

Issue: 1A	Housing Land & Policies HOU 1, HOU 2 and CDA 1	
Development Plan reference:	Chapter 5 <i>The Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations</i> <ul style="list-style-type: none"> • <i>Housing land requirements for the LDP</i> • <i>Effective Housing Land and Generous Supply</i> 	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p> WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd) WL/LDP/PP/0147 (Gladman Developments Ltd) WL/LDP/PP/0158 (Gladman Developments Ltd) WL/LDP/PP/0160 (ScottHobbs Planning on behalf of Scottish Enterprise) WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust) WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables) WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd) WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey) WL/LDP/PP/0236 (Scottish Government) WL/LDP/PP/0238 (Scottish Natural Heritage) WL/LDP/PP/0239 (Homes for Scotland) WL/LDP/PP/0245 (EMA on behalf of EWP Investments Ltd) WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey) WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd) WL/LDP/PP/0350 (Gladman Developments Ltd) WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Ltd) WL/LDP/PP/0417 (Andrew Bennie Planning Limited on behalf of Ogilvie Homes) WL/LDP/PP/0418 (Montagu Evans on behalf of Cala Homes) WL/LDP/PP/0423 (Walker Group (Scotland) Ltd) WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0459 (Gladman Developments Ltd) 21119948-2ac9a17 (Houghton Planning Ltd on behalf of Laurieston Developments Limited) 21450464-c80b28f (ScottHobbs Planning on behalf of Scottish Enterprise) 21716490-c057327 (John Orr) 21736518-a62d550 (Davidson & Robertson Rural on behalf of Cadzow Estates) 21772260-be38d90 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust) 21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd) 21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central) 21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd) 21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell) 21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane) 21867093-c1389fa (Montagu Evans on behalf of Cala Management Ltd) </p>		

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural) 21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural) 21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural) 21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural) 21872215-270903f (Rapleys LLP on behalf of Bizspace) 21889730-ea37565 (Dr John Kelly)	
Provision of the development Plan to which the issue relates:	<p>Chapter 5 This section of the Plan details the Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations (Pages 20 - 27, paragraphs 5.36 - 5.68)</p> <p>Policies HOU 1, HOU 2 & CDA 1 Pages 22, 23 & 26</p> <p>Chapter 6 Development Proposals by Settlement (Pages 79 - 98)</p> <p>Appendix Two Schedule of Housing Sites/Site Delivery Requirements (Pages 119 - 258)</p> <p>Proposals Maps 1 – 5</p>
Planning authority's summary of the representation(s):	
<p>The above respondents have commented on one or more aspect of the Proposed Plan with particular relevance to the methodologies and assumptions underpinning housing targets, the provision of land to meet those targets, the effectiveness and phasing of the supply, and the allocation of housing land generally. Comments on policies HOU 1, HOU2 and CDA 1 are also addressed in this Schedule.</p> <p>Issues which have been raised by one or more of the aforementioned respondents have been grouped by topic and summarised below.</p> <p>It should be noted that a number of respondents who have submitted a representation have done so in addition to comments on a particular site, either a site they would like adding to the Plan or a site they would like removed from the Plan. These site specific representations are reported and addressed by Issue in the corresponding Schedule 4 and not within this Schedule 4.</p> <p><u>Inconsistencies with policy and or guidance</u></p> <p>21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell) 21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane) WL/LDP/PP/0147 (Gladman Developments Ltd) WL/LDP/PP/0158 (Gladman Developments Ltd) WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd) WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey) WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey) WL/LDP/PP/0350 (Gladman Developments Ltd) WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management) WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)</p>	

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Asserts that the council's proposed development strategy does not comply with the requirements of Scottish Planning Policy (SPP 2014), the approved Strategic Development Plan (SDP), SESplan Guidance and PAN 2/2010: *Affordable Housing and Housing Land Audits* (CDX). The Proposed Plan, therefore, cannot/should not be progressed to Examination until the deficiencies which have been identified have been addressed.

Terminology

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

Suggests that terminology used throughout Chapter 5 in relation to the general topic of housing land is inaccurate and confusing. For clarity and consistency it is recommended that the plan adopts the terminology used in SPP 2014 to articulate the housing figures and the process through which they are determined (pages 20/21, paragraphs 5.39-5.52).

With particular regard to Figure 5 (page 22), the term 'Housing Supply Target' (HST) should replace references to 'Housing Requirement'.

WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0238 (Scottish Natural Heritage)

Notes that phrasing and terminology used in paragraph 5.51 (page 23) and the first sentence of Policy HOU 2 are derived from SPP 2010 and therefore inappropriate. Advises that paragraph 119 of SPP 2014 provides the correct phrasing and should therefore be substituted.

Housing Needs and Demand Assessment (HNDA)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Observes that there is no evidence that the original HNDA (which informed the SDP) was used to identify effective housing land. Reminds the council that it has a statutory duty (by virtue of Section

16 (6) of the Planning etc. (Scotland) Act 2006) (CDX) to maintain consistency between the current SDP and this LDP and respondents claim it has erred by using or has had disproportionate regard to a *second* HNDA prepared for SDP 2 to inform the development strategy. It is widely stated that this *second* HNDA has no status or materiality relative to the Proposed Plan and respondents have sought to evidence this by referencing a letter from Scottish Government stating that the outcomes of this HNDA cannot be taken into consideration until a policy decision is reached through the approval of SDP 2 (CDX). References to HNDA 2 at paragraph 5.38 (page 20), paragraph 5.39 (page 20), paragraph 5.40 (page 20), paragraph 5.41 (page 21), 5.42 (page 21), paragraph 5.58 (page 25) and paragraph 5.74 (page 28) of the LDP should therefore be removed from the Proposed Plan prior to examination. References to SDP 2, and inferences that it has influenced this LDP, are similarly considered inappropriate and irrelevant to the preparation of the Proposed Plan.

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0239 (Homes for Scotland)

Queries the inclusion/relevance of Figure 4 (page 21) in so far as it presents data sourced from HNDA 2. The extrapolation method used to populate Figure 4 (page 21) should be explained in a technical paper if the Figure is being retained.

Makes a general criticism of there not being a clear read across from SESplan figures to those in the Proposed Plan.

Seeks deletion of paragraph 5.41 (page 21) and replacement with a new paragraph confirming the LDP will conform to SDP 1 and within that the HNDA 1 demand figures, deletion of reference to SESplan Main Issue Report 2 from paragraph 5.42 (page 21) and deletion of paragraph 5.53 (page 23) as it references the council's desire to use HNDA 2 rather than HNDA 1.

Housing Land Audit and programming of sites

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

Critical of the Proposed Plan for being based on an out of date Housing Land Audit (HLA 2014) and suggests that HLA 2015, once agreed with Homes for Scotland, should be used instead. The status and programming of sites should thereafter be derived from the agreed HLA.

Critical of adjustments made to the status and programming of sites, both effective and constrained. Notes these deviate from HLA 2014 and were made without any consultation or with the agreement of the house building sector. Unilaterally changing status and programming is contrary to the requirements of the SDP and SPP 2014 and the resultant figures are rejected as invalid unless and until further collaborative work is done to agree realistic programming.

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Rejects as unrealistic (and also at odds with the Main Issues Report) the assumption that the entire effective and established land supply will be developed in full by 2024. This view of anticipated house completions is based on programming which has not been agreed with the house building sector and does not accord with the requirements of PAN 2/2010. As a consequence the Proposed Plan is underpinned by an unproven and revised HLA which has randomly increased outputs and changed previously non-effective sites to effective, artificially inflating and departing from the agreed effective housing land supply and rendering it flawed. Proposes that the programming of sites must allow for practical lead in periods and for commercial rates of house building to accord with the different locations in West Lothian.

WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Supports revision of the HLA format suggested in paragraph 5.40 (page 20) to show housing need and demand broken down by tenure. However, this data should be presented in addition to the current format HLA, not instead of the current PAN 2/2010 'requirements supply' format (CDX).

WL/LDP/PP/0239 (Homes for Scotland)

Seeks removal or clarification of first sentence of paragraph 5.48 (page 20) as it is misleading and implies programming was carried out in consultation with the housebuilding industry when it is clear that no such consultation took place.

Establishing the Housing Supply Target (HST) and the Housing Land Requirement (HLR)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Indicates that Figure 5 of the Proposed Plan (page 22) has incorrectly conflated two concepts, the HST and the HLR. Suggests it should be revised and conform with the structure and terminology provided by Diagram 1 of SPP 2014, (CD078) which provides clarity on the methodology which should be adopted. Specifically, it should :

- Demonstrate how the HNDA has provided the evidence base for the proposed Housing Supply Target (HST), separating out the HST into both affordable and market sectors (to accord with paragraph 115 of SPP 2014);
- Show how this has been translated into a Housing Land Requirement (HLR) with the addition of a 'generosity allowance';
- Amend paragraphs 5.50 - 5.53 to provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted; and
- Adopt a 'generosity allowance' of not less than 20%

WL/LDP/PP/0239 (Homes for Scotland)

References SPP 2014 which requires that the HST should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. Suggests that these requirements have not been satisfied.

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Notes that the HSTs for West Lothian can be directly sourced from the SDP, i.e., 11,420 for the period 2009-2019 and 6,590 for the period 2019-2024 and should not be in dispute. The Proposed Plan is however deficient in that it does not satisfy SPP 2014 (paragraph 119) which states that the HLR should be met up to years 10 from the expected date of adoption. As the expected date of adoption is now unlikely to be before 2017 the Proposed Plan should also identify additional HSTs and HLRs for the period 2024 - 2027. This would be consistent with recent Examinations allied to LDPs for Scottish Borders, City of Edinburgh and Fife and West Lothian should anticipate being similarly directed to revise the Proposed Plan. Respondents have submitted their respective suggestions.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Concerned that a significant part of the first ten year period of the SDP has elapsed and that there is insufficient time left to satisfy the housing land requirement identified for the period 2009-2019 if solely reliant on Proposed Plan allocations. SPP 2014 allows for councils to 'over allocate' land and the Proposed Plan should bring forward additional sites to ensure sufficient delivery of housing in the short term to meet SDP requirements.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21872215-270903f (Rapleys LLP on behalf of Bizspace)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Concludes that not all of the strategic allocations can be assumed to be effective or capable of becoming effective and promotes a case for allocating land to deal with the poor and non-performance of sites in order to ensure the delivery of the HLRs.

Housing Land Supply and Effectiveness

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Concludes that the council has failed to comply with SPP 2014 and SDP Policy 5 (CDX) in so far as the Plan will not maintain a 5 year effective housing land supply at adoption. Notes it has failed to do so since circa 2008/09 and the land supply position for the LDP is already handicapped and not starting from a neutral zero requirement point.

The Proposed Plan does not properly identify the scale of the effective housing land supply in accord with the agreed Housing Land Audit (HLA 2014).

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Concerns expressed at the shortfall (particularly in the early period of the Proposed Plan) and the absence of any solution to remedy this.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Concludes that the Proposed Plan does not allocate sufficient land to achieve the number of housing completions to meet SDP requirements. The scale of the problem is so significant that reliance on

known development “hotspots” cannot make up the ongoing shortfall. Additional land for housing (which is immediately effective) should therefore be allocated to eliminate the shortfall, add greater flexibility and certainty to the housing land supply to safeguard against future failure and bring the plan into compliance with SPP 2014.

21772260-be38d90 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Critical of the council for continuing to argue that a 5 year effective land supply has been achieved when this has recently been rejected by Scottish Ministers through appeal decisions.

WL/LDP/PP/0239 (Homes for Scotland)

Supports the key objectives of the housing land requirements for the LDP as listed in paragraph 5.37 (page 20) but is questioning of whether the councils key aims for the plan area, as set out in paragraph 4.3 (pages 8 to 9) can meet these key objectives.

Figure 5, ‘West Lothian Housing Supply Target’ (page 22), evidences there is not a 5 year effective housing land supply. ‘Smoothing out’ the shortfall instead of rolling forward the unmet supply is a flawed approach and the Proposed Plan should be amended to reflect the real shortfall and demonstrate how it intends to meet the housing land requirement in full. The LDP must include additional sites allocated for housing.

WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Advises that failure to make the necessary allocations to achieve an effective housing land supply will render the LDP Proposed Plan policies on housing supply ‘out of date’, as stated in paragraph 125 of SPP 2014, and will trigger a presumption in favour of development that contributes to sustainable development. This is regarded as unacceptable and does not sit well with what is a supposedly plan-led system.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
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WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property)

Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The development strategy for the Proposed Plan should focus on identifying sufficient effective housing land that can contribute to the effective housing land supply particularly in the short term period, as well as its plan period to 2027. Further effective housing land releases are urgently needed to accord with SDP Policy 5 Housing Land and Policy 6 Housing Land Flexibility.

21889730-ea37565 (Dr John Kelly)

Proposes that the effective land supply should be allocated (a) by settlement and (b) for a period of 10 to 15 years.

Figure 5 - West Lothian Housing Land Supply Target

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

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WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Figure 5, 'West Lothian Housing Supply Target' (page 22), was intended to show how much housing is required in West Lothian and how much is being provided for in the LDP to meet the HLR. It has, however, provoked criticism that the absence of information hinders proper judgements being made as to whether there is sufficient land allocated to meet both need and demand and that no information on the separate requirements for each has been identified.

The data informing Figure 5 and the resultant calculations are widely disputed, particularly in relation to constrained sites, windfall and the lack of evidence that new LDP allocations will perform as well as is being suggested.

It is proposed that the assumptions made relative to windfall sites should be supported by a study prior to examination of the proposed plan.

Overall, the fact that Figure 5 identifies an almost perfect balance between supply and demand is considered unrealistic.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Suggests that the inclusion of estimates of future windfall development in Figure 5 duplicates the contribution from that source in the calculation since it is already contained in the HLA.

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Figure 5 indicates a shortfall of 3,623 houses in the period 2009-2019 but this figure is considered to be a significant under calculation by some of the respondents. The accuracy of the corresponding surplus in the period 2019-2024 periods is also challenged.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

While Chapter 2 sets out 'Development Proposals by Settlement', it only provides notional capacities for sites. The absence of a technical document to accompany the Proposed Plan to support the assumptions and programming underpinning Figure 5 is criticised. While acknowledging that some background data was subsequently made available this was too late to allow for any meaningful analysis. The assumptions underpinning the output from constrained sites are nevertheless held to be unsubstantiated and highly optimistic.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Several respondents have produced their own analysis/assessment of the West Lothian housing land supply which enumerate a range of different inputs and outcomes. Respondents individually seek to have Figure 5 of the Proposed Plan deleted and replaced with the tables suggested in their respective submissions and/or a calculation of the five year effective housing land supply.

WL/LDP/PP/0236 (Scottish Government)

Arithmetical errors have been identified in Figure 5, specifically non-summing totals in rows I, J and L, and should be corrected.

WL/LDP/PP/0236 (Scottish Government)

The terminology used in paragraph 5.51 and Policy HOU 2 (page 23) derives from SPP 2010 and is erroneous. It should instead be amended to correctly accord with SPP 2014.

Committed sites

21716490-c057327 (John Orr)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Critical of Proposed Plan being too reliant on sites carried forward from earlier plans and which have a history of failing to deliver. Supports allocation of alternative sites and suggests ridding the plan of long term non-effective sites which are unlikely to ever contribute to the housing land supply. Some respondents have identified specific sites.

Constrained sites

21716490-c057327 (John Orr)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

Critical of Proposed Plan being too reliant on sites previously identified as constrained (in the 2014 HLA) and becoming part of the effective housing land supply.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The council is criticised for having changed the status of sites previously identified in the HLA 2014 from constrained to effective without any explanation or justification and without any prior consultation or agreement with Homes for Scotland, contrary to paragraph 118-123 of SPP 2014 and PAN 2/2010 (**CDX**). Furthermore, the Proposed Plan does not identify the interventions which would be required to make constrained sites effective.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Identifies a contradiction regarding the inclusion of so many constrained sites (from HLA 2014) being programmed to deliver during the first period (2009-2019) when there was never any expectation of these sites delivering completions before 2019. Proposes that completions from sites of this nature should be set at zero in the absence of any agreement with Homes for Scotland. Observes that the effect of removing these constrained sites from the effective supply will have a dramatic effect on the council's ability to meet the housing land requirements and further re-enforces the argument to allocate additional land for housing to compensate.

Proposes that the HLA 2015 is used to inform the re-programming of all sites (but particularly constrained sites) in consultation with Homes for Scotland.

Generosity of supply and additional allowances

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Concludes that the council has failed to comply with SPP 2014 (paragraph 116) which requires a robust and justified explanation as to how the chosen 'Generosity Allowance' was arrived at. Considers the 10% figure adopted in the Proposed Plan as neither flexible nor generous, particularly when the LDP has taken an overly optimistic approach to completions and is dependent on a significant proportion of non-effective and constrained sites. Argues that the purpose of a generosity component should be to make up for losses that are likely to occur over the life of the plan and should reflect the degree of certainty as to the deliverability of the housing land supply. Consequently a higher generosity factor of 20% is widely favoured, although there are some respondents who doubt that even this enhanced figure will be sufficient to meet HLRs.

WL/LDP/PP/0236 (Scottish Government)

Seeks clarification as to why the LDP provides an additional 10% flexibility above that already included in the SDP HLR.

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

References Figure 3 (page 20) which identifies the SDP prescribed 'additional allowance' of 2,130 houses and seeks clarification as to how this contributes to the total sum. Suggests the table should be revised and an explanation provided as to how the additional allowance is addressed in the plan and how this is linked to Figure 5.

Policy HOU 1 - Allocated Housing Sites

WL/LDP/PP/0254 (Barton Wimore on behalf of Hallam Land Management Ltd)

Proposes change to wording of second paragraph of Policy HOU 1 to accord with paragraph 119 of SPP 2014 requiring maintenance of an effective 5 year supply of housing land at all times.

21450464-c80b28f (ScottHobbs Planning on behalf of Scottish Enterprise)

WL/LDP/PP/0160 (ScottHobbs Planning on behalf of Scottish Enterprise)

Supports the principle of policy HOU 1 but has concerns that the proposed wording allows for unrestricted employment-generating development at the allocated housing sites which may impinge upon the delivery of other employment land. Proposes revision to text.

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The Proposed Plan does not identify sufficient housing allocations to allow for the maintenance of an effective land supply as required by the SDP and SPP 2014.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

The Proposed Plan does not adequately support the previously established Livingston and Almond Valley CDA. While acknowledging that adjustments have been made to the CDA boundary, together with an increase in the residential capacity, this is still insufficient to address the high infrastructure costs associated with the development of the site. It also amounts to an underutilisation of the potential of the site to contribute to the housing land supply and at odds with the stated strategy and vision at paragraph 5.4 (page 10).

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Queries the discrepancies between the totals shown for Winchburgh in the settlement statement (pages 97 and 98) and Appendix 2 (pages 23 and 254) and suggests that these deficits should be made good by allocating additional land for housing.

Support for sites already allocated under Policy HOU 1**21804649-7315bb7** (Rick Finc Associates on behalf of John Kerr Ltd)

Supports the general allocation of sites for housing in Linlithgow but suggests that the Proposed Plan has significantly under stated the capacity and that it should be in excess of the 500 units identified. Supports allocation of site H-LL 11 (Wilcoxholm Farm/Pilgrims Hill, Linlithgow) for housing.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Supports all of the residential allocations in Winchburgh that form part of the current planning permission in principle for the strategic expansion of the settlement (reference 1012/P/05).

Supports the Broxburn CDA but objects to the definition of the north eastern boundary as shown on Proposals Map 2. Proposes that the northern portion of site H-BU 10 should be deleted and the resultant reduction in capacity transferred to land south of Winchburgh.

Supports inclusion of Niddry Bing within the settlement boundary but proposes that it should be afforded longer term safeguarding as a potential residential development site once extraction works have ceased.

Supports allocation of sites for housing at Castle Road, Winchburgh (H-WB 1), land west of Ross's Plantation (H-WB 16) and land west of Niddry Castle (H-WB 17), subject to boundary change identified separately.

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

Supports allocation of site H-DE 2 (Main Street, Dechmont) for housing but argues that the capacity has been significantly under stated and is likely to be closer to 120 units. Observes that there is a discrepancy between the site area shown in the settlement statement (page 85) and definition of the site in Proposals Map 2.

21867093-c1389fa (Montagu Evans on behalf of Cala Management Ltd)

WL/LDP/PP/0418 (Montagu Evans on behalf of Cala Homes)

Supports allocation of land at Preston Farm, Linlithgow for housing.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Advises that the capacity of two sites in Winchburgh, H-WB 16 and H-WB 17, are gross figures and are therefore over estimated in the Proposed Plan (page 97). The net developable area of both sites is considered to yield only 385 houses in total, not 500. There is a consequential impact on the 'total allocations' figure for Winchburgh (page 255) which would reduce from 4,243 to 4,128) and it is suggested that this creates an opportunity to allocate land for the balance (115 houses) elsewhere in the Winchburgh CDA.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Supports the continued allocation of sites at Heartlands (Whitburn) and the increased allocation. Intimates an intention to review densities on sites at Heartlands with a view to increasing development and maximising use of the land and would not wish to see the imposition of any artificial constraints being placed on a site which clearly has the potential to deliver completions to address the LDP housing land requirement.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

Supports allocation of site H-DE 3 (Burnhouse, Dechmont) for housing but suggests that the capacity has been significantly under stated and likely to be closer to 180 units. Also disagrees with the site being held back as a 'reserve' site and argues that its requirement to support site H-DE 1 has now been recognised. Seeks corresponding revisions to Appendix 2 (page 178) together with the removal of reference to site being at risk of flooding and the addition of text to confirm that the site will contribute to the provision of a new primary school.

WL/LDP/PP/0158 (Gladman Developments Ltd)

Supports allocation of site H-LL 10 (Clarendon Farm, Linlithgow) for housing but seeks revisions to Appendix 2 (page 198) with regard to observations made in relation to Transportation (access) and Flood Risk. It is intimated that these issues have been satisfactorily addressed by a recent planning application (CDX) and a subsequent appeal (CDX). It is also noted that the incorrect catchment area schools have been identified under the Education column and should be corrected.

WL/LDP/PP/0350 (Gladman Developments Ltd)

Supports allocation of land at Appleton Parkway, Livingston for housing.

Promotion of sites to augment those allocated under Policy HOU 1

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21716490-c057327 (John Orr)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Critical of no new significant housing allocations in Livingston and Bathgate despite these locations being accessible, commercially attractive and well placed for growth. Argues that it would be

reasonable and appropriate to allocate further effective, deliverable sites in these areas of West Lothian.

21119948-2ac9a17 (Houghton Planning Ltd on behalf of Laurieston Developments Limited)

Promotes allocation of land at South Logie Nursery by Westfield for housing.

21736518-a62d550 (Davidson & Robertson Rural on behalf of Cadzow Estates)

Argues that Broxburn needs to continue to develop its own housing (retail and employment) provision in order to maintain its identity as a local centre and also to contribute to serving West Edinburgh. Promotes allocation of land at Kilpund, Broxburn for housing.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

Promotes allocation of land to the north of Bathgate Golf Club for housing.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Promotes Winchburgh southerly expansion (in excess of additional allocations already made in the Proposed Plan) and adjustments to the boundary of the Broxburn CDA and Countryside Belt. Argues Winchburgh is a location where additional land can be brought forward quickly to deliver housing completions that will meet requirements and address, in part, the housing land supply shortfall. It also makes the best use of resources by maintaining the momentum of the established strategic expansion.

Promotes allocation of land at Niddry Mains Golf Course for mixed use development including housing.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

Promotes allocation of land at Murieston Castle Farm, Livingston for housing.

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Langton Road, East Calder for housing.

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Hartwood Road, West Calder for housing

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Station Road, Kirknewton for housing.

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Balgreen Farm, Livingston for housing.

21872215-270903f (Rapleys LLP on behalf of Bizspace)

Promotes allocation of land at Fleming House, Livingston for mixed use development including

housing.

WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd)

Promotes allocation of land at Murieston Valley and Hunter Road, Livingston for housing.

WL/LDP/PP/0147 (Gladman Developments Ltd)

Promotes allocation of land at Brotherton Farm, Livingston for housing.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Suggests that the Proposed Plan should include reference to there being evidence of greater demand for housing of various tenures and to Scottish Government's support for the supply of housing to be generally increased. Specifically promotes allocation of land in Winchburgh in respect of four sites, previously referenced EO1-0193, EO1-0202, EO1-0203 and EO1-0204

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

Promotes allocation of land at Eastoun Farm, Bathgate for housing.

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

Promotes allocation of land at Kingsfield Farm, Linlithgow for housing.

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

Promotes allocation of land at Armadale East for housing.

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Promotes allocation of land at Pumpherston Farm, Pumpherston for a mixed use development including housing.

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Promotes allocation of land at Burghmuir, Linlithgow for a mixed use development including housing.

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Promotes allocation of land at Wellhead Farm, Murieston, Livingston for housing.

WL/LDP/PP/0417 (Andrew Bennie Planning Limited on behalf of Ogilvie Homes)

Promotes allocation of land at Hen's Nest Road, East Whitburn for housing.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

Promotes expansion of CDA allocations at Mossend/Cleugh Brae for housing. Requests settlement statement for West Calder (page 95) to be changed to reflect this and a new entry added to Appendix 2 (suggested text provided by respondent). Proposes revision to Appendix 3 – Schedule of

Land Ownership (page 264) to record that site H-WC 2 is land owned by the council and that it is to be developed for affordable housing.

WL/LDP/PP/0459 (Gladman Developments Ltd)

Promotes allocation of land at Dykeside Farm, Bathgate for housing.

Policy HOU2 - Maintaining an Effective Housing Land Supply

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0236 (Scottish Government)

Critical of the use of the words 'endeavour to' in Policy HOU 2 as this suggests that the council may not be able to maintain the minimum 5 year effective supply of housing at all times. This would be in contravention of SPP 2014 (paragraph 119) and Policy 6 of the adopted SDP. Seeks to have these words removed from the text.

Seeks amendment to Policy HOU 2 (page 23) to reflect the wording in SPP 2014 which references effective land.

Critical for not explicitly indicating in Policy HOU 2 what action the council would take in the event of a failure of the land supply. Proposes Policy HOU 2 is revised to include a presumption in favour of development that contributes to sustainable development in that eventuality.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Limited)

Policy HOU 2 should provide criteria by which to assess new sites (in line with SDP Policy 7) to contribute to identified housing land shortfalls.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Objects to the restriction identified in Policy HOU 2 safeguarding land for longer term housing development that may become necessary as a result of failure to maintain a five year housing land supply. Reminds the council of its obligation to meet housing requirements in full in the period to ten years from anticipated date of adoption and that as there is currently a shortfall in the supply of an effective five year housing land supply the LDP should not be imposing constraints.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0239 (Homes for Scotland)
21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Objects to the references in paragraph 5.41 (page 21) and Policy HOU 2 (page 23) which indicate that the maintenance of a five year housing land supply must be achieved by housing sector. Argues that the SDP does not require this and that the need to maintain a five year housing land supply is tenure blind. Concerned that this would, potentially, allow the council to prioritise affordable housing delivery over that for market sale. Also objects to reference to the SESplan paper '*Maintaining a Five Year Effective Housing Land Supply*' (page 23, paragraph 5.51) as not being consistent with SPP 2014 and notes Scottish Government is bringing forward its own guidance on development plan delivery (subsequently published in Draft in February 2016, "*Draft Planning Delivery Advice: Housing and Infrastructure*") (**CDX**) and expects this to take precedence and be adhered to when finalised and enacted.

