



Development and Transport Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

27 January 2017

A meeting of the **Development and Transport Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Monday 6 February 2017** at **2:00pm**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. 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.
3. Order of Business, including notice of urgent business
4. Confirm Draft Minutes of Meeting of Development and Transport Policy Development and Scrutiny Panel held on Monday 05 December 2016 (herewith).
5. West Lothian Local Development Plan - Development Plan Scheme No.9 - Report by Head of Planning, Economic Development and Regeneration (herewith)
6. Supplementary Planning Guidance on Flooding and the Water Environment - Report by Head of Planning, Economic Development and Regeneration (herewith)
7. Planning Guidance - West Lothian's Historic Environment - Report by Head of Planning, Economic Development and Regeneration (herewith)

8. Mid Calder Conservation Area Boundary Appraisal - Report by Head of Planning, Economic Development and Regeneration (herewith)
9. Scottish Government Consultation on Raising Planning Fees - Report by Head of Planning, Economic Development and Regeneration (herewith)
10. Developer Contributions towards Town and Village Improvements in Core Development Areas - Report by Head of Planning, Economic Development and Regeneration (herewith)
11. 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 5 DECEMBER 2016.

Present – Councillors Cathy Muldoon (Chair), Tony Boyle, Harry Cartmill, Alexander Davidson, Robert De Bold, Greg McCarra

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The panel agreed to hear a deputation by Helena Paul and Ian Mate in relation to the Consultation on Edinburgh Airport Draft Masterplan after consideration of the minute.

The panel also agreed to consider Agenda Item 7 – Edinburgh Airport Draft Masterplan Consultation after hearing the deputation.

2. DECLARATIONS OF INTEREST

Agenda Item 7 – Consultation on Edinburgh Airport Draft Masterplan Consultation – Councillor Cathy Muldoon declared a non-financial interest in that she was an employee of Virgin Trains.

3. MINUTE

The panel confirmed the Minute of its meeting held on 31 October 2016 as a correct record. The Minute was thereafter signed by the Chair.

4. Deputation

The panel heard Helena Paul and Ian Mate from Edinburgh Airport Watch speak in relation to the Edinburgh Airport Masterplan. The panel then asked a number of questions in relation to the contents of their presentation.

EDINBURGH AIRPORT – DRAFT MASTERPLAN FOR CONSULTATION

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing the draft version of the third Masterplan for Edinburgh Airport and the proposed response which was detailed in appendix 1 to the report.

The report recalled that the UK Government's 2003 White Paper entitled The Future of Air Transport set out the long-term framework for the development of UK airports over a 30-year period. It required all UK

airports to produce new or revised airport masterplans to reflect the contents of the White Paper and explain how they proposed to take forward the development of airport facilities.

The National Planning Framework (NPF3) set the context for development planning in Scotland and provided a framework for the spatial development of Scotland as a whole. The NPF3 recognised the importance of Scotland's airports as locations for investment and supported their enhancement. NPF3 supported Edinburgh Airport's gateway role which stated would bring economic and connectivity benefits. It also supported the reconfiguration of land use around Edinburgh Airport to accommodate future expansion.

This was the third Edinburgh Airport Masterplan which the council had been consulted on and once published would replace the 2011 Masterplan. The closing date for responding to the consultation was 23 December 2016.

The report went on to provide a summary of recent and proposed developments and the issues and implications for West Lothian.

In conclusion it was advised that the draft Masterplan provided an overview of the proposed growth and enhancement of Edinburgh Airport in the period up to 2040, taking into account revised passenger forecasts.

The development of the airport was likely to have positive economic implications for West Lothian and it was recommended that the council indicated that it supported the Edinburgh Airport Masterplan.

It was proposed that the council should continue to be actively involved in consultations regarding the future development of Edinburgh Airport to ensure that the wider strategic dimension was reflected and that West Lothian interests were protected and advanced.

The report recommended that the panel note and consider the following recommendations which were intended to be submitted to Council Executive for approval:

1. Welcome the opportunity to comment on the masterplan and recognise that the continued expansion of airport operations would offer many economic benefits to West Lothian as well as better serving the area in terms of access to improved levels of passenger and air cargo services;
2. Note that the expansion of services and ground operations, including transport infrastructure, could have negative environmental in West Lothian;
3. Note that there were a number of matters that the council would require to be continuously consulted on as proposals develop; and
4. Agree a proposed response to the consultation document as set out in Appendix 1 to the report.

A number of views were expressed by the panel as follows:

1. That reference be included to the A71 and B7015 as roads which may potentially be affected by the expansion of Edinburgh Airport;
2. Clarification was required that the economic activity generated by the airport would support 23,000 jobs across Scotland and how this disaggregated on a West Lothian Basis
3. Concerns were raised on the negative environment impact that might ensue if night flights were to increase as a consequence of airport expansion.

Decision

1. To note the terms of the report and the views expressed by members of the panel: and
2. Agreed that the report be forwarded to the next appropriate meeting of the Council Executive for approval.

5. REVISED SUPPLEMENTARY PLANNING GUIDANCE: PLANNING AND NOISE

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising on the revised Supplementary Guidance (SG): Planning and Noise.

The report recalled that Supplementary Guidance Planning and Noise was adopted by the council in 2008 in support of the West Lothian Local Plan. Since that time updated guidance had been published in the form Planning Advice Note (PAN 1/2011) Planning and Noise. In addition, the council had prepared the Proposed Plan for the West Lothian Local Development Plan (LDP) which would replace the WLLP.

The Head of Planning, Economic Development and Regeneration explained that to reflect the requirements of PAN1/2011, and in support of the LDP, a draft supplementary guidance on noise was prepared to update the council's current guidance. Consultation was yet to take place as the focus had been on preparing the LDP for Examination.

The revised guidance was aimed at helping to prevent and limit the adverse effects of noise and applied to where new noise sensitive developments were planned near to existing noise sources and where potentially noisy developments were introduced into existing noise sensitive areas.

The inclusion of reference to entertainment premises would allow the potential for development near to pubs and clubs on infill sites in town centre locations to be assessed with a closed window, thereby increasing the possibility of achieving satisfactory internal noise levels within dwellings next to entertainment venues.

The revised guidance was fully consistent with the terms of Scottish Planning Policy 2014 (SPP) and Planning Advice Note (PAN 1/2011) Planning and Noise.

The report concluded that the revised draft SG was consistent with the latest national policy guidance, relevant noise guidance and standards and would form statutory supplementary guidance in support of the LDP.

The report recommended that the panel note the contents of the report and the following recommendation which would be submitted to Council Executive for approval;

- Approve the content of the revised guidance and notes its compliance with Scottish Planning Policy (SPP) 2014 and Planning Advice Note 1/2011 Planning and Noise

Decision

1. To note the terms of the report; and
2. Agreed that the report be forwarded to the next appropriate meeting of the Council Executive for approval.

6. CONTINUATION OF DEVELOPER CONTRIBUTIONS FOR PUBLIC ART

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing information on the continuation of the reduced rate of developer contributions towards public art.

The report recalled that West Lothian Council adopted the West Lothian Local Plan in January 2009. The plan proposed major growth and as a consequence, substantial developer contributions were required to support the development strategy.

The local plan was prepared at a time of strong economic growth, but as a consequence of the recession, the strength of the national and local economy declined significantly. While some indicators identified parts of the economy had returned to pre-recession levels, the construction sector and particularly housebuilding activity had still to recover to the same level.

The council approved its Housing Recovery Action Plan (2) in February 2013 which included a commitment to consider if there was scope to reduce further the developer contribution burden for housing developments.

The Head of Planning, Economic Development and Regeneration explained that as a response to this, the Development and Transport PDSP considered proposed changes to developer contributions on 14 November 2013 and noted that consultation would be carried out. In April 2014 reduced rates of public art contributions were continued to March

2015, along with the removal of the contribution for affordable housing providers.

The outcome of the consultation was reported to Council Executive on 8 December 2015 and the reduction in public art contributions were approved for one year until 31 December 2016.

As economic conditions continued to remain challenging for the construction industry it was proposed to continue with the reduced developer contribution rates for public art until 31 December 2019.

Given the continued high priority given by the council to deliver affordable housing it was recommended that all affordable housing and land should continue to be exempt from public art contributions.

In conclusion the report advised that the proposed continuation in developer contributions for public art would improve development viability and would continue to send out the message that West Lothian was open for business.

The report recommended that the panel note:

1. That the temporary changes previously agreed by Council Executive regarding developer contributions for public art come to an end on 31 December 2016;
2. Note that, subject to public consultation, it was proposed that the current reduced public art contributions were continued for a three year period until 31 December 2019, when they would be reviewed again; and
3. Note that public consultation would be carried out early 2017 on maintaining the reduced level of contributions with the outcome reported to Council Executive

It was proposed by the panel that a report be submitted to the Council Executive prior to 31 December 2016, proposing as an interim measure the reduced rate of contributions be applied beyond 31 December 2016, until such time as public consultation had been carried out and comments reported back to the Council Executive for decision to extend the rate of contributions until 31 December 2019.

Decision

To note the terms of the report.

7. MODEL CHANGES TO BUILDING STANDARDS FEES

The panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the Scottish Government's consultation on proposed changes to building warrant fees.

The report advised that the Scottish Government had issued a consultation on building standards fees, with a proposed implementation date of 1 April 2017. This was the first change in statutory building standards fees since 1 May 2005.

The aim of the proposed changes was to raise fee income to provide additional resources to local authorities to support building standards service improvements.

The report provided a summary of the proposed changes.

The Head of Planning and Economic Development explained that Scottish Government grant funding was not sufficient to meet the increasing costs and demands for council services. As a result, the council had to deliver £20.955 million of budget saving measures in 2016/17 and 2017/18 to ensure that the council achieved a balanced revenue budget for these years.

The report recommended that the panel note and consider the following recommendations which were intended to be submitted to Council Executive for approval on 20 December 2016;

1. Welcome the intention to change building standards fees to ensure that building standards was adequately funded to deliver a system that was accessible, affordable and which provided a high quality service to those who used it;
2. Note that, subject to public consultation, the model changes to building standards fees were to be introduced from 1 April 2017;
3. Note that, subject to public consultation, the changes to the building standards fees incentivise the use of certification schemes through increased discounts;
4. Note that, subject to public consultation, the changes to the building standards fees penalise unauthorised works through increased surcharges; and
5. Approve the report and appendix as the council's formal response to the consultation.

Decision

To note the terms of the report

8

WORKPLAN

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

Decision

To note the contents of the workplan



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

WEST LOTHIAN LOCAL DEVELOPMENT PLAN – DEVELOPMENT PLAN SCHEME No.9

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise members of an updated Development Plan Scheme (DPS No.9) for the West Lothian Local Development Plan (LDP).

B. RECOMMENDATION

It is recommended that the panel notes and consider the following recommendation which is intended to be submitted to Council Executive for approval:

1. Approves the content of Development Plan Scheme No.9.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership.

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

Preparation of a Strategic Development Plan (SDP) and Local Development Plan (LDP) are statutory requirements under the terms of the Planning etc. (Scotland) Act 2006.

Once adopted the LDP will form part of the development plan for West Lothian alongside the SDP.

The development plan itself requires to be the subject of a Strategic Environmental Assessment (SEA) but there is no need for SEA on the development plan scheme (DPS).

There are no equality, health or risk assessment issues associated with the DPS

III	Implication for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	<p>Development plans require to be updated every 5 years. The West Lothian Local Plan was adopted in January 2009. With the revised timescale set out in DPS No.9, it is anticipated that adoption of the LDP is likely to be Autumn / Winter 2017.</p> <p>The West Lothian Local Development Plan Proposed Plan (LDP) and the council's response to representations received, was submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) in October 2016 for Examination. A reporter has been appointed and the Examination commenced on 18 January 2017. The Scottish Government has advised that the report of the Examination is anticipated to be published by July 2017.</p> <p>Planning Authorities are assessed by Scottish Government on their performance in preparing their development plans against two national headline indicators, as set out in the Planning Performance Framework.</p>
V	Relevance to Single Outcome Agreement	<p>Outcome 3 – Our economy is diverse and dynamic and West Lothian is an attractive place for doing business.</p> <p>Outcome 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	The emerging development plan for West Lothian will have financial implications for the council in terms of capital and revenue expenditure. These cannot be quantified at this stage. There may also be consequences for capital receipts.
VII	Consideration at PDSP	This is the first time DPS No.9 has been reported to the PDSP.
VIII	Other consultations	No consultations were required in the preparation of this report.

D. TERMS OF REPORT

D1 Background and Purpose of the DPS

Section 20B of the Planning etc. (Scotland) Act 2006 requires planning authorities to prepare a development plan scheme (DPS) at least annually for the local development plan (LDP). The purpose of a DPS is to set out the programme for preparing, reviewing and consulting on the LDP. The DPS must be in place by 31 March each year.

Scottish Ministers have powers under the Planning etc. (Scotland) Act 2006 (section 16(7)) as set out in paragraph 25 of Planning Circular 6/2013: Development Planning to direct a planning authority to prepare and submit a report as to why it has failed to replace its LDP within five years.

D2 Proposed Development Plan Scheme No.9 for the West Lothian Local Development Plan

A draft DPS (DPS No.9) has been prepared and is attached as Appendix 1. This will replace the timetable for the preparation of the West Lothian LDP as previously set out in DPS No.8 and the panel is asked to note that timescales for the LDP have changed.

Delays in preparing the LDP originated as a consequence of the timetable for the SDP being significantly disrupted by Scottish Ministers mandating SESplan to prepare Supplementary Guidance on housing land requirements and the LDP could not be taken forward until this issue had been resolved as it would have posed a risk to the content of the plan. Progress has also been impeded by some processes taking longer than had been estimated.

More recently it is the case that while the Proposed Plan, the representations and the council's response to these were submitted to the DPEA for examination in October 2016, the appointment of a reporter was not confirmed until late December 2016. Furthermore, it had been intimated that the reporter would not be in a position to commence the examination until later in January 2017, due in part to other commitments. The DPEA has since confirmed 18 January 2017 as the formal commencement date.

In view of this, the earliest date for adoption of the LDP is anticipated to be late 2017. It should however be appreciated that there are other external factors not within the control of the council which could influence the time taken to conclude the Plan. For example, anecdotal evidence suggests that the examination process can take as long as 12 months from start to finish and often as a consequence of reporters having taken significantly longer to deliver reports to Scottish Ministers than had initially been envisaged, or because Scottish Ministers have themselves extended the period of consideration which governs their deliberations on the report.

E. CONCLUSION

The DPS for the LDP is required to be published annually, or more frequently as major issues arise in the process, as required by legislation. The DPS sets out a timeline for preparation and adoption of the LDP. The LDP is anticipated to be adopted in late 2017.

F. BACKGROUND REFERENCES

Adopted West Lothian Local Plan 2009:
<https://www.westlothian.gov.uk/WLLP>

West Lothian Local Development Plan Scheme No.8 – March 2014
https://www.westlothian.gov.uk/media/2400/West-Lothian-Local-Development-Plan-Scheme-No8/pdf/DPS_No8-March2016.pdf

Appendices / Attachments: One

Appendix 1 – Draft Development Plan Scheme No.9 for the West Lothian Local Development Plan

Contact Person: Margaret Stone, Planning Officer - Development Planning Tel. 01506 282425, e-mail: margaret.stone@westlothian.gov.uk

Craig McCorriston
Head of Planning and Economic Development

6 February 2017

WEST LoTHIAN LOCAL DEVELOPMENT PLAN

Development Plan Scheme No.9

March 2017



West Lothian
Council



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What is a Development Plan Scheme (DPS)?

The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006), the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and Circular 6/2013, require planning authorities to prepare a DPS each year.

It must be updated annually and include:

- An explanation of what a Development Plan is;
- A programme for preparing and reviewing Development Plans;
- A summary of what is involved at the various stages of preparing the Local Development Plan (LDP);
- A proposed updated timetable for preparing the LDP; and
- A Participation Statement, with information on when and how you can get involved.

This is the ninth edition of the West Lothian DPS, replacing the previous scheme (March 2016). This latest version reflects progress made over the last twelve months and sets out an updated programme for the remaining stages of work to complete and deliver the West Lothian Local Development Plan (LDP).



What is a Development Plan?

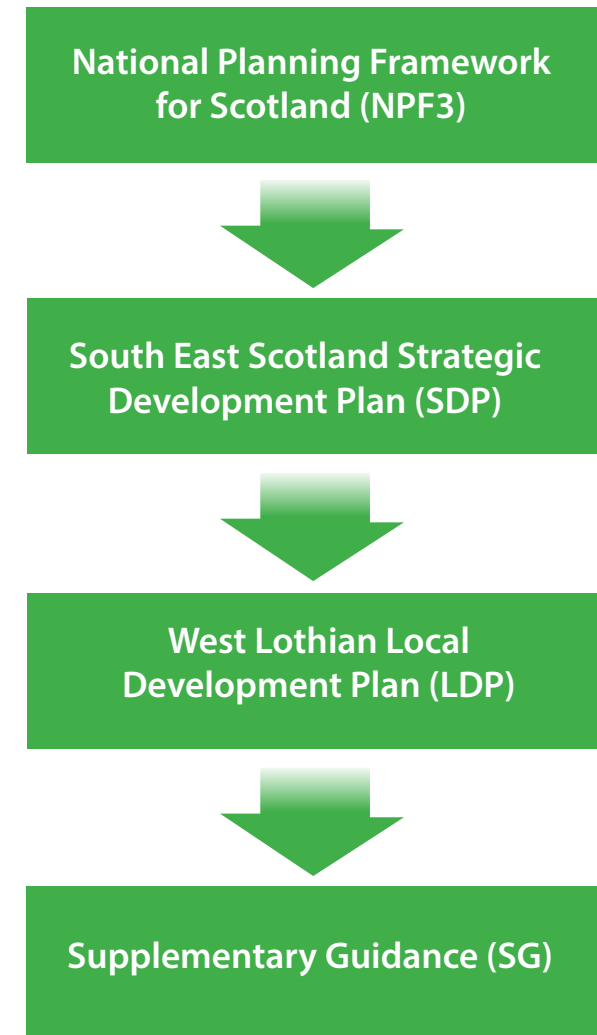
Development Plans set out policies and proposals for the future development and use of land, where development should, or should not happen and how development affects its surroundings and are the basis for decision making on planning applications.

The current Development Plan for West Lothian comprises the **South East Scotland Strategic Development Plan (SDP)** (approved with modifications by Scottish Ministers on 27 June 2013), the **West Lothian Local Plan (WLLP)** (adopted 13 January 2009) together with a suite of **Supplementary Planning Guidance**. These are informed by the **Third National Planning Framework for Scotland (NPF3)** which is prepared by Scottish Government.

Because the WLLP is now more than five years old it requires to be replaced.

The Third National Planning Framework for Scotland (NPF3)

Produced by the Scottish Government, NPF3 sets out at the national level the Scottish Government's strategy for development and includes development proposals identified in schemes of national importance. NPF3 was published in June 2014.



Strategic Development Plan (SDP)

SDPs are produced for Scotland's four largest city regions. SDPs set out a long term (20 years or more) land use planning strategy indicating, in broad terms, where future development will be located and what is needed to deliver it.

The SDP for South East Scotland is prepared by the Strategic Development Plan Authority for Edinburgh and South East Scotland (SESplan). The six councils which are members of SESplan are City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian.

