - demographic changes;
 - changes in the pattern of attendance at schools;
 - changes in the type of residential units that are to be exempt from contributions;
 - updated school roll forecasts;
 - changes in catchment areas;
 - changes to the Strategic Development Plan;
 - approval of the Local Development Plan; and
 - any other significant matter that impacts on denominational primary school provision in the catchment area of St John Ogilvie RC Primary School.
- 1.9 It is noted that the rate of house building in West Lothian has fallen significantly as a consequence of the recession, although there is evidence that completions are increasing again. The council will continue to monitor the rate of house building and will further adjust school roll forecasts, as and when required, to reflect changes in the housing market.
- 1.10 With the recession resulting in a severe slowdown of the private sector housing market and creating difficulty for developers in raising finance to forward fund major infrastructure, the council will keep its education strategy under review and, where possible, be flexible.
- 1.11 Given the current financial constraints, it is essential that the council only brings on stream additional capacity when it is needed. This will help developers to manage their cashflow and help the council manage its revenue budget.
- 1.12 Further information on the council's approach to developer contributions can be found in its *Planning for Education* SPG.

2.0 LEGISLATIVE AND POLICY CONTEXT

- 2.1 Section 75 of the Town and Country Planning (Scotland) Act 1997 allows planning authorities to secure developer contributions, through the use of planning obligations, to overcome obstacles to the granting of planning permission.

- 2.2 Scottish Government Circular 3/2012 (Planning Obligations and Good neighbour Agreements) sets out current policy on planning obligations. This indicates that planning obligations should only be sought where they meet all of the following tests:
- Necessary to make the proposed development acceptable in planning terms.
 - Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should be relevant to development plans.
 - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area.
 - Fairly and reasonably relate in scale and kind to the proposed development.
 - Be reasonable in all other respects.
- 2.3 The approved Strategic Development Plan for Edinburgh and South East Scotland (SDP) requires sufficient infrastructure to be available, or its provision to be committed, before development can proceed. The plan also supports the delivery of infrastructure through developer contributions, funding from infrastructure providers or other appropriate means, including the promotion of alternative delivery mechanisms
- 2.4 The adopted West Lothian Local Plan (WLLP) sets out a development strategy for West Lothian. The success of the local plan development strategy is dependent on additional denominational primary school capacity being provided. In accordance with Policy IMP3 of the WLLP, legal agreements will be required to secure the provision of new schools or extensions and associated community facilities from developers where this is directly attributable to serving their proposed housing development. Policy IMP17 of the WLLP also requires legal agreements to be in place to secure key infrastructure.

3.0 FORECASTS

- 3.1 The approved 2012 base school roll forecast for St John Ogilvie Primary School is shown below:

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
368	377	379	382	377	387	391	393	392	387	385	388

2012 & 2013 are actual start of school session census rolls

- 3.2 The council produces a housing model called the *Development Planning Housing Model* (DPHM) which shows where and when new house building is expected to take place over the next 20 years. The above school roll forecasts are based on programmed completions as set out in the West Lothian DPHM 2012. The forecast housing programme will also include more current decisions of Development Management Committee and housing sites less than 5 units. The forecast housing schedule (and the DPHM) acknowledges the fact that much of the proposed housing within local plan allocations will take place in the latter period of the current development plan.

- 3.3 Table 1 below shows the projected start of session school roll for St John Ogilvie Primary School together with the relevant capacity.

Table 1

Year	St John Ogilvie Primary School	Capacity
12/13	368	415
13/14	377	415
14/15	379	415
15/16	382	415
16/17	377	465
17/18	387	465
18/19	391	465
19/20	393	465
20/21	392	465
21/22	387	465
22/23	385	465
23/24	388	465

* It is proposed that additional accommodation is always planned to be available 1 year in advance of forecast need and that the additional accommodation caters for 3-4 years of school roll growth which, is necessary to avoid unnecessary disruption for pupils.

Assumptions

Child per house ratio: 0.0927 (rounded)

Stage migration factor: 0.9901 (rounded)

Number of units in Start of Session Roll forecast: 278

Number of units programmed beyond the forecast period: 0

Forecasts are based on the current pattern of attendance.

- 3.4 St John Ogilvie Primary School currently has a listed capacity for 415 pupils in 14 classes, 7 of which are limited to 30 pupils maximum. General Purpose provision is provided through 3 open areas and one small enclosed music room. In practice, class size legislation means that a maximum sustained intake of 56 pupils can be accommodated P1-P7, in 14 classes, giving a total roll of 392 pupils. The school is currently organised in 14 classes and thus there is no scope within the school for the creation of additional classes that could support new residential development.
- 3.5 On the basis of the above assumptions, present school capacity is forecast to be fully utilised from school session **2018/19** onwards, depending on the actual class organisation that is possible. The council will therefore aim to secure developer contributions and/or identify funding which ensures that additional capacity is in place for the start of this session. It should be noted that spare capacity can be taken up by placing requests; likewise, housing completions could occur sooner than expected so it is possible that capacity could run out sooner than predicted. There may also be alternative or intermediate short term capacity options noting that budget, pupil safety and school detriment would require very careful consideration.
- 3.6 The council uses well established and robust methods for estimating the number of children resulting from new developments, including household survey as well as cross matching of its pupil placement information (as set out in the *SPG Planning for Education*).

- 3.7 Education forecasting entails making assumptions about the rate of house build, stage migration factors, child per house ratios and transfer rates. The timing of education infrastructure projects could, therefore, vary from those indicated in Appendix 1 if trends differ significantly from those assumed.

4.0 FUNDING THE PROVISION OF THE ADDITIONAL CAPACITY

- 4.1 It is expected that the extension to St John Ogilvie Primary School will be entirely funded through developer contributions. This is because all committed development can be accommodated within the existing capacity of the school and the additional capacity is needed to support further housing in the catchment from existing housing allocations in the adopted West Lothian Local Plan, the re-development of Deans South housing estate and potential emerging allocations in the West Lothian Local Development Plan.
- 4.2 Taking into account the principles in SG Circular 3/2012 *Planning Obligations and Good Neighbour Agreements* that developer contributions secured through planning agreements should be reasonable in all respects and should reflect the scale of development and the likely impacts it will generate, the approach which is adopted in this policy is that developer contributions should be based on the likely impact that each development will have on the demand for places at St John Ogilvie Primary School, Livingston.
- 4.3 The precise cost of the school extensions, in terms of both options, has yet to be established. This can only be done once project briefs have been finalised and the projects have been subjected to a tendering process. The council's Construction Services unit has provided indicative costs based on first quarter 2011 prices for the projects. These should be used at this stage for determining the level of developer contributions and are set out in Appendix 2. The indicative costs include school commissioning costs.
- 4.5 Based on these indicative costs, a developer contribution rate of £3,902 for a residential unit has been established. The methodology for establishing the level of contributions is set out in Appendix 2. The indicative costs include school commissioning costs.
- 4.6 Actual payments will be index linked to the changes indicated in the RICS Building Cost Information Service Tender Price Index using the first quarter 2011 as the base date.
- 4.7 The levels of contribution will be reviewed regularly to take account of changed circumstances.
- 4.8 Developers should be aware that places at particular schools cannot be guaranteed.
- 4.9 Where the need to provide new education infrastructure arises as a result of several proposed housing developments, there is a need for the council to establish an indicative budget cost for the works deemed necessary and to publish developer contribution rates. An appropriate contingency is built into the budget cost. This is necessary to safeguard the council's position as the council should not be expected to carry the financial burden of unexpected development costs. If surplus funds are left over once the projects have been completed, these will be repaid, on a pro-rata basis, to those parties who made the contributions towards the project. It may be necessary to adjust contribution rates as more details about the project become known.

- 4.10 Whilst it is understood that developers of large sites will not be in a position to make all their contributions up front, the council will need to have sufficient funds in place for each project before committing to a contract to build that project. Thus, whilst some phasing of payments is likely to be acceptable, some developers will need to make large payments at appropriate stages to ensure that constraints can be overcome. As a general principle, if one party makes overpayments to forward fund education infrastructure in order to overcome a constraint and other applicants later benefit from this, the council will seek to refund the overpayments to the party who made them once contributions are received from the other applicants who have benefited and it is clear that surplus funds are available.

5.0 EXEMPTIONS

- 5.1 The only circumstances where developers will be exempt from this policy will be:

a) Sites which already have the benefit of a live planning permission and that permission has not expired unless it is proposed to increase the number of units or change in the housing mix. Where there is an increase in the number of units or change in the housing mix, the need for contributions will be assessed on a case by case basis and any contributions sought will be in proportion to the additional demand for school places which is generated. The existing and proposed demand for school places will be established by applying the child per house ratios set out in Appendix 1.

b) Sheltered housing, purpose built student housing and other types of housing designed or approved for special population groups which do not include children within the resident's household.

c) Sub-division of existing residential units provided no more than one of the resultant units has more than two habitable rooms. Where more than one of the resultant units has more than two habitable rooms, the first residential unit with more than two habitable rooms will be exempt but a full contribution will be payable for each of the other residential units with more than two habitable rooms.

d) Sites where it is proposed to (1) demolish existing occupied residential units or (2) demolish existing houses which have been vacant for less than two years at the time that a planning application is submitted to replace them or (3) replace houses which have been demolished but were previously occupied within the two years leading up to the submission of a planning application being submitted to replace them, provided in all cases there is no increase in the number of residential units. Where there is an increase in the number of units, additional contributions will be required based on the increase in the number of residential units with more than two habitable rooms.

e) Residential units that contain less than three habitable rooms.

Definition: For the purposes of this SPG, a habitable room shall be defined as any enclosed room intended for human occupation, excepting any room used solely as a kitchen, bathroom, toilet, washroom, utility room, shower room, hall and stair.

6.0 SECURING THE DEVELOPER CONTRIBUTIONS

- 6.1 Developer contributions may be secured by means of a Section 75 Obligation concluded between the applicant and the council, prior to the issue of planning permission. In some cases, the use of a Section 69 Agreement under the Local Government (Scotland) Act 1973 may be more appropriate.
- 6.2 In some cases, where relatively small sums of money are involved, it may be possible to avoid formal Section 75 Obligations and Section 69 Agreements and for the council to collect contributions through an exchange of letters prior to planning permission being granted.
- 6.3 Wherever possible, the council will allow developers to make phased payments. Planning conditions to phase housing developments may be necessary in some cases to ensure that infrastructure thresholds are not exceeded.

7.0 SCHOOL SPECIFICATION AND TIMESCALE

- 7.1 The council will decide the appropriate design, specification and procurement route for all education projects.

8.0 FURTHER INFORMATION

- 8.1 For further information or advice please contact:

For planning enquiries -
Steve McLucas
Planning Officer, Development Planning
West Lothian Council
Lomond House
Livingston
EH54 6QF
Tel: 01506 282425
Email: steve.mclucas@westlothian.gov.uk

For education enquiries -
David McKinney
Planning and Information Manager
Education Planning
Lomond House
Livingston
EH54 6QF
Tel: 01506 281861
Email: david.mckinney@westlothian.gov.uk

Appendix 1

Possible timing of project which will provide additional for St John Ogilvie Primary School, Livingston

Year	Project	Capacity Increase
2017/18	Extension	47 places

Assumptions:

1. forecast assumptions are sustained;
2. build rate is as per the DPHM;
3. developer contributions are paid at appropriate stages, and
4. satisfactory progress is made on school consultation.

Appendix 2

Methodology for calculating developer contribution rate

At this stage, only **indicative costs** are available. These are:

Estimated non-denominational primary school costs: **£1,758,413**
St John Ogilvie Primary School

The school is currently listed as 415 pupil capacity with a 14 class organisation and a nursery with 35 places morning and afternoon (35/35). The following works are proposed to extend the school:

- New extension west side breaking through from existing assembly/dining hall, with the removal of the current school reception, head teacher, staff and visiting services accommodation.
- The new extension will provide an appropriately sized internal gym hall with changing accommodation, improved hall storage, 2 full size classrooms, school reception head teacher, staff and visiting services accommodation, creating an appropriate mix of accommodation for 462 pupils in 16 classes.
- An extension to the nursery would provide 60/60 capacity, appropriate for a 2 stream primary school.