Housing Requirement Periods

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Suggests paragraph 5.52 (page 23) is misleading as it down plays the shortfall in the first of the two plan periods and gives the impression that the Proposed Plan can address a shortfall in the first period by a deferment or oversupply in the second period. It fails to make it clear that Policy 5 of the SDPs obliges the plan periods to be treated separately and for each HLR to be met independently within each period i.e., 2009-2019 and 2019-2024 (and also 2024-2027). Reference is made to a recent decision by Ministers in relation to planning appeal PPA-230-2129 (**CDX**) in which it was stated that "the calculation of the housing land supply... [across a single 2009-2024 period]... was not in accordance with the SDP or the SG and that the council behaved unreasonably". SDP Policy 6 is also referred to in so far as it reinforces the requirement that a five years' effective housing land supply is maintained at all times.

Paragraph 5.52 (page 23) is also criticised for effectively setting up the plan to fail by identifying that new allocations may not deliver until after 2019 and for highlighting the inability of the council to maintain a five-year supply in the short-term. It dwells on how the strategy is dependent on developers delivering infrastructure on other sites despite a mechanism being in place within the SDP for making up any shortfall in the housing land supply.

It is proposed that Paragraph 5.52, (page 23) is reworded and the last sentence removed.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Observes that paragraph 5.52 (page 23) also omits to include the word 'continuous' in the context of the effective housing land supply.

Infrastructure requirements and delivery

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Recognises that co-ordination of infrastructure funding and delivery is crucial for the successful implementation of the LDP development strategy but objects to developers being burdened with the principal responsibility for remedying constraints, particularly in terms of education (paragraph 5.53, page 23). Difficulty in overcoming infrastructure constraints is identified as a major impediment to the maintenance of an effective 5 year housing land supply and the biggest single constraint on increasing the delivery of new housing. The council is reminded of its statutory obligations in this regard but is also urged to take more responsibility for seeking and co-ordinating infrastructure solutions and to be more proactive in helping forward fund infrastructure itself. Seeks an amendment to the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Criticises the Action Programme for being overly dependent on contributions from developers and for not fulfilling all of the requirements identified in paragraphs 31 and 124 of SPP 2014. It is suggested that more detail should be provided.

WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd)

Proposes that the council adopts interim measures based on developer contributions as a means of securing the necessary infrastructure requirements, particularly in relation to school provision. Alternatively, seeks the lifting of 'moratorium' on further new housing in the Linlithgow Academy

catchment area.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Recognises that maintenance of an effective housing land supply is heavily reliant on the availability of infrastructure but is anxious to point out that that this is not an issue for the development of land at Heartlands, Whitburn.

Core Development Areas

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Welcomes the recognition in paragraph 5.46 (page 21) that within original CDA allocations the LDP will allow additional development which may exceed the original capacities established by the Edinburgh and Lothians Structure Plan. However expresses concern that the council interprets this as only referring to post-2024 requirements (based upon what is regarded as a flawed 'Figure 5' and an incorrect conclusion that there is no need to identify further effective housing land prior to this date). Proposes that paragraph 5.46 is amended to explain that additional development in CDAs will be dependent on there being evidence of a shortfall in the 5 year effective housing land supply and other factors such as support for infrastructure and affordable housing.

Welcomes recognition in paragraph 5.57 (page 25) that the CDAs continue to form a key component of the spatial strategy. However suggests some of the CDA sites which are identified as contributing to the effective housing land supply are suspect and expectations for delivery overly optimistic in that they have yet to secure consent and are dependent on uncommitted infrastructure provision. Identifies East Broxburn as an example and suggests there is no evidence that these sites are likely to deliver in the short to medium term.

Proposes that a reference to withdrawing support for CDA housing sites which already have consent and are the subject of Section 75 Agreements should be deleted.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Welcomes the recognition in paragraph 5.48 (page 22) that there may be opportunities to increase output from currently identified development sites but laments the fact that the Proposed Plan has failed to address representations made at the MIR stage which were pursuant to this in the specific context of the Winchburgh CDA.

Recognises that engagement between Winchburgh and Broxburn CDA developers is essential to deliver the CDA requirements but objects to paragraph 5.59 (page 25) which specifically calls for Winchburgh and East Broxburn developers to work together to deliver infrastructure. Advises that issues are almost exclusively allied to the inactivity of the Broxburn CDA developers. Notes that Winchburgh CDA has been progressing steadily, unlike Broxburn. Observes that of the 2,300 units allocated in the Broxburn CDA, more than 1,500 are identified as non-effective in HLA 2014 and anticipates no immediate prospect of any improvement in this situation, thereby re-enforcing arguments for amending the Broxburn CDA site area and re-allocating capacity to Winchburgh.

WL/LDP/PP/0245 (EMA on behalf of EWP Investments Ltd)

Promotes allocation of 600 additional homes to supplement the 1000 already identified in the Heartlands Masterplan. Explains that these could be delivered as 'affordable homes'.

Highlights lack of progress elsewhere in the Armadale CDA and argues that the loss of anticipated

output can be compensated for at Southdale in order to ensure the delivery of the HLRs without prejudicing the eventual implementation of these currently ineffective sites at a later date.

Suggests that the site areas and capacity of several undeveloped Armadale CDA sites, specifically H-AM 8, H-AM 11 and H-AM 14, have been incorrectly quantified in Chapter 6 of the Proposed Plan (page 80), either because the effective area is less than suggested or because planning permission has been granted and confirms lower number of units. Proposes that the settlement statement, Appendix 2 and Proposals Map 4 are revised to reflect this. There would also be a consequential impact on the 'total allocations' figure for Armadale (page 255).

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21867093-c1389fa (Montagu Evans on behalf of Cala Management Ltd)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21716490-c057327 (John Orr)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0418 (Montagu Evans on behalf of Cala Homes)

Concerned about the under-performance of CDAs and sceptical about their ability to deliver due to a plethora of constraints. Argues that other effective sites outside CDAs should not be prevented from coming forward if they can be shown to contribute to the housing land supply.

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Intimates that a number of factors may prevent the implementation of development originally envisaged for the eastern portion of the CDA. Advises that the 825 capacity assigned to West Wood (H-BU 10), page 84 and Appendix 2, page 173, may not be achievable due to environmental issues. Similarly, Albyn (H-BU 4), page 84 and Appendix 2, page 168, is subject to contamination and geotechnical constraints and the 350 capacity it is allocated may also not be achievable. There are also noise related concerns relative to land south of the Union Canal which are likely to have a reducing effect on output. Significant revisions to the master plans are likely.

Supports the continued commitment in the Proposed Plan to the CDAs (particularly East Broxburn/Winchburgh) but calls for the significant challenges they present to be recognised. In particular the Proposed Plan should allow for flexibility in the distribution of housing across the Broxburn CDA as a whole and land owners whose sites cannot be developed as planned should have the opportunity to transfer unused capacity to other land under their control. Argues that longer term reserves of land to the west side of the current boundary of H-BU 8 and north of site H-BU 9 should be identified as alternative sites to accommodate the number of houses already allocated with releases being identified in subsequent iterations of the LDP.

Policy CDA 1 - Development in the previously identified Core Development Areas

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Supports the principle of policy CDA 1.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Recognises the importance strategic allocations such as Heartlands can make to maintaining an

effective housing land supply and proposes that Policy CDA 1 should be amended to also reference such sites.

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Argues for greater flexibility to address changing circumstance and suggests that Policy CDA 1 should be relaxed to allow for modifications to masterplans to be made.

Miscellaneous

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

Proposes that a diagram akin to SDP Figure 7 should be incorporated into the LDP to identify the West Lothian Strategic Development Area (in a SESplan context).

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Supports the key housing aims at paragraph 5.37 (page 20) but seeks the addition of a reference to the necessity for the planning system to be flexible in the application of policy to reflect local circumstances.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Proposes that the 'smaller new housing sites' referred to in paragraph 5.61 (page 25) should be identified in Appendix 2 and representations invited as to their location and suitability.

Alleges failure to adopt timescales set out in SPP 2014 and to provide the estimated date for adoption of the Proposed Plan.

Modifications sought by those submitting representations:

Inconsistencies with policy and or guidance

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Collectively oppose the Proposed Plan being progressed to Examination until the deficiencies which have been identified relative to compliance with the requirements of Scottish Planning Policy (SPP 2014), the approved Strategic Development Plan (SDP), SESplan Guidance and PAN 2/2010:

Affordable Housing and Housing Land Audits have been addressed.

Terminology

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

The Proposed Plan should adopt the terminology used in SPP 2014 to articulate the housing figures and the process through which they are determined (pages 20/21, paragraphs 5.39-5.52).

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

With particular regard to Figure 5 (page 22), the term 'Housing Supply Target' (HST) should replace references to 'Housing Requirement'. This would have the effect of line A being re-titled the 'West Lothian LDP Housing Supply Target' and line C changed to the 'LDP Housing Land Requirement'.

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0238 (Scottish Natural Heritage)

The terminology used in paragraph 5.51 and Policy HOU 2 (page 23) derives from SPP 2010 and should be amended to correctly accord with SPP 2014. This states that 'sites from the established land supply which are effective or expected to become effective in the plan period' and this should be substituted for 'effective or shown to be capable of becoming effective'. Highlighted text reflects additions to the text whereas strike-through text reflects deletions requested.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are ~~effective or capable of becoming effective~~ effective or expected to become effective in the plan period to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing.

Policy HOU 2

The council will endeavour to maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related LDP Action Programme. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the Local Development Plan and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification of a shortfall in the effective housing land supply will be treated as premature.

Housing Needs and Demand Assessment (HNDA)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Remove references to HNDA 2 from the Proposed Plan at paragraph 5.38 (page 20), paragraph 5.39 (page 20), paragraph 5.40 (page 20), paragraph 5.41 (page 21), 5.42 (page 21), paragraph 5.58 (page 25) and paragraph 5.74 (page 28).

WL/LDP/PP/0239 (Homes for Scotland)

Clarify (or delete) reference to HNDA 2 in Figure 4 (page 21). If retained, explain the extrapolation method used. Delete paragraph 5.41 (page 21) and replace with a new paragraph confirming the LDP will conform to SDP 1 and within that the HNDA 1 demand figures, delete reference to SESplan Main Issue Report 2 from paragraph 5.42 (page 21) and delete paragraph 5.53 (page 23).

Housing Land Audit and programming of sites

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

HLA 2015, once agreed with Homes for Scotland, should be used as the basis for housing supply and demand figures in the Proposed Plan.

Intimates that only programming that has been agreed with Homes for Scotland should be adopted.

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Programming of sites must allow for realistic lead in periods and achievable rates of house building. Assumptions that the allocations will be built out by the end of the plan period is also not credible.

WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Present housing need and demand figures broken down by tenure in accordance with paragraph 5.40 (page 20). This should however be in addition to data presented in the current format HLA.

WL/LDP/PP/0239 (Homes for Scotland)

Clarify or remove the first sentence of paragraph 5.48 (page 20). Strike-through text reflects deletions requested.

'In addition to new housing land allocations, HLA 2014 has been reviewed and completions re-phased ~~to reflect requirements for the house building industry~~ to increase output on currently identified sites'.

Establishing the Housing Supply Target (HST) and the Housing Land Requirement (HLR)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Figure 5, (page 22) should be revised to conform with Diagram 1 of SPP 2014, (CD078) and should (1) demonstrate how the HNDA has provided the evidence base for the proposed Housing Supply Target (HST), separating out the HST into both affordable and market sectors (to accord with paragraph 115 of SPP 2014), (2) show how this has been translated into a Housing Land Requirement (HLR) with the addition of a 'generosity allowance', (3) provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted and (4) adopt a 'generosity allowance' of not less than 20%.

WL/LDP/PP/0236 (Scottish Government)

Suggests Figure 5 of the Proposed Plan (page 22) has incorrectly conflated two concepts, the HST and the HLR. Directs the council to which provides the housing figures.

Adopt the methodology for establishing HSTs and HLRs from SPP 2014, (CD078) and specifically Diagram 1.

Separate out the HST into both affordable and market sectors to accord with paragraph 115 of SPP 2014.

WL/LDP/PP/0239 (Homes for Scotland)

HSTs should be in accordance with SPP 2014, i.e., reasonable, reflect the HNDA estimate of housing

demand in the market sector, and supported by compelling evidence.

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

The Proposed Plan should identify additional HSTs and HLRs for the period 2024 – 2027 in order to satisfy SPP 2014 (paragraph 119) which states that the HLR should be met up to years 10 from the expected date of adoption. Respondents have suggested a figure of 928 houses per annum for the HST for the period 2024 - 2027, derived from Table 4 of the SESplan Housing Technical Note (2011), (CD223), and have attempted to enumerate the additional HLR for the period 2024 - 2027 by extrapolating and manipulating data from Table 2 of the SDP (CDX). This suggests a figure of approximately 3,000 (before any generosity allowance is added).

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21872215-270903f (Rapleys LLP on behalf of Bizspace)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Proposes that the council allocates, and even over allocates land to deal with the poor and non-performance of sites in order to ensure the delivery of the HLRs.

Housing Land Supply and Effectiveness

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0459 (Gladman Developments Ltd)

The Proposed Plan should identify the scale of the effective housing land for the periods 2014 to 2019, 2019 to 2024 and 2024 to 2027.

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

The Proposed Plan should allocate additional land for housing (which is immediately effective).

WL/LDP/PP/0239 (Homes for Scotland)

Amend the Proposed Plan to reflect the real shortfall and demonstrate how it is intended to meet the housing land requirement in full. Additional sites should be allocated for housing.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21872215-270903f (Rapleys LLP on behalf of Bizspace)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The development strategy for the Proposed Plan should focus on identifying sufficient effective housing land that can contribute to the effective housing land supply particularly in the short term period, as well as its plan period to 2027. Further effective housing land releases are urgently needed to accord with SDP Policy 5 Housing Land and Policy 6 Housing Land Flexibility.

Allocate additional effective, deliverable sites to sustain the housing land supply and to accord with SDP Policy 5 Housing Land and Policy 6 Housing Land Flexibility.

21889730-ea37565 (Dr John Kelly)

Allocate the effective land supply (a) by settlement and (b) for a period of 10 to 15 years.

Figure 5 - West Lothian Housing Land Supply Target

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
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WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Figure 5, 'West Lothian Housing Supply Target' (page 22), should be revised and take cognisance of the figures identified in the various representations. Housing need and demand should also be separately identified in meeting the 5 year effective housing land requirement, as required by both national and strategic policy. Assumptions made relative to windfall sites should be supported by a study.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The Proposed Plan should be prepared to over allocate land and bring forward additional sites to ensure the sufficient delivery of housing in the short term to meet SDP requirements.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The assumptions and programming underpinning Figure 5 should be produced.

WL/LDP/PP/0239 (Homes for Scotland)

The Proposed Plan should be amended to reflect the real housing land supply shortfall and demonstrate how it intends to meet the housing land requirement in full.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Figure 5, (page 22), should be deleted and replaced with the alternative tables provided by respondents and/or a calculation of the five year effective housing land supply.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Remove estimates of future windfall development from the calculation in Figure 5, (page 22).

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Figure 5, (page 22), should be revised to conform with the structure and terminology provided by Diagram 1 of SPP 2014, (CD078). Specifically, it should :

- Demonstrate how the HNDA has provided the evidence base for the proposed Housing Supply Target (HST), separating out the HST into both affordable and market sectors (to accord with paragraph 115 of SPP 2014);
- Show how this has been translated into a Housing Land Requirement (HLR) with the addition of a 'generosity allowance';
- Amend paragraphs 5.50 - 5.53 to provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted; and

Adopt a 'generosity allowance' of not less than 20%

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Arithmetical errors which have been identified in Figure 5, specifically non-summing totals in rows I, J and L, should be corrected.

WL/LDP/PP/0236 (Scottish Government)

The terminology used in paragraph 5.51 and Policy HOU 2 (page 23) derives from SPP 2010 and is erroneous. It should instead be amended to correctly accord with SPP 2014.

Committed sites

21716490-c057327 (John Orr)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Supports allocation of alternative sites and deletion of sites considered non-effective and including H-BA 1 (Balmuir Road), H-BA 6 (Easton Road), H-BU 13 (Kirkhill North), H-LV 13 (Gavieside Farm), H-AM 5/6 (Colinshiel A & B), H-BU 8 (Greendykes Road West), H-BU 9 (Greendykes Road East) and H-BU 10 (West Wood).

Constrained sites

21716490-c057327 (John Orr)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

Justify contributions of constrained sites (in the 2014 HLA) becoming part of the effective housing land supply.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Provide explanation and justification for changing status of sites identified in the HLA 2014 from constrained to effective and evidence agreement with Homes for Scotland.

Identify the interventions which would be required to make constrained sites effective.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Completions from constrained sites should be set at zero in the absence of any agreement with Homes for Scotland. Thereafter, HLA 2015 should be used to inform the re-programming of all sites, again in consultation with Homes for Scotland.

Allocate additional land to compensate for loss of output from constrained sites.

Generosity of supply and additional allowances

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Provide a robust and justified explanation as to whatever percentage 'generosity allowance' is adopted and adopt a 'generosity allowance' of not less than 20%;

WL/LDP/PP/0236 (Scottish Government)

Provide explanation as to why the Proposed Plan adds a 10% generosity factor despite this having already been included in the SDP HLR.

WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Amend Figure 3 (page 20) to account for 'additional allowances' not contributing to the total sum.

Policy HOU 1 - Allocated Housing Sites**21450464-c80b28f** (ScottHobbs Planning on behalf of Scottish Enterprise)**WL/LDP/PP/0160** (ScottHobbs Planning on behalf of Scottish Enterprise)

Proposes that subsection (c) of Policy HOU 1 is revised to include a safeguard for employment land elsewhere as a consequence. However on closer reading of the representation it appears that the respondent actually means subsection (b).

WL/LDP/PP/0147 (Gladman Developments Ltd)**WL/LDP/PP/0158** (Gladman Developments Ltd)**WL/LDP/PP/0216** (Holder Planning on behalf of EWP Investments Ltd)**WL/LDP/PP/0235** (Holder Planning on behalf of Taylor Wimpey)**WL/LDP/PP/0247** (Holder Planning on behalf of Taylor Wimpey)**WL/LDP/PP/0254** (Barton Wilmore on behalf of Hallam Land Management Ltd)**WL/LDP/PP/0350** (Gladman Developments Ltd)**WL/LDP/PP/0415** (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)**WL/LDP/PP/0459** (Gladman Developments Ltd)

The Proposed Plan should allocate additional land for housing allow for the maintenance of an effective land supply as required by the SDP and SPP 2014.

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

Re-word second paragraph of Policy HOU 1 (page 22) to accord with paragraph 119 of SPP 2014.

Highlighted text reflects additions to the policy.

'Development of housing on these sites will be supported in principle. To ensure that an effective 5 year supply of housing land at all times is maintained over the plan period, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:'

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Allocate additional land to compensate for the discrepancies between the totals shown for Winchburgh in the settlement statement (pages 97 and 98) and Appendix 2 (pages 23 and 254).

Support for sites already allocated under Policy HOU 1**21804649-7315bb7** (Rick Finc Associates on behalf of John Kerr Ltd)

Supports the general allocation of sites for housing in Linlithgow but suggests that the Proposed Plan should allocate in excess of the 500 units identified.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Proposes that Niddry Bing should be afforded longer term safeguarding as a potential residential development site once extraction works have ceased.

Proposes amendment to the definition of the north eastern boundary of the Broxburn CDA and for the resultant loss of capacity to be transferred to land south of Winchburgh.

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

Increase the capacity of site H-DE 2 (Main Street, Dechmont), page 85, Appendix 2 (page 177) to 120 units. Remedy discrepancy in site area between settlement statement entry, Appendix 2 entry (page 177) and Proposal Map 2.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Re-define the north eastern boundary of the Broxburn CDA (the northern portion of site H-BU 10) and transfer the resultant reduction in capacity to land south of Winchburgh.

Proposes that Niddry Bing should be afforded longer term safeguarding as a potential residential development site once extraction works have ceased.

Reduce the capacity of site H-WB 16 from 250 to 185 and site H-WB 17 from 250 to 200. Re-allocate the balance (115 houses) elsewhere in the Winchburgh CDA. Revisions should be made to figures in Chapter 6, (page 97) and Appendix 2 (pages 252, 253). There is a consequential impact on the 'total allocations' figure for Winchburgh (page 255) which would reduce from 4,243 to 4,128).

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

Increase the capacity of site H-DE 3 (Burnhouse), page 85, Appendix 2 (page 178) 120 to 180 units and delete the annotation identifying it as a 'reserve' site together with the removal of reference to site being at risk of flooding and the addition of text to confirm that the site will contribute to the provision of a new primary school.

WL/LDP/PP/0158 (Gladman Developments Ltd)

Seeks revisions to Appendix 2 (page 198) with regard to observations made in relation to Transportation (access) and Flood Risk and correct catchment area schools which have been identified under the Education column.

Promotion of sites to augment those allocated under Policy HOU 1

21716490-c057327 (John Orr)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments)

Allocate additional effective, deliverable sites to sustain a housing land supply in Livingston and Bathgate.

21119948-2ac9a17 (Houghton Planning Ltd on behalf of Laurieston Developments Limited)

Promotes allocation of land at South Logie Nursery by Westfield for housing. Add site to Appendix 2 and amend Proposals Map.

21736518-a62d550 (Davidson & Robertson Rural on behalf of Cadzow Estates)

Argues that Broxburn needs to continue to develop its own housing (retail and employment) provision in order to maintain its identity as a local centre and also to contribute to serving West Edinburgh. Promotes allocation of land at Kilpint, Broxburn for housing. Add site to Appendix 2 and amend Proposals Map.

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

Promotes allocation of land to the north of Bathgate Golf Club for housing. Add site to Appendix 2 and amend Proposals Map.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Promotes extending the boundary of site H-WB 17 and adjusting the boundary of the Broxburn CDA and Countryside Belt. Argues Winchburgh is a location where additional land can be brought forward quickly to deliver housing completions that will meet requirements and address, in part, the housing land supply shortfall. It also makes the best use of resources by maintaining the momentum of the established strategic expansion.

Promotes allocation of land at Niddry Mains Golf Course for mixed use development including housing. Add site to Appendix 2 and amend Proposals Map.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

Promotes allocation of land at Murieston Castle Farm, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Hartwood Road, West Calder for housing. Add site to Appendix 2 and amend Proposals Map.

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Langton Road, East Calder for housing. Add site to Appendix 2 and amend Proposals Map.

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Station Road, Kirknewton for housing. Add site to Appendix 2 and amend Proposals Map.

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

Promotes allocation of land at Balgreen Farm, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

21872215-270903f (Rapleys LLP on behalf of Bizspace)

Promotes allocation of land at Fleming House, Livingston for mixed use development including housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd)

Promotes allocation of land at Murieston Valley and Hunter Road, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0147 (Gladman Developments Ltd)

Promotes allocation of land at Brotherton Farm, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Include reference to there being evidence of greater demand for housing of various tenures and to Scottish Government's support for the supply of housing to be generally increased. Promotes allocation of land in Winchburgh in respect of four sites, previously referenced EO1-0193, EO1-0202, EO1-0203 and EO1-0204. Add sites to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

Promotes allocation of land at Eastoun Farm, Bathgate for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

Promotes allocation of land at Kingsfield Farm, Linlithgow for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

Promotes allocation of land at Armadale East for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0350 (Gladman Developments Ltd)

Promotes allocation of land at Appleton Parkway, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Promotes allocation of land at Pumpherston Farm, Pumpherston for a mixed use development including housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment Management)

Promotes allocation of land at Burghmuir, Linlithgow for a mixed use development including housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Promotes allocation of land at Wellhead Farm, Murieston, Livingston for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0417 (Andrew Bennie Planning Limited on behalf of Ogilvie Homes)

Promotes allocation of land at Hen's Nest Road, East Whitburn for housing. Add site to Appendix 2 and amend Proposals Map.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

Promotes expansion of CDA allocations at Mossend/Cleugh Brae for housing and the identification of a new site (suggested reference H-WC 6 – Mossend Phase 2) extending to 9.3 ha with a capacity of 235 houses. Proposes revision to Appendix 3 – Schedule of Land Ownership (page 264) to record that site H-WC 2 is land owned by the council and that it is to be developed for affordable housing.

WL/LDP/PP/0459 (Gladman Developments Ltd)

Promotes allocation of land at Dykeside Farm, Bathgate for housing. Add site to Appendix 2 and amend Proposals Map.

Policy HOU2 - Maintaining an Effective Housing Land Supply

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0236 (Scottish Government)

Seeks the removal of the words ‘endeavour to’ from Policy HOU 2 and an amendment to reflect the wording in SPP 2014 which references effective land. Also proposes revisions to include an explanation of what action the council would take in the event of a failure of the land supply and a presumption in favour of development that contributes to sustainable development in that eventuality. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested.

The council will ~~endeavour to~~ maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective in the plan period ~~all times throughout the lifetime of the plan~~. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review the land supply in accordance with the SPP 2014 and the Strategic Development Plan. Where it can be demonstrated that the council is not maintaining a 5 year effective housing land supply at all times, residential development will be granted if the sustainability of the proposal accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with LDP policy HOU 3.

*Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related LDP Action Programme. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the Local Development Plan and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification of a shortfall in the effective housing land supply will be treated as premature **only if they undermine the development strategy of the LDP.***

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Seeks to amend Policy HOU 2 to identify criteria by which to assess new sites (in line with SDP Policy 7) to contribute to identified housing land shortfalls.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)
WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Amend Policy HOU 2 to remove the restriction safeguarding land for longer term housing development that may become necessary as a result of failure to maintain a five year housing land supply.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0236 (Scottish Government)
WL/LDP/PP/0239 (Homes for Scotland)
21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Reference to the SESplan paper 'Maintaining a Five Year Effective Housing Land Supply' (page 23, paragraph 5.51) should be deleted as it is not consistent with SPP 2014.

Reference in paragraph 5.41 (page 21) and Policy HOU 2 (page 23) which indicate that the maintenance of a five year housing land supply must be achieved by housing sector should be deleted.

Housing Requirement Periods

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0238 (Scottish Natural Heritage)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Paragraph 5.52, (page 23) should be reworded and the last sentence removed. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested).

'5.52 The LDP cannot guarantee that all sites will come forward. The supply can be identified in accordance with Scottish Government policy and current definitions of effectiveness set out in Planning Advice Note 2/2010, but there may be factors out with the council's control, such as the economic climate, which limit deliverability. Figure 5 is set out to comply with requirements of SPP ~~2010~~ 2014 and the SESplan

Supplementary Guidance on Housing Land. It identifies that over the period to 2019 and the second period 2019 to 2024 that housing requirements can be met. However, it also indicates that new allocations coming forward after adoption of the plan (2016/17) are unlikely to make a significant contribution by 2019 and therefore impact on the ability to deliver a five year effective supply within the first Plan period.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Insert the word 'continuous' in the last sentence of paragraph 5.52 (page 23), in the context of the effective housing land supply. (This would depend on whether the last sentence was being retained).

Infrastructure requirements and delivery

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Mechanisms for dealing with infrastructure constraints must be clearly addressed in the Proposed Plan and include the council taking on responsibilities. Amend the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables) **WL/LDP/PP/0350** (Gladman Developments Ltd)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Calls for the Action Programme to provide more detail.

WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd)

Proposes that the council adopts interim measures based on developer contributions as a means of securing the necessary infrastructure requirements, particularly in relation to school provision. Alternatively, seeks the lifting of 'moratorium' on further new housing in the Linlithgow Academy catchment area.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

No modification proposed.

Core Development Areas

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

Re-draft paragraph 5.46 (page 21) to extend the scope of allowing additional development in original CDAs allocations to pre and post-2024 requirements and to clarify that additional development will be allowed if there is evidence of a shortfall in the 5 year effective housing land supply, and other factors such as support for infrastructure and affordable housing.

Specific sites which should not be included in calculation of the land supply at East Broxburn are listed with their HLA references as: Greendykes Road (4/37), Albyn (4/39), Bridge Place West (4/48), Holmes North Site B (4/22) and Homes North Site C (4/29).

Delete reference to withdrawing support for CDA housing sites which already have consent and are the subject of Section 75 Agreements.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

Re-draft paragraph 5.59 (page 25) to more accurately reflect the existing situation regarding infrastructure and, if subsequently deemed appropriate, account for the re-allocation of capacity from the Broxburn CDA to Winchburgh CDA.

WL/LDP/PP/0245 (EMA on behalf of EWP Investments Ltd)

Revise settlement statement (page 80), Appendix 2 (pages 130, 131 and 133) and Proposals Map 4 to the effect that; (1) the area and capacity of site H-AM 8 is reduced from 13.6 ha to 5.1 ha and from 256 to 161 units; (2) the capacity of site H-AM 11 is reduced from 109 to 85 to be consistent with the Planning permission (3) the area and capacity of site H-AM 14 is reduced from 26.6 ha to 10.16 ha and from 350 units to 254 units and (4) 'total allocations' figure for Armadale (page 255) is consistent with revisions.

21716490-c057327 (John Orr)

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21867093-c1389fa (Montagu Evans on behalf of Cala Management Ltd)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0418 (Montagu Evans on behalf of Cala Homes)

Allocate additional effective, deliverable sites to sustain the housing land supply.

Policy CDA 1 - Development in the previously identified Core Development Areas

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Policy CDA 1 should be amended to also embrace strategic development sites such sites Heartlands, Whitburn.

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

Policy CDA 1 should be amended to allow for changing circumstance and for modifications to masterplans to be made.

Miscellaneous

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

Proposes that a diagram akin to SDP Figure 7 should be incorporated into the LDP to identify the West Lothian Strategic Development Area (in a SESplan context).

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

Include a reference to the necessity for the planning system to be flexible in the application of policy to reflect local circumstances.

Summary of responses (including reasons) by planning authority:

Inconsistencies with policy and or guidance

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council considers that the position and approach taken in the LDP meets SPP2014 (CDX), SDP (including Supplementary Guidance on Housing Land) and PAN 2/2010 in the following ways:

- Considers the outputs of the HNDA and makes justified variations using the SDP criteria;
- Allocates land in the most sustainable locations;
- Facilitates new housing development ;
- Meets private demand, contributes to affordable need, provide generosity for private housing, delivers a 5 year all tenure effective land supply
- Allocates sites up to year 10 from the expected year of adoption (2027) and utilises the action programme to ensure the small number of established sites can be brought forward within the Plan period.

None of the representations made raise any material issue which would incline the council to modify its position.

Terminology

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

It is acknowledged that the terminology used in the Proposed Plan (particularly when discussing issues relating to housing land supply and housing land requirements) is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014, and it was also prior to the publication of SESplan Supplementary Guidance on Housing Land (CDX). These events introduced changes to the terminology used in the Plan which have not been systematically implemented. Under these circumstances, the council would have no objection to the Reporter requiring the substitution of redundant words and terms to reflect those used in SPP 2014 should this be considered helpful in improving the legibility and understanding of the Plan. With particular regard to Figure 5 (page 22), the term 'Housing Supply Target' (HST) should replace references to 'Housing Requirement'. This would have the effect of line A being re-titled the 'West Lothian LDP Housing Supply Target' and line C changed to the 'LDP Housing Land Requirement'.

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0238 (Scottish Natural Heritage)

It is acknowledged that the terminology used in the Proposed Plan is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014. With reference to the terminology used in paragraph 5.51 and the first sentence of Policy HOU 2 (page 23), the council would have no objection to the Reporter requiring the substitution of 'sites from the established land supply which are effective or expected to become effective in the plan period' with 'effective or shown to be capable of becoming effective' to accord with SPP 2014 in both instances should this be considered helpful in improving the legibility and understanding of the Plan.

Highlighted text reflects additions to the text whereas strike-through text reflects deletions.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are ~~effective or capable of becoming effective~~ effective or expected to become effective in the plan period to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing.

Policy HOU 2

The council will endeavour to maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related *LDP Action Programme*. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the *Local Development Plan* and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification

of a shortfall in the effective housing land supply will be treated as premature.

Housing Needs and Demand Assessment (HNDA)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0459 (Gladman Developments Ltd)

SPP2014 (paragraph 118) requires that Strategic Development Plans (SDPs) should set out the housing supply target and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Paragraph 113 of SPP states that Housing Need and Demand Assessments provide the evidence base for defining housing supply targets and allocating land for housing in development plans.

The council wishes to make it clear that the housing supply targets which the LDP has adopted are those which have been prescribed in the SDP and which in turn have been informed by the SESplan Housing Needs and Demand Assessment published in 2011, herein referred to as HNDA [1]. In this regard, the process has been entirely transparent and compliant with SPP 2014.

HNDA [1] was prepared as part of the strategic development plan process covering the whole SESplan area and was certified as 'robust and credible' by the Scottish Government's Centre of Housing Market Analysis (CHMA) in 2011. SPP 2014 states that where the Scottish Government is satisfied that a HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination. Paragraph 5.41 quite clearly states that 'the LDP must conform to the SDP' and that 'the LDP continues to meet the housing requirements set out in the SDP in full'. It is difficult to see how this could have been made any clearer but the council would not be opposed to modifying the text should this be considered helpful in improving the legibility and understanding of the Plan.

Notwithstanding the above, the council is aware that HNDA [1] was largely modelled on pre-recession information and may no longer be the most accurate predictor of future needs and demand. The council, therefore, has legitimate concerns about the veracity of HNDA [1], and by implication, the housing supply targets which flow from it and reserves the right to say so. In particular, it is significant that HNDA [2] incorporates the National Records of Scotland (NRS) 2012 household projections, as opposed to the 2010 based projections which were the basis of HNDA [1]. These substantially reduce the housing requirements for West Lothian by around 40% based on a default growth scenario in HNDA [2] and the council considers that it is legitimate to have

referenced this in the Proposed Plan as part of the context setting. For these reasons, the council does not agree to modify the plan in response to these representations.

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0239 (Homes for Scotland)

The council considers the inclusion of Figure 4 (page 21) of the Proposed Plan to be informative in illustrating the nature and quantum of housing need as currently assessed by HNDA [2] and is helpful in understanding the narrative. It is not however regarded as essential and the council would not take issue if the Reporter was minded to delete Figure 4 (and the immediately preceding sentence in paragraph 5.41 'Requirements arising from HoNDA 2 are set out in Figure 4'.

The council does however decline to agree the deletion of the remainder of paragraph 5.41 (page 21), the deletion of reference to SESplan Main Issue Report 2 from paragraph 5.42 (page 21) and the deletion of paragraph 5.53 (page 23).

Housing Land Audit and programming of sites

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

While initially drawing on data from the HLA 2008, the SESplan SDP ultimately adopted HLA 2010 and it is these figures on which the original SDP housing land requirement was determined. Similarly, when the council embarked on the West Lothian LDP the initial source of data was HLA 2012, but as it too has progressed, it has taken account of more up to date data as and when it has become available. This ably serves to demonstrate the point that development plan preparation is a dynamic process and that Housing Land Audits in particular are only snapshots of the housing land position at a particular point in time.

It is a matter of fact that the Proposed Plan has been based on Housing Land Audit 2014, the reason being that this was the most current and comprehensive source of housing land data available to the council when it was being prepared. It is acknowledged that an integral part of the process of preparing the HLA is consultation with representatives of the house building industry and other interested parties in order to try to reach agreement on the effective supply. In 2014 all of the site details recorded in HLA 2014, including the forward programming of completions, were agreed with Homes for Scotland with no disputed schedules and were held to represent levels of output that the house building industry was comfortable with and capable of achieving. The council does however acknowledge that adjustments were subsequently made to the status and programming of sites, both effective and constrained and without the agreement of Homes for Scotland. This is addressed in the Housing Land Position Statement **(CDX)**.

Criticism that HLA 2015 was not adopted as the basis of the Proposed Plan is noted but it was simply not available when housing allocations were being made post MIR stage in the summer of 2015, nor would it have been practical to arrest the process to substitute a new data base even if it had been. To have done so would have severely hindered the progress of the LDP and the ultimate goal of getting the LDP adopted. In the event, the council has again had regard to the figures coming out of the most recently completed Audit, HLA 2015, and has appropriately referenced these in the Housing Land Position Statement (CDX). Homes for Scotland have been engaged and invited to consider and comment on HLA 2015 and will presumably make their views known during the course of the Examination.

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council notes support for revisions to the HLA format and confirms that these will be introduced/adopted in HLA 2016.

WL/LDP/PP/0239 (Homes for Scotland)

The council acknowledges that Homes for Scotland have not endorsed the output and programming which has been identified to meet the LDP Housing Land Requirement and it accepts that the first sentence of paragraph 5.48 has the potential to be read as implying otherwise. Accordingly, the council would not object to the Reporter requiring this sentence to be re-worded.

Highlighted text reflects additions to the text whereas strike-through text reflects deletions.

5.48 In addition to detailing new housing land allocations, HLA 2014 has subsequently been reviewed with a view to maximising the output from the established housing land supply. This has resulted in a number of sites being re-classified (from constrained to effective) and their programming adjusted (albeit without the express agreement of Homes for Scotland). and completions re-phased to reflect requirements for the house building industry to increase output on currently identified sites.

Establishing the Housing Supply Target (HST) and the Housing Land Requirement (HLR)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

It is acknowledged that the terminology used in Figure 5 (page 22) is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014, and it was also prior to the publication of SESplan Supplementary Guidance on Housing Land. These events introduced changes to the terminology used in the Plan which have not been systematically implemented. The council would therefore have no objection to the Reporter requiring Figure 5 to be amended to properly reflect the correct terminology to accord with SPP 2014 should this be considered helpful in improving the legibility and understanding of the Plan.

The council concurs with the suggestion by respondents that Diagram 1 of SPP 2014 would helpfully provide clarification of both process and terminology relative to housing need and land supply but

believes that this would be more suited to being part of the supporting documentation. Consequently, it has been incorporated as part of the Housing Land Position Statement (CDX).

An explanation of how the HNDA provides the evidence base for Housing Supply Targets (HSTs), how this translates to the Housing Land Requirement (HLR) and how the council has addressed the issue of 'generosity' is also provided in the council's Housing Land Position Statement (CDX).

The council specifically declines to further increase the generosity allowance beyond the 10% figure adopted in the Proposed Plan.

WL/LDP/PP/0239 (Homes for Scotland)

The council considers that HSTs identified in the LDP are properly defined with regard to HNDA [1], the SDP and SPP 2014 and refutes representations to the contrary. This is also addressed in the Housing Land Position Statement (CDX).

The council specifically declines to amend the HSTs and does not agree to modify the plan in response to these representations.

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

The council acknowledges that a requirement of SPP 2014 (paragraph 119) is to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption and that there is, therefore, a reasonable expectation for an additional housing supply target to be identified for the period 2024-2027. This issue is addressed in the Housing Land Position Statement (CDX).

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

It is self-evident that it becomes increasingly more difficult to satisfy the housing land requirement which has been identified for the first period of the Plan as the window of opportunity for doing so reduces year on year. Planning applications for new housing, while increasing, are still not coming forward in anything like the number needed to sustain the levels of building required to meet the housing land requirement. The Proposed Plan makes it very clear (paragraph 5.52, page 23) that while an LDP can identify the supply, it cannot guarantee that all sites will come forward and it specifically notes that allocations coming forward in the latter part of the first Plan period are unlikely to contribute significantly by 2019.

The real issue is perhaps more to do with the credibility of the requirement set by the SDP/Housing Land Supplementary Guidance in so far as it demands the delivery of a level of housing which has never been achieved before. As things currently stand, annual completions over the remaining period would have to average in excess of 3,000 homes and it is highly questionable whether the development industry has anything like the capacity to deliver this volume of housing even if all

other considerations such as education and transport infrastructure could be satisfactorily provisioned. There is also only so much housing that can be programmed without exceeding the physical and environmental capacity of an area to absorb housing.

The respondents suggested solution of ‘over allocating’ or simply adding more and more land makes no impact on the ability to deliver. It does nothing to address the real challenges that lie behind the non-delivery of housing and unfortunately appears to be aimed at getting large areas of housing land identified to reflect respective interests in land options or ownership without contributing much of substance towards the realisation of West Lothian’s development plan strategy.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21872215-270903f (Rapleys LLP on behalf of Bizspace)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

A number of representations question the effectiveness of the strategic housing land allocations as set out in the Proposed Plan, and the capacity of this supply to deliver the stated number of houses during the plan period. It is suggested that assumptions about the delivery of housing from such sites are over-optimistic and that there will be a shortfall in housing land provision that this should be addressed through additional new allocations.

The foundation of the council’s estimate of output from existing supply sites was the annual Housing Land Audit (HLA) process. HLA 2014 (**CDX**) was used as the basis of estimating the output of existing supply and was enumerated at 4,422 units. The HLA was prepared in accordance with the guidance in PAN 2/2010 (**CDX**), informed by developer returns on site programming, and subject to consultation with Homes for Scotland. No disputes were sustained with the programming of effective sites and the council considers that its approach to identifying the contribution which such sites will make to meeting housing requirements is robust and complies with the SPP and PAN 2/2010. The council therefore does not agree to modify the plan in response to these representations.

Housing Land Supply and Effectiveness

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0459 (Gladman Developments Ltd)

Representations suggesting that the council has failed to comply with SPP 2014 and SDP Policy 5 in so far as the Plan will not maintain a 5 year effective housing land supply at adoption and that the Proposed Plan does not properly identify the scale of the effective housing land supply are addressed in the Housing Land Position Statement (**CDX**).

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

The conclusion by some respondents that the council does not have any solution to addressing any shortfall in housing, particularly in the first Plan period, is misinformed. While it has already been established that the council does not subscribe to the view that the solution lies in allocating increasingly more land, it should not be assumed that nothing is being done.

The council has been and will continue to be proactive in addressing the resolution of constraints which have the potential to inhibit or delay the implementation of allocated housing sites which might precipitate a shortfall. In particular, it has assisted in the delivery of infrastructure to support development through forward funding by establishing and operating its own Local Infrastructure Fund (LIF) and which has proven extremely successful in overcoming infrastructure blockages. To date, the LIF has primarily funded education and roads infrastructure and it remains a key component of the council's strategy which supports development delivery. The council's response to addressing infrastructure requirements is more fully set out in a separate Schedule 4 number (**1F**)

The council has also actively lobbied the Scottish Futures Trust for funding towards secondary school provision and is always reviewing school catchment areas and evaluating accommodation solutions with a view to addressing school capacity issues. It is also in partnership with the other SESplan member authorities to secure a City Region Deal for Edinburgh and south east Scotland. City Region Deals can unlock large-scale investment that would not have otherwise been achievable. They aim to encourage economic growth by investing in key infrastructure projects with investment forward funded and the cost recovered through a share of the rise in increased tax revenue generated as a result. The outcome of the City Region Deal bid is anticipated before the end of 2016.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Representations suggesting that The council has failed to allocate sufficient land to achieve the number of completions to meet SDP requirements are addressed in the Housing Land Position Statement (**CDX**).

The council does not however subscribe to the view that the solution to achieving a faster or higher level of completions is to allocate additional land and it therefore declines to modify the plan in response to these representations.

21772260-be38d90 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)**WL/LDP/PP/0170** (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

The most recent pronouncement by the DPEA as to whether West Lothian has a five year effective housing land supply is set out in a DPEA Appeals Decision Letter dated 25 January 2016 and relating to planning appeal PPA-400-2058 (**CDX**). The analysis, based on HLA 2014, concluded that the total effective supply of housing land was 4,799 over the period 2014-2019, with a further 1,023 in 2019-2021 and 7,562 post-2021. The Reporter accepted the appellant's calculation of 5,710 houses being the effective five year requirement (the equivalent of half of the ten year Housing Land Supply Target figure of 11,420), and observing that the available effective supply of 4,799 fell short of this by 911, concluded that an effective five year housing land supply was not being achieved.

The council does not dispute this shortfall (when calculated using data informing HLA 2014).

. The overall housing land supply position has however significantly improved since the 2014 Audit, the shortfall halving almost halved mainly by virtue of new allocations in the LDP, and has almost halved and it is therefore the case that this more than cancels out the 911 shortfall.

WL/LDP/PP/0239 (Homes for Scotland)

The council welcomes the support of Homes for Scotland for the objectives of the Plan listed in paragraph 5.37 (page 20), but does not agree that there is any inconsistency with the key aims for the plan area, as set out in paragraph 4.3 (pages 8-9). The council maintains that there is a very clear and self-evident correlation between both.

The council's position in relation to the land supply is set out in the Housing Land Position Statement (**CDX**). The council does not, however, subscribe to the view that allocating additional land will make any significant difference to securing the key aims and objective of the plan and it therefore declines to modify the plan in response to these representations.

21889730-ea37565 (Dr John Kelly)

The respondents suggestion that the effective land supply should be allocated (a) by settlement and (b) for a specific period of 10 to 15 years would be incompatible with SPP 2014 and for these reasons the council declines to modify the plan.

Figure 5 - West Lothian Housing Land Supply Target

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

The purpose of Figure 5 (page 22) is primarily to identify the housing land requirement for West Lothian as set out in the SDP Supplementary Guidance Housing Land November 2014 (CDX) and to demonstrate how it is proposed to meet this. It also quantifies windfall and demolitions and sets out the contribution of existing effective and constrained sites to meeting the LDP housing land requirement.

The council's position in relation to the land supply is set out in the Housing Land Position Statement (CDX) including an explanation of the windfall and demolition assumptions.

It is acknowledged that the terms used within this table do not reflect those used within Scottish Planning Policy Diagram 1 which refers to LDPs meeting the housing land requirement and the council sees merit in a modification to address (as previously discussed) issues relating to terminology and also identifying an LDP Housing Land Supply Target for the period 2024 to 2027. The following table is proposed as its replacement (and incorporates other corrections referenced below).

	2009-2019	2019-2024	2009-2024	2024-2027
SETTING THE WEST LOTHIAN LDP HOUSING LAND SUPPLY TARGET				
LDP Housing Supply Target	11, 420	6, 590	18,010	2,784
Generosity Allowance (+10%)	1, 142	659	1,801	278
LDP Housing Land Requirement	12, 562	7, 249	19,811	3,062
Effective Supply¹	4, 422	4, 279	8,701	1,364⁶
Constrained sites coming forward²	642	3, 716	4,358	692⁷
Completions (2009-	2, 440	0	2,440	0

2014)³				
Windfall⁴	240	400	880	240
Demolitions⁵	-568	-100	668	-60
Total Supply from Existing Sources	7,416	8,295	15,711	2,236
Allocations Required	5, 146	1, 046	4,100	826
Programming of Proposed Allocations	1, 496	2, 610	4,106	0
Shortfall / Surplus	-3, 650	+3, 656	+6	+826

SOURCES

1 Appendix 1 of the Housing Land Position Statement

2 Contribution of sites recorded as constrained in HLA 2014

3 Completions recorded in HLAs for the period 2009 to 2014

4 Table 3.2 of SDP SG Housing Land Technical Note

5 Table 3.2 of SDP SG Housing Land Technical Note

6 Figure derived from continuing the same annual level of output from effective sites as in previous periods

7 Figure derived from continuing the same annual level of output from constrained sites as in previous periods

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The suggestion that the inclusion of estimates of future windfall development in Figure 5 duplicates the contribution from that source in the calculation (as it is already accounted for in the HLA) is incorrect. While the effective supply will contain an element of previous windfall, the windfall entry in Figure 5 is an estimate of future windfall and there is no double counting. The council does not therefore agree to modify the plan in response to this representation.

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

A number of respondents have concluded that there is a significantly larger shortfall in the land supply than indicated by the council in Figure 5 (page 22). The principle reason for this difference is that the alternative calculations are premised on the assumption that there will be no (i.e. zero) contribution from any of the constrained sites identified in the Proposed Plan. While recognising there is perhaps a debate to be had about exactly where this figure lies, the council does not accept that none of the constrained sites will contribute to meeting the housing land requirement.

Sites have been considered on an individual basis. Many sites considered to be constrained at the present time are affected by short term constraints which may quickly be overcome. It is not considered necessary to reduce the contribution of constrained sites to the housing land supply.

The contribution of constrained sites to the LDP housing land supply target is set out in the Housing Land Position Statement (**CDX**).

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The council's response to criticism about the absence of a technical document to support the assumptions and programming underpinning Figure 5 is set out in the Housing Land Position Statement (**CDX**).

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
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WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0350 (Gladman Developments Ltd)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0459 (Gladman Developments Ltd)

A number of respondents have tabled alternative versions of Figure 5, populated with different values for each component and ultimately concluding that there is a significantly larger shortfall in the land supply than indicated by the council. The principle reason for this difference is that the alternative calculations are premised on the assumption that there will be no (i.e. zero) contribution from any of the constrained sites identified in the Proposed Plan. While recognizing there is perhaps a debate to be had about exactly where this figure lies, the council does not accept that none of the constrained sites will contribute to meeting the housing land requirement.

The contribution of constrained sites to the LDP housing land supply target and calculation of the five year effective housing land supply is set out in the Housing Land Position Statement (**CDX**). Sites have been considered on an individual basis. Many sites considered to be constrained at the present time are affected by short term constraints which may quickly be overcome. It is therefore not considered necessary to reduce the contribution of constrained sites to the housing land supply.

WL/LDP/PP/0236 (Scottish Government)

The arithmetical errors identified in Figure 5 (related to the summing of rows) have been identified, and while numerically inconsequential they have nevertheless been corrected and incorporated into the replacement Figure 5.

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0238 (Scottish Natural Heritage)

It is acknowledged that the terminology used in the Proposed Plan is not always consistent with SPP 2014. This can in part be explained by the fact that the LDP was commenced when SPP 2010 was effective, not SPP 2014. With reference to the terminology used in paragraph 5.51 and the first sentence of Policy HOU 2 (page 23), the council would have no objection to the Reporter requiring the substitution of 'sites from the established land supply which are effective or expected to become effective in the plan period' with 'effective or shown to be capable of becoming effective' to accord with SPP 2014 in both instances should this be considered helpful in improving the legibility and understanding of the Plan. Highlighted text reflects additions to the text whereas strike-through text reflects deletions.

5.51 To achieve this, LDPs are required to allocate suitable land on a range of sites which are ~~effective or capable of becoming effective~~ effective or expected to become effective in the plan period to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times. 'Effective' means that sites are free, or expected to be free, of development constraints in the period under consideration, and will therefore be available for the construction of housing.

Policy HOU 2

The council will ¹endeavour to maintain a 5-year supply of land for housing that is ~~effective or can be shown to be capable of becoming effective~~ effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.

Proposals for housing development will require to accord with the proposed phasing detailed in Chapter 6 and the related *LDP Action Programme*. Sites identified in Chapter 6 for longer term expansion are embargoed from development during the period of the *Local Development Plan* and shall be safeguarded unless required to contribute to the five year effective supply and any infrastructure required as a result of the development is either committed or to be funded by the developer. Proposals coming forward in advance of any identification of a shortfall in the effective housing land supply will be treated as premature.

¹This change relates to representations made specifically with regard to Policy HOU 2 (discussed later) but shown changed here for consistency.

Committed sites

21716490-c057327 (John Orr)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council recognises that there are sites allocated in the Proposed Plan which have been 'carried forward' from the West Lothian Local Plan 2009 but it rejects the suggestion that this constitutes a reason to not include them. There is a wealth of previously undeveloped land in West Lothian, the legacy of a generous allocation made at the time of the West Lothian Local Plan in 2009, and the SDP Supplementary Guidance (**CDX**) notes that most of the housing required is expected to be built on land which is already committed for development either because it is already allocated for that purpose or because planning permission has been granted. It is also in part a direct consequence of the economic downturn, and it is not at all surprising that so much still remains. This is of course also

part of the reason why the council sees no requirement or justification for allocating significantly more land through the LDP.

All of the sites which have been carried forward have however been reviewed and evaluated in order to determine whether they remain compatible with the spatial strategy and to establish their effectiveness and propensity to deliver housing during the plan period.

It is the council's view that annual HLA should continue to be the appropriate mechanism through which the effectiveness of sites should be assessed. This assessment should be limited to the tests set out in PAN 2/2010 which address matters relating to the supply. Issues relating to demand should not be factors in determining whether replacement sites would be required.

The Housing Land Audit 2014 identifies an established land supply of 21,337 of which 13,384 is identified as effective. The effectiveness of many sites in the Housing Land Audit 2014 is currently affected by factors which may be overcome in the short term. It is not considered that this is an issue which will be resolved by the identification of any further sites in the Plan. No evidence has been provided to demonstrate that further sites would be more deliverable than those already in the housing land supply or new sites already identified in the Plan. Further sites proposed in representations are dealt with in separate Schedule 4s. The LDP Action Programme provides a delivery mechanism which will assist in bringing forward sites for housing development.

SPP requires that LDPs allocate a range of sites which are effective or expected to become effective in the 'plan period' to meet the housing land requirement of the SDP (paragraph 119) and the council is satisfied that it has done this. The council does not consider that it is necessary to jettison any of the carried over sites and no modifications are proposed.

Constrained sites

21716490-c057327 (John Orr)

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

The council's position in relation to the contribution of constrained sites to the land supply is set out in the Housing Land Position Statement (**CDX**).

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The council's position in relation to the re-classification of a number of sites which were shown as constrained in HLA 2014 (and now identified as effective in the *Proposed Plan*), and also the re-programming of sites from the effective housing land supply is set out in the Housing Land Position Statement (**CDX**). It should also be noted that the council continues to liaise and consult with Homes for Scotland with a view to confirming the effectiveness of sites through the Housing Land Audit process.

It is acknowledged that the Proposed Plan does not identify the specific interventions which would be required to make constrained sites effective. However Appendix 2, Schedule of Housing Sites/Site Delivery Requirements, comprehensively lists key development requirements both geographically and on a site by site basis. The Proposed *Action Programme* has also been prepared to support the delivery of the *West Lothian Local Development Plan* (LDP), its' policies and proposals (CDX). It sets out the actions, name of responsible persons and/or partnerships, and timescale for each action

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)
21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)
WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The Proposed Plan programmes some 642 houses being developed during the period 2009-2019 on sites which were previously identified in HLA 2014 as constrained. While recognising that HLA 2014 (and draft HLA 2015) had not anticipated these sites delivering any completions before 2019, the council has since concluded that there were justifiable grounds for bringing these sites forward and that its actions are legitimised by SPP2014 (CDX), paragraph 119) which states Local Development Plans should allocate land on a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan. The council's position in relation to the re-classification of sites which were shown as constrained in HLA 2014 (and now identified as effective in the *Proposed Plan*), and also the re-programming of sites from the effective housing land supply is set out in the Housing Land Position Statement (CDX).