Local Development Plan (LDP)

LDPs are produced by local planning authorities and set out detailed policies and proposals to guide development. They must conform to the approved SDP and seek to implement requirements on a more detailed site-specific basis than exists within the SDPs. LDPs should be adopted within two years of the approval of a relevant SDP.

Supplementary Guidance (SG)

SG on a specific planning topic may be prepared and form part of the statutory plan, but only where it has been specifically identified as required in an SDP or LDP.



The Emerging Local Development Plan

The West Lothian LDP will replace the West Lothian Local Plan (WLLP). It will contain a spatial strategy, proposals map, action programme for identified developments and a schedule of the local authority's land interests affected by LDP policies or proposals. It will focus on specific proposals for the period up to Year 10 from the date of adoption.

The purpose of the LDP is to:

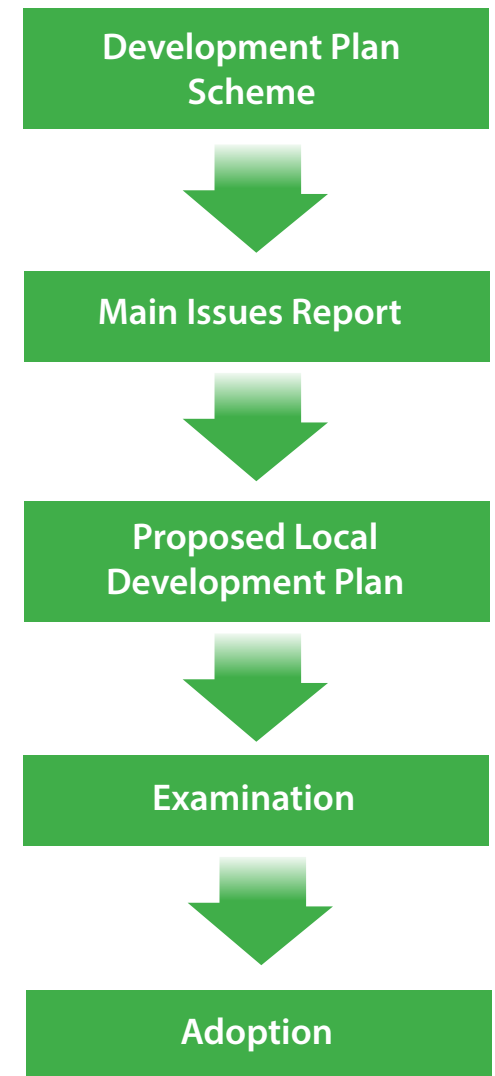
- provide a clear basis for determining planning applications; and
- allocate land to meet the needs and targets set out in the Strategic Development Plan for the wider city region (the SESplan area).

The process of preparing LDPs is prescribed by Scottish Government and set out in detailed regulations which the council is required to observe. The key components are as follows:

Publish the Development Plan Scheme (DPS)

Main Issues Report (MIR)

The MIR is accompanied by an Environmental Report and Monitoring Statement. It is a consultation document that sets out the options for the West Lothian LDP. A wide range of stakeholders are consulted at this time including members of the public, community councils, community groups, businesses, infrastructure providers, key consultation agencies, neighbouring authorities and the Scottish Government. The MIR is the main consultation stage of the LDP process.



Proposed Local Development Plan

The Proposed LDP provides a stronger view of proposed development locations proposed by the council, informed by consultation responses at the previous stage. There is a formal consultation period following the publication of the Proposed LDP which provides an opportunity for formal representations (both in support and against the plan).

Examination

Following the consideration of representations, the Proposed LDP and a summary of unresolved issues is submitted to the Scottish Government's Planning and Environmental Appeals Division (DPEA) for examination. The examination process is largely expected to be undertaken by way of written submissions but it is not uncommon for there also to be a number of hearing sessions to which interested parties are invited by the examination Reporter to attend.

Adoption

The LDP is published and adopted with changes recommended by the Reporter.

An Action Programme is also adopted and published. The Action Programme identifies what developments are to be taken forward, who is responsible for delivery of these and when they will be delivered.

To ensure the LDP takes account of effects on the environment and does not adversely affect protected European nature conservation sites or any particular social group, we have undertaken the following assessments as a part of the LDP preparation:

- Strategic Environmental Assessment (SEA)
- Equalities and Human Rights Impact Assessment
- Habitats Regulations Appraisal
- Monitoring Statement
- Action Programme
- Transport Appraisal



The West Lothian Local Development Plan Timetable

It is a requirement that the LDP must be in compliance with the currently approved Strategic Development Plan and it is for this reason that preparation of the West Lothian LDP has followed in the wake of the SDP for South East Scotland (SDP) which was approved by Scottish Ministers in June 2013. The SDP is supported by Supplementary Guidance on housing land and was approved by Scottish Ministers in October 2014.

The timetable for producing the West Lothian LDP is set out in the following table;

Publication of Development Plan Scheme 1	March 2009
Call for sites / Expressions of interest	January – May 2011
Publication of Main Issues Report, Monitoring Report and Strategic Environmental Assessment (SEA)	August 2014
Main Issues Report consultation period	25 August – 17 October 2014
Publication of Proposed Plan including Environmental Report and Action Programme	October 2015
Proposed Plan Consultation period	12 October – 22 November 2015
Submission of Proposed LDP, representations and a summary of unresolved issues submitted to the DPEA for examination	28 October 2016
Examination commences	Anticipated early 2017
Examination Report expected	Anticipated Summer 2017
Modify Plan in accordance with Reporters recommendations	Anticipated Summer/Autumn 2017
Anticipated Adoption of Plan	Autumn/Winter 2017

Engagement and Participation

A Participation Statement was submitted to the DPEA at the same time the West Lothian LDP was submitted for examination. The Participation Statement sets out when and with whom consultation on the LDP took place.

There were several consultation periods in the preparation of the LDP. Input was obtained through a range of different techniques such as questionnaires, newspaper advertisements, writing to key agencies and stakeholders, neighbouring planning authorities, Scottish Government, Community Council's and West Lothian Citizen Panel. Various events were arranged for members of the public including drop in events at partnership centres, shopping centres and libraries, as well as tailored meetings with community councils.

The council's website, Facebook and Twitter pages are continuously updated to advise of progress on the LDP. Furthermore, an LDP e-newsletter is sent out and we currently have nearly 1,000 subscribers to this.





Looking Ahead

The West Lothian Local Development Plan has now reached an advanced stage and it is anticipated that it will be adopted some time in 2017.

Work on a second Strategic Development Plan is underway and is well advanced. The Main Issues Report was published on 21 July 2015, followed by a 10 week consultation exercise.

The Proposed Plan (SDP2) was published in October 2015, followed by a consultation period running from 13 October – 24 November 2016. The Proposed (SDP2) sets out the vision and broad development patterns and levels for the city region over a 20 year period from 2018. It is anticipated (SDP2) will be submitted to the Scottish Government in the summer of 2017 for Examination and approved in summer 2018. Once approved, SDP2 will inform the next set of LDPs, including West Lothian LDP2.

The timetable for West Lothian LDP2 will be dependent on the outcomes arising from the Scottish Government White Paper on the review of the Planning System and legislation arising thereafter. An updated DPS will be published once the outcome is known.



Keeping you informed

West Lothian Council is committed to notifying the public, interested parties and stakeholders at periodic stages throughout the LDP process. We believe your views are important and help enrich the process of the preparation of the LDP.

The LDP is now at the later stages of preparation and there is no opportunity for comment unless requested by the Scottish Government Reporter appointed to examine the LDP.

For the forthcoming LDP, the early stages will focus on seeking the views of the community and other stakeholders.

In the interim there are various methods to keep you informed:

- Our Local Development Plan website
- Subscribe to our e-newsletter by emailing us wlldp@westlothian.gov.uk
- Phone us on 01506 280000
- Write to us at **Development Planning, Planning and Economic Development,
West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF**

We welcome feedback and comments on our service and encourage comments to be emailed to us.



DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

SUPPLEMENTARY GUIDANCE ON FLOODING & THE WATER ENVIRONMENT

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to inform the panel of preparation of updated Supplementary Guidance (SG) on Flooding and the Water Environment in support of the West Lothian Local Development Plan.

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval following public consultation:

1. approves the content of the Supplementary Guidance (SG) on Flooding and the Water Environment; and
2. notes that following consideration by the Council Executive the SG would require to be forwarded to the Scottish Government for approval as supplementary guidance in support of the West Lothian Local Development Plan.

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)

Preparation of the supplementary guidance accords with the Flood Risk Management (Scotland) Act 2009 that requires local authorities to exercise their powers with a view to reducing overall flood risk and the Water Environment and Water Services Act 2003 which requires local authorities to carry out their statutory duties in a way which adheres to the principles of the European Water Framework Directive.

The supplementary guidance also accords with Policies EMG1, EMG2 and EMG3 of the emerging West Lothian Local Development Plan.

		The report does not raise any strategic environmental assessment, equality or health risk issues.
		The LDP has been the subject of Strategic Environmental Assessment.
III	Implications for scheme of delegation	None.
IV	Impact on performance and performance indicators	None.
V	Relevance to Single Outcome Agreement	SOA 3. Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business; SOA 7. We live longer, healthier lives and have reduced health inequalities; SOA 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	Consultations at PDSP	Previous Supplementary Planning Guidance on "Flood Risk and Drainage" was considered by the panel in April 2008.
VIII	Other consultations	Operational Services.

D. TERMS OF REPORT

D1 Background

Climate change and related flood events in the UK, Scotland and West Lothian continue to have a detrimental effect on social, economic and environmental wellbeing.

A number of West Lothian communities have been affected severely by flooding. For more than a decade, the council has been proactive in its approach to minimise the risk of flooding and the effects of severely impaired drainage through effective development planning practices, investment in a series of measures to reduce flood risk in communities and through an effective response before, during and in the aftermath of severe weather.

All forms of flooding and their potential impacts on the natural and built environment are "material considerations" to be taken into account in the development planning process. The council, as local planning authority, expects developers to adopt a precautionary approach to the management of flood risk and ensure that development is safe from the effects of flooding and will not result in an increase in flood risk elsewhere.

It is also expected that measures to mitigate the effects of flooding and the impact of development on the water environment are sustainable and maximise social, economic and environmental benefits. The Forth Estuary Local Flood Risk Management Plan was published in June 2016. Application of National and Local Planning Policies is a generic action arising from this plan.

D2 Supplementary Guidance on Flooding & the Water Environment

The proposed SG is attached as Appendix 1 and aims to assist developers in making better planning applications to aid infrastructure delivery and help stakeholders gain a better understanding of the council's commitment to minimising the risk of flooding across West Lothian.

The proposed supplementary guidance reflects national and local planning policies and has been prepared to update and refresh the council's current Supplementary Planning Guidance "*West Lothian Flood Risk and Drainage*" adopted by the council in April 2008. Preparation of the supplementary guidance is a requirement of the emerging West Lothian Local Development Plan.

The supplementary guidance provides context and an overview of issues that the council has to have regard to when producing and implementing a land use development plan, highlighting the matters that need to be considered and the information required from developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere, and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.

As such, the supplementary guidance has detailed sections that cover:

- Our changing climate;
- Adapting to a changing climate;
- Legal context;
- Policy context;
- Roles and responsibilities;
- Development and flood risk;
- Culverts, culverting and restoration of open watercourses;
- Surface water management planning;
- Site drainage and management of surface water;
- Site completion and sewerage adoption process;
- Brownfield development and change of use;
- Linlithgow and Linlithgow Loch Catchment;
- Flood Risk Assessment and Drainage Assessment compliance; and

- List of Guidance and Reference documents.

Finally, as part of improvements to the Development Management process, the supplementary guidance has five appendices that provide checklist proformas for developers and their agents to submit to the council relating to:

1. Flood Risk Assessment - Compliance Certificate
2. Flood Risk Assessment - Third Party Audit Check
3. Drainage Assessment - Compliance Certificate
4. Drainage Assessment - Third Party Audit Check
5. Confirmation of Future Maintenance Arrangements of Sewerage and Sustainable Drainage Systems (SuDS).

It is proposed that public consultation on the supplementary guidance will be carried out over a six-week period commencing in February / March 2017. This would include consultation with relevant interested parties as well as developers, their agents and community councils and publication on the council's web pages.

The outcome of the consultation will be reported to the Council Executive at a future date and thereafter will be required to be forwarded to the Scottish Government for approval as part of the West Lothian Local Development Plan.

E. CONCLUSION

The West Lothian Local Development Plan sets out land use planning policies and proposals that will play an important role in improving the quality of life for local people as well as those that work and or do business in West Lothian, helping adapt to our changing climate, protecting valuable resources, including the built and natural environment and developing more sustainable communities.

The detailed supplementary guidance will contribute towards creating sustainable development and provides the context and specific requirements with regard to flooding and the water environment that developers and their agents will be required to address when submitting planning applications and will assist in the Development Management process.

F. BACKGROUND REFERENCES

West Lothian Local Plan - January 2009.

West Lothian Local Development Plan: Proposed Plan - October 2015.

Planning Circular 6 / 2013.

WLC Supplementary Planning Guidance on "*Flood Risk and Drainage*" 2008.

Appendices / Attachments - one

Appendix 1: Supplementary Guidance - Flooding & the Water Environment

Contact Person: Chris Alcorn, Principal Planner, 01506-282428.

E-mail: chris.alcorn@westlothian.gov.uk

Craig McCorriston,
Head of Planning, Economic Development & Regeneration

6 February 2017



West Lothian
Council

Supplementary Guidance: Flooding and the Water Environment



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1.0 Introduction

- 1.1** The United Kingdom is experiencing the effects of a changing climate. Flood events continue to have a detrimental effect on social, economic and environmental wellbeing. West Lothian is no different. A number of communities here have been affected severely by flooding. For more than a decade, the Council has been proactive in its approach to minimise the risk of flooding and the effects of severely impaired drainage through effective development planning practices, investment in a series of measures to reduce flood risk in our communities and through an effective response before, during and in the aftermath of severe weather.
- 1.2** All forms of flooding and their potential impacts on the natural and built environment are “material considerations” to be taken into account in the development planning process. The Council, as local planning authority, expects developers to adopt a precautionary approach to the management of flood risk and ensure that development is safe from the effects of flooding and will not result in an increase in flood risk elsewhere. It is also expected that measures to mitigate the effects of flooding and the impact of development on the water environment are sustainable and maximise social, economic and environmental benefits.
- 1.3** This Supplementary Guidance aims to assist developers in making better planning applications to aid infrastructure delivery and help stakeholders gain a better understanding of the Council’s commitment to minimising the risk of flooding across West Lothian. This Supplementary Guidance should be read in conjunction with a number of national and local planning policies and guidance contained within the Local Development Plan.
- 1.4** West Lothian Council’s Local Development Plan sets out land use planning policies and proposals that will play an important role in improving the quality of life for local people as well as those that work and or do business in West Lothian, helping adapt to our changing climate, protecting valuable resources, including the built and natural environment and developing more sustainable communities. The decisions that the Council makes about the quality, location and resilience of new development will be key to maximising quality of life, reducing social inequality and optimising the benefits that can be derived from investment.
- 1.5** This guidance is one of a number prepared to support the Local Development Plan. Its purpose is to assist developers and their agents by providing context and an overview of issues that the Council has to have regard to when producing and implementing a land use development plan, highlighting the matters that will need to be considered and the information that will need to be brought forward by developers when submitting a planning application to ensure that new development is not at risk of flooding, that the risk of flooding is not increased elsewhere and that the water environment is protected and, where necessary, restored to a more natural, resilient condition.

2.0 Our changing climate

- 2.1 The Foresight Future Flooding Study 2004 E. Evans, provided an assessment of flood risk in the UK over a 30-100-year timescale. The key message is that the effects of climate change may be more extreme than had previously been estimated. In particular, the potential increase in rainfall volume, intensity and temperature are each greater. The update also highlighted the increased risk that we will face from surface water flooding. With the uncertainty associated with a changing climate, the update recommended that strong governance and investment would be required to tackle the increased risks. The study was updated in 2008.
- 2.2 A handbook of climate trends across Scotland (2006) Barnett, C. J. Hossell, M. Perry, C. Proctor & G. Hughes, paints a bleak picture showing an increase in the number of days of heavy rain, a steady decrease in the consecutive number of dry days each year, an increase in the level of rainfall intensity and an increase in the maximum five-day precipitation total.

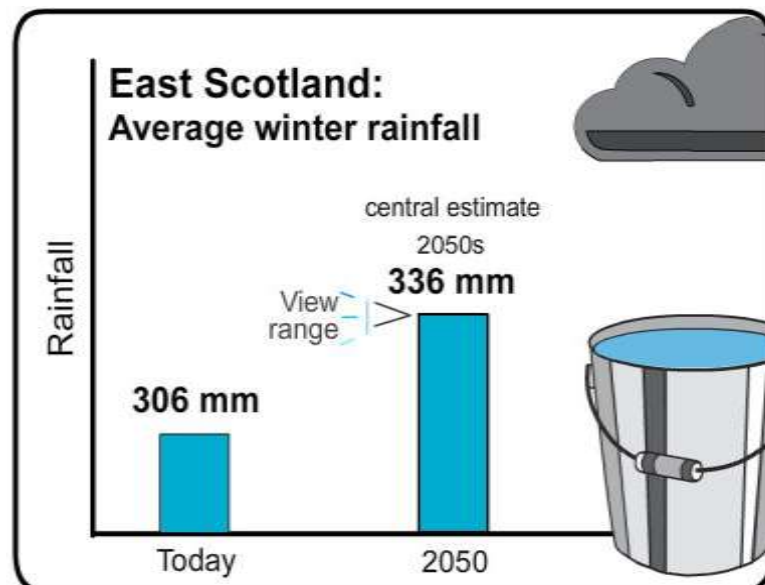
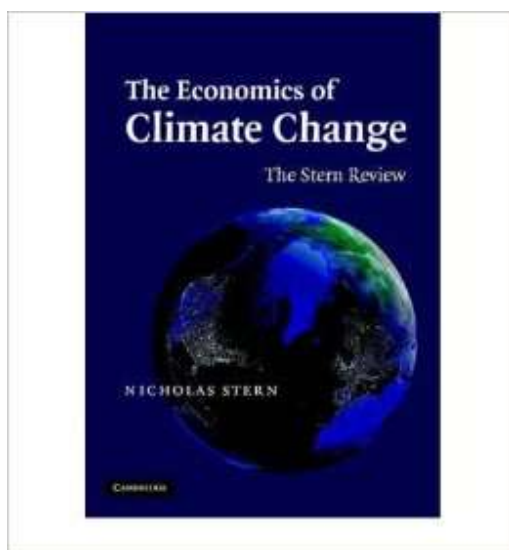


Fig. 1 The Met Office (2010) predicts an increase in average winter rainfall of 9% between now and 2050 Courtesy of the Met Office, 2010

3.0 Adapting to a changing climate

3.1

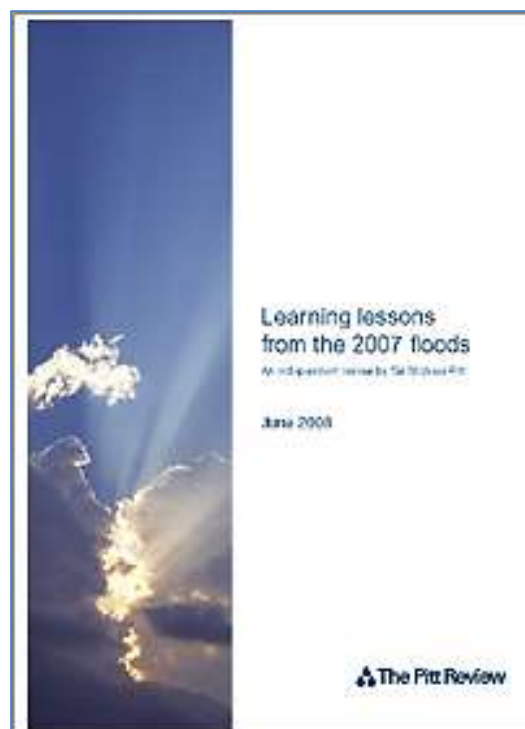


In his **Review of the Economics of Climate Change (2006)**, Sir Nicholas Stern said, “Given that climate change is happening, measures to help people adapt to it are essential and the less mitigation that we do now the greater the difficulty of continuing to adapt in future”.