There would be commissioning costs of some £25,000 to support the nursery class and primary school increase in capacity.

Total to be funded by developers £1,783,413

Summary

This scale of infrastructure (47 additional places extending St John Ogilvie Primary School to 462 pupil capacity) will support 500 residential units (including exempt residential units) within the current catchment area of St John Ogilvie Primary School.

It is assumed that 8.63% of the residential units will be exempt, so for the purposes of this SPG the total cost (£1,783,413) is divided by 457 (the total number of units likely to be contributing) to give a developer contribution rate of £3,902 per residential unit.

Actual payments will be linked to the RICS Building Tender Price Index using first quarter 2011 as the base date.



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

PLANNING CONTROLS OVER PAY DAY LENDING PREMISES AND BETTING OFFICES – CONSULTATION BY SCOTTISH GOVERNMENT

REPORT BY HEAD OF PLANNING & ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is inform members of the proposed response to a consultation paper on the proposed introduction of new planning controls on pay day loan shops and betting offices.

B. RECOMMENDATION

It is recommended that the Panel:

1. notes the terms of the report; and
2. agrees to forward this report to the Council Executive with a recommendation that the response is sent to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	No Strategic Environmental Assessment is required.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Outcome 3: Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. Outcome 4: We live in resilient, cohesive and safe communities. Outcome 5: People most at risk are protected

	and supported to achieve improved life chances.
VI Resources - (Financial, Staffing and Property)	Requiring planning permission for a change of use to a betting shop or a pay day loans office will give rise to an increase in the numbers of planning applications, but it is not anticipated that the increase will be significant.
VII Consideration at PDSP	This is the first consideration of the matter at PDSP
VIII Other consultations	None.

D. TERMS OF REPORT

D1 Background

Betting shops and financial services are currently regulated by licensing laws at a UK level. The Scottish Government is committed, following a summit in April 2014, to taking whatever action it can to tackle the clustering of pay day lenders and gambling shops in Scotland's town centres and neighbourhoods. The clustering of betting shops and pay day loan premises are seen as being detrimental to the character and appearance of town centres in Scotland. Clustering also raises concerns about the economic wellbeing of communities.

The Scottish Government is seeking responses from local authorities to suggestions that planning legislation is changed to the effect that betting shops and premises offering pay day loans are brought under increased planning control.

The proposed changes seek to bring into greater planning control the clustering of betting shops and pay day loans premises in town centres in Scotland. Pay day loans are typically short term – over a month or less – and have high rates of interest. A payday loan in the UK can cost as much as £25 over a month for every £100 borrowed. It is a part of the financial sector which has grown rapidly in recent years, and is expected to continue to grow in the near future.

Currently, betting shops and financial services premises fall within class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) which reads:

Financial and Other Services

Use for the provision of–

- (a) financial services;
 - (b) professional services; or
 - (c) any other services (including use as a betting office);
- which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.

The consultation paper suggests the following possible changes for betting shops and pay day loan premises.

D2 Proposed Changes

Betting shops:

It is proposed to remove betting shops from class 2 of the UCO, instead placing them within the list of uses which fall outwith any specified use class (article 3(5) of the UCO, also known as *sui generis* uses). This list also contains amusement arcades. Inclusion in the list of *sui generis* uses normally means that any change of use, to or from a use within the list, requires planning permission. However, the proposals include the provision that planning permission would not be required for a change of use from a betting shop to a use within class 1 (general retail) and a use within class 2.

Pay Day Loan Premises:

Premises offering pay day loans are likely to be covered by the financial services of Class 2. The consultation paper recognises the difficulty of separating companies which specialise in pay day loans from other companies offering a range of financial services, such as banks or building societies.

Because of this difficulty, two options are proposed:

Option 1 – remove financial services from Class 2 of the UCO.

This would mean banks and building societies would be excluded from class 2, which would give rise to an increase in the number of such planning applications in town centres. It is likely, in addition, that most of the applications which would be submitted as a result of this change would be acceptable to the council in terms of the appearance and character of the town centre. Banks and building societies are uses which would normally be expected to be found in a traditional town centre.

Option 2 - Limit the “financial services” to be included in Class 2 of the UCO to a number of more specific uses, relating to financial services unlikely to raise the sorts of planning concerns with pay day loans.

The limited list of “financial services” to be included in Class 2 (i.e. financial service uses remaining in Class 2 along with professional and other services), under this option, would be:

- Accountancy services, insurance services and “deposit takers” (an entity with permission under Part 4A of the Financial Services and Markets Act that includes accepting deposits, including
 - (i) a bank;
 - (ii) a building society;
 - (iii) a credit union; or
 - (iv) a friendly society.

This would have the advantage of leaving banks and building societies which offer a range of banking services within class 2 while removing only those which offer purely pay day loans.

D3 Implementing the Proposed Changes

The concern which the Government expresses over the effect the clustering of betting shops and pay day loans has on the wellbeing of communities is not a planning matter, but concerns over the effect they could have on the appearance and character of a town centre are legitimate planning concerns. The changes proposed would allow councils to regulate the proportion of betting shops and pay day loan premises within a defined town centre by means of the development plan. Supporting reasons for a policy which restricts the proportion of such changes of use would include the desire to safeguard the character and amenity of the town centre, as supported by SPP.

The proposed changes would allow councils to take a decision on whether they want to take such action. It is considered that, in order to allow the council to take such action, if it chooses, the council should respond favourably to the proposal to amend the UCO to remove betting shops from class 2 and include them instead within article 3(5), ensuring that planning permission is required for the use of a shop as a betting office.

For the same reason, it is recommended that the council supports the suggestion that premises that supply pay day loans are removed from class 2 of the UCO, and are made *sui generis* uses. Of the two options put forward in the consultation paper, the second option, which proposes allowing banks and building societies ('deposit takers') to remain in class 2 while removing pay day loan companies, would be preferable, in that the number of applications that would be generated would be minimised.

E. CONCLUSION

Following the options recommended above would mean that a change of use from a shop or office, or any other use, to a betting shop or pay day loan premises would require planning permission. If backed up by development plan policy, the council would then be able to control the proliferation of such uses within West Lothian's town centres.

F. BACKGROUND REFERENCES

Planning Controls, Pay Day Lending and Betting Offices - Consultation Paper on Changes to Planning Legislation, Scottish Government, August 2014

Appendices/Attachments: Government Consultation Paper; Proposed Response

Contact Person: Ross Burton, Senior Planning Officer, 01506 282405, ross.burton@westlothian.gov.uk

Craig McCorriston

Head of Planning & Economic Development

30 October 2014

Planning Controls, Pay Day Lending and Betting Offices

Consultation Paper on Changes to Planning Legislation

August 2014

Contents

Covering Note	Page 1
Introduction	Page 3
Planning Mechanisms	Page 4
Proposed changes	Page 5
Annex A: Partial Business and Regulatory Impact Assessment	Page 11
Annex B: Equalities Impact Assessment Record	Page 21
Annex C: Scottish Government Consultation Process	Page 25
Annex D: Respondent information form and questions	Page 26

CONSULTATION ON PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES

Responding to this consultation paper

We are inviting written responses to this consultation paper by 14 November 2014. **Please send your response with the completed Respondent Information Form (see "Handling your Response" below) to:**

PlanningPDLbetting@scotland.gsi.gov.uk

or

Alan Cameron
Planning & Architecture Division
Scottish Government
Area 2-H
Victoria Quay
EDINBURGH
EH6 6QQ

If you have any queries contact Alan Cameron on 0131 244 7065.

We would be grateful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library (see the attached Respondent Information Form). These will be made available to the public in the Scottish Government Library and on the Scottish Government consultation web pages by the end of 2014. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on planning controls and pay day lending and betting offices. We aim to issue a report on this consultation process and lay legislation in Parliament by the end of 2014.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.

Introduction

1. Concerns have been expressed in recent years about the levels of problem gambling and personal indebtedness and the prevalence of betting shops and premises selling high interest short term loans – often referred to as pay day lending (PDL).
2. The regulation of gambling and financial services is currently a reserved matter for the UK Government and Parliament. The Scottish Government and Parliament cannot at present legislate to regulate these matters directly to restrict the numbers of betting shops or premises selling payday loans, or regulate how these activities are conducted to address concerns about, for example, gambling addiction or excessive indebtedness. However, as described in its Action Plan of 8 August 2014 (link below), following the earlier Summit on Gambling and Pay Day Lending in Scotland's Town Centres and Neighbourhoods, the Scottish Government is taking steps within its current devolved powers to address concerns about these matters where it can.

<http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/town-centres/PayDayLendingActionPlan>

3. This consultation implements the Scottish Government's commitment in the Action Plan to consult on changes to planning legislation. The planning issue relates to concerns about the negative impact of over-provision or clustering of betting shops and pay day lenders on the character and amenity of town centres and shopping areas and the wellbeing of communities. The revised Scottish Planning Policy (SPP), published in June, recognised these concerns and the role of planning in addressing them.
4. There are two strands to the planning element: i) requirements for applications for planning permission; and ii) the policy and evidence base for supporting decisions on such applications. This paper is concerned with the former issue. The new SPP, paragraphs 67 and 70 in particular, set out the national planning policy context as regards ii) above, but will be reliant on local planning policy and evidence to support decisions.

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/Policy>

5. Partial Business and Regulatory and Equalities Impact Assessments are included in Annexes A and B respectively.

Planning Mechanisms

6. This section explains some of the technical aspects of the planning system and how these relate to the issues of concern with Betting Shops and PDL.
7. In order to increase the potential for planning control on premises changing use to betting shops or PDL, legislative change would be required.
8. It should be noted that existing betting shops and PDL premises would not require planning permission for their activities as a result of the changes discussed below. Only the change of use of premises to such activities made after a legislative change would be affected.

“Development” requiring planning permission

9. The relevant trigger for requiring planning permission in this context is where there is a **material change in the use** of land or buildings. This comes from the definition of “development” in Section 26 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act). The 1997 Act specifies that “development” requires planning permission.
10. While the planning system will seek to control material changes in the use of premises from a shop to an office offering services to the public, it does not generally seek to control the range of goods and services being sold from a shop or from an office. That is part of the reason why certain goods and services have separate controls where there are concerns about their presence or sale, for example, licensing of gambling, alcohol sales, selling knives, the presence of hazardous substances, emissions controls and so on.

The Use Classes Order (the UCO)

11. The 1997 Act enables an order to be made specifying classes of use of land and premises and that changes between uses in the same class are not “development” and do not, therefore, require planning permission. This order is currently the Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO). The aim of the UCO is to group uses with similar planning implications together so as to remove unnecessary planning applications. Where a change of use is not covered by the UCO, then planning permission would be required for a material change of use.

<http://www.legislation.gov.uk/ukxi/1997/3061/contents/made> - UCO

The General Permitted Development Order (the GPDO)

12. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (the GPDO), grants a general planning permission across Scotland for a range of “development”. This removes the need to apply to the planning authority for planning permission. These “permitted development rights” include planning permission for certain changes of use.

The current position with betting shops and PDL and the UCO and GPDO

13. The UCO, Class 2 covers “use for the provision of:
 - (a) financial services;
 - (b) professional services; or
 - (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.”