The council rejects the suggestion that programmed completions from sites what were previously identified as constrained should be set at zero and similarly does not agree to the allocation of additional sites to 'compensate' for their removal from the supply of land identified to meet the housing land requirement. It is proposed that the phasing adopted in the Proposed Plan is reflected in HLA 2016 which will in turn provide Homes for Scotland with a formal opportunity to engage with the council on this matter and, ideally, reach an agreement.

Generosity of supply and additional allowances

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)
21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)
21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)
WL/LDP/PP/0147 (Gladman Developments Ltd)
WL/LDP/PP/0158 (Gladman Developments Ltd)
WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)
WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)
WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0239 (Homes for Scotland)
WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)
WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

SPP 2014 (paragraph 116) requires that housing supply targets should be increased by a margin of 10-20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin is said to depend on local circumstances. Table 3.1 of SESplan Supplementary Guidance on Housing Land (November 2014) (CDX), sets West Lothian a housing supply target of 11,420 units for 2009-2019 and 6,590 units for the period 2019-2024. SPP Diagram 1 does not however require **local development plans** to add on a generosity margin to housing supply targets. There is no policy remit or mechanism contained in SPP 2014 which demands a margin of generosity at Local Development Plan level. Nonetheless, the council has added a 10% generosity factor to the West Lothian housing supply targets in the spirit of SPP 2014. For the period 2009-2019 this is identified as 1,142 units and for the period 2019-2024 this is 659 units. When added together this sets housing land requirements of 12,562 and 7,249 respectively. Cumulatively, over the period 2009-2024, this adds 1,801 homes to the figure in the SDP Supplementary Guidance. Under the circumstances, 10% is considered to be a generous addition to the supply and it is not proposed to modify the Plan to increase this further. As explained later, an additional housing supply target has been identified for the period 2024 to 2027 which similarly includes a 10% generosity margin and further augments the land supply.

The issue of 'generosity' is also addressed in the Housing Land Position Statement (CDX).

WL/LDP/PP/0236 (Scottish Government)

It is recognised that there is no policy remit or mechanism contained in SPP 2014 which demands a margin of generosity to be added at Local Development Plan level. The issue here lies in the fact that SESplan was not guided by the policy requirements of SPP 2014, including the identification of the housing land requirements; therefore, the methodology through which the SDP housing land requirements were devised does not follow that in SPP 2014. In SPP 2014 the housing land requirement is identified as a matter of strategic significance, to be addressed at the strategic level by Strategic Development Plan Authorities working across local authority boundaries. Nonetheless, the council has added a 10% generosity factor to the West Lothian housing supply targets in the spirit of SPP 2014.

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

It is recognised that Figure 3 is potentially misleading in so far as the title does not accurately describe the information shown. The council would therefore have no objection to the Reporter requiring the reconfiguration of Figure 3 (page 20) to omit the column titled 2009/24 'additional allowance' should this be considered helpful in improving the legibility and understanding of the Plan.

The Housing land supply target for West Lothian is 11,420 up to 2019 and 6,590 up to 2024. The 'additional allowance' figure of 2,130 is sourced from table 3.2 of the SESplan Supplementary Guidance Housing Land Technical Note (May 2014) (CDX). These allocations contribute to the targets and are not in fact additional to the figures for the two plan periods. The Technical Note sets out expectations for the current land supply (including constrained sites) and anticipated windfall

developments. Comparing expected output from these sources to the requirement there is a shortfall. This shortfall for West Lothian is enumerated as 2,125 (rounded to 2,130) and requires additional land to accommodate this number of houses is to be allocated in LDP.

Policy HOU 1 - Allocated Housing Sites

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

21450464-c80b28f (ScottHobbs Planning on behalf of Scottish Enterprise)

WL/LDP/PP/0160 (ScottHobbs Planning on behalf of Scottish Enterprise)

Hallam Land Management Ltd has proposed the following revision to the second paragraph of Policy HOU 1 (where highlighted text reflects addition to the policy and strike-through text reflects deletions):

Development of housing on these sites will be supported in principle. To ensure that an effective 5 year supply of housing land is maintained ~~over the plan period~~ at all times, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:

Scottish Enterprise has proposed the following revision to Policy HOU 1 (where highlighted text reflects addition to the policy):

(b) the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use and any development for employment purposes will not affect adversely the potential for the release of land allocated for or safeguarded as employment land which is the subject of other policies within this Plan.

The council is not opposed to the insertion of the words ‘at all times’, recognising that it accords with paragraph 119 of SPP 2014. Similarly, it is not opposed to text being inserted which has the effect of re-enforcing the safeguarding of employment land and it would therefore not take issue if the Reporter was minded to amend Policy HOU 1 to accommodate these revisions. An alternative form of wording to that suggested by the respondents would however be preferred, as would the opportunity to reconfigure the sequencing of the text in order to render it more coherent than perhaps currently presented in the Proposed Plan. The revised policy is reproduced below for ease of reading.

Policy HOU 1 Allocated Housing Sites

The sites listed in Appendix Two of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements for a period of 10 years from the date of adoption of the LDP, as required by the Strategic Development Plan (SDP1) and are compliant with the spatial strategy set out in this plan.

Development of housing on these sites will be supported in principle and proposals shall have regard to and be in accordance with Supplementary Guidance ‘Residential Development Guide’. Where applicable, proposals must also accord with the specific development requirements identified in Appendix Two and/or any other development guidance issued by the council.

To ensure that an effective 5 year supply of housing land is maintained at all times, proposals for uses other than housing, except for subsidiary ancillary uses which may be appropriate to provide in a residential area, will not be supported unless it can be demonstrated that:

- a. there is a constraint on the site and there is no reasonable prospect of it becoming available for housing development within the plan period;*

- b. the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use; and*
- c. there shall be no detriment to other employment land allocated in the Plan and to the overall supply of employment land generally where sites are developed for employment uses.*

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council is of the view that the Proposed Plan identifies sufficient housing allocations to allow for the maintenance of an effective land supply as required by the SDP and SPP 2014. The council's position statement on housing land refers **(CDX)**.

The Plan satisfies the required housing land requirement contained within the Housing Need and Demand Assessment and the SESplan Supplementary Guidance. West Lothian has a significant land supply which is capable of delivery during the period of the plan. It is therefore considered there is no justified reason to allocate further housing land within the Plan.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

The council rejects the charge that the Proposed Plan does not adequately support the previously established Livingston and Almond Valley CDA.

It will be observed that there is very strong investment being made in, for example, the education and transport infrastructure in the Livingston and Almond CDA (see Appendix 2 of the Proposed Plan - Site Delivery Requirements and Appendix 6 -List of Proposals) and this should dispel any notion that the council is not committed to the CDAs.

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to pledge its support and encourage their development. In the specific case of the Livingston and Almond Valley CDA it has recognised that there are sound sustainability and environmental arguments and infrastructural benefits for consolidating and maximising development on previously allocated sites. So much so that it has indicated that it is minded to extend the original CDA boundary at Mossend to accommodate an increase in residential capacity beyond what had originally been planned for, although not to the full extent being sought by the respondent. This particular proposition is addressed more fully in a separate Schedule 4 **(21A)**.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

The CDA capacity figures shown on page 98 of the LDP are sourced from the Housing Land Audit 2014 and take into account what has already been built and consents granted. They are essentially indicating 'remaining capacity'. The capacity figures provided in Appendix 2 are however gross figures and are inevitably higher, hence the difference. It is also the case that the respondent does not appear to have taken account of the other non CDA allocations when summing the capacity of

Winchburgh allocations.

The principle of the argument being advanced by the respondent is that where the capacity of a particular site cannot be achieved, for whatever reason, it should instead be allowed to be transferred to another location. This is rejected by the council and it does not agree to modify the plan in response to these representations.

Support for sites already allocated under Policy HOU 1

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

The council notes support for the allocation of site H-LL 11 (Wilcoxholm Farm/Pilgrims Hill, Linlithgow) for housing. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (**15A**).

The council welcomes the overarching support expressed by the respondent for the allocation of new housing sites in Linlithgow but does not agree with the proposition that additional sites require to be allocated at this time and which would exceed the 500 ceiling which has been observed.

Reference to the Main Issues Report (**CDX**) evidences that the council was presented with a number of candidate housing sites in Linlithgow (in excess of 1,000 new homes) and the development options far exceeded requirements necessitating site selection and sieving. To begin with, the council deliberately adopted a sequential approach to the selection of sites whereby priority was afforded to firstly to brownfield sites within the current settlement boundary followed by greenfield infill sites and only thereafter by greenfield releases outside the current settlement boundaries. It then sought to ensure that development sites could be integrated into effective networks for walking, cycling and public transport, in other words that they were sustainably located. Other considerations included an appraisal of their likely environmental impact given the sensitive and historic nature of the town, and finally an account of infrastructure implications. This had the effect of substantially reducing the number of candidate sites and enabled the council to select what now constitutes the allocations in the Plan. The council is of the opinion that these sites represents a satisfactory range of housing sites that are commensurate with the needs and within the physical and environmental capacity of the town to absorb at this time. The council has had to be particularly mindful of education constraints in Linlithgow, the resolution of which are largely dependent on the provision of new secondary school capacity in Winchburgh. Given the education capacity position in Linlithgow, it can be seen that additional residential land allocations would exacerbate problems with local schools. An overview of education issues is set out in Position Statement: Education (**CDX**). Delivery of housing sites in Linlithgow is predicated on the availability of infrastructure required to support development. For these reasons, the council does not agree to modify the plan in response to these representations.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The council notes support for all of the residential allocations in Winchburgh that form part of the current planning permission in principle for the strategic expansion of Winchburgh (reference 1012/P/05) (**CDX**).

While the council welcomes the support expressed for the continued allocation of the Broxburn CDA it does not agree with the proposition that the north eastern boundary of the CDA (as shown on proposals Map 2) is changed to the effect that it excludes the northern portion of site H-BU 10. Nor does it agree that the resultant reduction in capacity should be transferred to the Winchburgh CDA.

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues

to pledge its support and encourage their development. It seeks to sustain the integrity of all of the CDAs including Broxburn and aspires to see them developed as originally intended.

The council notes support for the inclusion of Niddry Bing within the settlement boundary but does not agree that it should be specifically safeguarded as a future potential housing site at this time. The duration of the ongoing extraction works cannot be predicted with any certainty and it could be many years before remediation and restoration takes place. There is ample time for consideration to be afforded to potential after uses, which may or may not include housing, and it would be premature to 'lock in' what after uses may be appropriate at a future date. It is quite possibly a matter which is best left for the next LDP to consider in the context of the spatial strategy and housing land requirements prevailing at that time, but by bringing the site within the settlement boundary the council has recognised that it has development potential. For these reasons, the council does not agree to modify the plan in response to these representations.

The council notes conditional support for the allocation of sites for housing at Castle Road, Winchburgh (H-WB 1), land west of Ross's Plantation (H-WB 16) and land west of Niddry Castle (H-WB 17). These particular sites are addressed in separate Schedule 4s relating to developments in Winchburgh (**24H**, **24M** and **24E** respectively).

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

The council notes conditional support for the allocation of site H-DE 2 (Main Street, Dechmont). This particular site is addressed in a separate Schedule 4 relating to development in Dechmont (**10A**).

21867093-c1389fa (Montagu Evans on behalf of Cala Management Ltd)

WL/LDP/PP/0418 (Montagu Evans on behalf of Cala Homes)

The council notes support for the allocation of site H-LL 12 (Preston Farm, Linlithgow) for housing. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow. (**15A**).

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

The respondents comments regarding the capacity of sites H-WB 16 and H-WB 17 are noted but the capacity figures specified for allocations are indicative and have largely been calculated by applying an average density to the gross site area or by looking at the density of development in the surrounding area. For the avoidance of doubt, it is not the council's intention to restrict the capacity of housing developments to the indicative capacity set out in the Plan. Indicative capacities are given as a notional guide as to the numbers of houses that a site may be capable of accommodating but it is accepted that this will be subject to change through the planning application process. It is not uncommon for developments on the ground to be slightly at variance with the numbers quoted in a plan. As a consequence the council does not agree to modify the plan in response to these representations. The council would however not object to the Reporter requiring the indicative nature of these figures to be made more explicit, perhaps in the introductory text to Chapter 6 – Development Proposals by Settlement (page 79) should this be considered helpful in improving the legibility and understanding of the Plan.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

The council notes support for the allocation of land at Heartlands, Whitburn for housing and for the proposed increased allocation. The council regards this as an appropriate opportunity to provide for some future proofing of the plan and help meet part of the need and demand for housing beyond

the end of the plan period. Much of the existing housing land supply in core development areas and strategic development areas like Heartlands will not be built out within the plan period and allocating additional housing capacity in these areas through the LDP will help to maintain investor confidence and inform investment planning. This particular site is addressed in a separate Schedule 4 relating to development in Whitburn (**22G**).

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

The council notes conditional support for the allocation of site H-DE 3 (Burnhouse, Dechmont) for housing but does not agree that the development capacity of the site has been understated and the proposition that it is increased from 120 to 180 units. Housing numbers have been predicated on, amongst other things, environmental capacity and available education infrastructure, and the currently specified capacity is deemed appropriate in these regards. Furthermore, the council does not propose to remove the 'reserve' status which attaches to this site. Its allocation and justification remains very much allied to supporting the delivery of a redeveloped former Bangour Village Hospital (H-DE 1) and the role it might play in this project has still to be concluded. For these reasons, the council does not agree to modify the plan in response to these representations. This particular site is addressed in a separate Schedule 4 relating to development in Dechmont (**10A**).

The respondents suggestion that the entry relating to this site in Appendix 2 (page 178) should be amended to reflect site investigation works relative to flood risk are noted and the council would not object to the Reporter requiring this to be reflected in the commentary should it be considered helpful in improving the legibility and understanding of the Plan. Similarly, should site H-DE 3 be developed, it might also be appropriate to make it clear that there would be expectations on developers to contribute proportionately to funding whatever education provision was deemed necessary to serve this development.

WL/LDP/PP/0158 (Gladman Developments Ltd)

The council notes support for the allocation of site H-LL 10 (Clarendon Farm, Linlithgow) for housing. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow. (**15A**).

WL/LDP/PP/0350 (Gladman Developments Ltd)

The council notes support for the allocation of land at Appleton Parkway, Livingston (H-LV 14) for housing. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16I**).

Promotion of sites to augment those allocated under Policy HOU 1

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21716490-c057327 (John Orr)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council does not agree that well located and commercially attractive towns such as Bathgate and Livingston have somehow been overlooked when allocating land for housing in the Proposed Plan. An examination of the allocations in Appendix 2 (pages 81 and 90) will demonstrate that provision for approximately 1,650 houses has been made for Bathgate and at least 1,170 in Livingston. (A further 1,900 houses are allowed for at Gavieside Farm which is part of the West

Livingston Core Development Area). In view of the foregoing the council does not see any necessity to supplement the allocations already made and does not agree to modify the plan in response to these representations.

21119948-2ac9a17 (Houghton Planning Ltd on behalf of Laurieston Developments Limited)

The council notes support for the allocation of land at South Logie Nursery by Westfield for housing, however it does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Westfield (**25A**).

21736518-a62d550 (Davidson & Robertson Rural on behalf of Cadzow Estates)

The council agrees with the respondent that Broxburn needs to continue to develop its own housing (retail and employment) provision in order to maintain its identity as a local centre. These are sentiments which accord with the overarching support which the Proposed Plan affords to the CDAs.

While noting support for the allocation of land at Kilpunt, Broxburn for housing the Council does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Broxburn (**9K**).

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

The council notes support for the allocation of land to the north of Bathgate Golf Club for housing, however it does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Bathgate (**4O**).

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The council notes support for the allocation of land to the south of Winchburgh (described as the Winchburgh Southerly Expansion) which seeks to exploit the progress and investment already made in the Winchburgh CDA to timeously address the LDP housing land requirements, but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Winchburgh (**24F**).

The council notes support for the allocation of land at Niddry Mains Golf Course, Winchburgh for a mixed use development including housing (EOI-0199), but does not agree to modify the plan to allocate it. This particular site is also addressed in a separate Schedule 4 relating to development in Winchburgh (**24F**).

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

The council notes support for the allocation of land at Murieston Castle Farm for housing (EOI-0110), but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16Aq**).

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

The council notes support for the allocation of land at Langton Road, East Calder for housing (EOI-0113), but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in East Calder (**11D**).

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

The council notes support for the allocation of land at Hartwood Road, West Calder for housing (EOI-0052), but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in West Calder (**21A**).

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

he council notes support for the allocation of land at Station Road, Kirknewton for housing (LATE-0002) but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in West Calder (**13A**).

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

The council notes support for the allocation of land at Balgreen Farm, Livingston for housing (EOI-0111) but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16Ao**).

21872215-270903f (Rapleys LLP on behalf of Bizspace)

The council notes support for the allocation of land at Fleming House, Livingston for mixed use development including housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16L**).

WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd)

The council notes support for the allocation of land at Murieston Valley and Hunter Road, Livingston for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16J**).

WL/LDP/PP/0147 (Gladman Developments Ltd)

The council notes support for the allocation of land at Brotherton Farm, Livingston for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16B**).

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

The respondent's suggestion that specific reference is made in the Plan to there being a demand for housing of various tenures is accepted and the council would therefore not object to the Reporter requiring the insertion of additional text. The following example is offered as a suggestion to be inserted at paragraph 5.37 after "land for housing and before "the key objectives":

"To create a fully functioning housing system, we need to provide people with a range of housing options at a range of prices to meet different needs. This includes supporting development in the intermediate and private sectors as well as increasing the supply of social housing."

The council does not however consider there to be any particular requirement to make further mention of the Scottish Government's support for increasing the supply of housing. The Proposed Plan already references Scottish Government's support for providing a generous supply of land at appropriate parts of the Plan, specifically paragraphs 5.37, 5.50 and within the text of Policy CDA 1. The council considers this to be adequate and does not propose to modify the plan in response to this representation. However, should the Reporter be minded otherwise, the council would comply

without objection.

The council notes support for the allocation of other land in Winchburgh for housing in respect of four sites referenced in the Main Issues Report as EO1-0193 (site west of Glendevon and south of Lampinsdub), EO1-0202 (site at sewage works, south of Winchburgh), EO1-0203 (site north of Niddry Farm Cottages, south of Winchburgh) and EO1-0204 (site south of Niddry Farm Cottages, south of Winchburgh) but does not agree to modify the plan to allocate them. These particular sites are addressed in a separate Schedule 4 relating to development in Winchburgh (number 24N).

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

The council notes support for the allocation of land at Eastoun Farm, Bathgate for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Bathgate (**4G**).

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

The council notes support for the allocation of land at Kingsfield Farm, Linlithgow for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (**15K**).

WL/LDP/PP/0254 (Barton Wilmore on behalf of Hallam Land Management Ltd)

The council notes support for the allocation of land at Armadale East (EO1-0127) for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Armadale (**3D**).

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The council notes support for the allocation of land at Pumpherston Farm, Pumpherston for mixed use development including housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Pumpherston (**18A**).

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The council notes support for the allocation of land at Burghmuir, Linlithgow for mixed use development including housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Linlithgow (**15 N**).

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

The council notes support for the allocation of land at Wellhead Farm, Murieston, Livingston for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Livingston (**16N**).

WL/LDP/PP/0417 (Andrew Bennie Planning Limited on behalf of Ogilvie Homes)

The council notes support for the allocation of land at Hen's Nest Road, East Witburn for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in East Whitburn (**22E**).

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

The council notes support for the expansion of CDA allocations at Mossend/Cleugh Brae for housing. It is minded to extend the original CDA boundary at Mossend/Cleugh Brae to accommodate an increase in residential capacity beyond what had originally been planned for, but not to the full extent being sought by the respondent. This particular site is addressed in a separate Schedule 4 relating to development in West Calder (**21A**).

The respondent's request for revision to Appendix 3 – Schedule of Land Ownership (page 264) to record that site H-WC 2 is land owned by the council and that it is to be developed for affordable housing is noted and accepted.

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council notes support for the allocation of land at Dykeside Farm, Bathgate for housing but does not agree to modify the plan to allocate it. This particular site is addressed in a separate Schedule 4 relating to development in Bathgate (**4M**).

Policy HOU2 - Maintaining an Effective Housing Land Supply

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0444 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0445 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0236 (Scottish Government)

The council does not propose to remove the words 'endeavour to' in Policy HOU 2 as it accurately describes its intentions and what it is practically able to do. While the council will do all that it can to maintain a five year land supply it should be understood that this is dependent on other factors, for example, the availability of education infrastructure. If there is insufficient infrastructure then the council cannot be expected to maintain the land supply. A Court of Session judgement in respect of an unsuccessful planning appeal at Seafield Road, Blackburn (Hallam Land Management Limited against Scottish Ministers) served to confirm that maintaining a five year land supply needs to be read in parallel with education infrastructure and recognised that if there is no infrastructure the council cannot be expected to maintain a five year land supply.

The council is however agreeable to revisions to Policy HOU 2 to reflect the wording in SPP 2014 which references effective land. The council would not object to the Reporter requiring these words to be amended to mirror the text in SPP 2014.

The council has considered specific representations (from Wallace Land Investment & Property Management) seeking the addition of text explicitly identifying what the council's response would be to proposals in the event of a failure of the land supply. It is however of the view that the effect of the proposed revisions are to duplicate SDP Policy 7 and there is therefore no meaningful benefit to be had by doing so. Consequently, the council does not propose to modify the plan in response to this representation. However, should the Reporter be minded otherwise, the council would seek to

ensure that there was some reference to the annual Housing Land Audit being the definitive source for determining whether or not a 5-year supply of effective housing land was being maintained.

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Limited)

The council is of the view that the effect of the proposed revisions are to duplicate SDP Policy 7 and there is therefore no meaningful benefit to be had by doing this. Consequently, the council does not propose to modify the plan in response to this representation. However, should the Reporter be minded otherwise, the council would seek to ensure that there was some reference to the annual Housing Land Audit being the definitive source for determining whether or not a 5-year supply of effective housing land was being maintained.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

The LDP aims to provide a straightforward and flexible approach to meeting housing demand and supporting housing development and the council sees no particular merit in seeking to control the release of sites unless there are very specific and justifiable reasons for doing so, most notably when there is inadequate infrastructure available to satisfactorily service a development. Consequently, the council recognises that the restriction identified in the second paragraph of Policy HOU 2 and which references the safeguarding of some housing sites for longer term development is not entirely consistent with this approach. The council has had regard to the respondents' comments and would have no objection if the Reporter sees merit and is agreeable to deleting this part of the policy. Strike-through text reflects deletions.

¹*The council will maintain a 5-year supply of land for housing that is effective or expected to become effective at all times throughout the lifetime of the plan. An annual audit of the housing land supply prepared on a sectoral basis (agreed with housing providers) will monitor and review, the land supply in accordance with the SPP 2014 and the Strategic Development Plan.*

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0236 (Scottish Government)

WL/LDP/PP/0239 (Homes for Scotland)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The council notes the respondents objection to its declared intention at paragraph 5.41 (page 21) and in Policy HOU 2 (page 23) that going forward, it proposes to use the most up to date demand figures to calculate the five year housing land requirement in the context of a revised housing land audit process which will compare supply and demand in each sector rather than as a single figure as is currently the case.

The council acknowledges that housing land audits and the subsequent calculation of the five year land supply have until now been largely undertaken across all tenures and it recognises that the SDP does not require that the maintenance of a five year housing land supply must be achieved by housing sector. But, equally, it does not prohibit it either and there is a clear indication that this is SESplan's preferred direction of travel, as evidenced by a SESplan Joint Committee paper entitled 'Maintaining

a *Five-Year Effective Housing Land Supply*” which was agreed at a meeting on 18 May 2015 (CDX) and which the council considers quite legitimate to reference.

There is a realisation that calculating the five year housing land supply across all tenures doesn’t take into account that the majority of need and demand for housing is more often than not shown to be within the affordable sector. The resulting housing land calculation which is used to identify whether there is a shortfall in housing land, and therefore a need to bring forward additional housing sites to make up the shortfall, is therefore potentially flawed. The majority of the land supply across the SESplan area is led by the private sector rather than by providers of social or below market rented housing, meaning that the land brought forward does not necessarily address the affordable housing need and demand and instead just adds to the established private land supply. It is a concern of the council, and indeed SESplan, that identifying land on the basis of such a calculation undermines existing development plan strategies and could lead to a potential over allocation of housing land against a background of constraints on the development industry, and hence the reason why a change has been mooted. For these reasons, the council does not agree to modify the plan in response to these representations.

The council is aware that Scottish Government published consultative Draft Planning Delivery Advice on *“Housing and Infrastructure”* in February 2016, the main purpose being to assist in the preparation of development plans, and it is noted that the example of how the effective five year land supply should be calculated does not differentiate between sectors. However, the status of this document is ‘draft’ and it remains to be seen what revisions are made before it is adopted, probably by the end of 2016 when it will replace Planning Advice Note (PAN) 2/2010.

The council would wish to point out that paragraph 5.41 of the Proposed Plan makes it abundantly clear that the LDP continues to meet the housing requirements set out in the current SDP and that the arrangements for the calculation of the five year housing land supply which it describes is for a future date and the legislative position prevailing at that time will of course require to be observed.

Housing Requirement Periods

21806279-71b6908 (Turley on behalf of Stewart Milne Homes Central)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0247 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0354 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0355 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0356 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0357 (Geddes Consulting on behalf of Wallace Land Investment & Management)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

WL/LDP/PP/0459 (Gladman Developments Ltd)

The council recognises that the SDP and subsequent SESplan Housing Land Supplementary Guidance requires the plan periods to be treated separately and for each HLR to be met independently within each period i.e., 2009-2019 and 2019-2024. It has never intended to imply differently and the

suggestion by respondents that paragraph 5.52 (page 23) infers this is rejected.

Paragraph 5.52 is regarded as a honest interpretation of the situation in so far as there are genuine concerns regarding the ability to deliver a five year effective supply within the first Plan period due to a combination of the initial level of the requirement, the backlog that was already in place when the work on the LDP began and the capacity in the housing market and industry to deliver this level of requirement. For these reasons, the council does not agree to modify paragraph 5.2 in response to these representations, save for changing the erroneous reference to SPP 2010 and replacing it with 2014.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

The council would not object to the Reporter requiring the insertion of the word ‘continuous’ in the last sentence of paragraph 5.52 (page 23) as shown below:

“However, it also indicates that new allocations coming forward after adoption of the plan (2016/17) are unlikely to make a significant contribution by 2019 and therefore impact on the ability to deliver a continuous five year effective supply within the first Plan period”.

Infrastructure requirements and delivery

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

WL/LDP/PP/0239 (Homes for Scotland)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

A number of respondents have identified infrastructure constraints as a major impediment to maintaining a five year housing land supply and have called on the council to take on a more pro-active roll and identify mechanisms for dealing with infrastructure constraints in the LDP. The issue of infrastructure is specifically addressed in a separate Schedule 4 (1F).

WL/LDP/PP/0147 (Gladman Developments Ltd)

WL/LDP/PP/0158 (Gladman Developments Ltd)

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

WL/LDP/PP/0350 (Gladman Developments Ltd)

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)

WL/LDP/PP/0459 (Gladman Developments Ltd)

Respondents are critical of the Action Programme for being overly dependent on contributions from developers and for not fulfilling all of the requirements identified in paragraphs 31 and 124 of SPP 2014 and suggest that more detail should be provided. The Action Programme is specifically addressed in a separate Schedule 4 (1S).