3.2 The UK Climate Impacts Programme (2009) has formulated scenarios to look at possible future climate change, dependent on predicted future global greenhouse gas emissions. This research provides Scotland with the best available information on predicted changes in climate and indicates that, over the coming decades, Scotland will experience more severe rainfall events in winter, particularly in the east of the country.

3.3 Following a request to conduct an independent review of the flooding emergency that took place in England in Summer 2007, Sir Michael Pitt published his final report **The Pitt Review: Lessons learned from the 2007 floods**. Among the recommendations arising from his report, four were particularly relevant to local authorities:

- Given the predicted increase in the range of future extremes of weather, the government should give priority to both adaptation and mitigation in its programmes to help society cope with climate change.
- Local authorities should lead on the management of local flood risk, with the support of relevant organisations.
- Local authorities should positively tackle local problems of flooding by working with all relevant parties, establishing ownership and legal responsibility.



- Local authorities should assess and, if appropriate, enhance their technical capabilities to deliver a wide range of responsibilities in relation to local flood risk management.

3.4 It is in this context that we have seen the introduction of more robust legislation in Scotland which requires a number of responsible public sector bodies to take firm action to avoid flood risk, protect against the risk of flooding and prepare for flooding. Local authorities are now proactive in ensuring that the number of properties at risk in their respective administrative area is not increasing and that measures are being put in place that, in time, will reduce the number of susceptible properties.

4.0 Legal Context

4.1 The European Water Framework Directive

The Water Framework Directive – 2000/60/EC (WFD) requires member states to make plans to protect and improve the water environment. In summary, the Directive aims to protect and prevent the deterioration of aquatic ecosystems; conserve habitats and species that depend directly on water; reduce the release of individual pollutants that present a significant threat to the aquatic environment; reduce the pollution of groundwater and prevent or limit the entry of pollutants; and help reduce the effects of floods and droughts.

4.2 The European Floods Directive

The Directive, 2007/60/EC on the assessment and management of flood risk came into force on 26 November 2007. Its aim was to reduce and manage the risks that floods pose to human health, the environment, cultural heritage and economic activity. The Directive requires Member States to first carry out a preliminary assessment by 2011 to identify the river basins and associated coastal areas at risk from flooding and then draw up flood risk maps by 2013 and establish flood risk management plans focused on prevention, protection and preparedness by 2015. The Directive applies to inland waters as well as all coastal waters across the European Union.

The Directive is to be executed in coordination with the Water Framework Directive, notably through flood risk management plans and river basin management plans being coordinated, and through public participation in the preparation of these plans. All assessments, maps and plans prepared are to be made available to the public.

Member States are also expected to coordinate their flood risk management practices in shared river basins and must take into consideration long-term developments, including climate change, as well as sustainable land use practices in the flood risk management cycle addressed in the Directive.

4.3 Water Environment & Water Services (Scotland) Act 2003

The European Water Framework Directive was transposed into Scots law through the Water Environment & Water Services (Scotland) Act 2003. The Act sets out arrangements for the protection of the water environment in Scotland and changes how new connections to the public water and sewerage infrastructure are to be funded.

Responsible authorities must exercise their designated functions so as to secure compliance with the requirements of the Water Framework Directive. Responsible authorities, in exercising their designated functions, must:

- (a) have regard to the social and economic impact of such exercise of those functions; so far as is consistent with the purposes of the relevant enactment or designated function in question;
- (b) promote sustainable flood risk management;
- (c) act in the way best calculated to contribute to the achievement of sustainable development; and
- (d) so far as practicable, adopt an integrated approach by co-operating with each other with a view to coordinating the exercise of their respective functions.

Section 16 of the Act requires every public body and office-holder, including the local authorities, in exercising any functions to have regard to the River Basin Management Plan.

The Scottish Ministers and every public body and office-holder must also, in exercising any functions, have regard to the desirability of protecting the water environment.

4.4 The Climate Change (Scotland) Act 2009

Part 1 of the Act creates the statutory framework for greenhouse gas emissions reductions in Scotland by setting an interim 42 per cent reduction target for 2020, with the power for this to be varied based on expert advice, and an 80 per cent reduction target for 2050. To help ensure the delivery of these targets, this part of the Act also requires that the Scottish Ministers set annual targets, in secondary legislation, for Scottish emissions from 2010 to 2050.

The Act includes other provisions on climate change in Part 5, including adaptation, forestry, energy efficiency and waste reduction. Public engagement is a significant feature of Part 6 of the Act, which also includes provision on carbon assessment.

Measures which reduce the risk of flooding or mitigate its effects are included in the adaptation submission made to the Scottish Government.

4.5 The Flood Risk Management (Scotland) Act 2009

The Flood Risk Management (Scotland) Act 2009 transposed the EU Floods Directive into Scots law. It introduced a proactive, plan-led, catchment-wide and risk-based approach to manage the risk of flooding across Scotland. Land and property owners, however, continue to be responsible for their own assets and for avoiding damages where possible.

So far as is consistent with flood risk functions, local authorities must also:

- act with a view to reducing overall flood risk;
- act to secure compliance with the European Floods Directive;
- act with a view to achieving the objectives set out in the flood risk management plans;
- have regard to the social, environmental and economic impact of carrying out those functions;
- prepare flood risk management plans and local flood risk management plans;
- prepare maps of bodies of water;
- prepare a schedule of clearance and repair works;
- assess bodies of water;
- obtain information;
- act in the way best calculated to manage flood risk in a sustainable way and co-operate with all responsible authorities;
- promote sustainable flood management;
- act with a view to raising awareness of flood risk and;
- act in the way best calculated to contribute to the achievement of sustainable development.

Local authorities, the Scottish Environment Protection Agency (SEPA) and Scottish Water have a legal duty to co-operate to produce the National Flood Risk Assessment, flood hazard maps, Flood Risk Management Strategies and Local Flood Risk Management Plans. The process of risk assessment, mapping and planning is to be repeated every six years. The six year periods are referred to as cycles. The Forth Estuary Flood Risk Management Strategy can be located on SEPAS website - <http://apps.sepa.org.uk/FRMStrategies/forth-estuary.html>

For the purposes of managing flood risk, Scotland has been divided into 14 Local Plan Districts (LPDs). Each LPD has a partnership and a lead local authority. SEPA has produced a Flood Risk Management Strategy for each LPD and the lead local authority has produced a Local Flood Risk Management Plan in liaison with member authorities. Officers from West Lothian continue to work closely with representatives from ten other local authorities, Scottish Water and SEPA as part of a local statutory framework known as the Forth Estuary Local Plan District; a partnership to develop a Local Flood Risk Management Plan for the area, which was published in June 2016

http://www.edinburgh.gov.uk/info/20006/emergencies_safety_and_crime/1433/flood_risk_management_plan

Flood Risk Management
(Scotland) Act 2009;
Local Flood Risk Management Plan
Forth Estuary Local Plan District



Published by: The City of Edinburgh Council
22 June 2016

The Flood Risk Management Strategies produced by SEPA identify the main flood hazards and impacts, setting out objectives for reducing the risk of flooding and identifying the best combination of actions to achieve this. The Local Flood Risk Management Plan published by the Lead Local Authority on behalf of the Local Plan District takes these objectives and explains what actions will be taken to deliver them within the respective six-year planning cycle.

Together with partners, West Lothian Council is developing a better understanding of the extents, causes and impacts of flooding in West Lothian. In the past, investment has tended to be reactive rather than pre-emptive. The new approach is more long-term and sustainable and anticipates future flood risk.

For the first time, plans will be in place to manage the risk from all sources of flooding affecting an area, whether from rivers, overwhelmed drainage networks, groundwater or from the sea.

4.6 The Roads (Scotland) Act 1984

The Council as roads authority has a duty to provide drainage for public roads and for road safety;

Section 21 refers to the requirement of consent for new roads built other than by a roads authority. Where a developer is seeking to submit a new road to be adopted by the roads authority it is necessary for the layout and construction of roads, including road and surface water drainage to satisfy the current design standards;

Section 31 provides powers to the roads authority to drain a public road or proposed public road or otherwise prevent surface water from flowing onto it; and

Section 99 allows roads authorities to carry out works to prevent flows of water onto roads and to serve notice on others or to carry out works to prevent flows of water onto roads, where the owner or occupier of any land has failed to prevent the flow of water or of filth, dirt or other offensive matter from, or any percolation of water through, the land onto the road.

4.7 Sewerage (Scotland) Act 1968 (as amended)

Part 1 of the Act details the duties and powers of Scottish Water in terms of the provision and maintenance of public sewerage. It also provides details regarding vesting of public sewerage.

Section 7 allows roads authorities (including Local Authorities) and Scottish Water to enter into agreements as to the provision, management, maintenance and use of their sewers or drains for the conveyance of water from the surface of a road or surface water from premises.

Part 2 of the Act details the requirements relating to Trade Effluent.

4.8 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR)

Section 20 of the Water Environment and Water Services Act (Scotland) 2003 gave Ministers power to introduce regulatory controls over activities in order to protect and improve the water environment. The WEWS Act defines the purpose of the regimes and therefore provides the basis of interpreting the powers in CAR.

The regulations are built upon a requirement for controlled activities to be authorised. The controlled activities are defined within the WEWS Act but are modified by CAR to include activities which will directly or indirectly cause an impact upon the water environment.

Under CAR, SEPA assess proposed activities before granting an authorisation. There are three types of authorisation and the type of authorisation depends on the environmental risk of the proposed activity:

- (a) General Binding Rules (GBRs) – for certain low risk activities.
- (b) Registration – low risk activities which can cumulatively pose a risk to the water environment.
- (c) Licence – is needed if site-specific controls are required.

4.9 Planning etc. (Scotland) Act 2006

The Act gives planning authorities the powers to grant or refuse planning applications.

Part 2 requires the planning authority to exercise the planning function with the objective of contributing to sustainable development;

Part 2 states that, a strategic development plan should set out the infrastructure of that area (including communications, transport and drainage system and systems for the supply of water and energy); and

Part 2 states that where land is not within a strategic development plan area, a local development plan should set out the infrastructure of that area (including communications, transport and drainage system and systems for the supply of water and energy).

4.10 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Regulation 25 and Schedule 5 requires that planning authorities must consult with SEPA where the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. Planning authorities must take SEPA's advice into account alongside the development plan and other material considerations in the determination of planning applications involving flood risk;

Requires key agencies, including SEPA, to co-operate with strategic development plan authorities and planning authorities during the compilation of main issues reports, the preparation of proposed strategic development plans and local development plans.

4.11 Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011

These regulations amend The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 to include reference to flood risk management plans and local flood risk management plans. Planning authorities, when preparing strategic development plans and local development plans, must have regard to any approved flood risk management plan or finalised local flood risk management plan relating to the strategic development plan and local development plan area.

4.12 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

Requires planning authorities to notify Scottish Ministers of any application where SEPA has advised against the granting of planning permission or has recommended conditions relating to flood risk which the planning authority do not propose to attach to the planning permission.

4.13 Building (Scotland) Act 2003

Section 8 refers to the issuing of Building Warrants for construction work and Part 3 cover compliance and enforcement;

Mandatory Building Standard 3.6 requires every building and hard surface within the curtilage of a building, to be designed and constructed with a surface water drainage system that will:

- ensure the disposal of surface water without threatening the building and the health and safety of the people in and around the building; and
- have facilities for the separation and removal of silt, grit and pollutants.

5.0 Policy Context

5.1 National Planning Framework (NPF) and Scottish Planning Policy

Scotland's Third National Planning Framework (Scottish Government, 2014) (NPF3) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole. It sets out the Government's development priorities over the next 20-30 years and identifies national developments which support the development strategy. In conjunction with the NPF3, *Scottish Planning Policy* (Scottish Government, 2014) (SPP) sets out national planning policies reflecting the priorities of Scottish Ministers. The SPP promotes national consistency in the planning process while still providing a degree of flexibility for planning authorities to take due recognition of local circumstances. The requirements for development to consider flooding, including surface water and the provision of drainage, are presented in paragraph 254 to 268.

The SPP is intended to promote:

- A precautionary approach to flood risk from all sources, including coastal, watercourse, surface water, groundwater, reservoirs and drainage systems, taking account of the predicted effects of climate change;
- flood avoidance: by safeguarding flood storage and conveyance capacity, and locating development away from functional flood plains and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface;

Local development plans should use the flood risk framework set out in the planning policy document to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each.

5.2 Local Planning Policy

The *West Lothian Local Plan* (West Lothian Council, 2009) provides the current statutory planning framework for guiding the location and quality of development in West Lothian. Chapter 12 of the Local Plan provides a clear and concise description of the requirements for developments, via policies IMP4, IMP5, IMP6 and IMP7, in relation to:

- the provision of water and sewerage;
- surface water run-off; and
- flooding.

The adopted 2009 Local Plan is being replaced by the emerging Local Development Plan (2015) and informed by this *Supplementary Guidance*. The supporting guidance document sets out the requirements for all new development within West Lothian in relation to flood risk and the provision of drainage and the management of surface water run-off.

The *Main Issues Report* (West Lothian Council, 2014) contains a number of supporting documents including the *Strategic Flood Risk Assessment (SFRA) background paper* (West Lothian Council, 2014). This provides information on flood risk that will facilitate the Council's understanding of existing and potential flood risk to development located within the Local Development Plan (2015). Currently the objections to the LDP are with the Scottish Government Reporter's Unit for consideration. The *West Lothian Local Plan* will be superseded in 2017/18 by the *West Lothian Local Development Plan (LDP)*.

Ensuring developers manage flood risk from all sources in a proactive and sustainable manner will remain the underlying principle. The Local Development Plan will represent a material consideration for future developments in the run up to the adoption of the plan. Policies EMG1, EMG2 and EMG3 in the Local Development Plan include details in relation to Water Environment Improvement, Flooding and Sustainable Drainage, albeit they may change pending the outcome of the examination of the LDP by Scottish Government Reporters.

It is anticipated that future development may have a significant role to play in the management of existing and future surface water flooding issues in West Lothian.

Local Biodiversity Action Plan

The second Local Biodiversity Action Plan (LBAP) for West Lothian is the Local Biodiversity Action Plan: Planning for Biodiversity Action 2005-2009 (West Lothian Council, 2005). The principles relating to the protection of species and habitats remain current. There is currently no intention to update the Plan.

The LBAP identified a range of strategic habitat types which could align with the principles of managing surface water run-off at source, these include farmland, woodland and lowland raised bogs.

The following actions have been identified for rivers and streams and present potential opportunities for the sustainable management of flooding:

- through planning controls, ensure the inclusion of effective sustainable drainage systems for all development;
- implement retrofit SUDs to mitigate the effects of run-off from industrial sites;
- improve the geomorphology of our rivers and streams to reduce flood risk, improve riparian and riverine habitats, restore natural processes; and
- identify a river Local Geodiversity Site (LGS) to demonstrate active geomorphological processes.

5.3 River Basin Management Plan

River Basin Management Plans are generated on behalf of the Scottish Government to meet the requirements of the European Water Framework Directive (WFD). West Lothian is located within the "Forth Area Advisory Group" in the Forth Area of the "Scotland River Basin District". The first plan was published in 2009 *The River basin management plan for the Scotland river basin district 2009-2015: Summary* (Scottish Government, 2009) and has since been replaced by the second plan in December 2015.

The major watercourses of the River Almond and Water of Leith have been classified as being of "Poor" status for all reaches. The status of the River Avon varies with the main

stem being classified as “Moderate” and its tributaries being “Good”, “Moderate” and “Bad”.

Ambitious targets have been set for rivers, with an objective for 96% to be at good or high status by 2027.

The Water Environment Fund provides a potential funding mechanism for works which will bring about an improvement in WFD status and will alleviate some of the pressures identified in the Basin Management Plan.

5.4 Climate Change Adaption Plan

As a local authority, WLC is bound by the Public Bodies Climate Change Duties to monitor and reduce greenhouse gas emissions. To achieve these targets, climate change and sustainability drivers are embedded within the governance structure of the Council, driven by the Council’s Climate Change and Sustainability Working Group and the Environment Forum.

Further to this, there are a wide range of climate change-related projects underway, some highlights of which are listed below:

- Reducing corporate emissions:
 - Development of the council's renewable energy capacity;
 - promoting sustainable transport guidance for staff;
 - provision of waste education, minimisation and recycling resources for students, teachers, staff and Facilities Management at schools;
 - sustainable procurement project plan; and
 - sustainable behaviour change project (Green Impact).
- Reducing area-wide emissions:
 - Provision of energy efficiency support and advice for communities;
 - development and implementation of active travel projects (e.g. bicycle recycling scheme), Green Travel Plans and sustainable transport infrastructure;
 - improved management and regeneration of parks and play areas;
 - air quality monitoring and the Switch-Off campaign for vehicles emissions;
 - promoting recycling, in particular food waste recycling across our communities;
 - and
 - new glass recycling and improved waste segregation facilities also being rolled out.

In addition to the efforts to reduce emissions, there are a number of climate change adaptation projects underway in order to ensure that the natural, built and social environments of West Lothian are better equipped to withstand the effects of a changing climate.

Some highlights include:

- Severe Weather Plan (2014)
- Local Flood Risk Management Plan (2016);
- peatland restoration projects;
- woodland expansion projects; and
- meadow management and wildflower planting.

A report on the activities the Council is undertaking to mitigate and adapt to climate change is published annually within the Council’s Scottish Climate Change Declaration

Report on the Sustainable Scotland Network website.

6.0 Roles and responsibilities

- 6.1 A number of different organisations, with different roles and responsibilities, work together to **manage** flood risk in West Lothian. Some of these organisations have a legal duty to work together to reduce overall flood risk.

6.2 Scottish Government

- Sets National Policy on Flood Risk Management and Flood Warning;
- Sets Scottish Planning Policy; and provide resources to enable authorities to address flood risk.



6.3



SEPA

- Provides a flood warning service for Scotland and operates 'Floodline';
- Provides advice to local authorities on flood risk and planning; and co-ordination of flood risk management policy and activities across Scotland.

6.4

West Lothian Council

- Manages water-related assets owned by the Council;
- investigates flooding and severely impaired drainage;
- prepares maps of water bodies and sustainable drainage systems;
- assesses bodies of water ;
- maintains watercourses;
- maintains existing flood protection schemes;
- maintains road drainage systems;
- Develops and implements effective policy on flood risk management and drainage as planning authority;
- provides an effective response before, during and in the aftermath of flood events and provides support to emergency responders;
- provides reception centres for people evacuated from their homes in the aftermath of a flood and coordinates the provision of temporary accommodation for Council tenants;
- provides road closures on the local road network; and
- prepares Surface Water Management Plans and contributes to the preparation of the Local Flood Risk Management Plan.