14. Betting shops, or betting offices as they are referred to here, are specifically mentioned, though not defined precisely. Like most of the uses mentioned in the UCO there is no further definition of the terms. People generally recognise what a betting shop, a public house or a travel agency is when they see it.
15. Selling pay day loans is not specifically mentioned in the UCO. The term PDL refers to offering loans on particular terms rather than something that would necessarily be recognised as a “use” in planning terms.
16. It seems likely that in practice, premises engaged in PDL would currently fall within Use Class 2, assuming they are specialising in such lending or are PDL alongside other lending, financial and professional services.
17. The GPDO grants planning permission for changes between certain use classes in the UCO, in particular: from Class 2 (Financial, professional and other services), which are appropriate to provide in shopping areas and to visiting members of the public, to Class 1 (Shops); from Class 3 (Food and Drink) to Class 2; and from hot food takeaways to Class 2.

Proposed Changes

Betting Offices

18. The proposal is to remove reference to “betting offices” from Class 2 and add “betting offices” to the list of uses in article 3(5) of the UCO. Article 3(5) provides that a use listed there does not fall within any of

the classes to the UCO. Other uses listed in article 3(5) include: amusement arcades; public houses; theatres and hot food takeaways.

19. In addition, the GPDO would be amended so that, while changes of use to betting offices may require planning permission, as far as possible the current freedoms from planning control to change from use as a betting office to other uses would remain.
20. We also propose specifying that the definition of “betting offices” should follow section 150(e) of the Gambling Act 2005, namely premises licensed under that Act for “the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets”.
21. We understand that fixed odds betting terminals (FOBT) are classed as B2 gaming machines in Gambling legislation, and that these would only be available in betting offices and casinos. We do not anticipate therefore that increasing planning controls on betting offices would displace activity, such as FOBT, to other premises which might then start to cluster.

Q1. Do you agree with this approach to dealing with betting offices? If not, please specify why not.

Q2. Do you consider there to be a more effective approach to changes around betting offices? If so, please describe the approach.

Pay Day Lending

22. As indicated in paragraph 16 above, premises offering PDL services are likely to be covered by the financial services element of Class 2 (Financial, professional and other services). Despite the wide use of the terms pay loan, pay day lender and PDL, there is not a widely agreed single definition as to whom or what the terms refer.
23. The Financial Conduct Authority’s definition states a pay day lender offers high cost short term credit where:
 - APR is equal to or higher than 100%
 - Credit is provided for any period up to 12 months
 - Credit is not secured by a mortgage, charge or pledge
24. PDL can be offered from a variety of premises, ones which might specialise in such lending or others which offer it as part of a range of products or services, such as pawn broking, cheque cashing, money transfers, foreign exchange and/or other financial services or a combination of these.

25. In many cases, therefore, PDL may form only a limited aspect of the range of financial services offered from the premises and may be a part, perhaps only a very small part, of the overall use of the premises.
26. Another challenge in applying planning controls to premises engaging in PDL is that, despite definitions provided by the likes of the FCA, it is not straightforward to identify a suitable definition of PDL for the purposes of the UCO. Any definition would require to be sufficiently broad to catch the wide range of potential activities that should be included, otherwise slight changes in loan terms might avoid controls. At the same time, it should not be so broad as to capture a much wider range of activities unnecessarily.

Q3. Do you believe that a specific definition of PDL, similar to the FCA's definition in paragraph 23 above, should form part at least of the exclusion of uses from the UCO? If so what should the definition be?

27. In order to achieve any additional planning control over changes of use within the financial services sector, a wider range of activities would be likely to have to be removed from Class 2 of the UCO. Two Options are considered below. Essentially these are:
- i) continue to include financial services within Class 2 but subject to certain exclusions; or
 - ii) replace the general reference to financial services with references to specific financial activities.
28. The first approach in Option 1 seeks to identify and exclude from Class 2 the sorts of businesses likely to offer PDL and which are likely to cluster in shopping areas, undermining the character or amenity of the area or the wellbeing of communities. The second approach in Option 2 seeks to identify and include the sorts of financial services business less likely to either engage in PDL or to cluster in shopping areas, and which are, therefore, less likely to be associated with the negative impacts mentioned above.
29. We do not propose to amend Class 1 (Shops), on the basis that, as their main characteristic is that of shops selling goods to the public, the fact they may be offering pay day loans as a side line would be less likely to materially affect the character or amenity of shopping areas or the wellbeing of communities. As with other mixed uses, it would be for the planning authority to judge whether the activities at a particular shop meant it had gone beyond a Class 1: Shops use and required planning permission for other uses, such as financial services.

Q4. Do you agree that Class 1 (Shops) should be excluded from any changes regarding PDL? If not, why not?

30. As described above there are broadly two approaches to removing uses from Class 2 that might engage in PDL. With both options, as with betting offices, we propose to use the GPDO to retain, as far as possible, the existing freedoms from planning control for changes from uses associated with PDL to other uses.

Option 1

31. Remove from Class 2 specific activities which are likely to offer PDL, perhaps alongside other products and services, and to cluster or be prevalent in shopping areas to the extent that they would undermine the character and amenity of the area or the wellbeing of communities, and exclude them from the UCO.

32. The candidates for activities to be removed from Class 2 and added to the list in article 3(5) of the UCO would appear to be uses involving:

“Money Service Business” – as defined in Regulation 2 of the Money Laundering Regulations 2007, i.e. an undertaking which by way of business operates a currency exchange office, transmits money (or any representations of monetary value) by any means or cashes cheques which are made payable to customers.

“Pawn broking”

“Premises for buying goods from visiting members of the public”

“Financial lending other than by deposit takers”

“Deposit takers” – means an entity with permission under Part 4A (permission to carry on regulated activities) of the Financial Services and Markets Act 2000(1) that includes accepting deposits, including—

- (i) a bank;
- (ii) a building society within the meaning of section 119(1) (interpretation) of the Building Societies Act 1986(2);
- (iii) a credit union within the meaning of section 31(1) (interpretation) of the Credit Unions Act 1979; or
- (iv) a friendly society within the meaning of section 116 (friendly societies etc.) of the Friendly Societies Act 1992(4).

33. This approach may not sufficiently cover all premises which might engage in PDL as a secondary or ancillary activity and such premises might cluster.

Q5. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of pay day lenders? If not, why not?

Q6. What other activities which might be involved in PDL should be added to the exclusions? Please explain why and provide any examples.

Q7. What other exceptions to the exclusion of financial lending should be included (i.e. alongside “deposit takers”)? Please explain why and provide examples.

Option 2

34. Limit the “financial services” to be included in Class 2 of the UCO to a number of more specific uses.
35. These limited uses to be included should relate to financial services unlikely to raise the sorts of planning concerns with PDL, even if some, like the “deposit takers” below, may have products which would be regarded as within some definition of a pay day loan.
36. The proposed limited list of “financial services” to be included in Class 2 (i.e. financial service uses remaining in Class 2 along with professional and other services) is:
 - “Accountancy services”
 - “Insurance Services”
 - “Deposit takers” – i.e. an entity with permission under Part 4A (permission to carry on regulated activities) of the Financial Services and Markets Act 2000(1) that includes accepting deposits, including—
 - (i) a bank;
 - (ii) a building society within the meaning of section 119(1) (interpretation) of the Building Societies Act 1986(2);
 - (iii) a credit union within the meaning of section 31(1) (interpretation) of the Credit Unions Act 1979; or
 - (iv) a friendly society within the meaning of section 116 (friendly societies etc.) of the Friendly Societies Act 1992(4).
37. This approach would not include explicit exemptions for “professional services” or “other services” who may be engaged in some “financial services” as part of an overall package of services, e.g. estate agents’ or solicitors’ offices. As with other mixed uses, it would be for the planning authority in individual cases to consider whether the extent of any financial services provided by such premises was material change of use requiring planning permission.
38. While this has the advantage of applying control to a wider range of uses of premises that might also offer PDL services, it is likely to mean

that more financial services activities that are not of concern would in future require planning permission.

Q8. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of PDL? If not, why not?

Q9. Should the exclusions from the UCO be extended beyond those described in this option? If so please explain and provide examples.

Q10. What other exceptions to the exclusion of financial services should be included (i.e. alongside “deposit takers” etc.)? Please explain and provide examples.

Q11. Which approach would you prefer, Option 1 or Option 2? Please explain your answer.

Q12. Do you have any other comments or suggestions? Please elaborate.

Q13. BRIA – Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?

Q14. EqlA – Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.

Partial Business and Regulatory Impact Assessment

Title of Proposal: Town and Country Planning (Use Classes) Amendments (Scotland) Order 2014

Purpose and intended effect

Background

1. Concerns have been expressed in recent years about the levels of problem gambling and personal indebtedness and the prevalence of betting shops and premises selling high interest short term loans – often referred to as pay day lending.
2. The regulation of gambling and financial services is currently a reserved matter for the UK Government and Parliament. The Scottish Government and Parliament cannot at present legislate to regulate these matters directly to restrict the numbers of betting shops or premises selling payday loans, or regulate how these activities are conducted to address concerns about, for example, gambling addiction or excessive indebtedness. However, as described in its Action Plan of 8 August 2014, following the earlier Summit on Gambling and Pay Day Lending in Scotland's Town Centres and Neighbourhoods, the Scottish Government is taking steps within its devolved powers to address concerns about these matters where it can.
4. This consultation implements the Government's commitment in the Action Plan to consult on changes to planning legislation. The Planning issue relates to concerns about the negative impact of over-provision or clustering of betting shops and pay day lenders on the character and amenity of town centres and shopping areas and the wellbeing of communities. The revised Scottish Planning Policy (SPP), published in June, recognises these concerns and the role of Planning in addressing them.
5. There are two strands to the planning element: i) requirements for applications for planning permission; and ii) the policy and evidence base for supporting decisions on such applications. This consultation paper and BRIA is concerned with the former issue and changes to, primarily, the Town and Country Planning (Use Classes) (Scotland) Order 1997 (the UCO).
6. The new SPP, paragraphs 67 and 70 in particular, set out the national planning policy context as regards ii) above, but will be reliant on local planning policy and evidence to support decisions.

<http://www.scotland.gov.uk/Publications/2014/06/5823>

Objective

7. To help avoid over provision and clustering of betting shops and pay day lending in shopping areas to an extent which may undermine the character and amenity of such areas or the wellbeing of communities. Implementing the policy in the SPP and development plan policies means removing exemptions from planning control in the Use Classes Order which relate to such activities, so that the relevant changes of use are subject to planning application procedures.

Rationale for Government intervention

8. The Scottish Government believes planning authorities in supporting their town centres should have the powers necessary to promote an appropriate mix of uses in shopping areas. This is in line with the Scottish Government's strategic objectives of a Scotland that is Wealthier & Fairer and Safer & Stronger and the national outcome that "We live in well-designed, sustainable places where we are able to access the amenities and services we need".

Consultation

Within Government

9. We have consulted within the Scottish Government with officials responsible for licensing, financial services and indebtedness and bankruptcy.
10. We also liaised with the Gambling Commission as regards the current trends in betting office provision and the definition of activities associated with betting offices.

Public Consultation

11. On 23 June 2014 the Scottish Government held a summit on Gambling and Pay Day Lending in Scotland's Town Centres and Neighbourhoods. This involved a number of stakeholders from the pay day lending and gambling industries, regulatory bodies and bodies dealing with problems of debt and gambling. This was an opportunity for these stakeholders and the Scottish Government to discuss the issues and possible approaches to addressing concerns, including those about over provision and clustering of these activities in town centres and shopping areas.

Business

12. We will identify 6 businesses engaged in providing high street betting offices. We will use contacts as necessary in organisations such as the Gambling Commission and the Association of British Bookmakers to identify businesses of different sizes in this regard.

13. We will similarly identify 6 business engaged in providing pay day lending activities from high street premises. This will cover the range of different businesses who offer such services, as pay day lending is generally provided alongside other financial services. Again, contacts in organisations, such as the Financial Conduct Authority will be used to ensure an appropriate spread of business organisations.