WL/LDP/PP/0047 (Houghton Planning Ltd on behalf of RK Property Ltd)

The respondent proposes that the council adopts interim measures based on developer contributions as a means of securing the necessary infrastructure requirements, particularly in relation to school provision. The issue of infrastructure and developer contributions is specifically addressed in a separate Schedule 4 (1F).

An alternative proposition that the council should lift the ‘moratorium’ on further new housing in the Linlithgow Academy catchment area has also been suggested. An overview of education issues is set out in Position Statement: Education (CDX).

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

The council notes the assurance made by the respondents that the availability of infrastructure, while necessary for the maintenance of an effective housing land supply, is not regarded as a constraint for the development of their land at Heartlands, Whitburn.

Core Development Areas**WL/LDP/PP/0170** (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

To clarify, the reference in paragraph 5.46 (page 21) to the council being prepared to sanction a greater number of houses in CDAs than originally identified in the Edinburgh and Lothians Structure Plan (CDX) is not intended to be restricted to just post 2024. The council sees no particular merit in seeking to control the release of sites unless there are very specific and justifiable reasons for doing so, for example, when there is inadequate infrastructure available to satisfactorily service a development. Proposals for additional development within the original CDAs would therefore be considered on a case by case basis with regard to conventional planning considerations and, as stated in paragraph 5.46, “where it is appropriate to do so.” The council does not believe that there is any need to modify the plan in this instance, however the council would not take issue if the Reporter was to suggest clarifying revisions to the text.

The council acknowledges the frustrations expressed at the lack of any manifest progress with regard to the Broxburn CDA. The CDAs are however very much a key element of the spatial strategy of the LDP and the council continues to support and encourage their development. The CDAs perfectly exemplify the synergy of brownfield and greenfield development which the LDP seeks to harness.

Appendix 7.1 of the Adopted West Lothian Local Plan (CDX) identifies a substantive list of requirements for infrastructure, local facilities and amenities for CDA housing proposals in individual settlements and the council does not underestimate the challenges which this presents to prospective developers, particularly when coupled with potentially extensive land rehabilitation works and the uncertainties of a still recovering economy. It was to be expected that some CDAs would advance quicker than others and the council does not share the same anxieties about the Broxburn CDA as some of the respondents, and certainly not to the extent of contemplating what would amount to abandoning it.

The council notes the sites which the respondents have identified within the Broxburn CDA and their suggestion that they should be excluded from the calculation of the land supply. These are however dismissed. Land at Bridge Place West (Housing Land Audit ref. 4/48) has not in fact been carried over to the LDP and is instead being retained as a public car park. Holmes North Site B (ref.4/22) and

Holmes North Site C (ref.4/29) have been actively marketed and there has been developer interest. Both sites are located within what has developed into an established residential area over recent years and they have the potential to be attractive development opportunities. It is acknowledged that Albyn (ref. 4/39) and Greendykes Road (ref.4/37) do present more of a challenge due to these sites being brownfield and having a contamination legacy. However the council anticipates that these constraints are capable of being addressed and overcome during the currency of the LDP.

For these reasons, the council does not agree to modify the plan in response to these representations.

The respondent has referred to that part of the plan dealing with Strategic Allocations (including previously identified Core Development Area Allocations) (page 25, paragraphs 5.57-5.61) and has requested that a reference to withdrawing support for CDA housing sites which already have consent and are the subject of Section 75 Agreements should be deleted. The council cannot however reconcile these comments with any such reference in the text and can confirm that no such action has been proposed.

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The council notes the respondents support for the 'future proofing' element in the plan, recognising that there are particular strategic allocations where there may be opportunities to increase output from some currently identified development sites and sites that will continue to deliver housing beyond 2024. It does not however agree that it failed to address representations which were made at the Main Issues Report stage of the Proposed Plan. Sites which were put forward for development at that time were all considered and systematically appraised and the council's reasons for rejecting or alternatively 'preferring' them were made public.

The council welcomes the respondents' recognition that the delivery of the CDA requirements is dependent on the engagement of both Winchburgh and Broxburn CDA developers. Joint working is not only desirable but is regarded as a necessity at Winchburgh/East Broxburn given the amount of common infrastructure and the degree of physical integration required between the two areas. The reference in paragraph 5.59 (page 25) to the need for CDA developers to work together to deliver the necessary infrastructure was not meant as a rebuke to either of the developers but was instead intended to motivate. The council does not therefore propose to modify the text of this paragraph. Progress within the Winchburgh CDA has been substantial, as highlighted by the respondent, and the council would very much like to encourage and see this replicated in the Broxburn CDA.

The CDAs are very much a key element of the spatial strategy of the LDP and the council continues to pledge its support and encourage their development. It seeks to sustain the integrity of all of the CDAs including Broxburn and aspires to see them developed as originally intended. As a consequence it does not agree with the proposition that the boundary of the Broxburn CDA is changed nor does it agree that planned for capacity should be transferred to the Winchburgh CDA.

WL/LDP/PP/0245 WL/LDP/PP/0245 (EMA on behalf of EWP Investments Ltd)

The council notes the respondents proposals to increase the residential capacity of the allocated land at Southdale as a means of addressing the viability of the Southdale development and to make up for other allegedly ineffective and underperforming parts of the Armadale CDA but it does not agree to modify the plan. This particular site is addressed in a separate Schedule 4 relating to development in Armadale (3C).

The respondent has also questioned the accuracy of some of the site areas and the residential

capacities identified in Chapter 6 (page 80) and Appendix 2 (pages 130, 131 and 133) of the Proposed Plan, suggesting that they are no longer representative of the current situation on the ground. The council recognises that as development has cumulatively taken place it may have served to constrain the anticipated potential of the remaining land which comprises sites H-AM 8 and H-AM but this will only become clear when detailed proposals for these site are brought forward and can be considered. At this time the council would suggest that the indicative housing numbers shown in the Proposed Plan are retained and it does not therefore agree to modify the plan.

With regard to site H-AM 11, the council is aware that planning permission was approved in June 2014 for 85 houses (CDX), (which is 24 fewer than the 109 the Proposed Plan had anticipated). As noted previously, figures in the Proposed Plan are based on the 2014 Housing Land Audit (CDX) and this permission could not have been accounted for in that audit given that it was post 2014 audit period. Recognising that data of this nature can only ever be a snapshot at a particular point in time, the council does not propose to revise it. Notwithstanding this, if the Reporter is inclined to amend this particular figure, the council would not object.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

21867093-c1389fa (Montagu Evans on behalf of Cala Management Ltd)

21869740-af300dc (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21716490-c057327 (John Orr)

21870299-6e33c55 (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21870507-c71532a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

21871160-08ca39a (Rick Finc Associates on behalf of Davidson & Robertson Rural)

WL/LDP/PP/0418 (Montagu Evans on behalf of Cala Homes)

The council recognises the respondents concerns about the ability of some previously allocated sites within the Armadale CDA to deliver housing due to various constraints and notes the proposition that other sites should be allocated to replace them if shown capable of contributing to the housing land supply and demonstrated to be effective and deliverable. The council is however not persuaded that there is sufficient justification for writing off such sites at this time. The CDAs were always going to be challenging but the overall rate of house building in West Lothian has not happened as quickly as perhaps envisaged when the CDAs were first conceived and the West Lothian Local Plan adopted. This is not unique to West Lothian given the economic pressures that have affected the wider economy and the construction sector since 2008. It is widely accepted that sites will take considerably longer to develop than first thought and will not be wholly developed during the relevant plan period.

While some sites have proven much slower to get off the ground, and it may be that circumstances are not currently conducive to their development, it is important to remember that the LDP has a time horizon of 10 years and it is therefore entirely plausible that the constraints which are holding back development at the moment are capable of being overcome. The reasons why the previously allocated sites were originally selected should not be forgotten and have not changed. They continue to represent optimum development opportunities, particularly in terms of location, sustainability and the reuse of brownfield land and to dismiss them as suggested is considered premature. For these reasons, the council does not agree to modify the plan in response to these representations.

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

The council notes the respondents intimation that there are difficulties in implementing the

development of the eastern portion of the Broxburn CDA (H-BU 10 and H-BU 4) as originally envisaged for reason allied to noise, contamination and geotechnical constraints and that significant revisions to the master plan are proposed including the development of additional land to maintain the previously agreed numerical allocation. The council is asked to be flexible in the distribution of housing across the Broxburn CDA and to allow land owners whose sites cannot be developed as planned the opportunity to transfer unused capacity to other land under their control. This particular issue is addressed in a separate Schedule 4 relating to development in Broxburn (9E).

21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)

The council welcomes the respondents support for the principle of policy CDA 1.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

The council fully supports the strategic development initiative at Polkemmet, Whitburn known as Heartlands. It notes the suggestion to amend Policy CDA 1 to also embrace strategic development sites but does not agree to modify the plan. This particular issue is addressed in a separate Schedule 4 (24Ac).

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

The council notes the suggestion to amend Policy CDA to allow for modifications to masterplans to be made but does not agree to modify the plan. This particular issue is addressed in a separate Schedule 4 (24Ac).

Miscellaneous

21863641-89d0459 (Clarendon Planning on behalf of BDW Trading Ltd & H&J Russell)

21865046-8dc0d66 (Clarendon Planning on behalf of John Macfarlane & Colin Macfarlane)

The Strategic Development Plan states that Local Development Plans will direct further strategic development to a number of 'Strategic Development Areas' (SDAs) and West Lothian in unique amongst the SESplan authorities in so far as it only has one. It extends from Broxburn in the east to its boundaries with Falkirk and North Lanarkshire in the west and from Linlithgow and the Forth Valley in the north to its boundary with Midlothian and South Lanarkshire in the south. West Lothian also borders Scottish Borders to the south and Edinburgh to the east. The respondents have intimated that a diagram, akin to Figure 7 in the SDP, should be incorporated into the LDP, in order to show the SDA in the context of the SDP.

The council has no difficulty with this proposition, save for the fact that the Proposed Plan already incorporates such a diagram. Figure 1 (page 7) is actually a reproduction of Figure 7 in the SDP, and while it can always be argued that this could be improved upon, the council is nevertheless of the view that it satisfactorily serves its purpose and does not propose to make any revision in these circumstances unless required to do so by the Reporter.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

The respondents have requested that a specific reference to the necessity for the planning system to be flexible in the application of policy to reflect local circumstances is included in the LDP. While the council does not take issue with this sentiment (it exactly replicates the wording in the introduction to SPP 2014), it is not immediately apparent where such a statement would sit in the LDP or what added value it would necessarily bring. The council is therefore not minded to make such an addition

to the Plan.

WL/LDP/PP/0170 (Peter PC Allan Ltd on behalf of Aithrie Estates & Hopetoun Estate Trust)

The suggestion that the ‘smaller new housing sites’ referred to in paragraph 5.61 (page 25) should be identified in Appendix 2 suggests that the respondent has misinterpreted the content of Appendix 2 as it already includes all such sites.

The respondent has complained that the council has failed “to adopt the timescales set out in SPP” but has not expanded on what this actually means. As a consequence, the council is regrettably unable to offer any meaningful response.

The respondent has also suggested that the council has failed to provide the estimated date of adoption of the LDP. The council does not believe that this is a requirement of SPP 2014, but in any event, it can demonstrate that it has published a Development Planning Scheme annually and in conformity with the Planning Etc. (Scotland) Act 2006 & Development Planning (Scotland) Regulations 2008 which clearly sets out the timetable for preparing the LDP. The most recent DPS was published in March 2016 and suggests that the LDP is likely to be adopted in 2017 **(CDX)**.

For these reasons, the council does not agree to modify the plan in response to these representations.

WL/LDP/PP/0216 (Holder Planning on behalf of EWP Investments Ltd)

WL/LDP/PP/0235 (Holder Planning on behalf of Taylor Wimpey)

WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)

An explanation of how the HNDA has provided the evidence base for the LDP proposed Housing Supply Target (HST) and how this has been translated to a Housing Land Requirement (HLR) with the addition of a generosity allowance is set out in the council’s Housing Land Position Statement **(CDX)**.

Reporter’s conclusions:

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Reporter’s recommendations:

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Issue: 1B	<i>Overarching Issue:</i> Spatial designations for local landscape protection and Countryside Belts	
Development plan reference:	Local Landscape Designations; and Countryside Belts.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p> WL/LDP/PP/0363 (Transition Linlithgow) WL/LDP/PP/0418 (Cala Management Limited) WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) WL/LDP/PP/0459 & 21768324-d9d4b34 (Gladman Developments) </p> <p> 21349895-851aa9e (Duncan Fortune) 214185509-9ebcb91 & 21865048-cb5cef4 (David Orr) 21495743-09927al (Emma Gordon) 2148485508-aofda1 & WL/LDP/PP/0433 (Finlay Scott) 21558610-d9620a5 (Leslie Neary) 21670368-Ca9306c (Steven Donaghue) 21672936-5bdab13 (Hallam Land Management c/o John Handley) 21716490-c057327 (John Orr) 21770063-66ceb8b (Irene Fortune) 21803202-5e7a5f5 (Peter Buck) 21865048-cb5cef4 (David Orr) 21903259-eae8db8 (Andrew Dodds) </p>		
Provision of the development Plan to which the issue relates:	<p> Proposed LDP – pp. 41, 42, 44 Proposals Maps 1 – 5 Proposed LDP supporting document: West Lothian Local Landscape Designation Review (LLDR) (CD103) Proposed LDP supporting document: West Lothian Landscape Character Classification (WLLCC) (CD102) LDP Action Programme </p>	
Planning authority's summary of the representation(s):		
<p>LOCAL LANDSCAPE DESIGNATIONS</p> <p><i>Bathgate Hills Special Landscape Area – issues at Linlithgow</i></p> <p><u>Objections / reservations to site H-LL 12 Preston Farm, Linlithgow on the basis that it has AGLV status / recommended as Special Landscape Area</u></p> <p>L/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – based on Linlithgow Planning Forum's 'Plan for the Future' the currently designated 'Areas of Landscape Value' as they have been very effective in preventing unnecessary development on attractive parts of the town fringes and in this context the proposed release of the housing site at Deanburn Road is opposed.</p>		

21495743-09927a1 (Emma Gordon); **21803202-5e7a5f5** (Peter Buck) – strongly object to the inclusion of site H-LL 12 Preston Farm on the grounds that:

- it has AGLV (Area of Great Landscape Value) status already;
- it conflicts with previous landscape designation;
- the council itself has recommended that this field remain a special landscape area;
- it's more than greenbelt; it's AGLV.

Object to site H-LL 12 Preston Farm, Linlithgow on the basis that it is Green Belt

21558610-d9620a5 (Leslie Neary); **21670368-Ca9306c** (Steven Donaghue) – strongly object to the inclusion of site H-LL 12 Preston Farm on the grounds that:

- Greenbelt surrounding the town of Linlithgow has diminished over the years;
- are more houses in the town really necessary at the expense of the Greenbelt;
- loss of the important greenbelt.

[N.B. – this reference to “Green Belt” is included within the local landscape designation section because the underlying issues are about landscape protection.]

Objections to site H-LL 4, Manse Road on the basis of loss of local landscape protection

21349895-851aa9e (Duncan Fortune); **21770063-66ceb8b** (Irene Fortune) – object to the inclusion of site H-LL 4 Manse Road on the grounds that:

- land was previously designated as an area of Special Landscape value;
- this designation is important as it recognises that the scenery is highly valued locally promoting a sense of community pride;
- there is no justification as to why this designation should change simply to allow additional housing;
- the scenic location of Linlithgow is part of the town’s appeal both to residents and tourists and therefore it is vital that areas of Special Landscape value be retained; and
- the designation is worthless if it can just be changed to allow housing to be built.

Objections to site HLL 11 Wilcoxholm on the basis of landscape impact

2148485508-aofda1 &WL/LDP/PP/0433 (Finlay Scott) - object to the inclusion of site H-LL 11 Wilcoxholm on the grounds that: development would destroy an important part of the town's landscape amongst other factors (including appearance and habitat and materially negatively impact on existing historic and characterful infrastructure including the canal and several bridges).

Bathgate Hills Special Landscape Area – support at Linlithgow

Support for current areas of landscape protection for Linlithgow

L/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – the protection offered through current landscape designations of attractive parts of the town fringes from unnecessary development is recognised.

Support for site H-LL 12 Preston Farm, Linlithgow on the basis of acceptable landscape mitigation/outcomes

WL/LDP/PP/0418 (Cala Management Limited) - Preston Farm Design Statement (October 2014) has been submitted in support of allocated housing site H-LL 12 Preston Farm by agents Montagu Evans for Cala Management Limited’s proposal for housing development. The Design Statement notes that

the site has/is:

- an area of 9.9 hectares / 24.5 acres with an indicative mix of 68 detached houses shown in the Concept Plan (p. 31);
- located within the Lowland Hill Fringes Landscape Character Type (LCT) and specifically within Landscape Character Unit(LCU) 20: Linlithgow Fringe as identified in the West Lothian Landscape Character Classification 2014;
- located at the edge of an Area of Great Landscape Value (AGLV) adjacent to Linlithgow;
- site analysis by landscape architecture firm shows site is primarily agricultural land and that issues such as historic canal and amenity impact to existing housing can be mitigated through a quality landscape to reflect Landscape Character Area.

Bathgate Hills Special Landscape Area – issues at Bathgate

Objections to extension of local landscape protection in vicinity of EOI – 126 Dykeside Farm, Bathgate

WL/LDP/PP/0459 & 21768324-d9d4b34 (Gladman Developments), **21716490-c057327** (John Orr); **214185509-9ebcb91 & 21865048-cb5cef4** (David Orr) – objects to extension of Area of Great Landscape Value through new Special Landscape Area for the Bathgate Hills to include site EOI – 0126 ENV 1 Dykeside Farm on the grounds that:

- proposal would effectively create a new green belt around the whole of Bathgate;
- given the SESPlan designation for West Lothian, it should be capable of further development;
- will effectively put a stranglehold on Bathgate meaning that it cannot be developed any further;
- it is not of any particular beauty or character other than as a typical rural area on the edge of any small town;
- concerned that this reclassification of the land, will preclude any possibility of future change of use or development of the property - feel that this "zoning" could have an effect on the value of the property;
- there has been no change to the area and the owner does not understand the council's proposal to include this area within the Bathgate Hills Special Landscape Area;
- can see no logic in WLC extending the area of the Bathgate Hills Special Landscape into an area which is clearly not part of the Bathgate Hills Area.

Blackridge Heights Special Landscape Area – issues

Objection to removal and reduction of local landscape protection in vicinity of Westfield and Bridgecastle

21903259-eae8db8 (Andrew Dodds) – objects to removal and reduction in local landscape designation through new Special Landscape Area for the Bathgate Hills due to potential negative impacts on villages of Westfield and Bridgecastle.

Local landscape designations set out in the Proposed LDP where no issues / challenges received:

- Airngarth Hill Special Landscape Area
- Almond and Linhouse Valleys Special Landscape Area
- Avon Valley Special Landscape Area

- Forth Coast Special Landscape Area
- Pentland Hills Special Landscape Area

COUNTRYSIDE BELT DESIGNATIONS

Livingston Countryside Belt – issues

Livingston Countryside Belt to south-east of Blackburn – does not support development of site EOI - 0136 Seafield Road

21672936-5bdab13 (Hallam Land Management c/o John Handley) – objects to Livingston Countryside Belt to south-east of Blackburn due its constraint of development of EOI-0136, Seafield Road, Blackburn (6.5ha, 120 units) and seek re-consideration of smaller version of site.

Livingston Countryside Belt at Uphall Station – land not consistent with strategic purposes of policy ENV 7

21864464-cflf283 (Dundas Estates & Development Company c/o Mike Andrews) – Objection to proposed Countryside Belt designation on land to east of Beechwood Park and Beechwood Grove, Uphall Station on grounds that:

- the land does not provide any of the strategic purposes of Countryside Belt as set out in Policy ENV 7;
- the land forms part of the Drumshoreland Masterplan which was submitted as part of outline planning application (Ref 0050/P/08) which the council is ‘minded to grant’ the application subject to concluding a Section 75 Agreement;
- the land is a natural extension to the proposed residential development area at Drumshoreland; and
- existing mature trees and hedgerows on the boundaries of the land provide natural containment and will provide a more robust boundary to define the Countryside Belt.

Winchburgh / Broxburn Countryside Belt – issues

Winchburgh / Broxburn Countryside Belt boundary – objections regarding area to north of Broxburn and south of Niddry Bing, Winchburgh

21862570-67b827a (Winchburgh Development Limited c/o Robin Matthews);

21772260-be38d90 (Airthrie Estates & Hopetoun Estate Trust c/o Peter Allan) –

object to non-allocation of Site EOI-199 [approx. 31.2ha revised to 11ha with ca. 9ha net developable area; 225 houses proposed; mixed use, relocation of golf course to Auldcathie Tip to north-west of Winchburgh] because:

- to allow development plan compliant land at Winchburgh to be identified and deliver housing required in the area in the period of this Plan ;
- will not adversely impact upon the continuation of the Countryside Belt between Winchburgh and East Broxburn;
- no prospect of significant development within the Designed Landscape to the south of the site;
- formation of a landscaped edge occupying the southern portion of the site formalises that separation distance whilst, at the same time, providing a permanent physical buffer to development and edge to the expanded Winchburgh settlement;
- inclusion of the northern extremity of East Broxburn site H-BU10 which intrudes into the Countryside Belt.

Linlithgow / Philpstoun & Bridgend Countryside Belt – issues

Linlithgow / Philpstoun & Bridgend Countryside Belt - Location of key infrastructure sites within Countryside Belt designated area

WL/LDP/PP/0363 (Transition Linlithgow) – Transition Linlithgow objects to site P-43 (Burghmuir high amenity employment site) being located in the Countryside Belt. More can be done to explore alternative brownfield or central locations - various sites and buildings suggested within Linlithgow.

Linlithgow / Philpstoun & Bridgend Countryside Belt – support

Linlithgow/ Philpstoun & Bridgend Countryside Belt – caveated support for designation

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – regarding paragraphs 5.144 - 5.145 of the submission...*‘while the principle of countryside belts is agreed and applauded this must be seen in the context of a logical settlement boundary which is based on the current developed area plus an expansion which takes account of landform rather than existing field boundaries and land ownership. Caveat - Agree in principle but with reservations.’* Fine-tuning of the Countryside Belt is sought to reflect the eventual development pattern in the Planning Forum's 'Plan for the Future'.

Countryside Belts set out in the Proposed LDP where no issues / challenges received:

- Bathgate / Whitburn Countryside Belt;
- East Calder / Kirknewton Countryside Belt.

Modifications sought by those submitting representations:**LOCAL LANDSCAPE DESIGNATIONS*****Bathgate Hills Special Landscape Area – issues at Linlithgow***

Objections / reservations to site H-LL 12 Preston Farm, Linlithgow on the basis that it has AGLV status / recommended as Special Landscape Area

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – it is intimated that the site H-LL 12 Preston Farm should be de-allocated.

21495743-09927a1 (Emma Gordon); **21803202-5e7a5f5** (Peter Buck) – site H-LL12 Preston Farm Field should not be re-zoned from AGLV status for all the reasons given and should follow council advice and stay a special landscape area.

Object to site H-LL 12 Preston Farm, Linlithgow on the basis that it is Green Belt

21558610-d9620a5 (Leslie Neary); **21670368-Ca9306c** (Steven Donaghue) – it is intimated that the site H-LL 12 Preston Farm should be de-allocated.

Objections to site H-LL 4, Manse Road on the basis of loss of local landscape protection

21349895-851aa9e (Duncan Fortune); **21770063-66ceb8b** (Irene Fortune) – it is intimated that the site H-LL 4 Manse Road should be de-allocated.

Objections to site H-LL 11 Wilcoxholm on the basis of landscape impact

2148485508-aofda1 & WL/LDP/PP/0433 (Finlay Scott) – it is intimated that the site H-LL 11 Wilcoxholm should be de-allocated.

Bathgate Hills Special Landscape Area – support at Linlithgow

Support for current areas of landscape protection for Linlithgow

L/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – No specific modifications requested regarding Local Landscape designations.

Support for site H-LL 12 Preston Farm, Linlithgow on the basis of acceptable landscape mitigation/outcomes

WL/LDP/PP/0418 (Cala Management Limited) - No specific modification requested.

Bathgate Hills Special Landscape Area – issues at Bathgate

Objections to extension of local landscape protection in vicinity of EOI – 126 Dykeside Farm, Bathgate

WL/LDP/PP/0459 & 21768324-d9d4b34 (Gladman Developments), **21716490-c057327** (John Orr); **214185509-9ebcb91 & 21865048-cb5cef4** (David Orr) – seeks removal of landscape designation status to north of Bathgate at Dykeside Farm [EOI-0126] and reversion to AGLV boundary at this point.

Blackridge Heights Special Landscape Area – issues

Objection to removal and reduction of local landscape protection in vicinity of Westfield and Bridgecastle

21903259-eae8db8 (Andrew Dodds) – intimates that the landscape protection designation for Blackridge Heights should revert to its full extents as shown in the adopted local plan.

Local landscape designations set out in the Proposed LDP where no issues / challenges received:

No modifications were recommended for five of the Special Landscape Areas - Airngarth Hill SLA; Almond and Linhouse Valleys SLA; Avon Valley SLA; Forth Coast SLA; Pentland Hills SLA - therefore no amendments need to be considered.

COUNTRYSIDE BELT DESIGNATIONS

Livingston Countryside Belt – issues

Livingston Countryside Belt to south-east of Blackburn – does not support development of site EOI - 0136 Seafield Road

21672936-5bdab13 (Hallam Land Management c/o John Handley) – seek allocation of site EOI-0136, Seafield Road, Blackburn (6.5ha, 120 units) and removal of Countryside Belt designation for same.

Livingston Countryside Belt at Uphall Station – land not consistent with strategic purposes of policy ENV 7

21864464-cflf283 (Dundas Estates & Development Company c/o Mike Andrews) – seek that sites submitted at Main Issues Report stage (CD094, Map 3) EOI-0021 & EOI-0134) on land to east of Beechwood Grove / Park, Uphall Station should be defined within the settlement boundary and allocated for residential development with consequent de-designation of Countryside Belt.

Winchburgh / Broxburn Countryside Belt – issues

Winchburgh / Broxburn Countryside Belt boundary – objections regarding area to north of Broxburn and south of Niddry Bing, Winchburgh

21862570-67b827a (Winchburgh Development Limited c/o Robin Matthews); **21772260-be38d90** (Airthrie Estates & Hopetoun Estate Trust c/o Peter Allan) – seeks changes to Countryside Belt boundaries in favour of the allocation of site EOI-0199 to be allocated instead of proposed housing allocation at H-BU 10 West Wood, Broxburn.

Linlithgow / Philpstoun & Bridgend Countryside Belt – issues

Linlithgow / Philpstoun & Bridgend Countryside Belt - location of key infrastructure sites within Countryside Belt designated area

WL/LDP/PP/0363 (Transition Linlithgow) – it is intimated that P-43 (Burghmuir high amenity employment site) and P-45 (Coach and Park and Ride Facility) should be removed or shifted elsewhere.

Transition Linlithgow seeks that site P-43 (Burghmuir high amenity employment site) should be re-located on alternative brownfield or central locations - various sites and buildings suggested within Linlithgow. These appear to be completion of existing Mill Road Industrial Estate and additional intensification of the Oracle/Sun site and E-LL-2 adjacent the M9 and Blackness Road at the north-east of the town through establishment of a business park at Burghmuir. In addition there is a proposal to establish a business centre at or near the town Cross.