6.5



Scottish Water

- Maintains water supply and drainage infrastructure;
- Manages the discharge of surface water that enters the public drainage system;
- Works in partnership with the local authority and emergency services;
- Deals with flood-damaged mains and flooding caused by bursts;
- liaises with other stakeholders during flood

events to alleviate any flooding from public sewers; and reduces the risk of flooding from public drainage infrastructure associated with weather-related peak flows.

- Is responsible for the provision and maintenance of public sewerage.

6.6 Police Scotland

- Co-ordinate the actions of all agencies during the course of a major flood;
- Controls the scene at its outer limits by setting up cordons; and
- Saves lives and co-ordinates evacuation and the provision of public information.



6.7

Scottish Fire and Rescue Service

- Saves lives in the event of serious flooding; and protects property.



6.8 The Met Office

- Produces weather forecasts;
- Warns people of extreme weather conditions; and provide dedicated forecasting support to SEPA and local authorities and other category one and two responders such as Fire and Ambulance Services.



6.9 Scottish Flood Forum

- Provides support and advice to those that have been flooded or those living with the risk of flooding.



6.10 Landowners

- Maintain watercourses, bodies of water, flood defences and drainage systems in their ownership.

6.11 Home owners

- Protect their homes from flooding;
- Adequately insure the buildings and contents of properties in their ownership;
- Prepare for the possibility of flooding; and
- Maintain drainage systems serving the property and shared access roads, courtyards etc.

7.0 Development & flood risk

- 7.1** In order to ensure that new development is not at risk of flooding and that the risk of flooding is not increased elsewhere, the risk of flooding to a development site must be assessed from the outset before the potential effect of development of the site can be considered.

Developers are strongly advised to take flood risk into account before committing to a site or project as often, development is often incompatible with the risk of flooding.

SEPA's Flood Hazard Maps are available online and may provide a high-level indication of risk. The maps are prepared using only coarse data and are not suitable for accurately determining the extent of risk at development site or property level. Use of the maps is conditional.

<https://www.sepa.org.uk/environment/water/flooding/flood-maps/>

The Construction Industry Research and Information Association (CIRIA) has prepared excellent guidance in the form of **CIRIA 624 'Development & Flood Risk- Guidance for the Construction Industry'**, CIRIA 2004, ISBN 0-86017-624-X.

<http://www.ciria.org/ItemDetail?iProductCode=C624&Category=BOOK>

7.2 Flood Risk Assessment

Currently a flood risk assessment report has to be submitted along with any type of planning application depending on the location, size and type of development. **The Council now requires a flood risk assessment for any residential development comprising of more than five dwellings and for industrial, retail or commercial developments of more than 250m².** Any other development deemed by the Council to be in a sensitive location will also require a flood risk assessment.

A key requirement for a flood risk assessment is that it must consider all sources of flooding and demonstrate how, through mitigation, potential risk will be managed taking into account the effects of climate change and illustrate that the development will not increase the risk of flooding elsewhere. The assessment should be produced under the direction of a relevant chartered professional with demonstrable up to date experience of preparing flood risk assessments.

- 7.3** A Flood Risk Assessment (FRA) is supplied in support of an application for development to the Council as Planning Authority. Where the Council considers that there might be a risk of flooding to a development site it has a statutory duty to consult SEPA for advice and guidance on flood risk. The SEPA – **Planning Authority Protocol (Policy No. 41)** between both SEPA and the Council sets out the respective roles and responsibilities.

<http://www.sepa.org.uk/media/136143/sepa-planning-authority-protocol-41.pdf>

- 7.4** Flood Risk Assessments being prepared for West Lothian Council must accord with the most up to date version of **SEPA's Technical Flood Risk Guidance for Stakeholders (Reference: SS-NFR-P-002) Version 9.1 (June 2015)** or later.

<http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf>

Given that consultants are employed by developers to undertake Flood Risk Assessments, there is scope for different corporate styles and formats although there is core data and

information that must be clearly presented to facilitate the rapid review and audit of reports.

- 7.5** To further facilitate a timely review of FRAs, SEPA has developed a Consultant Flood Risk Assessment checklist to be completed as an *aide memoir* to ensure key aspects have been considered and included in the report.

<https://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>

- 7.5** On receipt of completed flood risk assessments, the Planning Authority will seek the views of the Council's Flood Risk Management team who will evaluate the report based on its experience and local knowledge. A further copy will be forwarded to SEPA, for a competence check and to ensure that the assessment has been prepared in accord with guidance.

- 7.6** The Council requires the applicant, or their agent, to certify that the Flood Risk Assessment has been carried out by a fully qualified and competent person(s) and that the assessment complies with current best practice, guidance and standards. **Refer to section 14 for more details on this requirement.**

7.7 Development Behind Flood Protection Schemes

Flood protection schemes can reduce flood risk but cannot eliminate it entirely. Their primary purpose is to protect existing development from flood risk rather than to facilitate new development. For this reason the Council will support the policy principle of avoidance for any proposed development behind flood protection schemes.

A precautionary approach will be taken to proposed development behind any existing or planned flood protection scheme, even those designed to the appropriate standard.

- 7.8** The Council will support SEPA's position on development behind formal or informal flood protection schemes. This will include the recommendations that the development is built to a water resilient design and has adequate evacuation procedures in place. It will also require that the development that is proposed is of a relevant category in terms of the minimum appropriate standard that the scheme has been built to meet.

8.0 Culverts, culverting and the restoration of open watercourses

- 8.1** A culvert is a structure that allows water to flow beneath a road, railway, trail, field, housing estate or similar obstruction from one side to the other. Typically embedded so as to be surrounded by soil, a culvert may be formed from a pipe, reinforced concrete, stone or other material. In Scotland the word can also be used to describe longer, artificially buried watercourses. They can be bridge-like structures designed to allow vehicle or pedestrian traffic to cross over the waterway while allowing the conveyance of water.

Culverts come in many sizes and shapes including round, elliptical, flat-bottomed, pear-shaped, and box-like construction. Unfortunately, they have a range of harmful local and system-wide impacts on the water environment.

- 8.2** Planning applications which include proposals to culvert watercourses will be resisted for the following reasons:

- To protect existing local, open water habitat;
- to conserve valuable open water habitat from piecemeal cumulative loss;
- to protect the physical character, habitat, transport of sediment, free passage of fauna, establishment of other ecology, access to light, and chemical quality in small and urban watercourses;
- to retain the amenity value afforded by open water;
- to protect the potential of previously modified watercourses to be restored;
- to ensure that room is made for open watercourses in new developments;
- to reduce flood risk as they increase the risk of flooding and represent the single biggest cause of flooding in West Lothian; and
- they are expensive to maintain. Roads authorities prefer not to have culverts beneath public roads and it is generally unacceptable to pass responsibility for culverts to private householders, residents groups or factors.

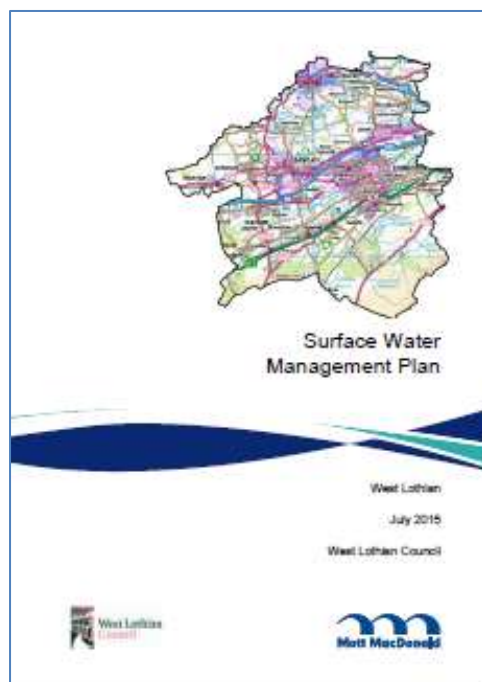
- 8.3** Developers will be encouraged to open up or daylight existing culverted watercourses into newly restored, natural meandering channels through their development sites.

- 8.4** SEPA's position statement and supporting guidance (WAT-PS-06-02) on the culverting of watercourses provides information and details on SEPA's objectives under the Controlled Activity Regulations (CAR) regarding culverts. The Council will actively support this position statement.

https://www.sepa.org.uk/media/150919/wat_ps_06_02.pdf

9.0 Surface Water Management Planning

- 9.1 Ministerial guidance on delivering sustainable flood risk management in Scotland states that surface water flooding will be addressed through Surface Water Management Plans and that local authorities will lead on the preparation of these plans, which will be co-ordinated within the flood risk management planning process. Surface Water Management Plans are not a legal requirement. Ministerial guidance however identifies the production of Surface Water Management Plans (SWMPs) as a measure to manage the risk of surface water flooding in our communities.



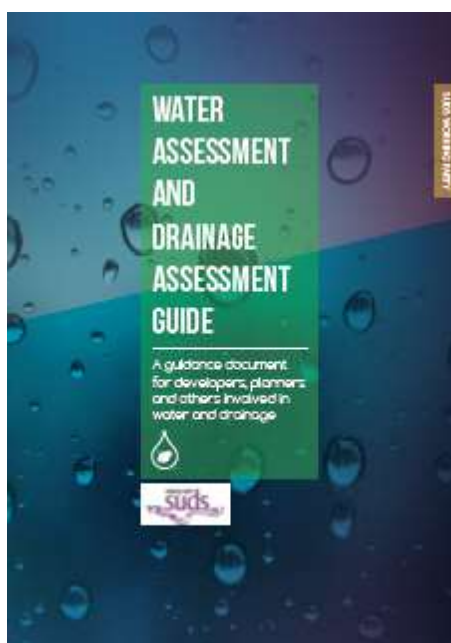
- 9.2 Four surface water management plan priority areas have been identified in SEPA's catchment characterisation reports in West Lothian. This is based on the number of residential and business properties estimated at risk of flooding. The four priority areas are Bathgate, Broxburn, Linlithgow and Livingston.

Surface water flooding is a significant problem in West Lothian. Based on pluvial (surface water) flood hazard data provided by SEPA, it is estimated that approximately 1500 properties may be at risk of flooding from the 1:200-year, three-hour duration storm event.

- 9.3 On completion of the SWMP covering the priority areas, actions have been identified to manage and reduce surface water flood risk in these areas. New developments within WLC area will require to take cognisance of any perceived surface water flood risk to the development and ensure that this is reduced and managed effectively. Development will not be approved which is likely to increase surface water flood risk elsewhere.

10.0 Drainage and the Management of Surface Water

- 10.1** The Council requires applications for planning permission to be accompanied by sufficient detail to prove that the proposed development can be effectively drained in accordance with current guidance and legislation. The level and amount of detail that is to be submitted will be dependent on the type of planning permission applied for along with the scale and type of development that is proposed. For guidance please contact the Council's Planning Services. <https://www.westlothian.gov.uk/article/10809/How-is-a-planning-application-processed>
- 10.2** For Planning Applications (greater than 5 houses for residential or for greater than 250m2 for non-domestic) a Drainage Assessment should be submitted for approval to the Planning Authority as part of the application process. The Drainage Assessment should cover all aspects of the drainage strategy for the development including waste water, surface water including SUDS, drainage of landscaped and garden areas and proposals for management of run-off during construction.



The Drainage Assessment should be carried out in accordance with the current **Water Assessment and Drainage Assessment Guidance** document produced by the Sustainable Urban Drainage Scottish Working Party (SUDSWP). This document is available online and is also available via the SEPA website. The Council requires the applicant, or their agent, to certify that the assessment and/or designs have been carried out by a fully qualified and competent person(s) and that the assessment complies with current best practice, guidance and standards. **Refer to section 14 for more details on this requirement.**

<https://www.sepa.org.uk/media/163472/water-assessment-and-drainage-assessment-guide.pdf>

- 10.2** The following information should be clearly detailed in the Drainage Assessment –

Waste Water

It is expected that waste water from all new developments will discharge to the public sewer network if possible. For rural developments, or where there is no possibility of connection to the public sewer, satisfactory details of how waste water will be managed will require to be submitted as part of the assessment. Reference should be made to section 6 of the Water Assessment and Drainage Assessment Guide.

It is expected that all waste water sewerage will be designed and constructed in accordance with the current version of **Sewers for Scotland** and vest in Scottish Water on completion of the development.

<http://www.scottishwater.co.uk/assets/business/files/connections%20documents/sfsv4may2015pdf.pdf>

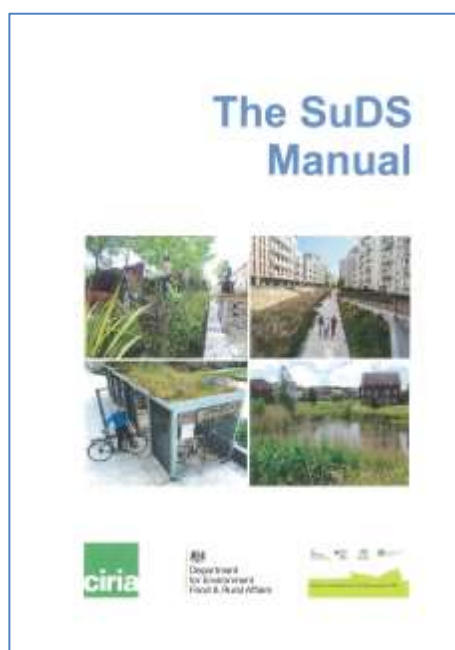
Surface Water

The assessment will clearly outline how surface water, both statutory and roads run-off, from the proposed development will be managed on site. The surface water system will be designed and constructed such that it deals with all aspects of surface water run-off as outlined in the Water and Drainage Assessment document and CIRIA SUDS manual C753 - http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx

- Water quality – manage the quality of the surface water run-off to minimise and prevent pollution of the water environment.
- Water quantity – control the quantity of run-off to support management of flood risk and maintain the natural water cycle.
- Amenity – create and sustain better places for people.
- Biodiversity – create and sustain better places for nature.

Reference should be made to sections 7 and 8 of the Water Assessment and Drainage Assessment Guidance document along with CIRIA SUDS Manual C753 chapters 3 to 6 and particular details should be provided in relation to the following –

- Interception storage – what consideration has been given to capture the first 5mm of rainfall for the proposed development?
- Usage of surface water run-off as a resource – what consideration has been given to a proportion of the run-off being harvested for re-use?
- Support flood risk and protect ecology in the receiving catchment – the rates and volumes of run-off for all high and low return period events are controlled in accordance with water quantity standards as set out in the Water and Drainage Assessment document chapter 8. Calculations should be provided to confirm that post development run-off flows and volumes do not exceed pre-development or green field run-off figures.
- Manage on-site flood risk – run-off from rainfall events that exceed the capacity of the sewerage system is managed in identified exceedance routes and storage areas. The routes and areas identified should ensure that no properties are affected either on site or off-site.
- Flexibility – the SUDS design includes for climate change and urban creep.
- Support the management of water quality – provision of interception and treatment of both roads run-off and statutory run-off to meet the standards set out by SEPA and in accordance with CIRIA SUDS Manual C753 chapter 4.
- The use of the Simple Index Approach (SIA) to assessing water quality management requirements in accordance with CIRIA C753 and to meet SEPA standards. A summary output from the SIA Tool should be included in the Drainage Assessment - [SIA Excel tool](#).



- Source Control features – the use of various types of features to treat and attenuate roads run-off at source should be agreed with the Council but will generally be as per SUDS for Roads and as chapter 9 of CIRIA SUDS Manual C753.
- Public SUDS features – the use of various types of SUDS features to treat and attenuate statutory run-off (possibly along with roads run-off) will be to Scottish Water requirements as the current version of Sewers for Scotland.
- Maximise amenity and biodiversity values – what considerations have been taken into account to meet amenity and biodiversity objectives?

10.3 The Council expects that all shared surface water drainage systems (those that deal with both statutory run-off and roads run-off) will be designed and constructed in accordance with the current version of Sewers for Scotland and vest in Scottish Water on completion of the development and before the development roads are adopted.

10.4 The assessment should clearly identify, on a suitably scaled plan, which parts of the system are to vest in Scottish Water as drainage authority, which parts will become road drainage under the Roads Construction Consent and which parts, if any, will be subject to maintenance agreements under section 7 of the Sewerage (Scotland) Act 1968 between Scottish Water and West Lothian Council. The assessment should also clearly identify which part of the system will be private. **Refer to section 14 for more details on this requirement.**

10.5 Surface Water from Landscaped / Public Open Space Areas and Garden Ground

It is accepted that run-off from permeable areas such as public open spaces and garden ground will not be able to drain to the public sewer network. The assessment should detail what works or measures will be put in place to ensure that these permeable areas are as free draining as possible and do not cause future issues of run-off flowing onto public footpaths and roads. These measures should also help to preserve and protect the natural drainage systems on the site.

10.6 The Management of Surface Water During Construction

Although the construction phase of the development is short compared to the length of time the permanent works will be in place, the risk of pollution and contamination during this period is particularly high. The completed sewerage system including SUDS measures can be adversely affected by construction run-off and measures must be put in place by the developer during construction to protect and maintain its effectiveness during this period and on completion.

The assessment should detail what works and measures will be used to manage construction run-off and to ensure that the sewerage system and all SUDS measures will be fit for adoption by the relevant authorities on completion of the development.

11.0 Site Completion and Sewerage Adoption Process

- 11.1 It is essential that the development be completed in accordance with the Planning Permission and all other approvals such as Scottish Water technical approval, the Roads Construction Consent and Building Warrant. The Developer will require to liaise with the relevant authorities as part of the site completion process ensuring that all completed infrastructure is vested or adopted by the relevant authority.

Developers should note that, where road drainage discharges to sewers and SUDS which are to be vested in Scottish Water, the road drainage systems and roads served by that drainage system will not be adopted by the Council until the sewers are vested in Scottish Water. It will not generally be acceptable for road drainage to discharge into private sewers or SUDS and where this is proposed it may be that the roads will not be adopted by the Council. This should be agreed during the approval process.

11.2 Inspection Process

The Developer and Contractor should ensure that the relevant inspection processes take place during construction and completion of all parts of the sewerage system.

This will include the Council's Building Standards Service for all drainage within the curtilage of premises which will become the responsibility of the owner of the premises.

For those parts of the sewerage system, including sustainable drainage systems (SuDS), which are to be vested by Scottish Water as public sewers it should also be deemed to include Scottish Water, as drainage authority.

It will also include the Council's Roads Development Management team as part of the inspection process for parts of the system which will be adopted as road drainage under the Road Construction Consent. This will also apply to roads source control measures and may also apply to shared public SUDS which deal with both road run-off and statutory surface water run-off.

11.3 Completion and Vesting of Sewerage Infrastructure

The Developer and Contractor should ensure that the sewerage system where relevant, including road drainage and all source and public SUDS features, is constructed in accordance with the approved plans and consents. The completed sewerage, road drainage and sustainable drainage systems will require to be vested or adopted by the relevant authority on completion of the development in accordance with the approved assessment and the relevant completion processes.

- 11.4 Where drainage infrastructure is located within the private curtilage beyond the public road and footpath, the Developer must complete necessary Deeds of Servitude and Land Transfers to enable the sewerage infrastructure to be vested. This will also include all public SUDS and pumping stations that are to vest in Scottish Water.