Options

14. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (the UCO) groups certain uses of land and premises into classes. Changes between uses which are in the same class do not require planning permission. Changes between uses which are not in the same class require planning permission where the change is material in the circumstances of the case.
15. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (the GPDO) includes permitted development rights which grant a general planning permission across Scotland for various developments, removing the need to apply to the planning authority for planning permission. This includes permitted development rights for various changes of use, including to and from the activities of concern.
16. While the proposed changes to the UCO would mean the permitted development rights in the GPDO will no longer apply to betting offices and pay day lending, the intention is to amend the GPDO so that the permitted development rights to change the use of premises from these activities will still have permitted development rights.

A – Betting offices

17. Betting offices are specifically referred to in Class 2 (Financial, professional and other services).

Option A1 – Keep the current position

18. If betting offices remain in Class 2, any change to a betting office from another use in the same class, or granted by permitted development rights for changes to Class 2 use, would be exempt from the need for an application for planning permission. There would be no opportunity for planning authorities to bring to bear on such changes of use any development plan policies and other material considerations relating to concerns about negative impacts associated with the over provision and clustering of such uses in shopping areas, as described in the SPP.

Option A2 – Amend the UCO

19. The proposal is to remove reference to betting office from Class 2 and list it in article 3 of the UCO, which lists a number of uses which are not included in any of the classes in the UCO.
20. In addition, the GPDO would be amended so that the changes of use from betting offices to other uses currently covered by Class 2 or granted by the GPDO remain, as far as possible, exempt from the need for an application for planning permission.

B – Pay Day Lending

21. Premises do not necessarily specialise in pay day lending and such lending can be one of a number of financial services offered from premises. It seems likely that, in terms of premises on the high street, most pay day lending would be offered from premises in Class 2 (Financial, professional and other services).
22. As pay day lending may only be a part, even a small part of the overall use of premises, it seems likely we would need to remove a wider range of financial services which may be involved in offering such lending from the UCO in order to bring planning controls to bear on this activity.

Option B1 – Keep the current position

23. As with betting offices, if there is no change in the UCO, changing premises to a use associated with pay day lending from another Class 2 use or where permitted development rights apply, will continue to be exempt from the need for an application for planning permission. There would be no opportunity for the planning authority to bring to bear on such a change any development plan policies or other material considerations relating to concerns about negative impacts associated with the over provision and clustering of such uses in shopping areas, as described in the SPP.

Option B2 – Amend the UCO

24. Given the wide range of activities that may engage in part in pay day lending, the consultation paper sets out two approaches: i) remove certain financial services activities from Class 2 (and include them in article 3 of the UCO); or ii) only allow certain financial services in Class 2 that would be less likely to offer pay day lending and/or less likely to create negative impacts through over provision or clustering of premises.

Sectors and groups affected

- 25. The changes would not affect existing premises engaged in these activities, only future changes of use of premises made after the proposed changes.
- 26. Firms providing betting office premises in town centres and shopping areas etc.
- 27. Financial services which are associated with offering high interest short term unsecured credit, as at least part of their offer, from premises in town centres and shopping areas etc.
- 28. Operators in these areas will face an increase in the circumstances in which changing premises to their activities require planning permission. In some cases, primarily where there are development plan policies and other material considerations relating to the negative impacts of over provision or clustering of such activities, planning permission may be refused. This does not mean alternative premises cannot be pursued.

Benefits

Options A1 and B1 – Do nothing

- 29. The benefits here are essentially in terms of not incurring the costs associated with Options A2 and B2

Options A2 and B2 – Amend the UCO

- 30. Planning authorities would have the opportunity to bring development plan policies and other material considerations regarding protecting the amenity and character of town centres and shopping areas and the wellbeing of communities from the negative impacts associated with over provision and clustering of these activities.

Costs

Options A2 and B2 – Amend the UCO

- 31. The main cost associated with an increase in planning control is likely to be regarding the uncertainty of the outcome of the process and the refusal of planning permission for premises in some cases. The need for planning permission does not equate to an ability to refuse planning permission. Decisions on planning applications must be made in line with the development plan unless other material considerations indicate otherwise.

32. It is not necessarily the case that every planning authority would develop policies to support refusal of such permission due to the effects of clustering or over provision in all parts of its area.
33. To some extent the costs of uncertainty and refusal can be mitigated by identifying premises which would not contravene development plan policies on over provision and clustering. This is not cost free.
34. There are other costs, relatively more easily quantifiable, associated with the costs of making an application for planning permission.

Betting Offices

Option A1 – Do nothing

35. The costs of the negative impacts on amenity and character of an area or the wellbeing of communities in the absence of increased planning controls on over provision and clustering of betting offices.

Option A2 – Amend the UCO

36. The cost of an application for planning permission for change of use is £401. According to Gambling Commission figures for 2012, there were 1180 betting offices in Scotland. The general trend is that the numbers of such offices is about constant in recent years, though premises may be closing in some areas and opening in others.
37. The provision of betting offices is dominated by four major operators (William Hill, Ladbrokes, Gala Coral Group and Betfred), whose premises account for 87% of betting offices in the UK.
38. If we assume 10% of premises are closing and 10% opening in new locations each year, that suggests a cost in planning fee terms: $118 \times £401 = £47,318$ per annum.
39. A number of these applications would arise regardless of the proposed changes of the legislation.
40. The other supporting information that might accompany an application, in terms of jobs, business rate income, increased footfall is likely to have been generated in any event as part of a company's own business case for opening new premises.

Pay day lending

Option B1 – Do nothing

41. The costs of the negative impacts on amenity and character of an area or the wellbeing of communities in the absence of increased planning controls on over provision and clustering of pay day lending outlets.

Option B2 – Amend the UCO

42. The cost of an application for planning permission for change of use is £401. There are estimated to be 180 to 200 pay day lending premises in Scotland.
43. If we assume as many as twenty new premises open a year (10%), that suggests a cost in planning fee terms: $20 \times £401 = £8,020$ per annum.
44. A number of these applications would arise regardless of the proposed changes of the legislation.
45. The other supporting information that might accompany an application, in terms of jobs, business rate income, increased footfall who is likely have been generated in any event as part of a company's own business case for opening new premises.

Scottish Firms Impact Test

46. To be completed post public consultation.

Competition Assessment

47. To be completed post consultation.
48. The aim of the policy in the SPP, which these amendments to the UCO are supporting, is not intended to provide for regulation of competition. The fact that the SPP is seeking to address concerns about over provision and clustering of certain activities in shopping areas to help address concerns about related negative impacts on the amenity or character of an area or wellbeing of a community, may mean there is some effect on competition, at least in terms of outlets competing in close proximity to one another.
49. A requirement to obtain planning permission that may arise from the proposals for changes to the UCO would not in itself limit range of suppliers. Whether there will be any limitations on competition will depend on the individual circumstances of a case and, in particular, the presence of any development plan policies locally on preventing over provision or clustering of the activities in question.

Will the proposal directly limit the number or range of suppliers?

No

Will the proposal indirectly limit the number or range of suppliers?

No

Will the proposal limit the ability of suppliers to compete?

Not in itself.

Will the proposal reduce suppliers' incentives to compete vigorously?

Not in itself

Test run of business forms

50. No new business forms will be introduced as a result of the proposed changes to the UCO.

Legal Aid Impact Test

51. No impact on Legal Aid is anticipated in this regard. The changes bring certain changes of use of premises within the existing planning applications procedures, including related planning appeal procedures. Changes of use of premises to the activities in question may already require applications for planning permission where the existing exemptions do not apply: for example, where premises operating under Class 1 (Shops) changes to Class 2 (Financial, professional and other services).

Enforcement, sanctions and monitoring

52. The proposed amendments to legislation would mean certain changes in the use of premises may require planning permission in future where currently they do not. The changes operate within the existing planning framework, which includes enforcement provisions, which it is for the planning authority to implement in the first instance.
53. The numbers of applications for planning permission likely to be generated are unlikely to show up as significant changes in the overall numbers of planning applications generally. Through our regular contact with planning authorities, through the Heads of Planning Scotland network – their development management sub-committee in particular – we will monitor the impact of the changes in terms of number of planning applications and decisions. We will likewise seek feedback from the representative bodies of the sectors likely to be affected by the changes.

Implementation and delivery plan

54. The intention is that legislative changes stemming from this consultation will be laid before the Scottish Parliament by the end of

2014. Subject to Parliamentary consideration, legislation would be expected to come into effect in January 2015.

- 55. The laying of the legislation and coming into force date will be publicised through our Planning e-alert system.
- 56. The changes will apply to changes of use made on or after the coming into force date of the legislation, and an application for planning permission will be required where material changes in the use of premises are involved.

Post-implementation review

- 57. We will consider the impact of the changes through our regular contacts with planning authorities through Heads of Planning Scotland. We will also seek views from the sectors affected, through representative bodies initially at least.
- 58. Although there are no plans at present, the UCO is likely to be subject to review, in part at least, in the near future. This would provide an opportunity for further evaluation of the changes referred to in the BRIA.

Summary and recommendation

- 59. At this stage Options A2 and B2 i) or ii) are recommended. The policy set out in the current SPP will not operate effectively if the activities in question are to a large extent exempt from planning controls. The costs of making an application are relatively small in themselves. We appreciate, however, that there will be other costs associated with identifying sites more likely to comply with development plan policies locally, the uncertainty of outcome (compared to previously being exempt from planning requirements in many cases) and the costs of refusal.

Summary costs and benefits table

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
Option A1	Avoids the costs associated with Option A2 for betting office operators.	Missing out on the benefits associated with Option A2.
Option A2	Allows authorities to avoid the negative impacts on the amenity and character of town and shopping areas and the wellbeing of communities associated with clustering and over provision of betting offices.	The changes to the UCO could involve planning applications costs of around £50,000 per annum. In addition costs associated with: identifying sites in line with development plan policies; uncertainty of the outcome of applications; and of refusal of permission in some cases.
Option B1	Avoids the costs associated with Option B2 for betting office operators.	Missing out on the benefits associated with Option B2.
Option B2 (i) and ii))	Allows authorities to avoid the negative impacts on the amenity and character of town and shopping areas and the wellbeing of communities associated with clustering and over provision of pay day lending outlets.	The changes to the UCO could involve planning applications costs of around £10,000 per annum. In addition costs associated with: identifying sites in line with development plan policies; uncertainty of the outcome of applications; and of refusal of permission in some cases.

Scottish Government Contact point:

Alan Cameron

Directorate for Local Government & Communities

Planning & Architecture Division

0131 244 7065

Alan.cameron@scotland.gsi.gov.uk

EQUALITY IMPACT ASSESSMENT RECORD

<u>Title of policy/ practice/ strategy/ legislation etc.</u>	<u>Planning Controls and Pay Day lending and Betting Offices</u>	
<u>Minister</u>	<u>Minister for Local Government & Planning</u>	
<u>Lead official</u>	<u>Alan Cameron: Planning & Architecture Division</u>	
<u>Officials involved in the EQIA</u>	<u>name</u>	<u>team</u>
		Planning and Architecture Division
<u>Directorate: Division: Team</u>	Directorate for Local Government and Communities Planning and Architecture Division	
<u>Is this new policy or revision to an existing policy?</u>	The policy already exists – Scottish Planning Policy, paragraphs 67 and 70. This consultation relates to revisions to legislation so that the policy can be brought to bear on individual proposals. The Use Classes Order exempts various changes in the use of premises from the need for planning permission. The proposal is to remove some of the exemptions so that planning policy considerations can be brought to bear on individual proposals.	

Screening**Policy Aim**

The ultimate aim is to avoid the negative impacts on the amenity or character of town centres and shopping areas or the wellbeing of communities associated with the over provision or clustering of certain premises, namely betting offices and pay day lending outlets.

The Scottish Planning Policy, already recognises the role of planning in this regard. This consultation relates to changes to legislation so that there are more planning applications for changes of premises to these uses to which planning considerations can be brought to bear.

