

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 6 FEBRUARY 2017.

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

Apologies – Councillor Robert De Bold

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTES

The Panel confirmed the Minute of its meeting held on 5 December 2016. The Minute was thereafter signed by the Chair.

3. WEST LoTHIAN LOCAL DEVELOPMENT PLAN - DEVELOPMENT PLAN SCHEME NO.9

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of an updated Development Plan Scheme No.9 for the West Lothian Local Development Plan (LDP).

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

A draft DPS (No.9) had been prepared and was attached to the report at Appendix 1. This would replace the timetable for the preparation of the West Lothian DPS as previously set out in DPS No.8

The Head of Planning, Economic Development and Regeneration continued to advise the Panel that delays in preparing the LDP were 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.

Additionally whilst the Proposed Plan, representations and the council's response had been submitted to the DPEA for examination in October 2016, the appointment of a reporter had not been confirmed until late December 2016. Furthermore it had also be 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. In view of this the earliest date for adoption of the LDP was anticipated to be late 2017.

It was recommended that the Panel notes and considers the following recommendation which was intended to be submitted to Council Executive for approval :-

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

Decision

1. To note the contents of the report; and
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

4. SUPPLEMENTARY PLANNING GUIDANCE ON FLOODING AND THE WATER ENVIRONMENT

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the preparation of updated Supplementary Guidance (SG) on Flooding and the Water Environment in support of the West Lothian Local Development Plan.

The Panel were advised that the proposed SG was attached to the report at Appendix 1 and its aim was 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 SG also reflected national and local planning policies and had 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 SG was also a requirement of the emerging West Lothian Local Development Plan.

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

The SG had detailed sections which covered a number of topics which were summarised in the report. Also as part of the Development Management process the SG had five appendices that provided a series of checklists and pro formas for developers and their agents to submit to the council.

It was proposed that public consultation on the SG would 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. This would also include publication of the document on the council's web site.

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

The report concluded that the detailed supplementary guidance would contribute towards creating a sustainable development and would provide the context and specific requirements with regard to flooding and the water environment that developers and their agents would be required to address when submitting planning applications.

It was recommended that the Panel notes and considers the following recommendations which were intended to be submitted to Council Executive for approval following public consultation :-

1. Approve 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.

Decision

1. To note the content of the report; and
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

5. PLANNING GUIDANCE - WEST LOTHIAN'S HISTORIC ENVIRONMENT

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of efforts to raise awareness of West Lothian's historic environment through the provision of a new information leaflet related to conservation areas and a booklet on the area's Scheduled Monuments.

The Panel were advised that 2017 was the Scottish Government's "*Year of History, Heritage and Archaeology*". West Lothian's contribution towards this was summarised in the report as follows noting that they also supported the preparation of the West Lothian Local Development Plan.

Conservation Areas Booklet

A conservation area was an area of special architectural or historic

interest, the character or appearance of which it was desirable to preserve or enhance. West Lothian had 9 conversation areas which were detailed in the report.

Planning Services had also undertaken a Conservation Appraisal of Broxburn and Mid Calder and another was underway at Kirknewton. From the initial survey work on the Broxburn Conservation Area Appraisal it had become apparent that more information needed to be made available to the public to assist in the understanding about what development activities could and could not be carried out, with and without planning permission in a conservation area.

A leaflet had therefore been produced setting out information on West Lothian' Conservation Area, a copy of which was attached to the report at Appendix 1. It was proposed that this leaflet would be placed on the Planning Section of the council's website, displayed in local libraries and issued to all community councils

Scheduled Monument Booklet for West Lothian

In West Lothian there were over 50 scheduled monuments ranging from prehistoric sites such as Cairnpapple burial cairn in the Bathgate Hills to sites of roman origin near Harburn, through to modern industrial relics such as "The Five Sisters".

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

Therefore a booklet had been produced providing details of all the scheduled monuments in West Lothian. The booklet, a copy of which was attached to the report at Appendix 2, provided a short description of the scheduled monuments, its type, general location and grid reference, along with an inset map to aid orientation and web links to other information.

As with the Conservation Areas booklet it was proposed that it would be placed on the Planning Section of the council's website, displayed in local libraries and issued to all community councils.

The Head of Planning, Economic Development and Regeneration concluded the report by explaining that, similar to neighbouring local authorities including The City of Edinburgh Council, West Lothian Council was considering holding a half-day conference to focus on West Lothian's archaeological interests. If this idea was progressed then it was likely to be held sometime in the Autumn of 2017. Costs would be borne by a grant from the Heritage Lottery Fund and if it proved successful then a biennial conference would be considered.

It was recommended that the Panel notes and considers the following recommendations which were intended to be submitted to Council Executive for approval :-

1. Approves the content of the conservation area leaflet for publication; and

2. Approves the content of the scheduled monuments booklet for publication.

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

Decision

1. To note the contents of the report; and
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval.

6. MID CALDER CONSERVATION AREA BOUNDARY APPRAISAL

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising 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 (PAC) 71: Conservation Area Management (2004).

The Head of Planning, Economic Development and Regeneration explained that a Conservation Area Appraisal was a management tool which helped identify the special interest and changing needs of an area. An appraisal also provided the initial information to develop an action plan in relation to protecting and managing the factors which had led to an area being designated a conservation area. Within a conservation area some permitted development rights were removed for example, planning permission was necessary for dormer extensions, painting facades, replacement doors and windows, lopping trees and installing illuminated signage.

Mid Calder was one of nine conservation areas in West Lothian. It was designated in the mid 1970's and focused on Calder House and its surrounding woodlands, which were then under development and also the adjacent village.

The existing conservation area boundary in Mid Calder had been in place for approximately 40 years and since the designation there had been several areas of development that should now be considered for removal from the designation as they did not contribute to the conservation area, nor did they contain any elements worthy of the additional planning controls which applied to conservation areas.