- 11.5 The Council requires the Developer to complete the vesting and adoption processes within a reasonable timescale following completion of site works.

12.0 Brownfield development & change of use

- 12.1** The Council actively supports the development of brownfield land and the redevelopment and expansion of existing and previously-developed sites. Development in these circumstances can have many benefits. It helps lessen the requirement for green field land, sites often provide development and regeneration opportunities within the settlement boundary and larger-scale development can secure important physical and environmental improvements through, for example, the remediation of spoiled and contaminated land, bringing sites back into active use.
- 12.2** Although these sites have often previously been used and drainage systems established, they were developed in less enlightened times, before the need for surface run-off to be attenuated and treated. For the purposes of draining these sites and reducing the risk of flooding, the Council does not differentiate between brownfield and greenfield development and therefore expects that sites or parts of sites that are being redeveloped or expanded as appropriate must include drainage systems and sustainable drainage systems that meet current standards, including the need for sustainable drainage measures where these are appropriate to the scale and nature of the development. For clarity, the Council requires developers to provide sufficient on-site storage to satisfy greenfield run-off characteristics.



13.0 Linlithgow & Linlithgow Loch Catchment - Area of Water Control

13.1 There are severe drainage constraints and a significant risk of surface water and fluvial flooding in Linlithgow and Linlithgow Bridge. The risk from fluvial flooding includes out of bank flows from the Bell's Burn, Mill Burn, Mains Burn and the River Avon. Studies have also brought forward evidence of risk from the localised overtopping of Linlithgow Loch linked to constraints on the discharge during and in the aftermath of heavy and prolonged rainfall.

13.2 Linlithgow has also been identified as one of fifteen high-risk areas in Scotland and one of four so called Priority Areas within West Lothian in terms of the risk of flooding from surface water. The Council has been resisting development in the town, among other reasons, until it can accurately determine how developers can invest in solutions that not only allow their own developments to be connected to the surface and wastewater drainage networks but also how investment off site can provide betterment to address the current situation.

Forecasts suggest that the extent and severity of flood risk will be exacerbated in future as a result of urban creep, climate change and changing demographics. To manage surface water flooding and urban drainage in the long-term, it is not sustainable to continue to rely on the upgrading of traditional sewerage and surface water infrastructure. Instead, a new, integrated approach is required that takes account of all aspects of urban drainage infrastructure and identifies long-term and sustainable actions which can be implemented.

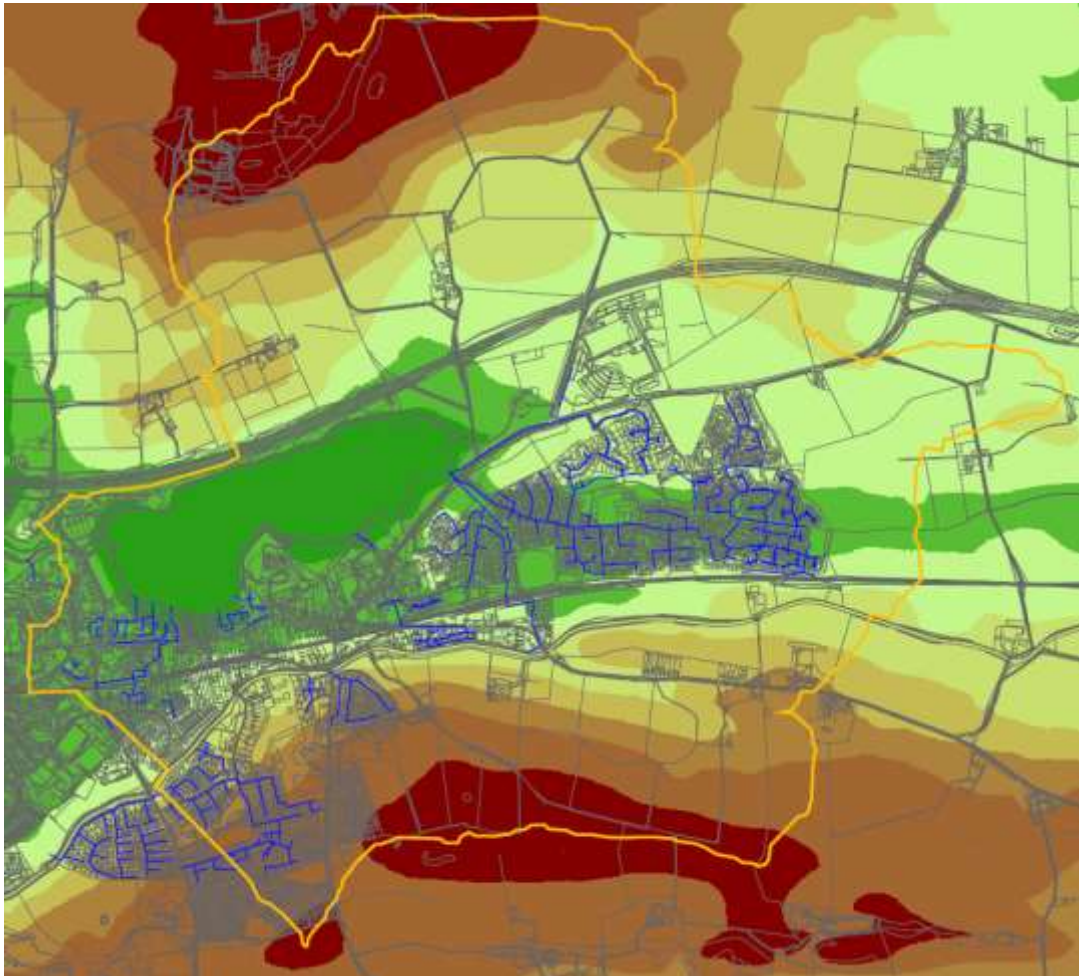
In some urban areas of Scotland surface water flooding is complicated by the interactions that occur between the ground drainage systems (including natural watercourses) and manmade, below ground drainage systems (including road drains and sewers). In these instances, an Integrated Catchment Study is deemed the most appropriate tool to provide a comprehensive understanding and the necessary information regarding flooding mechanisms on which to base future decisions.

13.3 West Lothian Council and Scottish Water are currently working together and have commissioned specialist consultants and contractors to undertake an Integrated Catchment Study in Linlithgow in 2016. When the study has been completed and the findings available it will provide a comprehensive understanding of how existing drainage systems respond to rainfall. The data the study provides will enable the Council to determine the measures necessary to achieve the most sustainable long-term solution to manage the risk of flooding and help identify which party should be making the investment. It is inevitable that some of the investment necessary will only be delivered as an integral part of development proposals.

13.4 Linlithgow Loch

Linlithgow Loch is one of the jewels in West Lothian's crown. It is one of only two remaining natural lowland lochs in the Lothians. It provides the setting for Linlithgow Palace and Peel and is integral to the town's tourist appeal. It also provides a number of land and water-based recreational and outdoor education opportunities as well as being the focal point for naturalists.

The site is a designated a Site of Special Scientific Interest (SSSI) for its botanical and ornithological interests. It was originally notified as the only example of a lowland mesotrophic (having a moderate amount of dissolved nutrients) loch in West Lothian. Site condition monitoring in 2004 concluded that the loch was in an unfavourable condition due to nutrient enrichment largely associated with land use in the catchment. Evidence now suggests that the loch is currently eutrophic (having an elevated amount of dissolved nutrient) and may soon be hyper-eutrophic.



Map showing the Linlithgow Loch Catchment

13.5 Linlithgow Loch Catchment

There are currently seasonal impacts to public health and use by the public of the loch due to extensive and long-lasting seasonal toxic algal blooms. The low oxygen conditions this creates impacts on the ability of the loch to support fish. There were a number of significant fish kills during the summer of 2013. The remaining fish in the loch at that time were under significant and visible stress. There is also evidence to suggest that deteriorating water quality in the loch is adversely impacting on the quality of the designation as a Site of Special Scientific Interest (SSSI).

- 13.6** The Nature Conservation (Scotland) Act 2004 places a duty on officials and public bodies to further biodiversity. The Scottish Biodiversity Strategy identifies the role of local authorities in meeting national species and habitat priorities. The public health impacts of the toxic algal blooms impact on the ability to use the loch for angling and other water-based sports and outdoor education activities and the visible scums affect its amenity and potential as a leisure destination. There are also consequences for the economy of the town.
- 13.7** In an effort to turn around the fortunes for the loch, Linlithgow Loch Catchment Management Group was established in the early 2000s, which counts representatives from Historic Environment Scotland, Scottish Natural Heritage, SEPA, West Lothian Council, Scottish Water and National Farmers' Union Scotland among its membership. It commissioned two academic studies into the loch by Scottish Agricultural College (SAC) and the Centre for Ecology & Hydrology (CEH). This led to the publication of a Catchment Management Plan in 2013 which includes thirteen management recommendations to reduce the impact of diffuse pollution on the loch.



Some measures such as the installation of Drainmarkers[®] adjacent to road drains in the catchment and the publication of an 'Only rain down the drain' leaflet are very tangible actions largely focussed on raising local awareness of the plight of the loch helping people connect with drainage and water quality in the loch. Other actions are complex and will take time and investment to deliver.

- 13.8** Historic and current land use in the loch catchment is responsible for pollution entering the loch. Amongst the factors negatively impacting on water quality are: road run-off; run-off from railway drains; overflow from the Union Canal; sediment transport from agricultural land; septic tank run-off entering via the Bell's Burn, occasional short-term spills from the combined sewer overflow and large numbers of wildfowl and uncontrolled bird feeding. Future studies may identify, in order of priority, the main sources of poor water quality.

Coupled with the serious risk of flooding in Linlithgow, impaired water quality in the loch represents a barrier to development in the catchment. Surface and waste water volumes in the combined sewer system leading to the Linlithgow Waste Water Treatment Works has the potential to increase risk to vulnerable properties in the High Street and increase the number of spills into the loch during and in the immediate aftermath of rainfall.

- 13.9** The *Linlithgow Area Local Plan* of 1994 identified a number of reasons why it was considered appropriate to restrain development in Linlithgow. This general planning policy of restraint was continued in the *West Lothian Local Plan* (2009). The new *Local Development Plan* (2015) proposes that land at Linlithgow should now potentially be released for development in order to address housing needs and demand and a number of brownfield development opportunities, as well as adopting a sequential approach and which will help address current infrastructure constraints in the town, are identified. (See LDP Policies: HOU 1, HOU2, HOU3, CDA1 and HOU4).
- 13.10** There are difficulties draining additional areas of surface and wastewater within the loch

catchment without compounding existing flood risk and the number of times the combined sewer overflow spills into the loch. The flooding that occurs due to the existing capacity in the combined drainage system and frequency and duration of the spills (the volume is not currently measured) means that investment is required in a range of solutions.

- 13.11** The Council, as planning authority, wishes to ensure that it has the flexibility to work with Scottish Water and other partners to bring forward investment that can improve the outlook for the loch and reduce the risk of flooding in the town whilst unlocking development potential in those areas where development is deemed acceptable from other perspectives. This is necessary because of the current uncertainty about future house completion rates and the timing of developer contribution payments to fund infrastructure that mitigates run-off from existing and future development. It should be noted that the scale of requirement for measures to reduce flood risk and mitigate the quality of run-off entering the loch will be reviewed as housing developments progress.
- 13.12** This Supplementary Guidance will be taken into account in the determination of all planning applications for housing within the loch catchment from the date the guidance is approved. For the avoidance of doubt, the guidance will apply to all current housing proposals which have yet to receive planning permission.

The emerging Local Development Plan (2015) sets out a development strategy for West Lothian. The success of the Local Development Plan strategy is dependent on additional measures being put in place to improve the quality and control the flow of surface water run-off into the loch along with the reduction in the frequency, duration and volume of spills into the loch from the combined sewerage system.

13.13 The role of the Union Canal

Discussions have taken place with Scottish Canals along with officials from Scottish Water about the potential for surface water from sites above the canal to be directed into the Union Canal that flows through Linlithgow. Any such proposal would require agreement between developers, Scottish Water and Scottish Canals. It is probable that Scottish Canals would seek additional engineering works paid for and potentially discharged by the developer. Scottish Water must, in turn, accept the principle of paying an annual subsistence to Scottish Canals for such a discharge. Whilst there is good available information about surface water flooding and events, there is less data currently available on sewer flooding in the town and the relationship between a temporary lack of capacity and spillage into Linlithgow Loch from the Combined Sewer Overflow (CSO) located at the Vennel. Work is underway to gather this information as part of the integrated catchment study for Linlithgow



14.0 Flood Risk Assessment / Drainage Assessment Compliance – Certificates (See Appendices)

- 14.1** The Council's requirements in relation to Flood Risk Assessments and Drainage Assessments carried out to support a planning application are that they are produced by a competent Designer / Consultant and that they are fully in accordance with current guidance, standards and legislation and the requirements of this Supplementary Guidance.

The Council has updated its requirements in this document so that it takes cognisance of current guidance and best practice all of which is publically available. Please refer to section 15.0 for a list of legislative and guidance documents which are relevant.

In addition to providing satisfactory supporting assessments and information on Flood Risk and Drainage to support a planning application, the Council requires the applicant, or their agent, to certify that the assessments and/or designs have been carried out by a fully qualified and competent person(s) and that the assessment complies with current best practice, guidance and standards. **(See below and Appendices: A, B, C, D &E)**

14.2 Flood Risk Assessment

All Flood Risk Assessments that are submitted should generally be in accordance with CIRIA Manual C624 – Development and Flood Risk Guidance for the Construction Industry and SEPA's Technical Flood Risk Guidance for Stakeholders Note Reference SS-NFR-P-002 as per section 7.0 of this document.

The following documentation should therefore be provided along with any Flood Risk Assessment that is submitted –

- The Flood Risk Assessment – Compliance Certificate **(see appendix A)** – all applications.
- The Flood Risk Assessment – Independent Check Certificate **(see appendix B)** – major applications only.

14.3 Drainage Assessment

All Drainage Assessments that are submitted should be in accordance with the Water Assessment and Drainage Assessment Guide published by the Sustainable Urban Drainage Scottish Working Party (SUDSWP) and will incorporate the principles of the CIRIA SUDS Manual C753 in terms of surface water management as per section 10.0 of this document.

The following documentation should therefore be provided along with any Drainage Assessment that is submitted –

- The Drainage Assessment – Compliance Certificate **(see appendix C)** – all applications.
- The Drainage Assessment – Independent Check Certificate **(see appendix D)** – major applications only.

14.4 Completion and Vesting of Drainage

It is a requirement of the planning permission for a development that all public sewerage is vested in the Drainage Authority (Scottish Water) on completion of that development as outlined in section 10.0 of this document. This is especially the case where roads run-off discharges into public surface water sewers including SUDS which also convey statutory surface water run-off.

As detailed in section 10.4 it should be clearly identified in the Drainage Assessment, and on a suitably scaled plan, which parts of the sewerage system are to be vested in Scottish Water, which parts will require to be adopted by the Council as part of the road adoption under the Roads Construction Consent and which parts will be shared between the Council and Scottish Water.

The following documentation should therefore be provided along with any Drainage Assessment that is submitted –

- Confirmation of Future Maintenance of Sewerage and Road Drainage System including SUDS (**see appendix E**)
- A Maintenance Schedule for the Sustainable Drainage Apparatus should be attached to the confirmation document.

15.0 Guidance and Reference Documents

Planning Policy Documents:

- Scottish Planning Policy (2014) – Managing Flood Risk and Drainage Section
- Planning Advice Note 51: Planning Environmental Protection and Regulation
- Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems
- Planning Advice Note 79: Water and Drainage
- Scottish Government Online Planning Advice on Flood Risk
- SESPlan Strategic Development Plan 2015
- West Lothian Council Local Development Plan 2015

Legislative Documents:

- Water Environment and Water Services (Scotland) Act 2003
- Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)
- Roads (Scotland) Act 1984
- Sewerage (Scotland) Act 1968 (as amended)
- Flood Risk Management (Scotland) Act 2009

SEPA Guidance Documents

- Land Use Planning System SEPA Guidance Note 9 (version 12)
- SEPA – Planning Authority Protocol (policy 41)
- WAT-PS-06: Culverting of Watercourses – Position Statement and Guidance
- WAT-RM-08: Regulatory Method – Sustainable Urban Drainage Systems
- WAT-RM-09: Modifications to CAR Authorisations
- WAT-SG-12: Supporting Guidance – GBRs for Surface Water Drainage Systems
- WAT-SG-39: Supporting Guidance – Point Source Regime Definitions
- PPG4: Treatment and Disposal of Sewage Where no Sewerage Available
- PPG6: Working at Construction and Demolition Sites
- SS-NFR-P-002: Technical Flood Risk Guidance for Stakeholders

CIRIA Documents

- CIRIA C624: Development and Flood Risk – Guidance for the Construction Industry
- CIRIA C689: Culvert Design and Operation Guide
- CIRIA C698: Site Handbook for the Construction of SUDS
- CIRIA C753: The SUDS Manual

SUDSWP Documents

- Water Assessment and Drainage Assessment Guide (ISBN 978-1-901322-99-6)
- SUDS for Roads

Scottish Water Documents

- Sewers for Scotland Current Edition: Technical Specification for the Design and Construction of Sewerage Infrastructure

Other Documents

- Simple Index Approach (SIA) Tool for Assessing Water Quality Management Requirements (Excel document on SUSDRAIN website).

The above list is by no means exhaustive and it should be noted that other statutory and best practice guidance documents may also be relevant.

APPENDIX A

FLOOD RISK ASSESSMENT – COMPLIANCE CERTIFICATE

This certificate must be completed and signed to accompany any Flood Risk Assessment that is submitted to the Council in support of a Planning Application.

I certify that all reasonable skill care and attention to be expected of a suitably qualified and competent professional in this field has been exercised in carrying out the Flood Risk Assessment(s) and preparing the Flood Risk Assessment Report for the development named below.

I also certify that the risk assessments and report have been carried out and prepared in accordance with current best practice and guidance and meet the requirements of CIRIA Manual C624: Development and Flood Risk – A Guidance for the Construction Industry and SEPAs Technical Flood Risk Guidance for Stakeholders Note Ref: SS-NFR-P-002.

Name and Location of Development:	
Name of Developer:	
Planning Application Number:	
Roads Construction Consent Number:	
Name and Address of Organisation:	
Signed:	
Name:	
Position Held:	
Qualifications:*	
Date:	

* Minimum qualification should be membership of an appropriate Chartered Engineering Institution.

APPENDIX B

FLOOD RISK ASSESSMENT – INDEPENDENT CHECK CERTIFICATE

This certificate must be completed and signed to accompany any Flood Risk Assessment that is submitted to the Council in support of a Planning Application for major developments.

I certify that all reasonable skill care and attention to be expected of a suitably qualified and competent professional in this field has been exercised in carrying out an independent check of the Flood Risk Assessment(s) and the Flood Risk Assessment Report for the development named below.

I also certify that I have checked that the risk assessments and report have been carried out and prepared in accordance with current best practice and guidance and meet the requirements of CIRIA Manual C624: Development and Flood Risk – A Guidance for the Construction Industry and SEPAs Technical Flood Risk Guidance for Stakeholders Note Ref: SS-NFR-P-002.