Who will it affect?

The main parties affected will be developers wishing to change premises to betting offices or premises associated with pay day lending. They will require to apply for planning permission where previously they did not. The decision on the application will be driven by any new development plan policies locally

and evidence relating to the negative impacts mentioned above, stemming from the national policy in the SPP.

There may be an issue with competition. The changes do not amount to a ban on such activities, but are aimed at avoiding over provision and clustering. This may mean there are fewer service providers on the high street. This may affect customers who would otherwise benefit from competition between providers.

What might prevent the desired outcomes being achieved?

If the development plan policies and evidence bases are not established locally, decisions on applications to prevent clustering or over provision and the associated effects may not withstand challenges on appeal. That is, the proposed changes mean only that planning applications may be needed. It is the local policies and evidence – stemming from the existing SPP – that will drive the outcome.

Stage 1: Framing

Results of framing exercise

The proposed changes will result in greater transparency over the provision of pay day lending and betting offices in Scotland's town centres and shopping areas. Where there is a change of use, such changes will require planning permission. The application for planning permission comes with a wide range of statutory requirements on the provision of public information.

Extent/Level of EQIA required

The potential impact on each of the protected groups of the changes to land use planning legislation has been considered using information in the Scottish Government's Evidence Finder -

<http://www.scotland.gov.uk/Topics/People/Equality/Equalities/DataGrid>. This included figures arising from the 2012 Scottish Health Survey - <http://www.scotland.gov.uk/Resource/0043/00434590.pdf> which were incorporated into Gambling behaviour in England and Scotland - <http://www.gamblingcommission.gov.uk/pdf/Gambling%20behaviour%20in%20England%20Scotland%2010072014.pdf>.

Further information is required on the impact of the changes on each of the protected characteristics. It is proposed to carry out consultation on the proposed legislative changes required to implement the policy intention and this will inform the extent/level of any further assessment that may be required.

Stage 2: Data and evidence gathering, involvement and consultation

<u>Characteristic</u>	<u>Evidence gathered and Strength/quality of evidence</u>	<u>Source</u>	<u>Data gaps identified and action taken</u>
<u>AGE</u>	Where participation in the National Lottery was removed from the figures, participation rates were higher among the youngest age group (64% of men and 47% of women aged 16-24) and lowest among the oldest age group (35% of men and 26% of women aged 75 and over).	Scottish Health Survey 2012	Additional comments requested in consultation
<u>DISABILITY</u>	No information found		Additional comments requested in consultation
<u>SEX</u>	<p>In 2012, seven in ten adults (aged 16 and over) had gambled in the previous 12 months with men significantly more likely than women to have done so (74% and 67% respectively).</p> <p>In 2012, men bet on horse races (not online) (14%), bet on other sports events (not online) and played slot machines (both 12%). The comparative figures for women were 7%, 2% or less and 4%.</p> <p>The likelihood of being a problem gambler was 11.6 times higher among men than women.</p>	Scottish Health Survey 2012	Additional comments requested in consultation
<u>PREGNANCY AND MATERNITY</u>	No information found		Additional comments requested in consultation
<u>GENDER REASSIGNMENT</u>	No information found		Additional comments requested in consultation

<u>SEXUAL ORIENTATION</u>	No information found		Additional comments requested in consultation
<u>RACE</u>	Participation in many of the individual activities followed the same pattern as the protected characteristic of race and religion, with prevalence being lowest among Muslims.	<u>Gambling behaviour in England and Scotland</u>	Additional comments requested in consultation
<u>RELIGION OR BELIEF</u>	Past year gambling participation by the religion of the individual showed that Muslims were least likely to have gambled in the past year than those from other religions, including those with no religion.	<u>Gambling behaviour in England and Scotland</u>	Additional comments requested in consultation

THE SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses¹. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: Scottish Government consultations (<http://www.scotland.gov.uk/consultations>).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review;
- inform the development of a particular policy;
- help decisions to be made between alternative policy proposals;
- be used to finalise legislation before it is implemented.

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

¹ <http://www.scotland.gov.uk/consultations>

PLANNING CONTROLS, PAY DAY LENDING AND BETTING OFFICES RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately. A Word version of this form can be found at the entry for this consultation paper on : <http://www.scotland.gov.uk/Consultations/Current>

1. Name/Organisation

Organisation Name

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions - I am responding as...

Individual / Group/Organisation

☐

Please tick as appropriate

☐

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☐ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☐ Yes

☐ No

CONSULTATION QUESTIONS

Q1. Do you agree with this approach to dealing with betting offices? If not, please specify why not.

Agree ☐ Disagree ☐

Comments

Q2. Do you consider there to be a more effective approach to changes around betting offices? If so, please describe the approach.

Yes ☐ No ☐

Comments

Q3. Do you believe that a specific definition of PDL, similar to the FCA's definition in paragraph 23 above, should form part at least of the exclusion of uses from the UCO? If so what should the definition be?

Yes ☐ No ☐

Comments

Q4. Do you agree that Class 1: Shops should be excluded from any changes regarding PDL? If not, why not?

Agree ☐ Disagree ☐

Comments

Q5. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of pay day lenders? If not, why not?

Yes ☐ No ☐

Comments

Q6. What other activities which might be involved in PDL should be added to the exclusions? Please explain why and provide any examples.

Comments

Q7. What other exceptions to the exclusion of financial lending should be included (i.e. alongside "deposit takers")? Please explain why and provide examples.

Comments

Q8. Do you think this would represent an effective and proportionate approach to addressing the concerns about clustering and over provision of PDL? If not, why not?

Yes ☐ No ☐

Comments

Q9. Should the exclusions from the UCO be extended beyond those described in this option? If so please explain and provide examples.

Yes ☐ No ☐

Comments

Q10. What other exceptions to the exclusion of financial services should be included (i.e. alongside “deposit takers” etc.)? Please explain and provide examples.

Comments

Q11. Which approach would you prefer, Option 1 or Option 2? Please explain your answer.

Option 1 ☐ Option 2 ☐

Comments

Q12. Do you have any other comments or suggestions? Please elaborate.

Yes ☐ No ☐

Comments

Q13. BRIA – Can you identify likely costs and benefits associated with the potential changes discussed in this paper which should be covered in the BRIA?

Comments

Q14. EqIA – Please provide details of any specific issues for any of the equality groups (including race, disability, age, sexual orientation, gender or religion and belief) which you think may arise in relation to the potential changes discussed in this paper.

Comments



© Crown copyright 2014

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

ISBN: 978-1-78412-759-6 (web only)

Published by the Scottish Government, August 2014

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
DPPAS35523 (08/14)

w w w . s c o t l a n d . g o v . u k



DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

EDINBURGH LOCAL DEVELOPMENT PLAN – SECOND PROPOSED PLAN

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The City of Edinburgh Council (CEC) has undertaken consultation on its Edinburgh Local Development Plan (ELDP) second Proposed Plan. As a partner authority in SESplan the Strategic Development Planning Authority for South East Scotland, as well as a neighbouring planning authority, with shared strategic requirements, West Lothian Council has an interest in the preparation of the EDLP and was been invited to submit a response to this consultation. The consultation period for submission of comments ended on 3 October 2014.

B. RECOMMENDATION

It is recommended that the panel:

1. notes that technical comments on the proposed plan have been submitted under delegated authority by the Head of Planning & Economic Development;
2. notes the terms of the submission by the Head of Planning & Economic Development;
3. notes that initial discussions have taken place with officers from the City of Edinburgh Council at which it was intimated that the modifications requested by West Lothian Council are not likely to be agreed by City of Edinburgh Council;
4. notes that the Head of Planning and Economic Development is now recommending that the council's initial response should now be treated as an objection; and
5. agrees to forward the report to Council Executive with a recommendation of approval.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; and working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | This report relates to a statutory development plan document prepared by another local authority. However, the implementation of the Edinburgh Local Development Plan (ELDP) has consequences for neighbouring local authorities such as West Lothian, particularly in terms of |

cross-boundary traffic. By not taking the opportunity provided to respond to the second Proposed ELDP, West Lothian Council would forfeit the opportunity to have its concerns considered by CEC or, if necessary, by the Reporter subsequently appointed to hold an Examination of unresolved issues.

There are no SEA requirements, equality issues or requirements for health or risk assessment associated with this report. However, strategic development plans are, themselves, subject to these requirements.

III	Implications for Scheme of Delegation to Officers	None.
IV	Impact on performance and performance indicators	None.
V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	None.
VII	Consideration at PDSP	The period for making representations was intimated to the council on 22 August and ended on 3 October 2014.
VIII	Other Consultations	The council's Roads and Transportation Manager has been consulted in the preparation of this report.

D. TERMS OF REPORT

D1 Background

Since the publication of the first Proposed Edinburgh Local Development Plan (ELDP) in 2013, the Strategic Development Plan (SDP) for South East Scotland has been approved by Scottish Ministers. The SDP identifies a larger housing land requirement for Edinburgh than previously anticipated. To address this new requirement, City of Edinburgh Council (CEC) has prepared the second Proposed LDP which was approved for consultation on 19 June 2014. The period for representations ran from 22 August to 3 October 2014. The Plan is accompanied by a revised Environmental Report, a Proposed Action Programme and supporting documents. All documents are available on the CEC website at: www.edinburgh.gov.uk/localdevelopmentplan

When the first Proposed LDP was being considered in 2013, West Lothian Council took the opportunity to submit four representations in relation to matters which were specifically held to be of direct consequence to this authority. These representations were drafted and submitted under delegated authority.

The principal interest of the council related to the A89 and the Newbridge roundabout and associated developments which are likely to have an impact on the operation of this part of the road network. The council's representation set out the cross-boundary implications these developments may have on the road network when taken in conjunction with proposed developments in West Lothian and specifically the Broxburn Core Development Area (CDA). Representations were raised under different parts of the proposed LDP but they all related to the same issue. While explaining that it did not wish to object to the terms of the proposed LDP the council did, nevertheless, seek amendments to the plan. Since then, and as explained above, CEC has superseded the first version of its Proposed Plan and has latterly published a second version for consultation.

It is understood that over 2,200 submissions were received from individuals and organisations responding to the first Proposed Plan and CEC advised that these have been considered as it progressed with the Second Proposed Plan. A document detailing and commenting on the representations (the Schedule of Representations) has been produced to evidence this. Significantly, CEC advised that it would not automatically carry forward previous representations and intimated that it would be necessary to re-submit them if respondents wished to sustain them and for them to be considered and dealt with through the Examination process.

D2 Discussion

The second Proposed Plan (and the accompanying second Action Programme) indicates that the specific matters which West Lothian Council previously raised have not given rise to any actual revisions. The text is wholly unchanged (save for policies DtS1 and DtS2 having been renamed and some inconsequential page re-numbering).

In the Schedule of Representations, CEC's response to the issues raised by the council is essentially that a mechanism for measuring and mitigating cross boundary transport impacts is currently being developed, involving the SESplan authorities, SEStran and Transport Scotland, and that such matters cannot be addressed through the Edinburgh LDP in advance of this study reporting. Thereafter, actions arising from this study can be incorporated into future versions of the LDP Action programme.

In view of the nature of the representations being allied to transport and specifically cross-boundary issues, discussion has taken place with the council's Roads and Transportation Manager, and while recognising that the responses made by CEC are not unreasonable, it remains the view that the robustness of the second Proposed Plan could and should be further enhanced to protect West Lothian Council's position (as previously suggested) by introducing explicit references to the ongoing Newbridge Public Transport Study. This study embraces the A89 and the A8 corridor as well as Newbridge Roundabout. Between Broxburn and Newbridge there is a one mile section of the A89 in West Lothian and a 1.2 mile section within City of Edinburgh. The delivery of cross boundary public transport improvements on this corridor is crucial to maximising modal share accessibility by public transport.