Transition Linlithgow encourages an examination of alternative options prior to progressing site P-45 (Coach park and ride facility) such as an alternative location closer to the town centre (drop off at a potential Tesco interchange, and by enlarging bus bays on Blackness Road – akin to bus use during Winchburgh Tunnel closure) to enable a more sustainable 'Park and Stride' approach.

Linlithgow / Philpstoun & Bridgend Countryside Belt – support

Linlithgow/ Philpstoun & Bridgend Countryside Belt – caveated support for designation

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – it is intimated that the Countryside Belt should be amended to reflect proposals in the Linlithgow Planning Forum's 'Plan for the Future'. Therefore, a major revision is sought to reduce the width by more than half and extend it further beyond to the south-west with the addition of a number of green wedges into the town.

It is understood that a wildlife corridor and development free area, akin to a Countryside Belt, is sought to the west and south of a proposed new road link due south from the junction of the A803 at Burghmuir with the local road to Kingsfield, crossing the canal and passing the B9080/ Edinburgh Road between Kildimmery and Kingscavil, then through fields and open country loping round south-west re-joining the road network at the junction of Manse and Riccarton Roads.

Countryside Belts set out in the Proposed LDP where no issues / challenges received:

- No modifications are recommended for the Bathgate / Whitburn Countryside Belt and East Calder / Kirknewton Countryside Belt, therefore no amendments need to be considered.

Summary of responses (including reasons) by planning authority:

LDP background to designation of Local Landscape Protection and Countryside Belts

LOCAL LANDSCAPE DESIGNATIONS

In accordance with Scottish Natural Heritage (SNH) and Historic Scotland's (now Historic Environment Scotland) Guidance on Local Landscape Designations (CD143) and Scottish Planning Policy (CD078), the council undertook a review of landscape protection which was published in summer of 2014 as the West Lothian Local Landscape Designation Review (LLDR, CD103). This exercise was undertaken by Land Use Consultants led by a Steering Group including SNH. It is considered that the methodology for the selection of SLAs is, as related to similar reviews, robust and defensible.

Position Statement 'Local landscape Designation' (CDxxx) sets out the council's position in support of its approach to local landscape designation, including policy and identified Special Landscape Areas, as set out in the West Lothian Local Development Plan – *Proposed Plan* (CD093: Pages 41, 42, 268 and Maps 1 - 5).

Scottish Planning Policy (CD078, SPP 2014) requires that the 'landscape character' approach as defined by the European Landscape Convention (2000) and set out in SNH guidance is followed when reviewing local landscape designations. Landscape character assessment is a process which classifies, evaluates and analyses landscape as a basis for decision making. The aim of SPP 2014 (CD078) is for a consistent, methodical and robust approach yielding a single-tier of local landscape designation across Scotland.

The current set of local landscape designations in West Lothian evolved over many decades and lacks clearly defined boundaries, justification for selection of areas, and clarity over the landscape qualities and values for which they were designated. These weaknesses leave potential for challenges at planning appeal or inquiry and thus their long-term ability to protect landscape worthy of such designation.

The findings of the West Lothian Local Landscape Designation Review (CD0186, LLDR) are largely taken forward in the West Lothian LDP. Some adjustments to the Bathgate Hills SLA boundaries have been required to accommodate the spatial strategy for the LDP and will be mitigated through the provision of appropriate high quality on-site landscape and the submission of detailed landscape plans. Where the minor adjustments to boundaries and *Statements of Importance* are required, these will be made transparent through Supplementary Guidance: *Landscape Character and Local Landscape Designations* to be produced in support of the LDP (CD093).

None of the six current Areas of Special Landscape Control (ASLC), as adopted in the West Lothian Local Plan, to be taken forward in the LDP, however, other protection is available through overlapping spatial designations, development plan policy and potential environmental improvements resulting in a limited loss of protection. Inappropriate areas such as quarries and waste disposal sites have been identified as not warranting landscape protection.

Policy ENV 1 *Landscape character and special landscape areas* of the Proposed LDP supports the regulatory framework for Special Landscape Areas identified in the LDP Maps 1 – 5 and is further supported by the West Lothian Landscape Character Classification (WLLCC) (CD102), an in-house document prepared from the successful consultancy work undertaken on updating the landscape

character assessment for the West Lothian area.

Subsequent Planning Guidance for Landscape Character and Local Landscape Designation will publish the finalised Special Landscape Area Designations for the Proposed LDP based on the results of the Reporter's examination of the proposed plan.

COUNTRYSIDE BELT DESIGNATIONS

Within the 'Place making' section, paragraphs 48 to 52 of Scottish Planning Policy (CD078) offer national policy guidance on the role of green belts in development planning including their role in development of the plan's spatial strategy, its spatial form and appropriate types and scales of development within such as airports and agriculture.

Countryside Belts are a local variant of green belts and have been in force in West Lothian for many decades beginning with the well-established Livingston Countryside Belt. New towns and green belts are classic planning tools and reflective of the push and pull of urban spatial strategies.

The five Countryside Belts shown in the LDP Proposals Maps and the policy criteria set out in Policy ENV 7 *Countryside Belts and settlement settings* are further detailed in the Position Statement 'Countryside Belts' (CDxxx). The council believes that these are the correct Countryside Belts designations and associated policy to support the wider spatial and policy framework of the LDP (CD093).

The four existing Countryside Belts are brought forward into the proposed plan with additional protection offered to the east of Linlithgow where strong development pressure exists.

The council has undertaken an in-house review of Countryside Belts in West Lothian with this work now being published within the Position Statement and taking this forward as planning guidance is suggested to Reporters.

The Countryside Belts for the proposed plan and their strategic purposes are highlighted in blue below as the lead paragraphs of Policy ENV 7.

Policy ENV 7 Countryside Belts and settlement setting

"The following areas, as indicated generally on the Proposals Map are designated as Countryside Belt:

- *Livingston;*
- *Bathgate/Whitburn;*
- *Winchburgh/Broxburn;*
- *East Calder/Kirknewton; and*
- *Linlithgow/ Philpstoun & Bridgend*

The strategic purposes of Countryside Belts are to:

- *maintain the separate identity and visual separation of settlements;*
- *protect the landscape setting of settlements;*
- *promote public access to green space for informal recreation; and*
- *enhance landscape and wildlife habitat.*

Protection and enhancement of the landscape of these Countryside Belts will be sought and encouraged as part of the Central Scotland Green Network and other opportunities, through woodland planting and managed access.

Within designated Countryside Belts, development will not be permitted unless it can be demonstrated that the proposal satisfies following criteria:

- a. a proposal is environmentally acceptable and the criteria set out in the policies ENV 1 – ENV 6 of the LDP*

can be met;

b. the proposal will not undermine any of the strategic purposes as set out above;

c. the proposal will not give rise to visual or physical coalescence between settlements, sporadic development, or the expansion of existing clusters of houses (existing groups of houses in the countryside but not within a town or a village) by more than 20% of the number of houses within that group; and

d. there is a specific locational need which cannot be met elsewhere and need for incursion into Countryside Belt can be demonstrated.”

See the following Schedule 4s for information on policy:

26J - Policy ENV 1 *Landscape character and special landscape areas*

26L – Policy ENV 7 *Countryside Belts and settlement setting*

LOCAL LANDSCAPE DESIGNATIONS

Bathgate Hills Special Landscape Area – issues at Linlithgow

Objections / reservations to site H-LL 12 Preston Farm, Linlithgow on the basis that it has AGLV status / recommended as Special Landscape Area

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council); **21495743-09927a1** (Emma Gordon); **21803202-5e7a5f5** (Peter Buck) – the land for H-LL 12 Preston Farm is currently designated as part of the Bathgate Hills Area of Great Landscape Value (AGLV) where it abuts the current Linlithgow settlement envelope as shown in the adopted West Lothian Local Plan (CD107, p. 27, Map 2). The West Lothian Landscape Character Classification (WLLCC) (CD102, p. 10-11) identifies the landscape encircling Linlithgow as the “Linlithgow Fringe” of landscape type “Lowland Hills Fringes”.

The West Lothian Local Landscape Designation Review (LLDR) (CD103, pp. 42 - 43) in its map combined results and summary of ranking of total scores of the evaluation analysis of the 23 landscape character areas which cover West Lothian, identifies the “Linlithgow Fringe” landscape character area as tied for second highest rank with a score of 27 out of 30.

For landscape protection, this high ranking of the “Linlithgow Fringe” landscape character area through the Local Landscape Designation Review confirms the continuation of the current adopted Areas of Great Landscape Value for Airngarth Hill AGLV to the north of Linlithgow and The Bathgate Hills AGLV to the south of the town as designated Special Landscape Areas.

It is agreed that the landscape around Linlithgow is of high quality worthy of landscape protection. This very fact results in other factors coming into greater prominence such as proximity to local schools, good access and proximity to a rail station in the assessment of potential development sites.

Thus where communities are surrounded by very high ranked landscape character areas, such as Linlithgow, it is inevitable that expansion will result in the development of such land. Many communities in West Lothian have settlement boundaries which follow the edges of landscape designations, Torphichen being another which is almost encircled by the Bathgate Hills AGLV / SLA. In the case of Linlithgow, landscape designations require to be amended at the edges of the settlement to accommodate growth and reflect housing allocations.

In light of the above discussion, the council does not therefore agree to modify the Plan in response to this representation.

Object to site H-LL 12 Preston Farm, Linlithgow on the basis that it is Green Belt

21558610-d9620a5 (Leslie Neary); **21670368-Ca9306c** (Steven Donaghue) – the respondents have presumed that the underlying designation is Green Belt, when in fact the Bathgate Hills Area of Great Landscape Value (AGLV) is in force as set out in the West Lothian Local Plan and proposals maps (CD107, p. 27, maps 1-5).

Therefore the council does not therefore agree to modify the Plan in response to these representations however it is hoped that responses to other representations to the plan on this issue will assist in the understanding of why and how the council undertook the local landscape designation review via specialist independent consultants.

Objections to site H-LL 4, Manse Rd on the basis of loss of local landscape protection

21349895-851aa9e (Duncan Fortune); **21770063-66ceb8b** (Irene Fortune) – indicate the de-allocation of this site on landscape grounds cannot be sustained but the council responds to reasons given as follows:

- in cases where settlements are encircled or nearly encircled by high quality landscape, much of it in the case of Linlithgow recognised by landscape protection designation, urban growth can only happen through the loss of some landscape even when high quality residential schemes are sought;
- it is agreed that the landscape of Linlithgow is of high quality and important to both residents and visitors, however this very fact results in other factors coming into greater prominence such as proximity to a rail station in the assessment of potential development sites;
- alas it is inevitable that some cherished and highly valued landscape will require to be developed to accommodate additional growth in the town as well as driving higher densities within the town such as the recent conversion of the former bus depot;
- the Bathgate Hills Special Landscape Area (SLA) will be retained at this point but with minor revisions and on a more robust basis thanks to the evidence and analysis base through the Local Landscape Designation Review (CD103);
- the Bathgate Hills SLA is the largest landscape designation in West Lothian and will be protected and regulated by the proposed plans policy framework notably Policy ENV 1 *Landscape character and Special Landscape Areas*.

The council does not therefore agree to modify the Plan in response to these representations.

Objections to site H-LL 11 Wilcoxholm on the basis of landscape impact

2148485508-aofda1 &WL/LDP/PP/0433 (Finlay Scott) – this site was also assessed through the West Lothian Local Landscape Designation Review (LLDR) (CD103) because the landscape study area included an “all-landscape” approach covering all landscapes in West Lothian except where delineated by settlement boundaries. However, the area north of the B9080 / Edinburgh Road was not taken forward as part of the Bathgate Hills Special Landscape Area due to its separation and more urban fringe character.

Similar to other sites in Linlithgow discussed above in this section, the high ranked landscape character which encircles the town results in other factors for site assessment being given greater weight. In the case of site H-LL 11 Wilcoxholm, these include proximity to schools, town centre and railway station. Through site delivery requirements and planning application assessment, development can be achieved which is compatible with the location adjacent the historic structure of the Union Canal, urban edge and agricultural setting.

The council does not therefore agree to modify the Plan in response to this representation.

Bathgate Hills Special Landscape Area – support at LinlithgowSupport for current areas of landscape protection for Linlithgow

L/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – support the function and long-term effectiveness of local landscape designations for Linlithgow protecting proximate countryside is welcomed, albeit with caveats.

Support for site H-LL 12 Preston Farm, Linlithgow on the basis of acceptable landscape mitigation/outcomes

WL/LDP/PP/0418 (Cala Management Limited) – the developer has not surprisingly come forward in support of the site at Preston Farm. However, it should be noted that the site area and allocation numbers have been revised downwards in the Proposed LDP from previous indications at the MIR stage and the developer is not challenging this lower density position.

Bathgate Hills Special Landscape Area – issues at BathgateObjections to extension of local landscape protection in vicinity of EOI – 126 Dykeside Farm, Bathgate

WL/LDP/PP/0459 & 21768324-d9d4b34 (Gladman Developments), **21716490-c057327** (John Orr); **214185509-9ebcb91 & 21865048-cb5cef4** (David Orr) – it is true that the Bathgate Hills Special Landscape Area extends the former coverage of the Area of Great Landscape Value further west of the B792 to cover land which forms part of Dykeside Farm and Hilderston Farm. Dykeside Farm is nearer the Bathgate settlement edge close to Balbardie Park and the suburb of Belvedere.

The area at and around Dykeside Farm falls into the landscape character areas (LCA) of the Bathgate Hills to the south-east, and the Couston Valley to the northwest, as can be seen in the West Lothian Landscape Character Classification (WLLCC) (CD102, p. 10-11).

The West Lothian Local Landscape Designation Review (CD103, pp. 42 - 43) ranks the 23 landscape character areas in West Lothian against 10 criteria. While the Bathgate Hills LCA scored 27/30, tied for second place, the Couston Valley LCA was the lowest scoring landscape unit at 14/30. However it did score ‘medium’ against four evaluation criteria: “representativeness”, “condition”, “views” and “settlement setting”. Low scores were received for “rarity”, “intactness”, “scenic qualities”, “enjoyment”, “cultural qualities” and “naturalness”.

By contrast the Bathgate Hills LCA had no ‘low’ scores, only three medium scores (“representativeness”, “condition”, “naturalness”) and scored ‘high’ in the other seven categories. Despite West Lothian having a reputation for an industrialised, lower quality landscape, this is not borne out by the results of the West Lothian Local Landscape Designation Review, where even low ranking landscape character areas such as the Couston Valley LCA, where well above the potentially lowest score of 7/30.

It needs to be understood that landscape character areas are categories detected through patterns in the landscape following a specific methodology which means that there is variability across a landscape area with the most typical areas towards the centre and the least representative of a landscape character type near the edges. The extension to the Bathgate Hills area of landscape protection around Dykeside and Hilderston farms reflects landscape character at the edges of two landscape units. Thus this area of the Couston Valley LCA closest to the Bathgate Hills LCA and rising

above the lowlands of the Couston Water, can be seen as forming the flanks of the Bathgate Hills at this point.

Formation of Special Landscape Areas is covered in Chapter 5 of the West Lothian Local Landscape Designation Review's (CD103, pp. 44-52) where the plan Figure 5.2 '*Selection of core areas for candidate Special Landscape Areas*' on page 52 shows the western side of the 'Bathgate Hills core area' encroaching into Unit 7: Couston Valley.

Chapter 6 '*Refinement of Core Areas against Practical Criteria*' is informed by the Guidance on Local Landscape Designations produced by Scottish Natural Heritage and Historic Scotland (GLLD, CD143) and the iterative process between Land Use Consultants and the project steering group, including members from SNH. The practical considerations for the formation of Special Landscape Areas (LLDR, CD103, p. 53) which were examined in paragraph 6.2 include:

- the identity, size and coherence of each area as a recognisable landscape;
- the reasons for selecting each area, and compatibility with the purposes of designation;
- potential overlaps with other designations;
- potential overlaps with other planning policy/strategy considerations such as housing land allocations; and
- availability of suitable boundary features.

The first two bullet points support the designations of the land at Hilderston and Dykeside Farm for landscape protection. Whilst it may seem to the objectors as this is an extension of the Area of Great Landscape Value, the methodology for the Local Landscape Designation Review was based on an 'all-landscape' approach as advised in the Guidance on Local Landscape Designations (GLLD, CD143).

Unfortunately, the summarised text of this process for the Bathgate Hills (LLDR, CD103, p. 54) does not directly refer to the western side of the designation, but it does indicate that the reasons for including extensions to the core area elsewhere were based on '*areas which form the foreground to the hill in several views, and particularly in relation to the settings of surrounding settlements*'. The extended area at Dykeside and Hilderston Farms acts in the same manner supporting views of Cairnpapple Hill and The Knock from Bathgate itself, Armadale, Whitburn and particularly Torphichen. These views are identified as "Important Viewpoints" on the last page of West Lothian Landscape Character Classification (WLLCC) (CD102).

In addition, views from the many transportation routes which traverse West Lothian to the south and west of the Bathgate Hills benefit from the landscape protection to this foregrounds area: A801, M8, Glasgow to Edinburgh rail-line via Bathgate and National Cycle Route 75.

Therefore, in summary the council stands by the West Lothian Local Landscape Designation Review's (CD103) extension of landscape protection in the Dykeside / Hilderston Farmland areas north of Bathgate because:

- despite being a low score for the overall LCA of Couston Valley, scores for West Lothian were generally good with no areas scoring a full slate of 'low' points;
- as edge areas for their respective LCA the assessments can be seen to be respectively closer together for their respective areas thus boosting the local score for the Couston Valley LCA;
- the refinement of Core Areas for potential Special Landscape Areas allows for the designation to support the coherence of the designation as a recognisable and their compatibility with the purpose of the designation.

In view of the above arguments, the council does not therefore agree to modify the Bathgate Hills Special Landscape Area, nor the Plan in response to these representations.

Blackridge Heights Special Landscape Area – issues**Objection to removal and reduction of local landscape protection in vicinity of Westfield and Bridgecastle**

21903259-eae8db8 (Andrew Dodds) – The methodology followed by the council’s Local Landscape Designation Review (CD103) required an assessment of all landscape character areas outwith settlement boundaries. Each landscape character area was evaluated against a narrative framework, which was then converted to a numerical score for ranking purposes. The areas of the Blackridge Heights Area of Great landscape Value (AGLV) which were reduced in the subsequent Special Landscape Area fall into the landscape character areas (LCA) of “Avonbridge to Armadale Plateau” and the “Blackridge Heights” LCA or landscape unit as can be seen in the West Lothian Landscape Character Classification (WLLCC) (CD102, p. 10-11).

The evaluation criteria of the West Lothian Local Landscape Designation Review (LLDR, CD103) considered a wide range of factors which contribute to landscape character and quality. However the Avonbridge to Armadale Plateau ranked only in the bottom third of Table 5.1 ‘Ranking of landscape by total score’ with ‘low’ scores against ‘rarity’ and ‘enjoyment’ and no ‘high’ scores so this area of the existing area of landscape protection could not be taken forward in a robust state and had to be reduced.

Indeed, the Blackridge Heights LCA scored in the middle half of the table below the cut-off line but by reducing the area and focusing on the highest scoring areas within and around the Blawhorn Moss National Nature Reserve with an international designation as a Special Area of Conservation, it was possible to retain the smaller designation, but with defensible boundaries and an appropriate Statement of Importance (LLDR, CD103. P. 45)

The policy framework in the Proposed Plan offers other forms of protection for local countryside including policies:

ENV 2: *Housing development in the countryside.*

ENV 3: *Other development in the countryside.*

ENV 9: *Woodlands, forestry, trees and hedgerows.*

The council does not therefore agree to modify the Plan in response to this representation.

Local landscape designations set out in the Proposed LDP where no issues / challenges received:

No modifications were recommended for five of the Special Landscape Areas - Airngarth Hill SLA; Almond and Linhouse Valleys SLA; Avon Valley SLA; Forth Coast SLA; Pentland Hills SLA - therefore no amendments need to be considered.

COUNTRYSIDE BELT DESIGNATIONS***Livingston Countryside Belt – issues*****Livingston Countryside Belt to south-east of Blackburn – does not support development of site EOI - 0136 Seafield Road**

21672936-5bdab13 (Hallam Land Management c/o John Handley) – site EOI-0136, Seafield Road, Blackburn (6.5ha, 120 units) was assessed and presented as a ‘Not Preferred Site’ in the Main Issues Report (CD094, Map 7) due to its potential to cause the coalescence of Blackburn and Seafield which are independent communities with their own traditions.

The council does not therefore agree to modify the Plan in response to this representation.

Livingston Countryside Belt at Uphall Station – land not consistent with strategic purposes of policy ENV 7

21864464-cflf283 (Dundas Estates & Development Company c/o Mike Andrews) – sites submitted at Main Issues Report stage (CD094, Map 3) EOI-0021 & EOI-0134 as well as site EOI-0112, all to the east of Beechwood Grove and Park in north Uphall Station, were assessed and presented as ‘Not Preferred Sites’.

The reasons given for changing that assessment at proposed plan stage are not accepted because:

- the land plays a role in the settlement setting and urban identity in this area with considerable development pressures and coalescence issues, especially to the west and is therefore consistent with Policy ENV 7 *Countryside Belts and settlement setting*;
- whilst there was an earlier planning application (0050/P/08) related to this area, this aspect of the proposal and masterplan was unsuccessful and the land is designated a Local Biodiversity Site as identified on Map 3: *Livingston Area* in the proposed plan;
- development potential of the land indicates the need for protection through Countryside Belt.

The Livingston Countryside Belt at this point is unchanged and brought forward from the adopted plan. The council does not therefore agree to modify the Plan in response to this representation.

Winchburgh / Broxburn Countryside Belt – issues

Winchburgh / Broxburn Countryside Belt boundary – objections regarding area to north of Broxburn and south of Niddry Bing, Winchburgh

21862570-67b827a (Winchburgh Development Limited c/o Robin Matthews); **21772260-be38d90** (Airthrie Estates & Hopetoun Estate Trust c/o Peter Allan) – site H-BU 10 Westwood is an established site allocated as within the Core Development Area at Broxburn in the adopted West Lothian Local Plan (CD107).

The council does not therefore agree to modify the Plan in response to this representation.

Linlithgow / Philpstoun & Bridgend Countryside Belt – issues

Linlithgow / Philpstoun & Bridgend Countryside Belt - location of key infrastructure sites within Countryside Belt designated area

WL/LDP/PP/0363 (Transition Linlithgow) – paragraphs 51 and 52 of Scottish Planning Policy (CD078) identify a number of controlled but permissible uses within green belts - which Countryside Belts equate to – including ‘major businesses and industrial operations’, ‘essential infrastructure’ and ‘intensification of established uses’.

LDP Action Programme proposal P-43 (Burghmuir high amenity employment site) is an intensification of established use and employment site EL18 as identified in the adopted West Lothian Local Plan (CD107, Map 2 and key) and represents the shift of use from the adopted local plan site EL12 at Boghall to the south of the Blackness Road. This employment usage has been taken forward in the proposed plan as P-43 (Burghmuir high amenity employment site) in accordance with employment requirements for the plan.

LDP Action Programme proposal P-45 (Coach park and ride facility) brings forward the 'motorway junction safeguard' and 'site for bus facility with park and ride' indicated in the adopted West Lothian Local Plan (CD107, Map 2 and key) and brought forward in the proposed plan.

In addition, at the Burghmuir area, the LDP Action Programme includes proposals P-44 (westbound slip roads on M9 at Burghmuir) and P-108 (Linlithgow to Blackness cycle route), the former also rolled forward from the adopted plan and both are compliant with the terms of Scottish Planning Policy (CD078, paras. 51 & 52).

The council does not therefore agree to modify the Plan in response to this representation.

Linlithgow / Philpstoun & Bridgend Countryside Belt – support

Linlithgow/ Philpstoun & Bridgend Countryside Belt – caveated support for designation

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – the council welcomes the caveated support by the community council for the proposed Countryside Belt at Linlithgow / Philpstoun & Bridgend as designated in the proposed plan and accompanying maps. Whilst the proposals for a wildlife corridor and development free Zone running adjacent a new link road to the south and east of Linlithgow is an interesting concept, it cannot be used as the basis to amend the proposed countryside belt as set out in the proposed plan.

The council does not therefore agree to modify the Plan in response to this representation.

Countryside Belts set out in the Proposed LDP where no issues / challenges received:

No changes to the proposed plan are required at Bathgate / Whitburn Countryside Belt and East Calder / Kirknewton Countryside Belt as no issues have been raised.

Summary

No amendments are proposed to the Special Landscape Areas as presented in the West Lothian Proposed LDP.

No amendments are proposed to the Countryside Belts as presented in the West Lothian Proposed LDP.

To summarise, with regards to the representations received in relation to the spatial designations discussed above, the council does not consider that the plan should be modified in respect of any of the issues raised in the representations.

Summary with respect to Linlithgow - changing local landscape protection and countryside belt designation

Lastly, the council is aware that the change to the long-standing policy of restraint on housing development for Linlithgow has not been welcomed by residents who have become accustomed to a settled shape of the town's edges over the last 2 decades and may have presumed that landscape and countryside around the town would stay the same indefinitely, or at least during their residency.

The council has taken a modest approach to increasing development land in Linlithgow including some incursions into designated landscape areas, while offering additional protection through the application of a countryside belt to protect settlement setting and identity on the eastern side of the town. Much of the development need and pressure has been arguably shifted to Winchburgh where

landscape and heritage constraints are less than in Linlithgow.

Linlithgow will remain a historic burgh set in attractive countryside and highly valued landscape with relevant protection through the planning process.

Any further plan changes recommended by the planning authority

Given the above discussion on proposed sites in Linlithgow breaching high quality landscape areas, a requirement for the production of and submission of high quality landscape plans by developers at the planning application stage is a reasonable response and would result in only minor change to the proposed plan. High quality landscape plans for newly allocated sites in Linlithgow could reinforce local landscape character, provide some screening without causing excessive shade, avoiding problem shelterbelts where appropriate. This would be a desirable addition for all sites in Linlithgow especially those of a contentious nature which have arisen since the area of restraint policy was lifted. If Reporters were so minded such amendments could be applied to the relevant sites listed in Appendix Two: Schedule of Housing Sites / Site Delivery Requirements of the proposed LDP (CD093, pp. 193 - 200) for new allocations as site delivery requirements.