Name and Location of Development:	
Name of Developer:	
Planning Application Number:	
Roads Construction Consent Number:	
Name and Address of Organisation:**	
Signed:	
Name:	
Position Held:	
Qualifications:*	
Date:	

* Minimum qualification should be membership of an appropriate Chartered Engineering Institution.

** Organisation to be totally independent of original design organisation.

APPENDIX C

DRAINAGE ASSESSMENT – COMPLIANCE CERTIFICATE

This certificate must be completed and signed to accompany any Drainage Assessment that is submitted to the Council in support of a Planning Application.

I certify that all reasonable skill care and attention to be expected of a suitably qualified and competent professional in this field has been exercised in preparing the Drainage Assessment and designing the foul and surface water drainage systems for the development named below.

I also certify that the assessment and designs have been carried out and prepared in accordance with current best practice and guidance and meet the requirements of CIRIA Manual C753: The SuDS Manual and the Water Assessment and Drainage Assessment Guide published by SUDSWP Ref: ISBN 978-1-901322-99-6.

Name and Location of Development:	
Name of Developer:	
Planning Application Number:	
Roads Construction Consent Number:	
Name and Address of Organisation:	
Signed:	
Name:	
Position Held:	
Qualifications:*	
Date:	

* Minimum qualification should be membership of an appropriate Chartered Engineering Institution.

APPENDIX D

DRAINAGE ASSESSMENT – INDEPENDENT CHECK CERTIFICATE

This certificate must be completed and signed to accompany any Drainage Assessment that is submitted to the Council in support of a Planning Application for major developments.

I certify that all reasonable skill care and attention to be expected of a suitably qualified and competent professional in this field has been exercised in carrying out an independent check of the Drainage Assessment and design of the foul and surface water drainage systems for the development named below.

I also certify that I have checked that the drainage assessment and design have been carried out and prepared in accordance with current best practice and guidance and meet the requirements of CIRIA Manual C753: The SuDS Manual and the Water Assessment and Drainage Assessment Guide published by SUDSWP Ref: ISBN 978-1-901322-99-6.

Name and Location of Development:	
Name of Developer:	
Planning Application Number:	
Roads Construction Consent Number:	
Name and Address of Organisation:**	
Signed:	
Name:	
Position Held:	
Qualifications:*	
Date:	

* Minimum qualification should be membership of an appropriate Chartered Engineering Institution.

** Organisation to be totally independent of original design organisation.

APPENDIX E

CONFIRMATION OF FUTURE MAINTENANCE ARRANGEMENTS OF SEWERAGE / SuDS

This form must be completed and signed to accompany any Drainage Assessment that is submitted to the Council in support of a Planning Application.

I hereby confirm that the future maintenance of the completed surface water sewerage system, including the SuDS features, as detailed below and on the approved plans will be carried out by the undernoted organisation(s) and in accordance with the attached maintenance schedule for the Sustainable Drainage apparatus.

Name and Location of Development:	
Name of Developer:	
Planning Application Number:	
Roads Construction Consent Number:	
Name and Address of Maintenance Organisation (inc. contact tel. no):	
Details of SuDS features to be maintained:	
Signed:	
Name:	
Position Held:	
Organisation:	
Date:	



DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

PLANNING GUIDANCE - WEST LoTHIAN'S HISTORIC ENVIRONMENT

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to inform the panel of efforts to raise awareness of West Lothian's historic environment through the provision on a new information leaflet related to conservation areas and a booklet on the area's Scheduled Monuments. The information leaflet and the booklet are proposed as Planning Guidance in support of the West Lothian Local Development Plan.

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval:

1. approves the content of the conservation area leaflet for publication;
2. approves the content of the scheduled monuments booklet for publication; and

The panel is also asked to note the intention to organise an archaeology conference to raise awareness of West Lothian's archaeological heritage, the outcome of which would be reported to the Council Executive at a future date.

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)	Preparation of these information leaflets accords with Policy HER 17 of the West Lothian Local Plan (2009) to uphold and publicise the status of conservation areas and also accords with Policy ENV 23 in the emerging West Lothian Local Development Plan. The report does not raise any strategic environmental assessment, equality or health risk issues.
III Implications for scheme of delegation	None.
IV Impact on performance and performance indicators	None.

V Relevance to Single Outcome Agreement	<p>SOA 3. Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business;</p> <p>SOA 7. We live longer, healthier lives and have reduced health inequalities;</p> <p>SOA 8. We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI Resources - (Financial, Staffing and Property)	None.
VII Consultations at PDSP	Broxburn Conservation Area Appraisal material was considered by the Panel in December 2014.
VIII Other consultations	None.

D. TERMS OF REPORT

D1 Background

West Lothian has a varied heritage of buildings and areas of architectural or historic interest, ancient monuments, sites of archaeological significance and important designed landscapes. These help to define its unique identity and convey the origins and character of the area as it continues to develop as a modern community.

2017 is the Scottish Government's "*Year of History, Heritage and Archaeology*". The three elements below are a start of West Lothian's contribution towards this and also support the preparation of the West Lothian Local Development Plan.

D2 Conservation Areas

A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. On designating a conservation area the council is obliged to have special regard for the character of the area in considering development proposals.

The council should also prepare and publish proposals for the protection and enhancement of the area such as the introduction of special controls, improvement initiatives and guidance on repairs and alterations. All buildings in a conservation area are protected from demolition and conservation area designation automatically protects trees.

West Lothian has 9 conservation areas:

- Bangour Village Hospital;
- Broxburn;
- Kirknewton;
- Linlithgow Palace & High Street;
- Linlithgow – Upper Linlithgow and Union Canal;
- Livingston Village;
- Torphichen; and
- Uphall

Planning Services undertook a Conservation Area Appraisal of Broxburn and review of its conservation area boundary in 2014/15. Similar appraisal work has been undertaken on Mid Calder (the subject of a separate report to the panel) and an appraisal is underway of Kirknewton Conservation Area. The next appraisal will be for Uphall Conservation Area. Conservation Area Appraisals are a requirement of the West Lothian Local Plan and the emerging West Lothian Local Development Plan.

From the initial survey work on the Broxburn Conservation Area Appraisal, it was apparent that more information needed to be made available to the public to assist in the understanding about what development activities can and cannot be carried out, with and without planning permission in a conservation area.

A leaflet has been prepared setting out information on West Lothian's Conservation Areas and showing their boundaries (See Appendix 1). It is proposed that this leaflet will be placed on the Planning section of the council's website as Planning Guidance in support of the West Lothian Local Development Plan and also displayed in local libraries and other public places such as community information notice boards. It is also intended to issue the leaflet to all community councils in West Lothian.

D3 Scheduled Monument Booklet for West Lothian

Scheduled Monuments are of national importance. In West Lothian there are over 50 scheduled monuments ranging from prehistoric sites such as Cairnpapple burial cairn in the Bathgate Hills and sites of roman origin near Harburn, through to more modern industrial relics such as "The Five Sisters" bings at West Calder and Faucheldean and Greendykes shale bings to the north of Broxburn.

With some scheduled monuments such as Linlithgow Palace, Cairnpapple, the Union Canal and Torphichen Preceptory there are considerable opportunities to draw on their qualities in the promotion of West Lothian as a visitor destination.

A booklet has been prepared providing details of all the scheduled monuments in West Lothian. The booklet provides a short description of the scheduled monument, its type, general location and grid reference, along with an inset map to aid orientation and web links to other information. This is thought to be one of the first of its type produced by a local authority in Scotland. Further desk top publishing of the booklet will be required prior to publication on the web. A draft of the proposed booklet is attached as Appendix 2.

Similarly, it is proposed that the booklet will be placed in the Planning section of the council's website as Planning Guidance in support of the West Lothian Local Development Plan and a number of copies placed in local libraries and at other suitable venues and community councils advised.

D4 West Lothian Archaeology Conference

For some years City of Edinburgh, East Lothian and Scottish Borders Councils have been organising an annual archaeology conference. This has focused on results from archaeological fieldwork or reports that have occurred in these areas over the years with the aim of publicising the results and raising public awareness of local archaeology.

As part of the 2017 “*Year of History, Heritage and Archaeology*” consideration is being given to holding a half-day conference to focus on West Lothian’s archaeology. If the conference progresses it is likely to be held on a suitable date in the autumn 2017. The costs will be borne by a grant from a Heritage Lottery Fund (HLF) application. If it proves successful, then a biennial conference will be considered.

E. CONCLUSION

As both conservation areas and scheduled monuments are significant heritage assets it is important for the council to continue to raise awareness of these designations. The West Lothian conservation area leaflet and scheduled monuments booklet are cost effective ways of achieving this aim and meet the council’s commitment, through the West Lothian Local Development Plan, to prepare and publish planning guidance related to such matters. They will be kept under review as further work is progressed on heritage issues over the coming years.

Further, as part of West Lothian contribution to Scotland’s “*Year of History, Heritage and Archaeology*” in 2017, it is proposed to organise a short related conference, subject to securing a small grant from HLF to cover costs.

F. BACKGROUND REFERENCES

West Lothian Local Plan - January 2009
West Lothian Local Development Plan: Proposed Plan - October 2015
Scottish Government “*Year of History, Heritage and Archaeology*” 2017.
<https://www.historicenvironment.scot/history-heritage-and-archaeology/>

Appendices / Attachments – Two

Appendix 1: West Lothian Conservation Areas leaflet; and

Appendix 2: Extract from West Lothian Scheduled Monument booklet.

Contact Person: Chris Alcorn, Principal Planner, 01506-282428.

E-mail: chris.alcorn@westlothian.gov.uk

Craig McCorriston,
Head of Planning, Economic Development & Regeneration

6 February 2017

Doors

Where original doors are still in place it is important to retain them. Traditional front doors are normally solid timber, either:

- Victorian four panelled;
- Georgian six panelled;
- or lined and braced timber doors.

Traditional doors often incorporate fanlights, which should be retained.



Windows

Windows are an important design feature. Advice on windows in CAs is summed up by two Rs: repair or replace.

Repair: original timber windows are assets which can be repaired: jammed sash windows can be freed, cords replaced and draught-proofing added.

Replace: if repair is not possible, it is vital to replace like for like. uPVC is not acceptable in CAs. Where an original window has been replaced with non-traditional materials, substitution, with a traditionally designed and proportioned unit, is the desired outcome.

Colour Pallet

In CAs planning permission is required to paint shop fronts. Where the upper stories are painted, the shop frontage colour should match. To guide a table of suggested colours is set out below, this is not an exhaustive list but an indication of the types of colours considered appropriate.

02 C 39	02 C 40	04 C 39	04 D 45
08 B 29	08 B 39	10 C 39	12 B 21
12 B 25	12 B 29	12 C 39	14 C 39
14 C 40	18 B 25	18 C 35	18 C 39
18 D 43	18 E 53	20 C 40	20 D 45

Signage

Where a fascia board is not present, the presumption is in favour of displaying a company name by individual letters painted or fixed directly to the face of the building. Shop front cornices should be preserved or reinstated. Fascia width should be restricted within the pilasters and corbels, or line up with the window frame below where corbels are not present .

Illuminated signs in CAs are permitted only in a limited set of circumstances.

Please refer to the diagram below for advice on some elements of traditional shopfronts:



- 1 Projecting Sign: 400x500x50mm, metal bracket & suspension rod. Traditional symbols e.g. chemist pestle and mortar are supported.
- 2 Individual Letters: metal or wood fixed directly to building face. Light coloured letters on dark background preferable.
- 3 Original stone frontage should not be painted.
- 4 Facia board is in line with the window.
- 5 Decorative corbel bracket retained.
- 6 Facia board is max 450mm in height and under 20% of the total shopfront.
- 7 Cornice retained.

See: *Supplementary Planning Guidance: Shopfronts and advertisements in Linlithgow Place and High Street, Mid Calder and Torphichen conservation areas*, for more details.



West Lothian
Conservation Areas

Further Advice

If you are unsure what permission you require or you would like advice on maintaining built heritage, please, contact West Lothian Council at:

Development Management
Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: Planning@westlothian.gov.uk

Phone: 01506 280000

Front cover image: Bank Street, Mid Calder
January 2017



Tree Felling and Lopping

To obtain permission to lop or fell trees a 'tree works' form needs to be submitted to West Lothian Council, six weeks prior to the work commencing. This is available from: <http://www.westlothian.gov.uk/article/3087/Tree-Works>

Trees under 75mm in diameter, or 100mm in woodland, are exempt.

Felling or lopping protected trees without permission can result in prosecution and a fine of £20,000 (as of 2017).



What is Permitted Within Conservation Areas?

Alterations to the exterior or structure of a building, even non-listed buildings, requires planning permission. For example: alterations to a roof; erection of a satellite dish (which is visible from the road); replacing windows; stone cleaning; painting the exterior of a building; installing a dormer window; and illuminated signage - all require planning permission.

To carry out total, or substantial, demolition of an unlisted building conservation area consent is needed. This application is available from:

<https://www.westlothian.gov.uk/article/2812/>



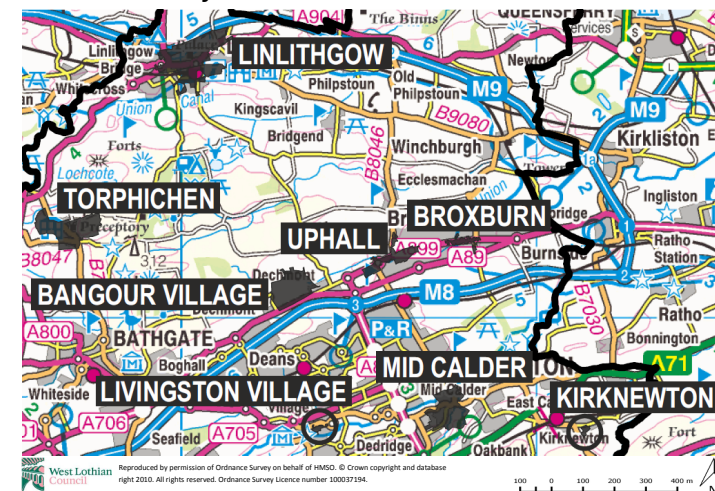
Advice for Owners in Conservation Areas

The character of conservation areas (CA) can be compromised over time by numerous small alterations leading to a loss of historic character.

Understanding the features which make an area characterful, is important to achieving sympathetic maintenance and restoration.

Advice overleaf brings in to focus some features that contribute to the character of CAs.

Location of West Lothian's Nine Conservation Areas



What is a Conservation Area?

"An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*.

There are over 600 conservation areas (CA) in Scotland, which are critical to the conservation of our built heritage.

West Lothian currently has nine CAs:

Bangour Village Hospital, Broxburn, Kirknewton, Linlithgow Palace & High Street, Livingston Village, Mid Calder, Torphichen, Uphall, Upper Linlithgow & Union Canal.



Scheduled monuments

in West Lothian

April 2016



Introduction

Scheduled monuments are the physical remains of the societies and people of Scotland over the past 10,000 years. They are vital to the understanding of our nation's past. The 50 scheduled monuments within West Lothian are an essential part of the history and culture of the area. They contribute to education, tourism and overall quality of life. Scheduled monuments are not only important to West Lothian but they are nationally important.

Given the wide timespan of history, the types of schedule monuments present in West Lothian highlight the diversity of activities which have taken place in the area. They range from pre-historic sites, through Roman forts to iron-age settlements, castles and industrial sites.

Some monuments are easy to see, such as Linlithgow Palace but most are below the surface of the ground. They are often fragile and sometimes not in the most accessible location. What is common to them all is the legal protection given to them by the Ancient Monuments and Archaeological Areas Act 1979. As such, it is an offence to undertake works to a scheduled monument without consent. It is also an offence to metal detect without prior written permission from Scottish Ministers. Applications should not be submitted to the council but should be made to Historic Environment Scotland. Their e-mail address is hs.smc@gov.scot

Further detailed information can be found at: <https://canmore.org.uk>

This is the on-line catalogue to Scotland's archaeology, buildings, industrial and maritime heritage and maintained by Historic Environment Scotland.

On the following pages, you will find a brief description of the scheduled monuments within our area.



Cairns Castle

Type: Medieval castle

Location: south of Harperrig Reservoir

Grid Reference: 309036 660502



Located at the western end of Harperrig Reservoir to the south-west of Kirknewton, Cairns Castle dates from the middle of the 15th century and was once the seat of the Crichton's of Cairns. Until the completion in 1860 of Harperrig Reservoir, Cairns Castle stood above the headwaters of the Water of Leith.

Originally it was an L-plan building and had an entrance tower. That tower no longer exists. The principal door was, at one time, the kitchen fireplace. The builder of the castle is thought to have been George Crichton. Crichton was the sheriff of Linlithgowshire and an ambassador to the Duchy of Brittany and in 1448, he was appointed Lord High Admiral, one of the Great Officers of State. He later became the sheriff of Stirling and Keeper of Stirling Castle. In 1452 he was created Earl of Caithness by James II. Crichton's son, James, imprisoned his father in Blackness Castle. As punishment, King James prevented James Crichton from inheriting his father's estates and title. The Earldom returned to the Crown when George Crichton died in August 1454. The castle then passed to the Tennant family who owned it until 1708. The building is of three-storeys, in rubble and is roofless.

West Cairn Hill

Type: Neolithic cairn

Location: south of Harperigg Reservoir

Grid Reference: 310730 658403



Some 2.7km south east of Cairns Castle lies West Cairn Hill. This monument was the site of a prehistoric ritual and funerary cairn that straddles the border of West Lothian and Scottish Borders Council areas. Situated on the summit of West Cairn Hill, which is 562m above sea level, the cairn outline is largely obscured by the three drystone dykes which meet at the summit. The stones from the cairn have been removed over time and what remains is a circular grass covered mound about 14m. In the centre of the scheduled area is an Ordnance Survey triangulation point.

Camilty Hill Enclosure

Type: Enclosure

Location: Harburn south east

West Calder

Grid Reference: 304921 659362

Camilty Hill, enclosure, Harburn is a circular enclosure formed by a turf bank and located some 90m north

of Castle Greg Roman fortlet. The enclosure measures approximately 12m in diameter. While it may be associated with the fort and some recent field survey work has been carried out to try and prove this theory, it seems likely that it represents a post medieval stock pen



Castle Greg, Roman Fortlet, Camilty Hill

Type: Fortlet

Location: Harburn south east West Calder

Grid Reference: 305025 659255

This Roman fortlet probably of Flavian (c. AD95 - AD105) date is rectangular in plan, with rounded corners, measuring internally between crests 54.9m by 46.3m. It is surrounded by a well-defined rampart, best preserved at the south end where it is 8.5m wide, rising 1.2 above the interior, and 2.1m above the ditch immediately in front: 2.1m away is a second ditch, both ditches being 2.4m wide and 2.0m deep. They surround the fortlet except in the centre of the east side, where there is a 6.7m wide causeway, leading to a 9ft gap in the rampart. Some 8.5m north of this entrance is an oval hollow, possibly the site of a hut. The fort has been known by antiquarians since at least the early 19th century and is marked on Greenwoods map of 1828. Many coins and other articles of Roman workmanship are said to have been dug up at Castle Greg from time to time and a circular hollow near the centre of the fortlet 3.7m in diameter, locally called the Well, but supposed to have been the foundation of a flagstaff, was excavated about 1830. The fortlet could have housed a unit of 80 soldiers

Murieston Castle, Wester Murieston

Type: Medieval castle - Folly

Location: Murieston Castle Farm,
south west Livingston

Grid Reference: 305014 663479



The monument is a late medieval tower; built in the 16th century and remodelled as a folly in 1824. The standing remains are two storeys high and include a circular turret set on a corbelled base. The monument can significantly

enhance understanding of the character and distribution of late medieval towers in West Lothian. Its 1824 restoration also demonstrates how the past could be appreciated, and medieval buildings remodelled and re-used, in the 19th century. It makes an important contribution to today's landscape. The understanding of the role and character of late medieval towers and particularly the ways they might be adapted and appreciated in later centuries would be diminished if this monument was lost or damaged.