Given that the period for submission of representations ended on 3 October, the Head of Planning and Economic Development made a submission to the City of Edinburgh Council under delegated authority outlining concerns and largely re-iterating the position set out in the council's previous submission to the first Proposed Plan. The submission is attached as Appendix One.

The submission sets out the council's concerns and identifies actions which it believes would resolve them. In situations where there are outstanding issues, the procedure is that they are referred to the Reporter for Examination

Since lodging the submission in relation to the Second Proposed Plan, officers from Development Planning and Transportation have met with representatives of CEC to discuss the council's concerns allied to the issues of cross boundary traffic implications. While this meeting was constructive and has helped to better understand how CEC propose to address the requirement for transport mitigation works, it should be noted that it did not succeed in securing the desired changes to the text of the LDP, specifically the inclusion of references to the A8/A89 in the context of the Newbridge interchange and the Newbridge Public Transport Study. Instead, CEC remains of the view that the 'Action Programme' accompanying the ELDP can at some future date be augmented to address such matters and that this should suffice.

CEC continue to reference the ongoing Transport Scotland led study which is seeking to address cross boundary issues and it anticipates that the outcomes will in time feed into the aforementioned Action Programme together with the outcomes of the separate Newbridge Public Transport Strategy Study which is being jointly undertaken by the two authorities and Transport Scotland. While this is not an unreasonable expectation, it is, nevertheless, concluded that it falls short of what is deemed necessary to satisfactorily safeguard the interests of West Lothian Council with regard to helping it secure necessary developer contributions.

In the event that CEC reconsiders its position at a later date and agrees the revisions which have been sought the council's objection would be addressed and the representation would be deemed to have been withdrawn.

E. CONCLUSION

The representations submitted in response to the consultation on the first Proposed Plan remain valid and have, therefore, been re-submitted under delegated authority, albeit with some minor adjustment.

Further discussion has taken place at officer level but has not secured the revisions West Lothian Council had been seeking. For this reason it is recommended that the council continues to sustain its representations on the Edinburgh Local Development Plan and that these are given weight through endorsement by the Council Executive.

F. BACKGROUND REFERENCES

Edinburgh Local Development Plan, First and Second Proposed Plans

Appendices/Attachments: One

Appendix 1: Representations to City of Edinburgh council in response to the Edinburgh Second Proposed Plan

Contact Person: Steve Lovell, Development Planning Officer, 01506 282430

Email: steve.lovell@westlothian.gov.uk

Craig McCorriston
Head of Planning and Economic Development

30 October 2014

Edinburgh Local Development Plan – Second Proposed Plan Representation Form

All representations on the Second Proposed Plan should be submitted using this form. **Please use a separate form for each individual representation i.e. each part of the Second Proposed Plan you wish to comment on.**

Please fill out contact details in BLOCK CAPITALS.

If you have any queries regarding your representation, please refer to the accompanying guidance note or contact Marius Hince on 0131 529 4692.

Representation forms must be received by **5pm on Friday 3 October 2014**

and can be submitted electronically to:
localdevelopmentplan@edinburgh.gov.uk
or by post to:

Local Development Plan Team, City of Edinburgh Council, Business Centre G.3,
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

Section 1. Please provide your contact details

Please note that representations cannot be treated as confidential. Representations will be made available online and for public inspection at Waverley Court, except any information which would be subject to the Data Protection Act 1998 (i.e. signature, telephone number, email).

Name:

WEST LOTHIAN COUNCIL

Organisation Name (if applicable) :

Address:

PLANNING & ECONOMIC DEVELOPMENT, COUNTY BUILDINGS, HIGH STREET,
LINLITHGOW, EH49 7EZ

Telephone:

01506 282430

Email:

Steve.lovell@westlothian.gov.uk

Agent (if applicable) :

Agent Address (if applicable) :

Agent telephone (if applicable) :

Agent Email (if applicable) :

Section 2. Please tell us which part or parts of the Second Proposed Plan this representation relates to (not all boxes require to be completed):					
Proposal/Site Reference	T12		Policy Reference		
Page No.	35	Part and Section		Paragraph No.	
Site name/Other					

Section 3. Please indicate whether you are seeking a change to the Second Proposed Plan (i.e. your representation is an objection) or if your representation supports the Second Proposed Plan as written

Seeking a change Yes

Section 4. Please indicate what changes you would like made to the Second Proposed Plan

West Lothian Council would wish to see amendments to the plan in relation to references to Newbridge roundabout and the associated road network in order to more fully address cross-boundary considerations. These changes will impact on the Action Programme as well as the proposed LDP.

Section 5. Representation

Your representation should be no more than 2,000 words. You should explain clearly and concisely your reasons for seeking a change to or supporting this aspect of the Second Proposed Plan. You may also provide additional documents at this stage, and may not have the chance to do so later (i.e. at the examination stage). If you are attaching additional documents as part of your representation you must refer to these in this section of the form and include a summary of their content. Representations which simply state "see attached" or similar will not be accepted and will be returned.

Full account must be taken of the recommendations of the Report of the SESplan Examination that SESplan Policy 8 be amended to state that LDPs will take account of the cross-boundary transport implications of all policies and proposals (page 314, recommendation 5).

In considering the impact of traffic growth on Newbridge, the proposed LDP should be informed by a transport appraisal that takes more fully into account the likely effect of committed development as well as new allocations in both Edinburgh and surrounding local authorities and make appropriate provision to address the cumulative impact.

Whilst this council is supportive of the recognition given in the proposed LDP through Proposal T12 and in the Action Programme that improvements will be required to Newbridge to support development, there is a case for reviewing and updating the proposed LDP and Action Programme to more fully reflect cross boundary issues (as required by proposed amendments to policy 8 of the SDP), ongoing dialogue on the Newbridge roundabout and emerging studies for the area, the strategic significance of Newbridge as part of the transport network and the possibility that supplementary guidance may be required for developer contributions to assist in delivery of enhancements to Newbridge and the surrounding road network.

Proposal T12 in Table 9 should be amended to include reference to the A89 and A8 and this amendment should also be reflected in the proposed Action Programme at section 2, policy T12.

Table 9 should be referred to in policies Del1 and Del2 and the supporting text amended to include reference to cross-boundary agreement/discussion and developer contributions. The text should include reference to supplementary guidance for developer contributions.

The terms of this representation are expanded upon in our previous email of 14 June 2013 and should also be read in conjunction with submissions 2, 3 and 4 by West Lothian Council.

Please use a continuation sheet if required

Edinburgh Local Development Plan – Second Proposed Plan Representation Form

All representations on the Second Proposed Plan should be submitted using this form. **Please use a separate form for each individual representation i.e. each part of the Second Proposed Plan you wish to comment on.**

Please fill out contact details in BLOCK CAPITALS.

If you have any queries regarding your representation, please refer to the accompanying guidance note or contact Marius Hince on 0131 529 4692.

Representation forms must be received by **5pm on Friday 3 October 2014**
and can be submitted electronically to:
localdevelopmentplan@edinburgh.gov.uk
or by post to:

Local Development Plan Team, City of Edinburgh Council, Business Centre G.3,
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

Section 1. Please provide your contact details

Please note that representations cannot be treated as confidential. Representations will be made available online and for public inspection at Waverley Court, except any information which would be subject to the Data Protection Act 1998 (i.e. signature, telephone number, email).

Name:

WEST LOTHIAN COUNCIL

Organisation Name (if applicable) :

Address:

PLANNING & ECONOMIC DEVELOPMENT, COUNTY BUILDINGS, HIGH STREET,
LINLITHGOW, EH49 7EZ

Telephone:

01506 282430

Email:

steve.lovell@westlothian.gov.uk

Agent (if applicable) :

Agent Address (if applicable) :

Agent telephone (if applicable) :

Agent Email (if applicable) :

Section 2. Please tell us which part or parts of the Second Proposed Plan this representation relates to (not all boxes require to be completed):

Proposal/Site Reference	HSG19,HSG20, 1BG/Emp6		Policy Reference		
Page No.	50-55	Part and Section		Paragraph No.	114-116
Site name/Other					

Section 3. Please indicate whether you are seeking a change to the Second Proposed Plan (i.e. your representation is an objection) or if your representation supports the Second Proposed Plan as written

Seeking a change Yes

Section 4. Please indicate what changes you would like made to the Second Proposed Plan

West Lothian Council would wish to see amendments to the plan in relation to references to Newbridge roundabout to address cross-boundary considerations. These changes will impact on the Action Programme as well as the proposed LDP.

Section 5. Representation

Your representation should be no more than 2,000 words. You should explain clearly and concisely your reasons for seeking a change to or supporting this aspect of the Second Proposed Plan. You may also provide additional documents at this stage, and may not have the chance to do so later (i.e. at the examination stage). If you are attaching additional documents as part of your representation you must refer to these in this section of the form and include a summary of their content. Representations which simply state "see attached" or similar will not be accepted and will be returned.

Full account must be taken of the terms of SDP policy 8 (as amended following the recommendations of the Report of the SESplan Examination, page 314, recommendation 5 refers) in relation to cross-boundary transport implications of all policies and proposals.

In considering the impact of traffic growth on Newbridge, the proposed LDP should be informed by a transport appraisal that takes more fully into account the likely effect of committed development as well as new allocations in both Edinburgh and surrounding local authorities and make appropriate provision to address the cumulative impact.

Whilst this council is supportive of the recognition given in the proposed LDP through Proposal T12 and in the Action Programme that improvements will be required to Newbridge to support development, there is a case for reviewing and updating the proposed LDP and Action Programme to more fully reflect cross boundary issues (as required by policy 8 of the SDP), ongoing dialogue on the Newbridge roundabout and emerging studies for the area, the strategic significance of Newbridge as part of the transport network and the possibility that supplementary guidance may be required to for developer contributions to assist in delivery of enhancements to Newbridge and the surrounding road network.

Proposal T12 in Table 9 should be amended to include reference to the A89 and A8 and this amendment should also be reflected in the proposed Action Programme at section 2, policy T12.

Table 9 should be referred to in policies Del1 and Del2 and the supporting text amended to include reference to cross-boundary agreement/discussion and developer contributions. The text should include reference to supplementary guidance for developer contributions

The terms of this representation are expanded upon in our previous email of 14 June 2013 and should also be read in conjunction with submissions 1, 3 and 4 by West Lothian Council.

Please use a continuation sheet if required

Edinburgh Local Development Plan – Second Proposed Plan Representation Form

All representations on the Second Proposed Plan should be submitted using this form. **Please use a separate form for each individual representation i.e. each part of the Second Proposed Plan you wish to comment on.**

Please fill out contact details in BLOCK CAPITALS.

If you have any queries regarding your representation, please refer to the accompanying guidance note or contact Marius Hince on 0131 529 4692.

Representation forms must be received by **5pm on Friday 3 October 2014**

and can be submitted electronically to:
localdevelopmentplan@edinburgh.gov.uk
or by post to:

Local Development Plan Team, City of Edinburgh Council, Business Centre G.3,
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

Section 1. Please provide your contact details

Please note that representations cannot be treated as confidential. Representations will be made available online and for public inspection at Waverley Court, except any information which would be subject to the Data Protection Act 1998 (i.e. signature, telephone number, email).

Name:

WEST LOTHIAN COUNCIL

Organisation Name (if applicable) :

Address:

PLANNING & ECONOMIC DEVELOPMENT, COUNTY BUILDINGS, HIGH STREET,
LINLITHGOW, EH49 7EZ

Telephone:

01506 282430

Email:

steve.lovell@westlothian.gov.uk

Agent (if applicable) :

Agent Address (if applicable) :

Agent telephone (if applicable) :

Agent Email (if applicable) :

Section 2. Please tell us which part or parts of the Second Proposed Plan this representation relates to (not all boxes require to be completed):

Proposal/Site Reference			Policy Reference		
Page No.	76	Part and Section	Del1	Paragraph No.	
Site name/Other					

Section 3. Please indicate whether you are seeking a change to the Second Proposed Plan (i.e. your representation is an objection) or if your representation supports the Second Proposed Plan as written

Seeking a change Yes

Section 4. Please indicate what changes you would like made to the Second Proposed Plan

West Lothian Council would wish to see amendments to the plan in relation to references to Newbridge roundabout to address cross-boundary considerations. These changes will impact on the Action Programme as well as the proposed LDP.