Reporter's conclusions:

Reporter's recommendations:

Issue: 1C	Spatial Strategy, Vision and Aims	
Development plan reference:	Chapters 4 and 5	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<div><div><div>WL/LDP/PP/0158 (Gladman Developments)</div><div>WL/LDP/PP/0209 (RSPB)</div><div>WL/LDP/PP/0236 (Transport Scotland)</div><div>WL/LDP/PP/0238 (SNH)</div><div>WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)</div><div>WL/LDP/PP/0351 (Historic Environment Scotland)</div><div>WL/LDP/PP/0418 (Cala Management Ltd)</div><div>WL/LDP/PP/0428 (Dr John Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council)</div><div>21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)</div><div>21865046-8dc0d66 (David Howel on behalf of John & Colin Macfarlane)</div><div>21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)</div><div>21863501-0bd8a41 (Ian Findlay)</div><div>21862933-ddl8650 and WL/LDP/PP/0137 + 0244 (Brian Lightbody on behalf of Clarendon Mews Residents)</div><div>21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)</div></div><div><div>21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)</div><div>21716490-c057327 (John Orr)</div><div>21116167-568db87 and WL/LDP/PP/0214 (Meabhann Crowe on behalf of British Solar Renewables)</div><div>21097306-f5cb7fa (Alastair Short on behalf of (SEStran)</div><div>21066561-3c471d4 (May Brown)</div><div>21906270-8ea2f80 (J Barlas)</div><div>21892215-b69a27c (Dr Cameron Easton on behalf of Scottish Wildlife Trust)</div><div>21867093-c1389fa (Ally Campbell)</div><div>21806840-3c4cd5d (Linda Ovens)</div><div>21735170-49dcba4 (PPCA on behalf of Drummond Homes)</div></div></div>		
Provision of the development Plan to which the issue relates:	<div><div><div>Chapter 4</div><div>This section of the Plan sets out the Vision Statement of the Plan and details the Aims (paras 4.1 - 4.3, page 11)</div></div><div><div>Chapter 5</div><div><i>This section of the Plan details the Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations</i> (para 5.4, 5.76, 5.139 to 5.184, page 265)</div></div><div><div>Appendix 4</div><div>Supplementary Guidance (SG) and Planning Guidance (PG)</div></div></div>	
Planning authority's summary of the representation(s):		
<div>WL/LDP/PP/0158 (Gladman Developments)</div> <div>Supports the overall vision of the LDP.</div>		

WL/LDP/PP/0209 (RSPB)

Commends the vision statement, specifically the aim to protect and mitigate against impacts on environment, and the aim for sustainability; with regard to aims set out for community regeneration, advise that brownfield sites can support a greater range of biodiversity than undeveloped agricultural land and development of such sites should take into account existing biodiversity features and mitigate against their potential loss; commend the aims to under 'Natural and Historic Environment', 'Climate Change and Renewable Energy' and 'Waste and Minerals'.

WL/LDP/PP/0236 (Transport Scotland/Scottish Government)

The plan does not recognise or define the impacts and mitigation measures required as a consequence of the spatial strategy on the trunk road network. Consideration should be given to developer contributions for general infrastructure for site delivery and education strategy to being supplementary as opposed to planning guidance.

WL/LDP/PP/0238 (SNH)

Suggests update required to 'Residential Development Guide' if the principles set out in paragraph 5.8 and Policy DES1 are to be delivered.

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

Supports in part the key aims but seek change in relation to sustainable housing

WL/LDP/PP/0351 (Historic Environment Scotland)

Welcomes that the built heritage has been embedded within the vision statement for the Plan and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment; some of the proposed development sites have the potential for impacts on heritage assets within HES remit, however consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts.

WL/LDP/PP/0418 (Cala Management Ltd)

Supports the Vision Statement to provide a generous supply of housing land and an effective five year housing land supply at all times; acknowledges the council's aim is to continue to promote and support major development within the previously identified CDA's and are supportive of this in principle, however, this should not preclude other effective sites from coming forward especially if there are delays over the CDA developments coming forward; notes continuing support to CDAs and strategic allocations and support requirement for further land allocations however, concerns regarding the reliance upon the existing CDA's coming forward within the timescales; established CDA's should not preclude new sites from coming forward and being developed, especially if they are effective sites.

WL/LDP/PP/0428 (Dr John Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council)

Supports the vision and aims with regard to employment, housing land, transport connectivity and infrastructure, the historic environment, climate change and renewable energy.

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

Highly supportive in broad terms of both the broad strategy of the Plan that envisage moderate housing and commercial allocations constraints to favoured growth corridors and of the detailed policies; highly supportive in broad terms of both the broad strategy of the Plan that envisage moderate housing and commercial allocations constraints to favoured growth corridors and of the detailed policies; notes contradiction between sections which state that West Lothian's population growth has been concentrated among the elderly (para 5.76), and others stating that population growth has been mainly among the young (para 5.11).

21865046-8dc0d66 (David Howel on behalf of John & Colin Macfarlane)

Generally supports the vision statement and aims, however in order to support the section on Sustainable Housing Locations, the council must demonstrate an effective supply of housing land.

21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)

Generally supports the vision statement and aims, however in order to support the section on Sustainable Housing Locations, the council must demonstrate an effective supply of housing land.

21863501-0bd8a41 (Ian Findlay)

The aim related to community regeneration should make reference to safeguarding income generating farmland; Oakbank Regeneration Project would be at the heart of the vision; sustainable housing is required all over West Lothian not just in the CDA; the council should publish a systematic approach to the evaluation of infrastructure; agrees with aims related to town centres and retailing; need to protect natural spaces not just open spaces; does not agree with statement relating to climate change and renewable energy; seeks change to aim related to waste and minerals.

21862933-ddl8650 and WL/LDP/PP/0137 + 0244 (Brian Lightbody on behalf of Clarendon Mews Residents)

The area of restraint policy in Linlithgow should be continued.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)

Supports the continued support given to the Winchburgh Core Development Area; supports the principles set out in relation to infrastructure however, concerned that the LDP is not supported by a detailed parallel financial plan or assessment of the scale, nature, delivery timescales or funding of the infrastructure required.

21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)

Objects to the aim related to Economic Development and growth as fails to make specific reference to the qualitative aspects of housing demand, including location, and to recent government announcements regarding boosting new housing opportunities; objects to aim related to infrastructure requirements and delivery as it fails to clarify those items of infrastructure which should be determined in the proposed plan rather than in supplementary guidance and the role of the council in meeting the gap between proportionate developer contributions and the council's statutory duties.

21716490-c057327 (John Orr)

Objects to proposed sustainable housing locations and effectiveness of the housing supply; misguided and pointless to support principle of further housing development in CDAs.

21116167-568db87 and WL/LDP/PP/0214 (Meabhann Crowe on behalf of British Solar Renewables)

Supports aims, however seeks additions in order to strengthen these; supports continued support for CDAs and strategic allocations but need to take cognisance of how the market has and will continue to affect the ability of such larger scale sites to deliver in manner originally intended; supports terms of Policy DES 1.

21097306-f5cb7fa (Alastair Short on behalf of (SEStran)

Welcomes the emphasis on sustainable locations at "Sustainable Housing Locations" and "Climate Change and Renewable Energy".

21066561-3c471d4 (May Brown)

Supports the Proposed Plan as written with the proviso that the current boundaries as defined in the proposal are retained. In particular, Livingston South, no further housing development should take place outwith the land identified currently for development in the current plan.

21906270-8ea2f80 (J Barlas)

Welcomes the wider plan, its aims and objectives and look forward to the development and opportunities it will bring to Winchburgh and the surrounding areas, however raise issues in relation to site H-WB 10.

21892215-b69a27c (Dr Cameron Easton on behalf of Scottish Wildlife Trust)

Endorses the inclusion of the vision statement committing the plan to protect the natural environment; endorses the proposals for the Natural and Historic Environment and supports and endorses a number of supporting policies.

21867093-c1389fa (Ally Campbell on behalf of Cala Management Ltd)

Supports the Vision Statement to provide a generous supply of housing land and an effective five year housing land supply at all times; acknowledges that the Council's aim is to continue to promote and support major development within the previously identified CDA's and supportive of this in principle, however, this should not preclude other effective sites from coming forward, especially if there are delays over the CDA developments coming forward.

21806840-3c4cd5d (Linda Ovens)

Expresses support for council approach to infrastructure requirements and delivery but notes that there are no detailed plans for bringing infrastructure forward.

21735170-49dcba4 (PPCA on behalf of Drummond Homes)

Supports the general aims of the Vision Statement in relation to infrastructure requirements and in relation to new residential development at Kirknewton, however, it is essential that contributions are sought on a proportional basis.

Modifications sought by those submitting representations:

WL/LDP/PP/0209 (RSPB)

The aim for sustainability should include environmental as well as economic and social sustainability; although not specifically stated, comments suggest that the aim for Community Regeneration should include reference to brownfield land and biodiversity.

WL/LDP/PP/0236 (Transport Scotland/Scottish Government)

Consideration should be given to planning guidance 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' being Supplementary Guidance.

WL/LDP/PP/0238 (SNH)

Proposes amending Policy DES 1 part (d) to refer to "landscaping" as opposed to "landscape provision".

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

Seeks a change to the 3rd point under 'Sustainable Housing Locations' to broaden the aim to include other providers of affordable housing and thereby work towards increasing supply across all tenures. Highlighted text reflects additions:

Sustainable Housing Locations

Provide a generous supply of housing land and an effective five year housing land supply at all times

Continue to promote and support major development within the previously identified CDAs; and

Support the council's new build housing programme and increase the supply of affordable housing through all providers and all Scottish Government approved tenures.

WL/LDP/PP/0351 (Historic Environment Scotland)

None specified however, encourages the council to ensure that all mitigation measures identified in the ER (or recommended in HES letter of 17 October 2014) are brought through to the site delivery requirements.

21863501-0bd8a41 (Ian Findlay)

The vision related to mineral extraction should be to ensure any approved schemes are required to not only "minimise impact" but to better the area affected not just at the end of the extraction period but also during their project life.

21116167-568db87 and **WL/LDP/PP/0214** (Meabhann Crowe on behalf of British Solar Renewables) Seeks amendment to Aims. Highlighted text reflects additions:

Sustainable Housing Locations

Provide a generous supply of housing land and an effective five year housing land supply at all times, of a range and choice to meet need and demand.

Continue to promote and support major development within the previously identified CDAs and strategic allocations; and

Support the council's new build housing programme.

Climate Change and Renewable Energy

Help achieve climate change objectives by minimising the area's carbon footprint through help to achieve climate change objectives by minimising the areas carbon footprint through promoting a range of types of development in sustainable locations and supporting mitigation and adaptation measures.

21066561-3c471d4 (May Brown)

None specifically requested but infers that the settlement boundary to the south of Livingston is amended to reflect that of the West Lothian Local Plan.

21906270-8ea2f80 (J Barlas)

Seeks amendment to settlement boundary at Winchburgh in relation to site H-WB 10.

Summary of responses (including reasons) by planning authority:**WL/LDP/PP/0209** (RSPB)

The LDP contains aims for a broad range of themes. Underlying each is a desirable to support sustainable development. The council acknowledges that brownfield sites can support a greater range of biodiversity than undeveloped agricultural land. Requirements for biodiversity study for development sites have been highlighted in Appendix 2 of the LDP, policy ENV 19 of the LDP provides the framework against which issues relating to biodiversity would be assessed. The council does not propose to amend the LDP in relation to this issue.

WL/LDP/PP/0236 (Transport Scotland/Scottish Government)

The LDP is supported by an Accessibility Analysis and Transport Appraisal (CDX). A detailed response has been submitted in response to Transport Scotland concerns (CDX) and has been accepted by them. Mitigation measures required as a consequence of the spatial strategy on the trunk road network are set out in Appendices 1 and 2 of the LDP and in the supporting draft Action Programme (CDX). These are reflective of the measures set out in the approved Strategic Development Plan and accompanying Action Programme (CDX and CDX). The council does not propose to amend the LDP in relation to this issue. Appendix 4 of the LDP provides details of proposed supplementary guidance and proposed planning guidance. The council's approach to supplementary guidance is considered to be consistent with the terms of Scottish Government circular 6/2013: Development Planning (CDX, paragraphs 135 - 148). The council does not propose to amend the LDP in relation to this issue and invites the reporter to make an appropriate recommendation on this issue.

WL/LDP/PP/0238 (SNH)

The council's Residential Development Guide (RDG) has been updated and approved in draft form by the council's Development and Transport Policy Development and Scrutiny Panel for consultation (CDX). The terms of paragraph 5.8 and policy DES 1 of the LDP fully reflect that of the updated RDG. It is the intention that the RDG will form Planning Guidance in support of the LDP (Appendix 4, page 266 of the LDP refers). The council does not propose to amend the LDP in relation to this issue.

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

The key aims in relation to sustainable housing locations are high level aims with the principle being the provision of a generous supply of housing land and an effective supply. The council is of the view that there is no requirement or necessity to distinguish between tenures. Specific reference to the council's new build housing programme is to reflect that the council house build programme is a high priority of the council and one of the key delivery aims of the council. Policy HOU 5 advises of preparation of supplementary guidance to support the provision of affordable housing and will provide the detail on how such housing is to be provided and by whom. The council does not propose to amend the LDP in relation to this issue.

WL/LDP/PP/0351 (Historic Environment Scotland)

The LDP contains an appropriate and robust policy framework against which proposals affecting the historic environment will be assessed, pages 54–61 of the LDP refer. Mitigation measures and site delivery requirements are set out in Appendices 1 and 2 of the LDP. Of the sites referred to in HES letter dated 17 October 2014 (CDX), only the following have been included in the LDP Proposed Plan for development. The requirements set out by HES in its letter dated 17 October 2014 have been considered in the allocation of the sites for development. HES would be a consultee should planning applications come forward for development of the sites. In addition, proposals would be assessed against the relevant policies in the LDP. The council does not propose to amend the LDP in relation to this issue.

EOI-0161 - re referenced H-LW 6 in LDP Proposed Plan, Former Freeport retail village; the site has a valid planning approval (CDX planning consent)

EOI-0168 - re referenced H-LL 12 in LDP Proposed Plan, Preston Farm, Linlithgow

EOI-0114 - re referenced H-LL 11 in LDP Proposed Plan, Wilcoxholm/Pilgrims Hill, Linlithgow

EOI-0210 - re referenced H-LL 10 in LDP Proposed Plan, Clarendon Farm, Linlithgow

EOI-0086/0087 - re referenced H-BU 12 in LDP Proposed Plan, Hillview Avenue, Broxburn

EOI-0144/0175 - re referenced H-BU 13 in LDP Proposed Plan, Kirkhill North, Broxburn; the site has a valid planning approval (CDX planning consent)

EOI-0201 - re referenced H-WB 17 in LDP Proposed Plan, site west of Niddry Castle, Winchburgh

WL/LDP/PP/0418 (Cala Management Ltd)

The development strategy set out in the LDP Proposed Plan is predicated on the delivery of the Core Development Areas and Strategic allocations (page 10, paragraph 5.10 of the LDP refers). The strategy is, however, supported by the allocation of a number of smaller sites across the LDP area. Associated with the development of the CDAs is the delivery of new infrastructure, principally new schools, the delivery of which will impact on the ability of all housing allocations set out in the LDP Proposed Plan to be delivered and therefore effectiveness of supply. A focus on the CDAs does not however preclude other effective sites from coming forward especially if infrastructure capacity is available to accommodate development. The council does not propose to amend the LDP in relation to this issue.

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

There are no proposals to alter the spatial strategy set out in the LDP Proposed Plan in relation to Newton. No contradiction is intended in terms of commentary on the population make up of West Lothian. The council does not propose to amend the LDP in relation to the references to population at paragraphs 5.11 and 5.76 of the LDP Proposed Plan. However, the council invites the reporter to make an appropriate recommendation on this issue. The council does not propose to amend the LDP in relation to this issue.

21865046-8dc0d66 (David Howel on behalf of John & Colin Macfarlane) and **21863641-89d0459** (David Howel on behalf of BDW Trading Ltd and H&J Russell)

These issues are dealt with in Schedule 4 number **(1A)**.

21863501-0bd8a41 (Ian Findlay)

The LDP sets out a development strategy which seeks to deliver a balance between development requirements and the need to protect the area's valuable natural environment; the LDP reflects that planning permission has been granted for development on land which is currently undeveloped and also includes brownfield sites. All sites suggested for inclusion in the LDP have been the subject of site clearance and regard to infrastructure availability. The council does not propose to amend the LDP in relation to this issue. See also Schedule 4 number **(11E)** in relation to the Oakbank site.

21862933-ddl8650 and WL/LDP/PP/0137 + 0244 (Brian Lightbody on behalf of Clarendon Mews Residents)

The council's justification for removing the area of restraint in Linlithgow is set out in Schedule 4 number **(XX)**. The council does not propose to amend the LDP in relation to this issue.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)

Infrastructure requirements associated with development proposals are set out in Appendices 1 and 2 of the Proposed Plan and in the supporting draft Action Programme. Proposed supplementary guidance is set out in Appendix 4 of the LDP Proposed Plan. The council's approach to supplementary guidance is considered to be consistent with the terms of Scottish Government circular 6/2013: Development Planning **(CDX)**. Relevant planning consents and accompanying legal agreements set out the triggers for delivery of infrastructure required to support development. The draft Action Programme sets out the timeframes for delivery of infrastructure **(CDX)**. The council's position statement on education **(CDX)** provides details on the education requirements and potential delivery dates for education infrastructure requirements. The council has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development. The fund was set up in 2009 following Council Executive approval on 19 May 2009 in order that the council could help to forward fund key infrastructure required to support the implementation of the West Lothian Local Plan and recover its costs through developer contributions. This would enable funds received from developers to then be recycled to fund further projects. The fund to date has primarily funded education and roads infrastructure to assist in development delivery and remains a

key component of the council's aims to support development delivery (CDX committee report). The council is also part of the Edinburgh and South East Scotland City Deal to provide assistance in delivery of development (CDX committee report and PDF web extract). The council does not propose to amend the LDP in relation to this issue and invites the reporter to make an appropriate recommendation on this issue.

21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)

The aims set out in pages 8 and 9 of the LDP Proposed Plan are high level aims to provide a broad overview. The LDP Proposed Plan pre-dates Scottish Government announcements regarding boosting new housing opportunities, specifically the letter from the Chief Planner dated 7 October 2015 in relation to housing delivery (CDX). Notwithstanding the link between housing and economic growth is recognised in the LDP, the Core Development Areas, for example, providing for housing and employment needs through the creation of mixed use developments. Infrastructure requirements associated with development are set out in Appendices 1 and 2 of the Proposed Plan and in the supporting draft Action Programme. Proposed supplementary guidance is set out in Appendix 4 of the LDP Proposed Plan. The council's approach to supplementary guidance is considered to be consistent with the terms of Scottish Government circular 6/2013: Development Planning (CDX). Policy CDA 1 and INF 1 of the LDP Proposed Plan set out the terms against which developer contributions would be sought. The council's position statement on education (CDX) provides details on the education requirements and potential delivery dates for education infrastructure requirements. The council has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development. The fund was set up in 2009 following Council Executive approval on 19 May 2009 in order that the council could help to forward fund key infrastructure required to support the implementation of the West Lothian Local Plan and recover its costs through developer contributions. This would enable funds received from developers to then be recycled to fund further projects. The fund to date has primarily funded education and roads infrastructure to assist in development delivery and remains a key component of the council's aims to support development delivery (CDX committee report). The council is also part of the Edinburgh and South East Scotland City Deal to provide assistance in delivery of development (CDX committee report and PDF web extract). The council does not propose to amend the LDP in relation to this issue and invites the reporter to make an appropriate recommendation on this issue.

21716490-c057327 (John Orr)

The development strategy set out in the LDP Proposed Plan is predicated on the delivery of the Core Development Areas (CDAs) and other strategic housing allocations e.g. Heartlands and Bangour. All CDAs are delivering on housing development albeit at a slower rate than originally anticipated. The CDAs require substantial infrastructure requirements to ensure delivery in full. The council's justification for approach to housing land supply is set out in Schedule 4 number (1A). The council does not propose to amend the LDP in relation to this issue.

21116167-568db87 and WL/LDP/PP/0214 (Meabhann Crowe on behalf of British Solar Renewables)

Whilst there may be merit in amending the aims set out in the LDP in this instance, the aims set out are reflective of a number of council strategies and as such the council does not propose to make any changes. The council invites the reporter to make an appropriate recommendation on this issue.

21066561-3c471d4 (May Brown)

Support for the LDP Proposed Plan is noted, however, new allocations are required to accommodate anticipated housing and other development needs over the LDP plan period. There is only one new housing allocation in Livingston South (site reference H-LV 31) and a site previously allocated in the West Lothian Local Plan (site reference HLv94 has been deleted). The settlement boundary at the south of Livingston has been altered to include the long standing development site of Linhouse (site

reference E- LV 46) which was identified in the West Lothian Local Plan as site ELv54 for employment use. Inclusion of the site within the settlement envelope reflects development aspirations for the site. The council does not propose to amend the LDP in relation to this issue.

21906270-8ea2f80 (J Barlas)

Support for the wider plan, its aims and objectives is noted, however, no change is proposed to the approach at Winchburgh and site allocations. This issue is dealt with in Schedule 4 number (XXX)

21867093-c1389fa (Ally Campbell on behalf of Cala Management Ltd)

Support for the vision statement and development within the core development areas is noted; housing land supply matters are addressed in Schedule 4 number (1A). The development strategy set out in the LDP Proposed Plan is predicated on the delivery of the Core Development Areas and Strategic allocations (page 10, paragraph 5.10 of the LDP refers). The strategy is, however, supported by the allocation of a number of smaller sites across the LDP area. A focus on the CDAs does not preclude other effective sites from coming forward especially if infrastructure capacity is available to accommodate development. The council does not propose to amend the LDP in relation to this issue.

21806840-3c4cd5d (Linda Ovens)

Infrastructure requirements to support the site allocations in the LDP Proposed Plan are set out in Appendices 1 and 2 of the plan and in the accompanying Action Programme. The delivery of infrastructure requires input from the development industry through developer contributions as set out in pages 9, 24, 26, 27, 30 – 37, 61 and 119-122 and policies HOU 3, CDA 1, INF 1 TRAN 2, TRAN 3, ENV 34. The council does not propose to amend the LDP in relation to this issue.

21735170-49dcba4 (PPCA on behalf of Drummond Homes)

Support for the general aims of the Vision Statement and infrastructure requirements in relation to new residential development at Kirknewton, is noted. The level of contributions required to support development would be set out in compliance with the requirements of Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements. (CDX) The aim set out in page 9 of the LDP Proposed Plan in relation to infrastructure requirements and delivery advises that proportional developer contributions would be sought. The council does not propose to amend the LDP in relation to this issue.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 1E	Supplementary Guidance (SG) and Planning Guidance (PG)	
Development plan reference:	Appendix Four: Supplementary Guidance (SG) and Planning Guidance (PG)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0158 (Gladman Developments)</p> <p>WL/LDP/PP/0160 (Scottish Enterprise)</p> <p>WL/LDP/PP/0170 (Airthrie Estates & Hopetoun Estate Trust)</p> <p>WL/LDP/PP/0214 (British Solar Renewables)</p> <p>WL/LDP/PP/0236 (Transport Scotland c/o Carrie Thomson, Scottish Government)</p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)</p> <p>WL/LDP/PP/0247 (Taylor Wimpey)</p> <p>WL/LDP/PP/0423 (Walker Group Scotland c/o Graeme Patrick)</p>		
Provision of the development Plan to which the issue relates:	Appendix 4, pages 265 – 272	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0158 (Gladman Developments)</p> <p>The respondent is concerned that much of the guidance, and in particular, that relating to infrastructure is 'to follow', especially when delivery of this is so central to the strategy of the plan. Given the time which has elapsed since the adoption of the SDP with which the LDP conforms, and the time taken to progress the LDP to this point, more detail on the required SG/PG is sought. Questions whether the amount of supplementary guidance proposed is appropriate, and advise that this perhaps suggests that the plan itself is not sufficient.</p> <p>WL/LDP/PP/0160 (Scottish Enterprise)</p> <p>Note that no SG is suggested for Economic Development. SE refers to its responses to EMP1, 2 and HOU 1 and suggests that consideration be given to the preparation of SG on releasing sites from employment (and housing) designations where sufficient marketing demonstrates no demand exists for the allocated use. The SG should include guidance on the necessary processes and timescale to justify the case and which Key Agencies support should be obtained to also justifying the proposal; supports the preparation of Residential Development SG, Transportation PG and Education Strategy PG and recommends that the guidance be prepared for consultation as soon as possible particularly relating to the amount and mechanisms for developer contribution, to avoid any delay to delivery of development sites. Guidance in relation to employment policies could include details on the matters which applicants will be expected to consider, action and assess to demonstrate that there is no alternative user and / or the employment benefits of different use - for example, length and type of marketing process, the support (or otherwise) of economic agencies for example, the Economic Development Unit of WLC and SE). SE would be happy to contribute to the preparation of the SG, which it considers should be carried out as soon as possible.</p> <p>WL/LDP/PP/0170 (Airthrie Estates & Hopetoun Estate Trust)</p> <p>Reference is made to Appendix 4 of the LDP in relation to Supplementary Guidance: Affordable</p>		

Housing and the express statement reference financial contributions. Advise that there is a range of supplementary guidance both statutory and non-statutory which should have been updated and presented alongside the Proposed Plan, including SG: Affordable Housing, for consultation. Were the revised and updated guidance made available at this point in time, it would have allowed for an informed view to be taken on the overall application of policy going forward. Planning Circular 6/2013: *Development Management Procedures* states that, in relation to the proposed Local Development Plan “Minor proposals and detailed policies may be removed to Supplementary Guidance, especially if there is no significant change from the previous plan, and provided an appropriate context remains in the plan itself.” (Paragraph 81) Thus Ministers expect “much of the detailed material” to be contained in SG (Paragraph 135). In relation to non-statutory guidance the Circular continues that “Non-statutory planning guidance may be used to provide detail on a range of subject area. One of the benefits of non-statutory guidance is that it can be updated quickly as required.” (Paragraph 147). This has not to date been the case and as such a full, robust and meaningful consultation process has not been undertaken. Objects to Infrastructure Requirements and Delivery (LDP page 9) because of failure to clarify those items of infrastructure which should be determined in the Proposed Plan rather than in further guidance. [i.e. section of Appendix 5: Supplementary Guidance (SG) and Planning Guidance (PG) on ‘Infrastructure Requirements, Delivery and Transport’ comprising 8 PGs]. Advise that with respect to supplementary guidance and section 75 agreements, the Proposed Plan should be changed here and in later sections to ensure that policy and practice coincide and that SG remains subordinate to the LDP and its policies. The Infrastructure Requirements and Delivery section should address the council’s role in meeting gap between developer contributions and council’s statutory duties. The council’s approach to supplementary guidance is not consistent with the requirements of Circular 6/2013. Advises guidance should have been made available at Proposed Plan consultation stage and therefore the plan is not compliant with national guidance. Infrastructure Requirements and Delivery (page 9) should be clarified as to items of which should be determined in the Proposed Plan rather than in further guidance.

WL/LDP/PP/0214 (British Solar Renewables)

The Supplementary Guidance Developer Obligations stated at Paragraph 5.84 is not included in Appendix 4 and therefore there is no detail available on which to provide comment. Appendix 4 sets out that non-statutory supplementary guidance in respect of renewables (not wind energy) is due to be prepared. It would have been useful to have the PG published alongside the LDP in order to provide a comprehensive response at this stage but welcome dialogue with the Council in early course in respect of this emerging PG. Had updated and revised guidance been made available with the LDP proposed plan this would have allowed for an informed view to be taken on the overall application of policy going forward. Planning Circular 6/2013: *Development Management Procedures* states that, in relation to the proposed Local Development plan minor proposals and detailed policies may be removed to Supplementary Guidance, especially if there is no significant change from the previous plan, and provided an appropriate context remains in the plan itself (Paragraph 81) As Ministers expect much of the detailed material to be contained in SG (Paragraph 135). In relation to non-statutory SG the Circular continues that Non-statutory planning guidance may be used to provide detail on a range of subject areas. One of the benefits of non-statutory guidance is that it can be updated quickly as required. (Paragraph 147). This has not to date been the case and as such this a full, robust and meaningful consultation process has not been undertaken. In relation to education, the Proposed Plan is not accompanied by any the PG/SG and as such no detailed comment can be provided. The preparation of an education strategy is discussed within Appendix 5 and is noted as being non-statutory ‘PG’. Given the importance of education provision across West Lothian and the fact that it remains an impediment to residential development sites coming forward, it is considered unhelpful that the Proposed Plan has not included this key aspect in this consultation process. This approach provides little confidence for developers and investors, and yet it is noted that the onus for overcoming education barriers in West Lothian falls to the developer (Paragraph 5.90).