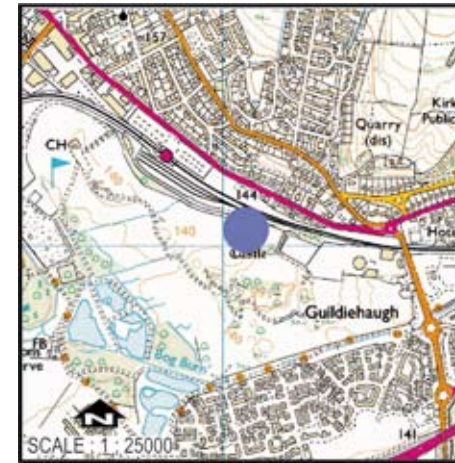


Bathgate Castle

Type: Earthwork

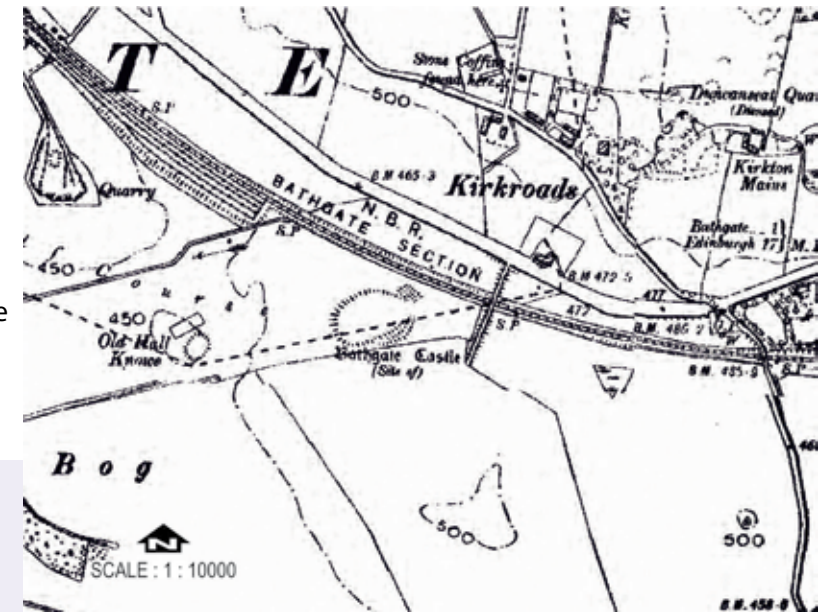
Location: south east of Bathgate
within Golf Course

Grid Reference: 298058 668044



In 1328, the Castle was given as a dowry by Robert Bruce when his daughter Marjorie (elsewhere Marjory) married Walter, High Steward of Scotland, after whose death it appears the castle was no longer inhabited. A grass-covered mound, 2m - 3m in height, denotes the site of Bathgate Castle. The lay-out of the golf course intrudes on the outline, but there are two distinct ditches visible, curving round the east perimeter of the mound. The bank formed between them averages 0.6m in height, spread to a width of 8m. The inner ditch, which is very shallow, averages 2m across. A causeway, 8m broad, emerges on the east side. The top of the mound itself is undulating, and no building foundations are to be seen. Part of the bank and ditches on the north side has been cut away by the construction of railway sidings related to Bathgate Station.

South west of the castle site on a small hillock is Old Hall Knowe. It is thought this is the place where the stables and other offices of the castle stood.





DEVELOPMENT & TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

MID CALDER CONSERVATION AREA BOUNDARY APPRAISAL

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the panel on the proposed variation of the conservation area boundary in Mid Calder as a result of a Conservation Area Appraisal (CAA) which was carried out in compliance with the Scottish Government's 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 Mid Calder Conservation Area; and
2. notes that a six week public consultation on the proposed changes will be carried out with the outcomes reported to the Council Executive for consideration at the end of the consultation period.

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)	<p>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.</p> <p>The proposal does not require an SEA and does not raise any equality or health risk issues.</p>
III Implications for scheme of delegation	None.
IV Impact on performance and performance indicators	Meets Planning Services Performance Indicator of undertaking conservation area appraisals.
V Relevance to Single	Outcome 8 - We make the most efficient and

	Outcome Agreement	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 Environment Scotland (HES), property owners and potentially the Heritage Lottery Fund, can consider applying for grant funding to carry out identified improvements.
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 including Mid Calder Community Council, local residents and HES prior to reporting the matter to 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 an action plan in relation to protecting and managing the factors (e.g. historic relevance, archaeology, built and natural environment) which have led to an 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 are removed.

Mid Calder is one of nine conservation areas in West Lothian. It was designated in the mid 1970's and focused on Calder House and its surrounding policy woodlands, which were then under development, and also the adjacent village. Within a conservation area some permitted development rights are removed for example, planning permission is necessary for dormer extensions, painting facades, replacement windows and doors, lopping trees and installing illuminated signage.

D2 Conservation Area - Proposed Boundary Alteration

The existing conservation area boundary in Mid Calder has been in place for approximately 40 years. Since the designation there have been several areas of development that should now be considered for removal from the designation as they do not contribute to the conservation area, nor do they contain elements worthy of the additional planning controls which apply in conservation areas.

Areas such as Tennent Park / Kennedie Park which is an area of modern residential development, near the traditional home farm steading buildings, are of a different form to that of the historic centre of the village. The proposed boundary alteration would exclude such developments.

The proposed boundary alteration would remove a total of 246 properties from the conservation area. These include: Wallace Mill Gardens on the site of the former mill, Almondside, Combfoot Cottages, Cunnigar Gardens and Avenue Park at the entrance to the historic village core. All buildings removed are modern. There are no proposed boundary extensions. A map of the conservation area and proposed boundary alteration are attached as Appendix One.

D3 Conservation Area Appraisal

A Conservation Area Appraisal has been undertaken, which provides evidence as to why the conservation area boundary should be altered.

It is the responsibility of the council to consult with the public on the existing conservation area and its merits and proposed changes to the boundary. It is proposed that consultation will be undertaken by a public exhibition in the Institute Hall, in spring 2017, as well as a leaflet and survey of the properties affected by withdrawal from the conservation area and the wider village. The results of the exercise will be reported to the Council Executive in due course. The proposed Public Engagement Survey Form is attached as Appendix Two; the proposed Boundary Alteration Public Engagement Leaflet is attached as Appendix Three.

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 SPP and PAN 71, the existing conservation area boundary has been reviewed and alterations are suggested. Sections that have been not been removed from the conservation area are integral parts of the history and character of Mid Calder.

Once the conservation area appraisal has been carried out, it is the council's responsibility to consult the public. The council, in partnership with Historic Environment Scotland and property owners and potentially with the Heritage Lottery Fund can also apply for funding to address issues identified through this project.

F. BACKGROUND REFERENCES

The Planning (Listed buildings and Conservation Areas) (Scotland) Act 1997
Scottish Planning Policy 2014
Planning Advice Note (PAN) 71: Conservation Area Management (2004)

Appendices/Attachments – Three:

Appendix One: Map of Mid Calder Conservation Area and proposed boundary alteration
Appendix Two: Public Engagement Survey Form on proposed boundary alteration
Appendix Three: Public Engagement Leaflet

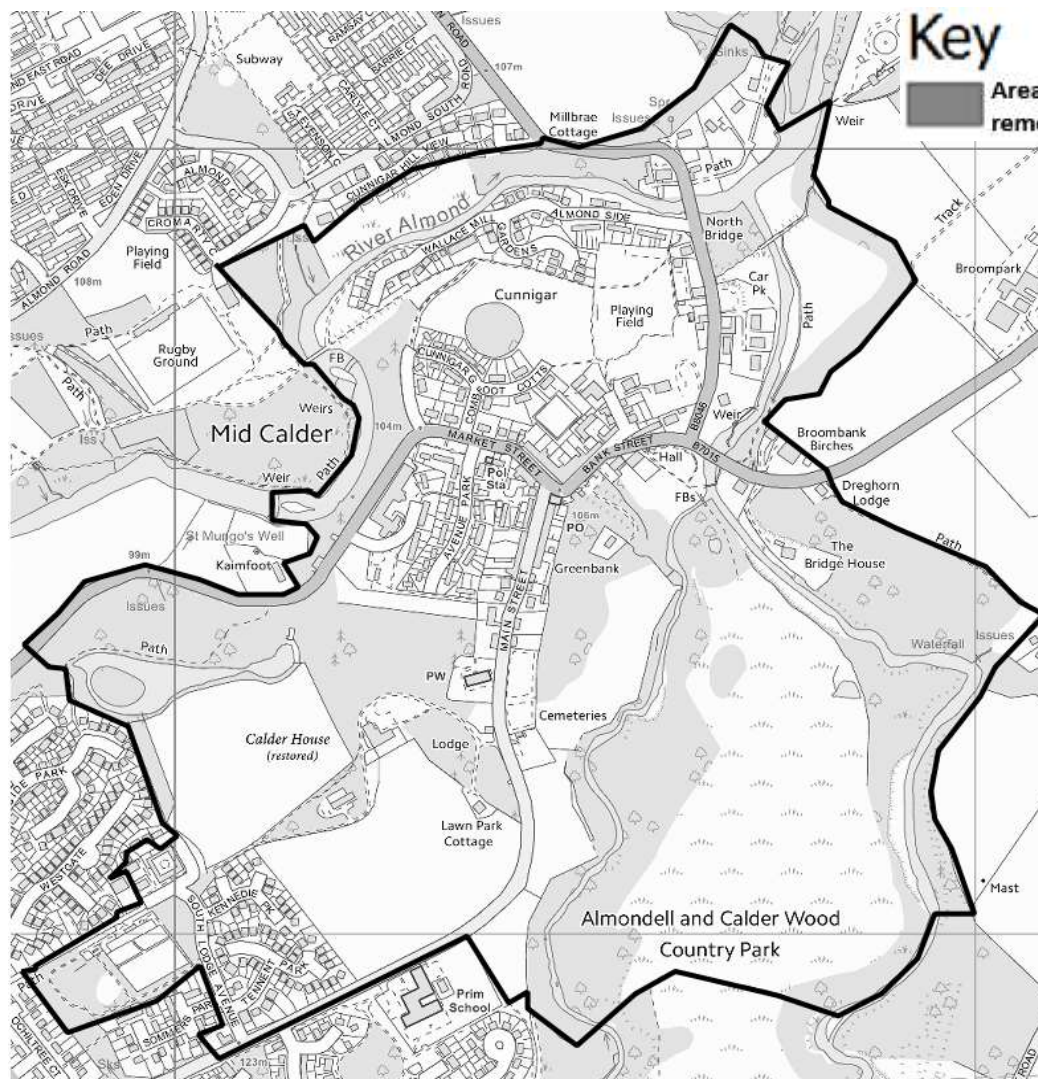
Contact Person: Róisín McLaren, Graduate Planning Assistant, 01506-282418 Email: roisin.mclaren@westlothian.gov.uk

Craig McCorriston
Head of Planning, Economic Development and Regeneration

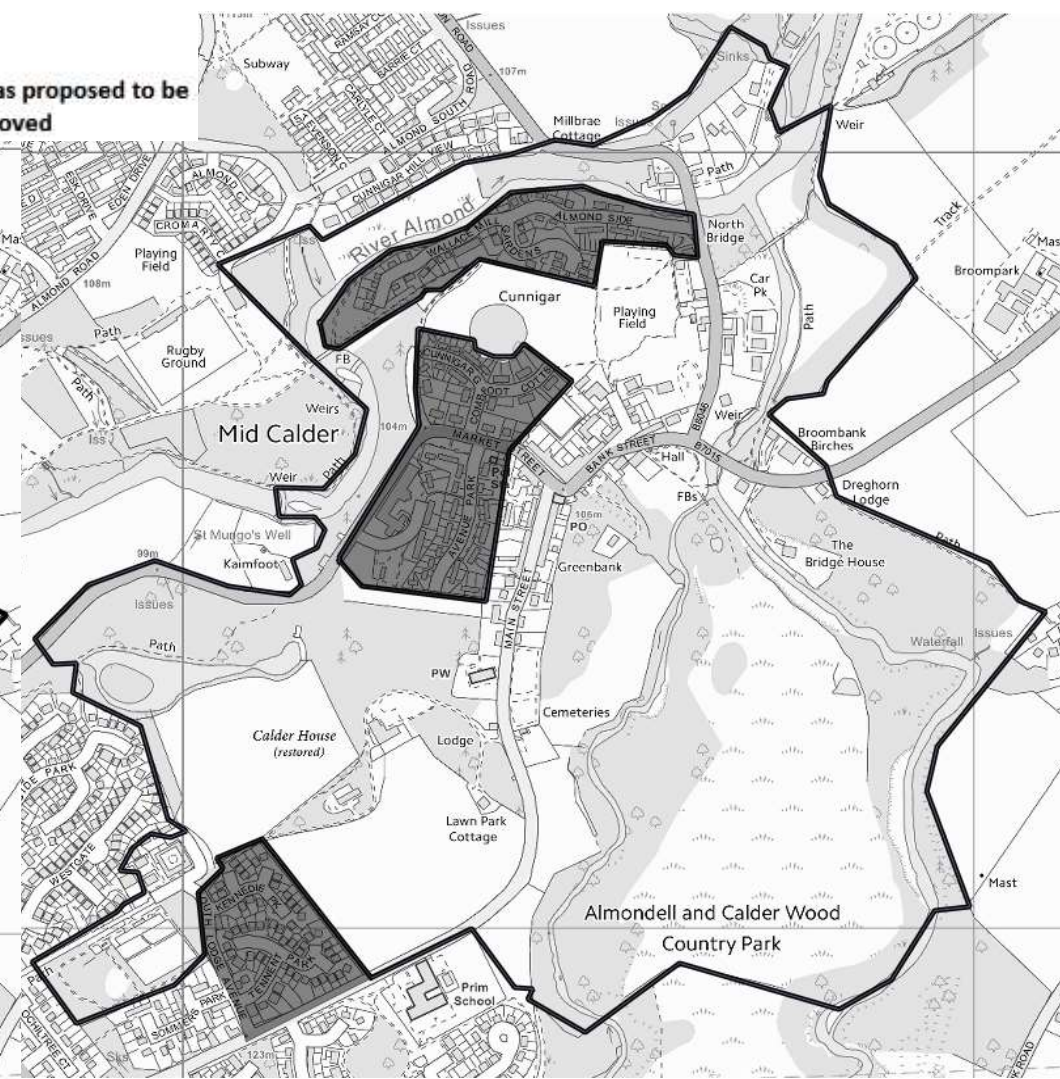
6th February 2017

Appendix 1

Current Conservation Area Boundary:



Proposed CA Boundary:



Mid Calder Conservation Area Appraisal January - February 2017



A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Mid Calder conservation area was designated in 1976 and is centred on the historic core of Main Street, Market Street and Bank Street. West Lothian Council are proposing to change the boundary of the conservation area to focus on these historic streets. It is important that the council gauges the views of Mid Calder residents before any decision is made. Your view is important to this process; therefore we would like to extend our thanks for your participation in this survey. *Thank You.*

PERSONAL INFORMATION

1. What is your name?

2. What is your home address?

CONSERVATION AREA

3. Were you aware that you live within a conservation area? Yes ☐ No ☐

4. Are you aware of how living within a conservation area affects you? Yes ☐ No ☐ Not sure ☐

5. If you answered No to the previous two questions, do you think more should have been done to inform you about the conservation area and how it relates to you? Yes ☐ No ☐ Not sure ☐

6. How effective do you feel the conservation area designation has been in protecting the historic environment and heritage of Mid Calder?

The Mid Calder Conservation Area boundary has been in place for 40 years and is now outdated. It covers areas that no longer meet the criteria set out in the Scottish Historic Environment Policy (2009). The proposed changes to the Conservation Area boundary will exclude some residential areas (See Accompanying Map).

7. Is your property one of those being removed from within the conservation boundary?

(Refer to accompanying Map and Address List)

Yes ☐ No ☐ Not sure ☐

8. Do you have any particular views about your property being in / out of the conservation area?

9. Is there any specific reason you do not agree with the proposed changes to Mid Calder Conservation Area boundary?

10. Are there any specific areas of Mid Calder you would like to include within / exclude from the conservation area boundary?

If you cannot fit all your information into boxes provided please use the blank side of this sheet - thank you.

Addresses to be removed if proposed conservation area boundary was adopted:

Street	Numbers	Postcode
ALMONDSIDE	1-18	EH53 0AZ
AVENUE PARK	1-52	EH53 0AQ
AVENUE PARK WEST	2-12	EH53 0AH
AVENUE PARK WEST	CUNNIGAR HOUSE	EH53 0AH
COMBFOOT	REID LODGE	EH53 0AJ
COMBFOOT COTTAGES	1-40	EH53 0AB/D/G
CUNNIGAR GARDENS	1-20	EH53 0AE
KENNEDIE PARK	1-20	EH53 0RG
MARKET STREET	22, 23, 24, 25, 27	EH53 0AA/L
PUMPHERSTON ROAD	37	EH53 0AX
SOUTH LODGE		EH53 0HN
TENNENT PARK	1-35	EH53 0RF
WALLACE MILL GARDENS	1-75	EH53 0BE/G/E

Appendix Three

Doors

Where original doors are still in place it is important to retain them. Traditional front doors are normally solid timber, either:

- Victorian four panelled;
- Georgian six panelled;
- or lined and braced timber doors.

Traditional doors often incorporate fanlights, which should be retained.



Windows

Windows are an important design feature. Advice on windows in CAs is summed up by two Rs: repair or replace.

Repair: original timber windows are assets which can be repaired: jammed sash windows can be freed, cords replaced and draught-proofing added.

Replace: if repair is not possible, it is vital to replace like for like. uPVC is not acceptable in CAs. Where an original window has been replaced with non-traditional materials, substitution, with a traditionally designed and proportioned unit, is the desired outcome.

Colour Pallet

In CAs planning permission is required to paint shop fronts. Where the upper stories are painted, the shop frontage colour should match. To guide a table of suggested colours is set out below, this is not an exhaustive list but an indication of the types of colours considered appropriate.

02 C 39	02 C 40	04 C 39	04 D 45
06 B 29	08 B 39	10 C 39	12 B 21
12 B 25	12 B 29	12 C 39	14 C 39
14 C 40	18 B 25	18 C 35	18 C 39
18 D 43	18 E 53	20 C 40	20 D 45

BS 4800

Signage

Where a fascia board is not present, the presumption is in favour of displaying a company name by individual letters painted or fixed directly to the face of the building.

Shop front cornices should be preserved or reinstated. Fascia width should be restricted within the pilasters and corbels, or line up with the window frame below where corbels are not present.

Illuminated signs in CAs are permitted only in a limited set of circumstances.