Section 5. Representation

Your representation should be no more than 2,000 words. You should explain clearly and concisely your reasons for seeking a change to or supporting this aspect of the Second Proposed Plan. You may also provide additional documents at this stage, and may not have the chance to do so later (i.e. at the examination stage). If you are attaching additional documents as part of your representation you must refer to these in this section of the form and include a summary of their content. Representations which simply state "see attached" or similar will not be accepted and will be returned.

Full account must be taken of the terms of SDP policy 8 (as amended following the recommendations of the Report of the SESplan Examination, page 314, recommendation 5 refers) in relation to cross-boundary transport implications of all policies and proposals.

In considering the impact of traffic growth on Newbridge, the proposed LDP should be informed by a transport appraisal that takes more fully into account the likely effect of committed development as well as new allocations in both Edinburgh and surrounding local authorities and make appropriate provision to address the cumulative impact.

Whilst this council is supportive of the recognition given in the proposed LDP through Proposal T12 and in the Action Programme that improvements will be required to Newbridge to support development, there is a case for reviewing and updating the proposed LDP and Action Programme to more fully reflect cross boundary issues, ongoing dialogue on the Newbridge roundabout and emerging studies for the area, the strategic significance of Newbridge as part of the transport network and the possibility that supplementary guidance may be required to for developer contributions to assist in delivery of enhancements to Newbridge and the surrounding road network.

Proposal T12 in Table 9 should be amended to include reference to the A89 and A8 and this amendment should also be reflected in the proposed Action Programme at section 2, policy T12.

Table 9 should be referred to in policies Del1 and Del2 and the supporting text amended to include reference to cross-boundary agreement/discussion and developer contributions. The text should include reference to supplementary guidance for developer contributions.

The terms of this representation are expanded upon in our previous email of 14 June 2013 and should also be read in conjunction with submissions 1, 2 and 4 by West Lothian Council.

Please use a continuation sheet if required

Edinburgh Local Development Plan – Second Proposed Plan Representation Form

All representations on the Second Proposed Plan should be submitted using this form. **Please use a separate form for each individual representation i.e. each part of the Second Proposed Plan you wish to comment on.**

Please fill out contact details in BLOCK CAPITALS.

If you have any queries regarding your representation, please refer to the accompanying guidance note or contact Marius Hince on 0131 529 4692.

Representation forms must be received by **5pm on Friday 3 October 2014**
and can be submitted electronically to:
localdevelopmentplan@edinburgh.gov.uk
or by post to:

Local Development Plan Team, City of Edinburgh Council, Business Centre G.3,
Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG.

Section 1. Please provide your contact details

Please note that representations cannot be treated as confidential. Representations will be made available online and for public inspection at Waverley Court, except any information which would be subject to the Data Protection Act 1998 (i.e. signature, telephone number, email).

Name:

WEST LOTHIAN COUNCIL

Organisation Name (if applicable) :

Address:

PLANNING & ECONOMIC DEVELOPMENT, COUNTY BUILDINGS, HIGH STREET,
LINLITHGOW, EH49 7EZ

Telephone:

01506 282430

Email:

steve.lovell@westlothian.gov.uk

Agent (if applicable) :

Agent Address (if applicable) :

Agent telephone (if applicable) :

Agent Email (if applicable) :

Section 2. Please tell us which part or parts of the Second Proposed Plan this representation relates to (not all boxes require to be completed):

Proposal/Site Reference			Policy Reference		
Page No.	77	Part and Section	Del2	Paragraph No.	
Site name/Other					

Section 3. Please indicate whether you are seeking a change to the Second Proposed Plan (i.e. your representation is an objection) or if your representation supports the Second Proposed Plan as written

Seeking a change Yes

Section 4. Please indicate what changes you would like made to the Second Proposed Plan

West Lothian Council would wish to see amendments to the plan in relation to references to Newbridge roundabout to address cross-boundary considerations. These changes will impact on the Action Programme as well as the proposed LDP.

Section 5. Representation

Your representation should be no more than 2,000 words. You should explain clearly and concisely your reasons for seeking a change to or supporting this aspect of the Second Proposed Plan. You may also provide additional documents at this stage, and may not have the chance to do so later (i.e. at the examination stage). If you are attaching additional documents as part of your representation you must refer to these in this section of the form and include a summary of their content. Representations which simply state "see attached" or similar will not be accepted and will be returned.

Full account must be taken of the terms of SDP policy 8 (as amended following the recommendations of the Report of the SESplan Examination, page 314, recommendation 5 refers) in relation to cross-boundary transport implications of all policies and proposals.

In considering the impact of traffic growth on Newbridge, the proposed LDP should be informed by a transport appraisal that takes more fully into account the likely effect of committed development as well as new allocations in both Edinburgh and surrounding local authorities and make appropriate provision to address the cumulative impact.

Whilst this council is supportive of the recognition given in the proposed LDP through Proposal T12 and in the Action Programme that improvements will be required to Newbridge to support development, there is a case for reviewing and updating the proposed LDP and Action Programme to more fully reflect cross boundary issues, ongoing dialogue on the Newbridge roundabout and emerging studies for the area, the strategic significance of Newbridge as part of the transport network and the possibility that supplementary guidance may be required to for developer contributions to assist in delivery of enhancements to Newbridge and the surrounding road network.

Proposal T12 in Table 9 should be amended to include reference to the A89 and A8 and this amendment should also be reflected in the proposed Action Programme at section 2, policy T12.

Table 9 should be referred to in policies Del1 and Del2 and the supporting text amended to include reference to cross-boundary agreement/discussion and developer contributions. The text should include reference to supplementary guidance for developer contributions.

The terms of this representation are expanded upon in our previous email of 14 June 2013 and should also be read in conjunction with submissions 1, 2 and 3 by West Lothian Council.

Please use a continuation sheet if required



DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

BROXBURN CONSERVATION AREA BOUNDARY APPRAISAL

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to advise the panel on the proposed variation of the conservation area boundary in Broxburn as a result of a Conservation Area Appraisal (CAA) which was carried out in compliance with Planning Advice Note (PAN) 71: Conservation Area Management (2004).

B. RECOMMENDATION

It is recommended that the panel:

1. note the content and conclusions of the conservation area appraisal of Broxburn Conservation Area and
2. notes that consultation on the proposed changes will be carried out with the outcomes reported to Council Executive for consideration and at the end of the consultation.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; developing employees; making best use of our resources; working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The preparation of the CAA is in compliance with the Planning (Listed buildings and conservation areas) (Scotland) Act 1997, Scottish Planning Policy (SPP) 2014 and other supporting documents such as PAN 71. The Broxburn Conservation Area also has Article 4 directions in place where certain permitted development rights i.e. works which can be carried out without the need for a planning application are removed. |
| III Implications for scheme of delegation | None. |
| IV Impact on performance and performance indicators | None. |

V	Relevance to Single Outcome Agreement	Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	None. However, with preparation of a conservation area appraisal, the council, in partnership with Historic Scotland and property owners and potentially the Heritage Lottery Fund, can consider applying for grant funding.
VII	Consultations at PDSP	There have been no previous reports on this matter to the panel.
VIII	Other consultations	Consultation will be carried out with stakeholders prior to reporting the matter to the Council Executive.

D. TERMS OF REPORT

D1 Background and History

A Conservation Area Appraisal is a management tool, which helps identify the special interest and changing needs of an area. An appraisal provides the initial information to develop a development action plan in relation to protecting and managing the factors (e.g. historic relevance, archaeology, built and natural environment) which have led to the area being designated a conservation area. It assists the council in fulfilling its statutory duties. In particular, when a conservation area is designated, permitted development rights can be removed.

Typical of many towns in West Lothian, Broxburn is known for its historical role in mineral extraction, more specifically shale oil. Its history also stretches back to the time of the Black Douglasses from Lanarkshire and their battles with King James II in the mid 15th century. It was after this time that Broxburn started to form as a distinct settlement.

In 1457, Colin Campbell, Laird of *Eastertoun* changed the original name of the area from *East Strabrok* to *Kirkhill* (which was then changed to Broxburn). In 1590, *Kirkhill* House was built just off the old main road between Glasgow and Edinburgh. This main road and Broxburn's close proximity to the Brox Burn resulted in a ribbon development of Broxburn from East to West. These transport links aided in Broxburn's development as they could transport goods to major markets in Edinburgh and Glasgow. In 1822, the Union Canal was built which created another means of transporting goods (initially farming products). The main purpose for the construction of the canal was for the transportation of coal from the west to into main towns and cities like Edinburgh. It was designed by Thomas Telford and construction started in 1818. The Union Canal was an essential asset for the industry in Broxburn, as goods could be loaded on to barges at Port Buchan and be transported directly to Edinburgh. Eventually it became disused in the early 20th century to give way to railways as the primary transportation method.

In 1859, the Earl of Buchan granted rights to Robert Bell, a coal master from Wishaw, to extract minerals in the Broxburn area. Bell was looking for coal and ironstone which, instead, resulted in the discovery of large quantities of shale oil. As a result, the Broxburn Shale Oil Company Ltd. was formed in 1862, along with numerous other oil works. With an abundant and sought after resource in oil shale and the means to transport it around Scotland, Broxburn continued to develop. Housing in areas such as Greendykes and Holygate/New Holygate were built to accommodate the labourers working in the oil industry and other industries at the time such as candle manufacturing. This industrial expansion in Broxburn was a major employ in the community until the shale mines were shut in 1927, yet other industries such as the candle works and acid works lasted to the mid-20th century. There have been further large scale housing development on either side of the Main Street after the Second World War and in the 1960's and 70's. The town continued to develop westward away from the original settlement, now called '*old town*' situated along the Brox Burn.

D2 Conservation Area- proposed Boundary Alteration

The existing conservation area boundary in Broxburn has been in place for approximately 40 years. Since being designated, there have been many developments in Broxburn, the cumulative effect of which has had an impact on the character and appearance of the conservation area. The area around Kirkhill House, for example, has seen a number of modern developments, which has had a detrimental effect on this section of the conservation area. The proposed alteration would exclude such developments.

The proposed boundary alteration would also reduce the area of the Union Canal which is within the conservation area. The section of the canal at Port Buchan would be retained and extended to include a number of the adjacent houses on the north side. Port Buchan played an historical role in the exporting of shale oil and candle products. The canal will retain its status as a scheduled monument along its entire length within West Lothian.

Other sections of the conservation area that are proposed to be omitted include School Road, the old school site which is currently under construction as homes for the elderly, and also the section including the library.

Extensions of the conservation area include Station Road south to the A89 as there are a number of impressive late 19th/ early 20th century domestic properties and also the section of East Main Street from the Station Road junction eastwards to the former Masonic Hall at Argyle Court due to the quality of the buildings and townscape in this section of the street.

Other alterations to the proposed conservation area boundary include changing the boundary line so that it follows the physical nature of the landscape, e.g. following the natural course of the Brox Burn to make the conservation area more practical and easier to interpret on the ground.

D3 Conservation Area Appraisal

The research that has been carried out has created a buildings schedule for the Broxburn Conservation Area. This has allowed further assessment of the area to provide evidence as to why the boundary alteration should take place. The photographic evidence indicates why sections are proposed to being left out and why other sections are being suggested for inclusion. The next stages of research are the collation of the conservation area appraisal document and further detailed assessment of the area. It is the responsibility of the council to consult the public on the existing conservation area and its merits and proposed changes to the boundary. This will be undertaken by a series of public exhibitions in the Library, Greendykes Road Business Gateway Centre and at the Strathbrock Centre in early 2015 over a minimum of a 6 week period as well as a targeted leaflet campaign to relevant householders and businesses within the proposed conservation area. Meetings will also be held with the local area committee and the Broxburn Town Centre Management Group. The results of the consultation exercise will be reported to the Council Executive in due course.