The proposed boundary alteration would remove a total of 246 properties from the conservation area. These included: 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 being removed from the conservation area were of a modern

design style and design. There was no proposed boundary extension and a map of the conservation area and proposed boundary alteration was attached to the report at Appendix 1.

The Head of Planning, Economic Development and Regeneration continued to explain that it was the responsibility of the council to consult with the public on the existing conservation area and its merits and any proposed changes to the boundary. It was proposed that consultation would be undertaken by a public exhibition in the Institute Hall in the Spring of 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 consultation exercise would be reported to Council Executive in due course. The proposed engagement survey was attached to the report at Appendix 2 and the Public Engagement Leaflet was attached to the report at Appendix 3.

It was recommended that the Panel :-

1. Note the content and conclusions of the conservation area appraisal of Mid Calder Conservation Area; and
2. Note that a six week public consultation on the proposed changes would be carried out with the outcome reported to Council Executive for consideration at the end of the consultation period.

Decision

To note the contents of the report.

7. SCOTTISH GOVERNMENT CONSULTATION ON RAISING PLANNING FEES

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a Scottish Government consultation on proposed changes to planning application fees.

The Head of Planning, Economic Development and Regeneration explained that the Scottish Government had issued a consultation on some elements of planning application fees. The consultation recognised the importance of the planning system in supporting economic growth and it set out the intention to move the service towards full cost recovery.

The consultation was seeking views on a new maximum fee of £125,000 for major applications for most categories of development but also introduced a reduced unit charge for certain sizes of development. Through the consultation the Scottish Government had restated its view that any increase in fees was to be linked to sustained improvements in performance.

A summary of the proposed changes to the planning application fees were detailed in the report as follows with a full schedule of changes together with some examples of how the new fees would work in practice

contained in Appendix 1 attached to the report :-

- The maximum planning application fee would be raised to £125,000;
- There was 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 would be charged at £200 per unit until the fee maximum of £125,000 for 575 houses had been reached;
- There was no change proposed per hectare up to the current fees maxima and additional hectares were proposed to be charged at a lesser rate until the fee maximum of £125,000 (4.3 hectares) was reached. The introduction of a lower rate which would apply over a specified amount would help moderate the impact on major projects of the higher fee maximum; and
- For applications for planning permission in principle (PPP) similar changes per house or by 0.1 hectare were proposed. The maximum for PPP would be raised to £62,500.

A proposed response to the consultation had been prepared and this was attached to the report at Appendix 2 noting that whilst the changes to planning application fees were to be welcomed it was disappointing that the government was only suggesting changes to major applications and had not taken the opportunity to review all fees at this stage.

It was recommended that the Panel note and considers the following recommendations which were intended to be submitted to Council Executive for approval on 14 February 2017 :-

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

Decision

1. To note the contents of the report;
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive; and
3. To note the comments from the Head of Planning, Economic Development and Regeneration in that the proposed council response would best reflect that whilst the council welcomed the increase in fees for major applications it would have preferred the

Scottish Government to review all planning fees at the one time.

8. DEVELOPER CONTRIBUTIONS TOWARDS TOWN AND VILLAGE IMPROVEMENTS IN CORE DEVELOPMENT AREAS

The Panel considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of a proposal for a means of disbursing funding from developers for town and village improvements in Core Development Areas (CDAs).

The West Lothian Local Plan required developers within core development areas (CDAs) to contribute £250 per house towards town and village centre improvements within the CDA in which they were operating. Developers had 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 was index linked from the first quarter in 2006 so actual contributions would be in excess of £250 per house.

Developers were now making contributions into the improvement fund. However no governance arrangements for disbursing funds had been agreed by the council

The Head of Planning, Economic Development and Regeneration continued by advising that the council already provided funding for town and village improvements through its own capital programme and that the scope of works which could be funded via the existing scheme was similar to works that could be funded through developer contributions.

Therefore given the similarity of the schemes it was proposed that governance arrangements for the developer funded improvements would be based on the arrangements currently used for the council's village improvement fund. There would be a slight difference in that with the developer funded scheme it would be recognised that the council itself would have the option to develop projects. Therefore only a proportion of the improvement fund in each CDA would be available for community led projects in that CDA.

The key stages for assessing funding applications for community led projects were proposed as follows :-

1. An application, using a standard application form (as per the council village improvement fund) would be submitted to the council's Community Planning and Regeneration Team;
2. The application would be assessed by officers, against the eligibility of the scheme whilst having regards to other projects being progressed in the CDA. Applications deemed not to meet the criteria, or those that were similar to or duplicate to other projects, would be rejected at this stage;
3. The availability of funding would be 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 would be reported to the relevant local area committee (LAC) indicating the Head of Services' intention with regards to the application. The LAC would have the opportunity to comment on the application; and
5. A decision on funding would be taken by the Head of Planning, Economic Development and Regeneration having regards to the view of the LAC.

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

It was also to be noted that Supplementary Planning Guidance set out how the funding gathered in each part of the CDA would be spent in that part of the CDA. Consequently separate funds would be established for Armadale, Broxburn, East Calder, Polbeth, Winchburgh and West Calder.

It was recommended that the Panel notes and considers the following recommendations which were to be submitted to Council Executive for approval :-

1. Notes the establishment of a fund for town and village improvements within the CDA's; and
2. Approves the proposed means of disbursing monies from the fund or town and village improvements within the CDAs.

Decision

1. To note the contents of the report;
2. To agree that the report and its recommendations be forwarded to the next appropriate meeting of the Council Executive for approval; and
3. To note the comments from Councillor McCarra in that the report did not provide enough information on how the community would have its say on how funds would be best spent in the CDA's.

9. 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