Please refer to the diagram below for advice on some elements of traditional shopfronts:



- 1 Projecting Sign: 400x500x50mm, metal bracket & suspension rod. Traditional symbols e.g. chemist pestle and mortar are supported.
- 2 Individual Letters: metal or wood fixed directly to building face. Light coloured letters on dark background preferable.
- 3 Original stone frontage should not be painted.
- 4 Fascia board is in line with the window.
- 5 Decorative corbel bracket retained.
- 6 Fascia board is max 450mm in height and under 20% of the total shopfront.
- 7 Cornice retained.

See: *Supplementary Planning Guidance: Shopfronts and advertisements in Linlithgow Place and High Street, Mid Calder and Torphichen conservation areas*, for more details.



**Mid Calder
Conservation Area
2017**

Further Advice

If you are unsure what permission you require or you would like advice on maintaining built heritage, please, contact West Lothian Council at:

Development Management
Civic Centre
Howden South Road
Livingston
EH54 6FF

Email: Planning@westlothian.gov.uk

Phone: 01506 280000

Front cover image: Bank Street



Kirk of Calder, Main Street

What is Permitted Within Conservation Areas?

Alterations to the exterior or structure of a building, even non-listed buildings, requires planning permission.

For example: alterations to a roof; erection of a satellite dish (which is visible from the road); replacing windows; stone cleaning; painting the exterior of a building; installing a dormer window; and illuminated signage - all require planning permission.

To carry out total, or substantial, demolition of an unlisted building conservation area consent is needed. This application is available from:

[https://www.westlothian.gov.uk/article/2812/Conservation-areasLISTED BUILDING CONSENT](https://www.westlothian.gov.uk/article/2812/Conservation-areasLISTED%20BUILDING%20CONSENT)



Post Office & Barbers, Main Street

Tree Felling and Lopping

To obtain permission to lop or fell trees a 'tree works' form needs to be submitted to West Lothian Council, six weeks prior to the work commencing. This is available from: <http://www.westlothian.gov.uk/article/3087/Tree-Works>

Trees under 75mm in diameter, or 100mm in woodland, are exempt.

Felling or lopping protected trees without permission can result in prosecution and a fine of £20,000 (as of 2017).



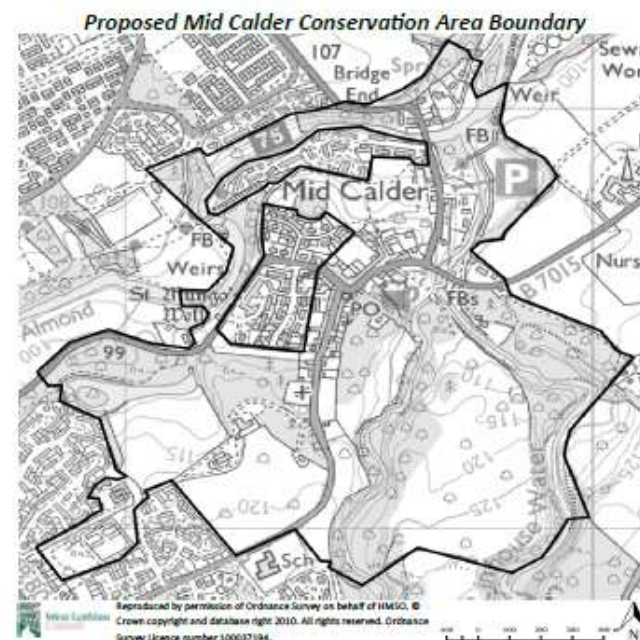
Black Bull, Market Street

Advice for Owners in Conservation Areas

The character of conservation areas (CA) can be compromised over time by numerous small alterations leading to a loss of historic character.

Understanding the features which make an area characterful, is important to achieving sympathetic maintenance and restoration.

Advice overleaf brings in to focus some features that contribute to the character of CAs.



What is a Conservation Area?

"An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*.

There are over 600 conservation areas (CA) in Scotland, which are critical to the conservation of our built heritage.

West Lothian currently has nine CAs:

Bangour Village Hospital, Broxburn, Kirknewton, Linlithgow Palace & High Street, Livingston Village, Mid Calder, Torphichen, Uphall, Upper Linlithgow & Union Canal.



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

SCOTTISH GOVERNMENT CONSULTATION ON RAISING PLANNING FEES

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT & REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the panel on the details of the Scottish Government consultation on proposed changes to planning application fees.

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to Council Executive for approval on 14 February 2017:

1. notes the intention to increase some planning application fees;
2. notes that the intention at this stage is only to review the fees for major applications;
3. notes that further changes to planning application fees will be proposed as part of the forthcoming Planning White Paper; and
4. approves this the report and Appendix 2 as the council's response to the consultation.

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)	There are no SEA, Equality or Health & Risk Assessment issues associated with the proposal.
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)	It is expected that the proposed changes to fees will result in a modest increase to fee income to the council.
VII	Consultations at PDSP	This is the first time this matter has been reported to the panel.
VIII	Other consultations	Finance

D. TERMS OF REPORT

D1 Background

The Scottish Government has issued a consultation on some elements of planning application fees. The consultation recognises the importance of the planning system in supporting economic growth and it sets out an intention to move the service towards full cost recovery.

The consultation seeks views on a new maximum fee of £125,000 for major applications for most categories of development but also introduces a reduced unit charge for certain sizes of development. The current maximum fee in Scotland for a housing development is £20,050. The reason for the reduction unit fee is to ensure that applicants in Scotland do not pay more than they would in other parts of the UK for a proposed development.

Through the consultation the Scottish Government restates its view that any increase in fees must be linked to sustained improvements in performance. It is the government's intention to reflect on the need for further changes to the resourcing of the planning system following consultation on the review of planning and to further consider how the link between fees and performance can be maintained and strengthened.

The consultation comprises one question which is set out as Appendix 2 to this report. The deadline for responses is 27 February 2017.

D2 Proposed Changes to Planning Application Fees

A summary of the proposed changes to the planning application fees are set out below. The full Schedule of Changes together with some examples of how the new fees would work in practice is set out as Appendix 1:

- The maximum planning application fee would be raised to £125,000.
- There is no change proposed to the current planning fee per housing unit of £401 for developments up to 50 units. Housing developments containing 50 residential units would pay £20,050 and any additional unit will be charged at £200 per unit until the fee maximum of £125,000 for 575 houses is reached.

- There is no change proposed per hectare up to the current fees maxima and additional hectares are proposed to be charged at a lesser rate until the fee maximum of £125,000 (4.3 hectares) is reached. The introduction of a lower rate which will apply over a specified amount should help moderate the impact on major projects of the higher fee maximum.
- For applications for planning permission in principle (PPP) similar changes per house or by per 0.1 hectare are proposed. The maximum for PPP will be raised to £62,500.

D3 Proposed Response

The proposed changes to planning application fees are to be welcomed. However, it is disappointing that the government is only suggesting changes to major applications and has not taken the opportunity to review all fees at this stage.

While there is an acknowledgement that consultation on all fees will be undertaken following publication of the Planning White Paper, there is no clarity on the likely timescale for the further review. Indeed, there is no indication on the timescale for the review of the maximum fee covered by this consultation and the government should be encouraged to introduce the revised fees from 1 April 2017.

While the increase in the maximum fee to £125,000 is to be welcomed, it still falls well short of the maximum fee in England which is £250,000. The consultation sets out that the proposed charges are set to ensure that applicants in Scotland do not pay more than they would in England. A desire to maintain a competitive advantage is understandable, but there is no explanation as to why maximum fees in Scotland are being capped at a level which is half of the equivalent rate in England. Against this background the government should be encouraged to introduce a maximum fee of at least £200,000. A fee at this level would retrain any competitive advantage while better addressing the government's aspiration of moving the service towards full cost recovery.

E. CONCLUSION

The proposal to increase the maximum planning application fee is welcomed. However, it is disappointing that the opportunity hasn't been taken to increase the fees to a level closer to those charged in England.

It is also disappointing that the opportunity hasn't been taken to increase fees generally, with the scope of the current consultation being limited only to maximum fees for major planning applications.

F. BACKGROUND REFERENCES

Scottish Government Consultation on Raising Planning Fees is available on-line at <http://www.gov.scot/Publications/2016/12/7646>

Appendices/Attachments – Two

Contact Person: Craig McCorriston, Head of Planning, Economic Development & Regeneration
01506 - 282443. Email: craig.mccorriston@westlothian.gov.uk

Craig McCorriston

Head of Planning, Economic Development & Regeneration

6 February 2016

APPENDIX 1

Proposed Table of Fees

1. Residential development (other than alteration of an existing dwelling).

(a) There will be no change in PPP fee of £401 per 0.1 hectares up to £10,028 however, thereafter £100 per 0.1 hectare will be charged until the fee maximum of £62,500 is reached.

(b) There will be no change in the current fee per unit of £401 for developments up to 50 units. Housing developments containing 50 residential units would pay £20,050 and any additional unit will be charged at £200 per unit until the fee maximum of £125,000 is reached.

2. The erection of buildings (other than residential, agricultural buildings and glasshouses, and alteration of existing dwellings.).

(a) There will be no change in PPP fee of £401 per 0.1 hectares up to £10,028 however, thereafter £100 per 0.1 hectare will be charged until the fee maximum of £62,500 is reached.

(b) to add section (iv) where the area of gross floor space exceeds 3750 square metres £200 for each 75 square metres (or part thereof) subject to a maximum of £125,000

3. Plant or machinery.

There will be no change in the current fee of £401 per 0.1 hectares up to a maximum of £20,050 however, thereafter £200 per 0.1 hectare will be charged until the fee maximum of £125,000 is reached.

4. The carrying out of any operations connected with the exploratory drilling for oil or natural gas.

There will be no change in the fee of £401 per 0.1 hectares up to £30,240 however, thereafter £200 per 0.1 hectare will be charged until the fee maximum of £125,000 is reached

5. The carrying out of other operations as set out in Category 10 of the Schedule in the Town and Country Planning (Fees for Applications and Deemed Applications) Amendment Regulations 2014.

There will be no change in the case of operations for the winning and working of minerals of the fee of £202 per 0.1 hectares up to £30,240, however thereafter £100 per 0.1 hectare will be charged until the fee maximum of £125,000 is reached.

6. The change of use of a building to use as one or more dwellinghouses.

There will be no change in the current fee per unit of £401 for developments up to 50 units. Housing developments containing 50 residential units would pay £20,050 and any additional unit will be charged at £200 per unit until the fee maximum of £125,000 is reached.

7. The use of land for waste disposal and mineral stocking.

There will be no change in the fee of £202 per 0.1 hectares up to £30,240, however thereafter £100 per 0.1 hectare will be charged until the fee maximum of £125,000 is reached.

Examples of how the new fees would work in practice

Residential development

Small development: 25 houses	Medium development: 100 houses	Large development: 500 houses
- current = £10,025	- current = £20,050	- current = £20,050
- proposed = £10,025	- proposed = £30,050	- proposed = £110,050

The erection of buildings other than residential and agricultural

Small development: 1,500m ²	Medium development: 5,000m ²	Large development: 10,000m ²
- current = £8,020	- current = £20,050	- current = £20,050
- proposed = £8,020	- proposed = £23,450	- proposed = £36,850

Plant and machinery

Small development: 1 hectare	Medium development: 5 hectares	Large 10 hectares
- current = £4010	- current = £20,050	- current = £20,055
- proposed = £4010	- proposed = £20,050	- proposed = £30,050

APPENDIX 2

REPOSNSE TO THE CONSULTATION ON RAISING PLANNING FEES

WEST LOTHIAN COUNCIL

Do you agree with the proposed maximum fee level ?

Answer:

Yes

Comment:

While the increase in the maximum fee level is to be welcomed, in the council's view it is not sufficiently high. The council recognises the desire to have fees which are no higher than other parts of the UK. However, the maximum fee will still be around half of the maximum fee in England. Given the aspiration to move the planning service in Scotland onto a full cost recovery basis the maximum fee should be increased to at least £200,000. Doing so would allow the government to better address the issues of competitiveness and cost recovery.



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

DEVELOPER CONTRIBUTIONS TOWARDS TOWN AND VILLAGE IMPROVEMENTS IN CORE DEVELOPMENT AREAS

REPORT BY HEAD OF PLANNING ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise panel of the proposed means of disbursing funding from developers for town and village centre improvements in Core Development Areas (CDAs).

B. RECOMMENDATION

It is recommended that the panel notes and consider the following recommendation which is intended to be submitted to Council Executive for approval:

1. notes the established of a fund for town and villages improvements within the CDAs; and
2. approves the proposed means of disbursing monies from the fund for town and village improvements within the CDAs.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources; working in partnership. |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | <p>The development plan which provides the framework for town centre improvements requires to be the subject of a Strategic Environmental Assessment (SEA). However, it is possible that some plans for specific projects in town centres may need to be subject of a separate assessment.</p> <p>Similarly any equality, health or risk assessment issues will be addressed on an individual project basis.</p> |
| III Implications for Scheme of Delegations to Officers | The proposed means of dispersing funds involves additional delegations to the Head of Planning, Economic Development & Regeneration. |

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)	Developers in CDAs have to contribute the equivalent of £250 per house towards town centre improvements.
VII	Consideration at PDSP	This is the first time that disbursement of developer contributions towards town centre improvements has been reported to the PDSP.
VIII	Other consultations	Finance.

D. TERMS OF REPORT

D1 Background

The West Lothian Local Plan requires developers within core development areas (CDAs) to contribute £250 per house towards town and village centre improvements within the CDA in which they are operating. Developers have the option to propose a package of equivalent value improvements, or to make a financial contribution of £250 into an improvement fund, with that fund being administered by the council.

The contribution of £250 is index linked from the first quarter in 2006 so actual contributions will be in excess of £250 per house.

Developers are now making contributions into the improvement fund. However, no governance arrangements for disbursing funds have been agreed by the council. This report sets out proposed arrangements for disbursing funds.

The approved supplementary planning guidance identifies the following types of work as being suitable for funding:

- landscaping works including the provision and maintenance of public space;
- street furniture and lighting;
- townscape enhancement;
- litter management and recycling (excluding general street cleaning activities);
- crime prevention measures e.g. CCTV;
- improved public transport facilities;
- signage and information;
- promotion and marketing;
- car parking improvements and management;
- town and village centre studies;
- site assembly/site servicing (including CPO);and
- traffic calming/traffic management.

D2 Proposed means of disbursing funds

The council already provides funding for town and village improvements through its own capital programme. The scope of works which can be funded via the existing council scheme is similar, but not exactly the same as, the works fundable through developer contributions.

Given the similarity of the schemes it is proposed that governance arrangements for the developer funded improvements are based on the arrangements currently used for the council's village improvement fund. There will, however, be differences in the scheme in that the developer funded scheme recognises that the council itself will have the option to develop projects. Therefore, only a proportion of the improvement fund in each CDA will be available for community led projects in that CDA.

The key stages of assessing funding applications for community led projects are proposed as:

1. An application, using a standard application form (as per the council village improvement fund), is submitted to the council's Community Planning and Regeneration Team.
2. The application is assessed, by officers, against the eligibility of the scheme and having regard to other projects being progressed within the CDA. Applications deemed not to meet the criteria, or those which are similar to or duplicate other projects, will be rejected at this stage.
3. The availability of funding is assessed by the Head of Planning Economic Development and Regeneration having regard to the balance of the fund available for that CDA, taking account of other committed projects or projects being developed by the council.
4. The application will be reported to the relevant local area committee (LAC) indicating the Head of Services' intention with regards to the application. The LAC will have an opportunity to comment on the application.
5. A decision on funding will be taken by the Head of Planning, Economic Development & Regeneration having regard to the view of the LAC.

Council promoted projects intended to be funded from the scheme will be set out in the council's capital programme and the Head of Planning, Economic Development & Regeneration will have regard to the likely cost of these projects when accessing the availability of funding for community led projects.

It should be noted that the supplementary planning guidance sets out that funding gathered in each part of the CDA will be spent in that part of the CDA. Consequently, separate funds will be established for Armadale, Broxburn, East Calder, Polbeth Winchburgh and West Calder.

It should also be noted that some of the improvement funds will have a zero balance as the developers in these areas have opted to carry out improvement works themselves, rather than contribute money to the improvement fund. The terms of any developer led improvement plans will be reported to Council Executive for approval.

E. CONCLUSION

Developers in CDAs are required to make contributions to town and village improvements. A fund has been established and this report sets out a proposed means of disbursing funds from the fund.

F. BACKGROUND REFERENCES

Adopted West Lothian Local Plan 2009: <https://www.westlothian.gov.uk/WLLP>

Supplementary Planning Guidance on CDA Developer Contributions for Town and Village Centre Improvements:

Contact Person: Craig McCorriston, Head of Planning, Economic Development & Regeneration. Tel 01506 282443. Email craig.mccorriston@westlothian.gov.uk

Craig McCorriston
Head of Planning and Economic Development

6 February 2017

DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

Data Label: Public

WORKPLAN

	Issue	Purpose	Lead Officer	PDSP Date	Referral to Exec Com
1.	Mid Calder Conservation Area Appraisal	To advise on the appraisal of Mid Calder Conservation Area	Chris Alcorn	6 February 2017	Yes
2.	Development Plan Scheme No 9	To advise the panel on the detail of Development Plan Scheme No 9 and to fulfil the statutory duty to prepare a revised scheme on an annual basis	Fiona McBrierty	6 February 2017	Yes
3.	Draft Supplementary Guidance – Flooding and the Water Environment	To advise the panel on the terms of the proposed guidance.	Fiona McBrierty	6 February 2017	Yes
4.	Draft Planning Guidance – Built Heritage	To advise the panel on the terms of the proposed guidance.	Chris Alcorn	6 February 2017	Yes
5.	Scottish Government Consultation on Planning Application Fees	To consider and comment on a proposed response to the consultation.	Craig McCorriston	6 February 2017	Yes
6.	Developer Contributions For Town and Village Centre Improvements in CDAs	To consider and comment on a proposed means of disbursing developer contributions	Craig McCorriston	6 February 2017	Yes
7.	Draft Planning Guidance – The Vennel Linlithgow	To advise the panel on the terms of the proposed guidance.	Sarah Collings	Early 2017	Yes
8.	Supplementary Guidance (SG) for Linlithgow Academy	To endorse the SG for developer contributions for education infrastructure.	Fiona McBrierty	Early 2017	Yes
9.	Supplementary Guidance (SG) for primary school provision in Armadale	To consider the proposed SG for developer contributions for education infrastructure.	Fiona McBrierty	Early 2017	Yes
10.	Supplementary Guidance (SG) for primary school provision in Bathgate	To consider the proposed SG for developer contributions for education infrastructure.	Fiona McBrierty	Early 2017	Yes
11.	Supplementary Guidance (SG) for St	To consider the proposed SG for developer contributions for	Fiona McBrierty	Early 2017	Yes

	Issue	Purpose	Lead Officer	PDSP Date	Referral to Exec Com
	Joseph's Primary School, Linlithgow	education infrastructure.			
12.	Kirknewton Conservation Area Appraisal	To advise on the appraisal of Kirknewton Conservation Area	Chris Alcorn	Early 2017	Yes
13.	Supplementary Guidance and Planning Guidance in support of the West Lothian Local Development Plan (topics to reflect requirements of the West Lothian LDP)	To advise the panel of revised supplementary and planning guidance in support of the West Lothian Local Development Plan.	Fiona McBrierty	Various Dates	Yes
14.	Quarterly Performance Report	To provide the panel with a quarterly update on service performance.	Craig McCorrison	Various Dates	No