E. CONCLUSION

The Planning (Listed buildings and conservation areas) (Scotland) Act 1997, states that it is the responsibility of the local authority to '*determine which parts of their district are areas of special historic interest...the character of which it is desirable to preserve or enhance.*' (Section 61). In compliance with the act and also the SPP (2014) and PAN 71, the existing conservation area boundary has been reviewed and alterations are suggested, due to the new housing developments in some areas and also the impracticality of the existing boundary itself. Sections that have been included, or have not been removed are integrated parts of the history and character of Broxburn.

Once the conservation area appraisal has been carried out, it is the council's responsibility to consult the public. This will be done through public exhibitions throughout Broxburn and targeted leaflet campaign to relevant householders and businesses within the conservation area. The council, in partnership with Historic Scotland and property owners and potentially with the Heritage Lottery Fund can also apply for funding of future improvement projects arising from the conservation area appraisal.

E. BACKGROUND REFERENCES

The Planning (Listed Buildings and conservation areas) (Scotland) Act 1997.

Scottish Planning Policy 2014.

Caldwell, P., 1998, A History of Broxburn, pages 4-21, W.L.C. Libraries Dept., 1998.

Morton, P., 2000, Old Broxburn and Uphall, pages 3-5, Stenlake Publishing Ltd., 2000.

Appendices/Attachments – One:

Map of Broxburn Conservation Area and proposed boundary alteration

Contact Person: John Wallace, Graduate Planning Assistant, 01506-283383

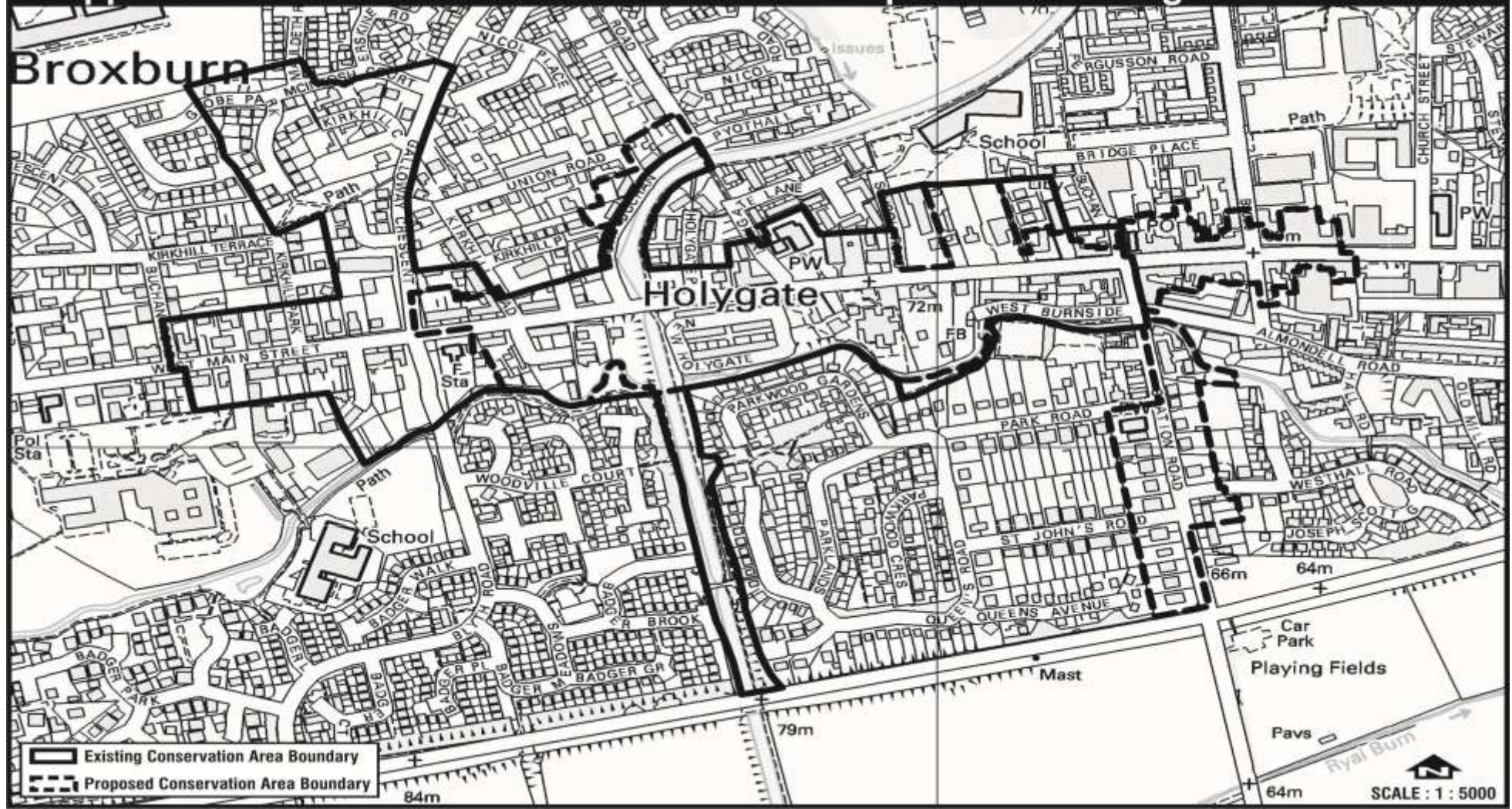
Email: John.Wallace@westlothian.gov.uk

Craig McCorriston

Head of Planning and Economic Development

30 October 2014

Appendix 1 : Broxburn Conservation Area - Proposed & Existing CA Boundaries





DEVELOPMENT AND TRANSPORTATION POLICY DEVELOPMENT SCRUTINY PANEL

BROXBURN – THE GREAT BRITISH HIGH STREET AWARDS 2014

REPORT BY HEAD OF PLANNING AND ECONOMIC DEVELOPMENT

A. PURPOSE OF REPORT

The purpose of this report is to advise the panel on the progression of Broxburn Town Centre in reaching the final of the Great British High Street Awards.

B. RECOMMENDATION

It is recommended that the panel:

1. note the work of the Town Centre Management Group in reaching the final of the awards and the visit of the Judging Panel on 20th October 2014.
2. note the on-going work in Broxburn town centre through the Town Centre Manager and Town Centre Management Group (TCMG).

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; making best use of our resources; working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	Outcome 3 Our economy is diverse and dynamic and West Lothian is an attractive place for doing business
VI	Resources - (Financial, Staffing and Property)	None, part of the work through Town Centre Manager

VII Consideration at PDSP

This is the first report.

VIII Other consultations

Area Services Community Regeneration Team:
Planning Officers re Conservation Area.

D. TERMS OF REPORT

West Lothian Council 's Economic Development Service has supported it's five traditional high streets through dedicated employee and financial resources and is an important part of the Economic Development Strategy 2014-2017.

Both Nationally and locally driven business support and investment packages have been put in place to encourage a return to the high street for shopping, living and leisure.

Packages such as business rate discounts, planning changes and local initiatives such as shop front improvement grants have been seen to make a difference and in Broxburn shop occupancy has not dropped below 95%.

This is despite the effect of the closure of Vion and loss of 1700 jobs locally. Part of the package of support from the Economic Growth Plan was the establishment of a one stop shop for business, employment, financial advice and town centre support.

The establishment of the shop has been welcomed by the local community and supported through Broxburn and Uphall Traders Association and Town Centre Management Group.

In July 2014, the Town Centre Manager was notified of a national competition to find our Great British High Street. There were 7 categories-coastal, market town, city, village, local parade, town centre and London.

This was a good opportunity to highlight the work of the shop and the local initiatives which has taken place within Broxburn. The application highlighted the range of partners now using the shop and the close working with the local community.

In September 2014 we were advised that Broxburn and Uphall Town centre have been shortlisted in the "Village" category along with projects from Meltham in Yorkshire and East Shilton in Leicester.

Two members of the judging panel from the Department of Communities and Local Government High Streets Team visited Broxburn and Uphall on Monday 20th October between. The judges enjoyed a tour of the town and allowed local businesses and partners to showcase Broxburn and Uphall.

The outcome of the Judging Panel will be made during the National Towns week commencing 17th November.

This is a major achievement and shows the excellent partnership working between the council, local businesses and community groups.

E. CONCLUSION

This is an exciting opportunity for Broxburn and Uphall to showcase to a wider United Kingdom audience and promote our achievements and we will keep panel advised of the outcome of the judging.

F. BACKGROUND REFERENCES

Application form held within Economic Development

Appendices/Attachments: None

Contact Person: Alice Sinnet, Economic Development Manager, Alice.sinnet@westlothian.gov.uk,
01506 283079

Craig McCorriston, Head of Planning and Economic Development

Date of meeting: 30th October 2014

DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

Data Label: Public

WORKPLAN

	Issue	Purpose	Lead Officer	PDSP Date	Referral to Exec Com
1	SPG for Deans Primary School, Livingston	To endorse the SPG for developer contributions for education infrastructure.	Steve McLucas	30 October 2014	Yes
2	SPG for St John Ogilvie's Primary School, Livingston	To endorse the SPG for developer contributions for education infrastructure.	Steve McLucas	30 October 2014	Yes
3	Employability Initiatives (6mths)	To update the committee on progress with employability initiative funded through Time Limit investment and recurring budgets.	Clare Summers	30 October 2014	No
4	Scottish Government Consultation on Planning Controls for Pay Day Lending and Betting Offices	To approve the council's response to the consultation exercise	Ross Burton	30 October 2014	Yes
5	Edinburgh Local Dev Plan – Sec Prop Plan	To advise the panel of concerns about cross border impacts of proposals within the proposed plan	Fiona McBrierty	30 October 2014	Yes
6	Broxburn Conservation Area	To advise the panel of a consultation on proposed changes to the conservation area	John Wallace	30 October 2014	Yes
7	Broxburn Town Centre	To update on the application to great British high street awards	Alice Sinnet	30 October 2014	
8	Tourist Signage	The purpose of this report is to note officers' recommended position on provision of tourist signposting for the Korean War Memorial.	Graeme Malcolm	11 December 2014	
9	SPG for Linlithgow Academy	To endorse the SPG for developer contributions for education infrastructure.	Fiona McBrierty	11 December 2014	Yes
10	SPG for primary school provision in Bathgate	To endorse the SPG for developer contributions for education infrastructure.	Fiona McBrierty	11 December 2014	Yes
11	SPG for Wind Energy Developments	To endorse the SPG for wind energy developments	Sarah Collings	11 December 2014	Yes

	Issue	Purpose	Lead Officer	PDSP Date	Referral to Exec Com
12	SPG for St Joseph's Primary School, Linlithgow	To endorse the SPG for developer contributions for education infrastructure.	Fiona McBrierty	11 December 2014	Yes
13	West Lothian LEADER Local Action Group	To provide the panel with an annual update on the reported activities of the West Lothian LEADER local Action Group.	Dave Greaves	11 December 2014	No
14	Scotland's Digital Future	To provide the panel with an update on the rollout programme for superfast broadband.	Andrew Cotton	11 December 2014	No
15	West Lothian Local Development Plan	To advise the panel of responses received to the Main Issues Report	Fiona McBrierty	Late 2014 / Early 2015	Yes
16	SESplan SDP2	To advise the panel of progress on SDP2	Fiona McBrierty	Early 2015	Yes
17	Quarterly Performance Report	To provide the panel with a quarterly update on service performance.	Craig McCorriston	Various Dates	No