WL/LDP/PP/0236 (Transport Scotland c/o Carrie Thomson, Scottish Government)

Consideration should be given to those topics in relation to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy's identified for Planning Guidance to be taken forward as Supplementary Guidance as is required by legislation for supplementary guidance. because these documents propose to cover details of infrastructure requirements and specific/principles of developer contributions, it would be appropriate for these to be subject to consultation; proposed SGs / PGs on Affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor are matters which should be included in LDP not in further guidance.

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)

The 'Residential Development Guide' supplementary guidance will require to be updated if the principles of 'placemaking' set out in paragraph 5.8 and Policy DES 1 *Design Principles* set out in the Spatial Strategy are to be delivered. Seek clarification over inclusion of small scale wind turbines in spatial framework for wind energy (paragraph 5.225 of LDP). Advise that it is not clear whether the criteria in Policy ENV13 *Pentland Hills Regional Park* will be expanded on in further guidance or not. The nature of the policy criteria suggests that they may be detailed in proposed further guidance and for clarity it is recommend that this is clearly stated within the policy. Look forward to working further with the council to develop supplementary guidance in relation to green networks. Wish to be involved in consultation on proposed planning guidance scheduled monuments/countryside belt. Welcome the definition and scope of green networks in West Lothian as set out at paragraphs 5.102 to 5.105 and look forward to further work with the council to develop the supplementary guidance.

WL/LDP/PP/0423 (Walker Group Scotland c/o Graeme Patrick)

The suggestion that Supplementary Guidance to support the council's education strategy will be required confirms that it is not yet available, contrary to Planning Circular 1 2009. The LDP does not clarify the quantum of financial contributions within the Plan document. The Plan should contain a detailed list of SG which it intends to re-adopt and commit to reconsultation in due course. It is contrary to the Circular to simply state, as they do in para 5.5., that they i.e. existing Guidance documents, constitute Supplementary Guidance to the LDP. This refers to Supplementary Guidance on Developer Obligations which either relates to the last Local Plan or has not yet been written or consulted on. This should be amended to make it clear the Council will be preparing and consulting on the supplementary guidance but not alongside the Proposed Plan (as is mentioned in the note at the end of the policy INF1). The Appendix refers to Planning Guidance rather than Supplementary Guidance, it is Walker Group's view that the importance of this information and policy, and the effect it has on development, requires that it be Supplementary Guidance so it is fully consulted on rather than the more informal planning guidance as suggested in the Appendix. Object to the list of SG and PG on the grounds that the council have not produced SG with the LDP in the case of affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor. Advise that Planning Circular 1 2009: Development Planning, Para 97 states that: Matters that should be included in the LDP or SDP, and not in supplementary guidance include: items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought. The LDP does not clarify the quantum of financial contributions within the Plan document and the absence of detailed Guidance (both SG and PG) undermines the value of the LDP itself.

WL/LDP/PP/0247 (Taylor Wimpey) – note that Supplementary Guidance relating to landscape character and local landscape designations and Green Networks don't appear to have been published yet.

Modifications sought by those submitting representations:
WL/LDP/PP/0158 (Gladman Developments)

It is intimated that in lieu of the guidance, and in particular that relating to infrastructure, more detail on the required SG/PG is sought.

WL/LDP/PP/0160 (Scottish Enterprise)

Seeks PG/SG on Economic Development to include guidance on the necessary processes and timescale to justify releasing sites from employment (and housing) allocations where no demand for the site can be established.

WL/LDP/PP/0170 (Airthrie Estates & Hopetoun Estate Trust)

It is intimated that further guidance should have been made available at Proposed Plan consultation stage and therefore the plan is not compliant with national guidance. Infrastructure Requirements and Delivery (LDP proposed plan, page 9) should be clarified as to items of which should be determined in the Proposed Plan rather than in further guidance. It is intimated that these matters should be included within the plan and not within further guidance in accordance with paragraph 139 of Circular 6/2013 (CDX). Planning Guidance for 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' - consideration should be given to raising to Supplementary Guidance status.

WL/LDP/PP/0214 (British Solar Renewables)

It is intimated that a range of supplementary guidance both statutory and non-statutory should have been updated and presented alongside the Proposed Plan for consultation.

WL/LDP/PP/0236 (Transport Scotland c/o Carrie Thomson, Scottish Government)

Consideration should be given to these topics in relation to Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy's on infrastructure requirements and specific / principles of developer contributions being 'Supplementary Guidance' to comply with national guidance. Proposed SGs / PGs on Affordable Housing; Developer Contributions for Transportation Infrastructure; Developer Contributions for General Infrastructure for Site Delivery; Education Strategy; Transport improvements to A71 / A89 corridor are matters which should be included in LDP not in further guidance.

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)

Seeks the updating of Residential Development Guide to apply the principles of 'placemaking' set out in paragraph 5.8 and Policy DES 1 *Design Principles* set out in the Spatial Strategy; seek clarification over inclusion of small scale wind turbines in spatial framework for Wind Energy; seek clarity over potential further guidance in relation to policy ENV 13 Pentland Hills Regional Park; additional further guidance requested in relation to Countryside Belts.

WL/LDP/PP/0247 (Taylor Wimpey)

Intimates and seeks the publication of further information on the formation of Countryside Belts in particular for the new Countryside Belt proposed to the east of Linlithgow.

WL/LDP/PP/0423 (Walker Group Scotland c/o Graeme Patrick)

It is intimated that the LDP should clarify the amount of financial contributions within the Plan document and the rather than in SG and PG which undermines the value of the LDP itself.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0158 (Gladman Developments) and **WL/LDP/PP/0214** (British Solar Renewables) - paragraph 104 of Planning Circular 6/2013 advises that supplementary guidance may be prepared and adopted alongside the LDP or subsequently. The council has taken the decision to prepare such guidance subsequent to adoption of the LDP. The council does not propose to amend the LDP in relation in to this submission.

WL/LDP/PP/0160 (Scottish Enterprise) – the council’s response is set out in Schedule 4 number 26A. The council does not propose to amend the LDP in relation in to this submission.

WL/LDP/PP/0170 (Airthrie Estates & Hopetoun Estate Trust)

The council has set out a policy background in the LDP proposed plan in relation to developer contributions for a broad range of including affordable housing (policy HOU 5). Policy INF 2 provides the overarching approach to such contributions to allow for a ‘slim line’ LDP to be drafted. In this respect the council has complied with legislative requirements and proposes to set out the details in supplementary and planning guidance as set out in Appendix 4 of the LDP. The council does not propose to amend the LDP in relation in to this submission. Paragraph 104 of Planning Circular 6/2013 advises that supplementary guidance may be prepared and adopted alongside the LDP or subsequently. The respondent refers to Circular 6/2013: Development Management Procedures – this reference is incorrect. The council has taken the decision to prepare such guidance subsequent to adoption of the LDP. The council does not propose to amend the LDP in relation in to this submission.

WL/LDP/PP/0236 (Transport Scotland c/o Carrie Thomson, Scottish Government)

The council’s response is set out in Schedule 4 number 1F. The council has set out a policy background in the LDP proposed plan in relation to developer contributions for a broad range of including affordable housing (policy HOU 5). Policy INF 2 provides the overarching approach to such contributions to allow for a ‘slim line’ LDP to be drafted. In this respect the council has complied with legislative requirements and proposes to set out the details in supplementary and planning guidance as set out in Appendix 4 of the LDP. The council does not propose to amend the LDP in relation in to this submission.

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)

The council’s Residential Development Guide has been updated to apply the principles of ‘placemaking’ as set out in paragraph 5.8 and Policy DES 1 *Design Principles* of the LSP proposed plan. The updated guidance was reported to the council’s Development and Transport Policy Development and Scrutiny Panel (PDSP) on 2015. The PDSP agreed to publish the updated guidance for consultation. This consultation has yet to commence but is anticipated to be taken forward over the summer of 2016. The council does not propose to amend the LDP in relation in to this submission.

The Pentland Hills Regional Park Management plan⁵ was approved by the Pentland Hills Regional Park Joint Committee in November 2007 which guides the management and development of the Pentland Hills regional Park. Only a small percentage of the park area lies within West Lothian Council’s administrative area. As such the council does not propose to prepare guidance for the park. The council does not propose to amend the LDP in relation in to this submission.

In relation to countryside belts the council’s position is set out its position statement on countryside belts (CDX). This will inform any supplementary or planning guidance which emerges over the LDP plan period.

The council has prepared background Supplementary Guidance on West Lothian’s Green Network that was approved for public consultation in September 2015. This public consultation is now pending, potentially scheduled for summer 2016. However, should the SDP 2 process catch up with

the council considering and agreeing comments on the Green Network SG, then there may be scope to include issues such as strategic active travel routes in any revised West Lothian Supplementary Guidance on Green Networks. The draft guidance contains reference to small scale wind turbines. The council does not propose to amend the LDP in relation in to this submission.

(Draft) interim supplementary guidance: Wind Energy Development was prepared by the council as statutory guidance to provide detailed policy and assessment considerations to support the West Lothian Local Development Plan (LDP) Proposed Plan. A spatial framework for wind energy is an integral part of the guidance based on a strict methodology set out in SPP2014. Consultation on the draft supplementary guidance was undertaken over an 8 week period from 1 May to 30 June 2015 following consideration by the council's Development and Transport Policy Development and Scrutiny Panel on 23 April 2015. The outcome of this consultation is to be reported to the council's Council Executive at a future date. The council does not propose to amend the LDP in relation in to this submission.

WL/LDP/PP/0423 (Walker Group Scotland c/o Graeme Patrick)

The council's response to comments on policy INF 1 area set out in Schedule 4 number 1F. The council's response to comments in relation to developer contributions for health care are set out in Schedule 4, number 26l. Circular 1/2009 has been replaced by Circular 6/2013. The council has set out a policy background in the LDP proposed plan in relation to developer contributions for a broad range of including affordable housing (policy HOU 5). Policy INF 2 provides the overarching approach to such contributions to allow for a 'slim line' LDP to be drafted. In this respect the council has complied with legislative requirements and proposes to set out the details in supplementary and planning guidance as set out in Appendix 4 of the LDP. The council does not propose to amend the LDP in relation in to this submission. Paragraph 104 of Planning Circular 6/2013 advises that supplementary guidance may be prepared and adopted alongside the LDP or subsequently. The council has taken the decision to prepare such guidance subsequent to adoption of the LDP. The council does not propose to amend the LDP in relation in to this submission.

WL/LDP/PP/0247 (Taylor Wimpey) – comments are made within the context of a submission seeking the inclusion of land at Kingsfield, Linlithgow for development. The council's response to this is set out in Schedule 4 number 15A. The council consulted on the West Lothian Local Landscape Designation Review as part of the consultation on the LDP. Once the LDP has been considered at Examination and adopted it is the council's intention to proceed with preparation of supplementary/planning guidance. Paragraph 104 of Planning Circular 6/2013 advises that supplementary guidance may be prepared and adopted alongside the LDP or subsequently. The council has taken the decision to prepare such guidance subsequent to adoption of the LDP. The council does not propose to amend the LDP in relation in to this submission.

Reporter's conclusions:

Reporter's recommendations:



Issue: 1F	Developer Contributions, Infrastructure and policy INF 1 “Infrastructure Provision and Developer Obligations”	
Development plan reference:	Infrastructure Requirements and Delivery	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0147 (Lynsey Fraser on behalf of Gladman Developments Ltd)</p> <p>WL/LDP/PP/0158 (Gladman Developments)</p> <p>WL/LDP/PP/0209 (RSPB)</p> <p>WL/LDP/PP/0236 (Scottish Government - Development Planning Team)</p> <p>WL/LDP/PP/0238 (SNH)</p> <p>WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)</p> <p>WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)</p> <p>WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd)</p> <p>WL/LDP/PP/0358 (Geddes Consulting on behalf of Wallace Land Investment & Management)</p> <p>WL/LDP/PP/0409 (Scottish Water)</p> <p>WL/LDP/PP/0423 (Walker Group)</p> <p>21806840-3c4cd5d (Linda Ovens)</p> <p>21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)</p> <p>21865046-8dc0d66 (David Howel (John Macfarlane and Colin Macfarlane)</p> <p>21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)</p> <p>21863501-0bd8a41 (Ian Findlay)</p> <p>21669441-65242bb (Brian Martin)</p> <p>21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)</p> <p>21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)</p> <p>21735170-49dcba4 (PPCA on behalf of Drummond Homes)</p> <p>21381990-791c513 (Robin Matthew on behalf of Drummond Homes)</p> <p>21097306-f5cb7fa (SEStran)</p> <p>21871541- ff7b3a (Sandra Hebenton on behalf of Network Rail)</p> <p>21369421-17fa2bd (Mr Stuart Livingstone)</p> <p>WL/LDP/PP/0243 (SEPA)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 4 – Vision Statement and Aims, Page 8 (paragraph 4.3)</p> <p>Chapter 5 – The Spatial Strategy (Including Policy Framework), Pages 21 (paragraph 5.46), 23 (paragraph 5.53), 24, 25 (paragraph 5.61), 26, 27, 30-37 (paragraph 5.84, 5.89-5.92), 61 and 119</p> <p>Appendix 2 - Schedule of Housing Sites</p> <p>Appendix 4 – Supplementary Guidance (SG) and Planning Guidance (PG)</p> <p>Policies HOU 3, CDA 1, INF 1 TRAN 2, TRAN 3 and ENV 34</p>	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0147 (Lynsey Fraser on behalf of Gladman Developments Ltd)</p> <p>WL/LDP/PP/0158 (Gladman Developments)</p> <p>Supports over-arching concept set out in the Plan and planning policy more broadly than</p>		

infrastructure is required for development, and that it is appropriate for development to fund infrastructure, however object to the broad principal set out that all infrastructure should be forward funded by the development industry; advises that it is the role of the council to 'take the first step' and proactively seek infrastructure solutions (for education in particular) in order to unlock development; the council could then seek to recoup this funding from the development industry; the council must seek to ensure that the Core Development Areas contribute to planned growth both by delivering units on their sites, and by delivering the infrastructure provided for by the relevant section 75 agreements and 'unlocking' development across West Lothian; not sustainable, nor consistent with the planning policy vision for the SDP area or West Lothian to continue to suggest that the entire LDP strategy hinges on one element of infrastructure provision, and then defer implementation of that to a third party; inappropriate in the context of planned-for growth in the SDP area to state that the delivery of education infrastructure on one site is the key to 'unlocking' the entire council area for development, and that the council will play no part in the delivery of that solution; concerned that the Proposed Plan is conditional on infrastructure solutions; the Council as education authority has a statutory obligation provide education; object to wording of Policy INF 1; concerned that much of proposed supplementary guidance particularly relating to infrastructure is 'to follow', especially when delivery of infrastructure is so central to the strategy of the Plan; wish to see more detail on the required SG/PG; questions whether the amount of supplementary guidance proposed is appropriate perhaps suggesting that the Plan itself is not sufficient; the Council should acknowledge the receipt/impact of section 75 monies and increased council tax revenue from new development in terms of recouping cost for infrastructure which the council may have to bear in the short term.

WL/LDP/PP/0209 (RSPB)

Notes there is no reference in policy INF 1 to developer contributions towards environmental mitigation or enhancement; developers should be obliged to make provision for the enhancement of natural features and biodiversity within developments or, if not feasible, on suitable sites elsewhere; these should include habitat creation.

WL/LDP/PP/0236 (Scottish Government - Development Planning Team)

Improve cross-referencing in the Plan to developer contributions; amend appendices 2 and 4; clearer justification required on where information is available to justify developer contributions required ; seeks change to Appendix 4; include more explicit reference to cross boundary impacts and developer contribution requirements.

WL/LDP/PP/0238 (SNH)

Advises that requirements set out in paragraph 5.81 of the Proposed Plan in relation to open space and associated green network is at odds with paragraph 5.58.

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

Considers the council's current approach to developer contributions presents a barrier to development and to maintaining an effective 5 year housing land supply; references to SPG on developer obligations (CDX) and text of policy INF 1 should be amended; the council should consider up front funding for education infrastructure to serve new development.

WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)

Advises of severe strain on existing infrastructure within Livingston, principally education, medical treatment and roads; also reference to drainage systems and primary energy provision; notes reference in the LDP to limited capacity at both at East Calder and Newbridge waste water treatment plants; suggests pressure is applied to Scottish Water for funding to augment capacity for waste water treatment to fit into the housing growth plan; advises that support infrastructure must be part of the composite planning and grown similarly and contemporaneously and where funding is

the issue the council must seek and obtain additional Scottish Government funding for fast infrastructure growth; intolerable to saddle private developers with monstrous infrastructure developer contributions all the time; private sector should make contributions however, reasonableness has to prevail; other fund sources are also needed if the infrastructure growth stands a chance of keeping pace with 1,100 plus houses per year. Suggests a financial element be introduced by loans or whatever for infrastructure to load the front end capital of developments so that delays are minimized for the integrated planned proposal.

WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd)

Support the over-arching concept set out in the Plan and planning policy more broadly that infrastructure is required for development, and that it is appropriate for development to fund infrastructure, however, object to the broad principal set out that all infrastructure should be forward funded by the development industry; object to wording of policy INF 1 as a result.

WL/LDP/PP/0358 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Object to policy INF 1 on the basis that they do not allow for the maintenance of an effective housing land supply as required by SESplan and SPP and they include unreasonable demands on development that are contrary to the provisions of Circulars 4/1998 (CDX) and 3/2012 (CDX).

WL/LDP/PP/0363 (Transition Linlithgow)

LDP proposals do not reflect the intentions of Policy INF 1 Infrastructure Provision, or help address *'the critical infrastructure requirements for the plan area [that] relate to education and transport (including sustainable transport infrastructure)'* – paragraph 5.81.

WL/LDP/PP/0409 (Scottish Water)

Scottish Water commends the council for producing an ambitious plan that seeks to build on the West Lothian Local Plan (2009) and looks forward to working together to support the plan and help to deliver sustainable economic development. Undertakes to actively supporting the council's strategies, policies and objectives outlined within the plan and continue to invest in maintenance, water and environmental quality, customer service and growth to support sustainable development.

Advises that there is mention in the LDP of the requirement for developer contributions to the water and drainage network across West Lothian; highlights that both Scottish Water and developers are accountable for the network with regard to contributions.

Advises that insufficient capacity should not be seen as a barrier to development. Scottish Water acknowledges that in some areas the capacity at treatment works and within their existing network is insufficient to accommodate additional development without network reinforcement. Where the developer has clearly demonstrated the 5 Growth Criteria, Scottish Water will provide the quantum to deliver available capacity to enable the development to proceed.

WL/LDP/PP/0423 (Walker Group)

The LDP should include provision for the council to invest in the delivery of necessary infrastructure rather than "ensure" which simply means not granting planning permission without an agreement by developers to fund and deliver infrastructure. If West Lothian Council genuinely wishes to promote sustainable economic growth within its area, it should be investment led and not consumption led; seek amendment to policy INF 1; seek amendment to paragraph 5.84 to clarify that the council will be preparing and consulting on the supplementary guidance but not alongside the Proposed Plan (as is mentioned in the note at the end of the policy INF 1); seeks amendment to Appendix 4 to remove reference to planning guidance where developer contributions are required and replace with 'Supplementary Guidance'.

21806840-3c4cd5d (Linda Ovens)

The majority of proposals for the Linlithgow area require developer contributions towards supporting infrastructure however there are no detailed proposals within the Plan for such supporting infrastructure. There is no point granting planning permission and accepting monies from developers if no decision has been made on how that money will be spent.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

Recognises that co-ordination of infrastructure funding and delivery is crucial for the successful implementation of the LDP development strategy but objects to developers being burdened with the principal responsibility for remedying constraints, particularly in terms of education (paragraph 5.53, page 23). Difficulty in overcoming infrastructure constraints is identified as a major impediment to the maintenance of an effective 5 year housing land supply and the biggest single constraint on increasing the delivery of new housing. The council is reminded of its statutory obligations in this regard but is also urged to take more responsibility for seeking and co-ordinating infrastructure solutions and to be more proactive in helping forward fund infrastructure itself. Seeks an amendment to the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

21865046-8dc0d66 (David Howel (John Macfarlane and Colin Macfarlane)

The council should forward-fund infrastructure via a long term funding mechanism and then recoup costs otherwise the council will fail to meet its housing growth requirements and associated economic aims.

21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)

The council should forward-fund infrastructure via a long term funding mechanism and then recoup costs.

21863501-0bd8a41 (Ian Findlay)

A systematic approach to the evaluation of infrastructure is required.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)

Supports principles set out in page 9 of the LDP; raises concern over lack of a parallel financial framework plan or plans to accompany the LDP; seeks a co-ordinated approach to infrastructure delivery; other funding sources beyond the development industry are required.

21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)

Acknowledges the council has an important role to play in the delivery of infrastructure; the LDP fails to clarify infrastructure requirements and the council's role in meeting delivery gaps; seeks clarity on paragraph 5.61; proposed new allocations at Winchburgh should be exempt from developer contributions; clarification sought on contents of paragraphs 5.89 – 5.92.

21735170-49dcba4 (PPCA on behalf of Drummond Homes)

Developer contributions towards infrastructure should be sought on a proportional basis in relation to new residential development in Kirknewton and in line with Scottish Government Circular 3/2012 (CDX); supports reference in Appendix 2 to Kirknewton however, seeks clarity on role of the council and third party funding mechanisms to deliver infrastructure; objects to paragraphs 5.53 and 5.78-5.84 of the LDP and the Action Programme; objects to Policy INF 1 and suggests alternative wording.

21381990-791c513 (Robin Matthew on behalf of Drummond Homes)

Response is incomplete; no comments made.

21669441-65242bb (Brian Martin)

Observes that without the necessary infrastructure requirements having been satisfactorily addressed the council will be unable to support development proposals.

21097306-f5cb7fa (SEStran)

Transport infrastructure should be phased in to cater for increase in demand.

21871541- ff7b3a (Sandra Hebenton on behalf of Network Rail)

Suggests the council will be unable to support development proposals without the necessary infrastructure requirements having been addressed; potential impacts of development in proximity to rail infrastructure should be assessed through the development management process; essential that a Transport Assessment is submitted in support of a planning application to determine impacts on the rail network; support and encourage future Supplementary Guidance if it includes provision for rail infrastructure improvements.

21870361-9eb24ed (Christopher Breslin on behalf of Scottish Canals)

Suggests that developer contributions should be sought on appropriate sites for contributions towards canal related infrastructure for canal-side development sites. This should either be taken into account in this section / policy or in the Union Canal Policy section of the LDP; urges the Council's Infrastructure Requirements & Delivery Policy and any forthcoming Supplementary Planning Guidance to reflect potential for recreational and tourism use of the canal.

21369421-17fa2bd (Mr Stuart Livingstone)

Taking an overview of the Proposed Plan, there appears to be relatively extensive sites allocated for 'residential' use but with no obvious indication of development proposals for local/wider amenities, schools and infrastructure. Question if there is capacity for the level of population increase the LDP aspires to?

WL/LDP/PP/0243 (SEPA)

SEPA support the policy commitment in policy INF1 that development proposals will only be supported when identified infrastructure requirements have been addressed. SEPA support the reference within the supporting text at section 5.81 to the green network and drainage. SEPA requires, however, that the text here is modified to include wording in order to reflect the potential for developer contributions to assist with the delivery of River Basin Management Plan (RBMP) objectives related to site(s) development. The improvement of the water environment through measures put in place during the development process are crucial to achieving the high level objectives of the Water Framework Directive such that the water environment is protected from deterioration and is restored to good ecological status.

Modifications sought by those submitting representations:**WL/LDP/PP/0147** (Lynsey Fraser on behalf of Gladman Developments)

The wording of policy INF 1 should be amended to allow more flexible funding options for infrastructure and the Council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

WL/LDP/PP/0158 (Gladman Developments)

The wording of policy INF 1 should be amended to allow more flexible funding options for infrastructure and the Council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

WL/LDP/PP/0209 (RSPB) –

Amend policy INF 1 to include developer contributions towards environmental mitigation or enhancement within proposed development sites, or, if not possible, then on suitable sites elsewhere; these should include habitat creation.

WL/LDP/PP/0236 (Scottish Government - Development Planning Team)

Improve cross-referencing throughout the Plan to the different information regarding developer contributions. Amend third bullet point of Appendix 2 'in accordance with approved SG' and to clarify which specific supplementary guidance should be accorded with. The connection to the supplementary guidance within the Plan should also comply with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (CDX). Include clearer justification either in the Plan, or signposts provided to where information is available which justifies the contributions required. Consider changing references in Appendix 4 to 'Planning Guidance' for topics relation to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' should be changed to 'Supplementary Guidance' and for consistency with paragraph 5.113. The LDP should more explicitly state that developer contributions will be sought for any potential cross boundary impacts which have arisen as a result of the LDP spatial strategy. Clear reference should be made to any localised Developer contribution frameworks which may be set out in Supplementary Guidance, as well as reference to the SESplan wide contribution framework which is being managed by SESplan.

WL/LDP/PP/0238 (SNH)

Recommends that paragraph 5.81 is amended to align with paragraph 5.58 on page 25 of the Proposed Plan.

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

The Council should undertake to front fund the infrastructure and seek to claim proportionate contributions back from developers; remove the last sentence of paragraph 5.53. Seeks amendment to policy INF 1 to allow for the inclusion of flexibility and development viability within the policy wording by adding the following text to the end of the policy *'In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.'*

WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)

None specified however, suggest a financial element be introduced by loans or whatever for infrastructure to load the front end capital of developments so that delays are minimized for the integrated planned proposal.

WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd)

The wording of Policy INF 1 should be amended to allow more flexible funding options for infrastructure and the council should examine ways to deliver and then recoup the costs of, infrastructure required to unlock the development required by the LDP strategy.

WL/LDP/PP/0358 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Suggests amendments to policy INF 1.

WL/LDP/PP/0409 (Scottish Water)

None specifically stated however implies that reference should be included to requirement for developer contributions to the water and drainage network across West Lothian.

WL/LDP/PP/0423 (Walker Group)

Expand bullet point at paragraph 4.3 relating to infrastructure requirements and delivery to include willingness to invest in infrastructure provision to support Development; seek amendment to policy INF 1; seek amendment to Appendix 4 to replace reference to Planning Guidance with

Supplementary Guidance.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

Seeks an amendment to the section dealing with Sustainable Housing Locations, paragraph 4.3 (pages 8 to 9), to include provision for the council to invest in infrastructure delivery.

21806840-3c4cd5d (Linda Ovens)

There are no detailed proposals within the Plan for such supporting infrastructure provision in Linlithgow.

21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)

None specifically stated but suggest that the council should front fund infrastructure to assist in the delivery of development.

21865046-8dc0d66 (David Howel (John Macfarlane and Colin Macfarlane)

None specifically stated but suggest that the council should front fund infrastructure to assist in the delivery of development.

21735170-49dcba4 (PPCA on behalf of Drummond Homes)

Suggests alternative wording to Policy INF 1.

21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)

Modify the Plan at page 8, para 4.3, "Economic Development and Growth" and in later sections to ensure that policy and practice coincide and that Supplementary Guidance remains subordinate to the Plan and its policies.

21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)

Modify paragraph 5.46 to state that the approach to be adopted will be based on evidence of a shortfall in meeting the 5 year effective housing land supply and other factors such as support for infrastructure; the draft Plan should refer to the opportunities that the City Deal might offer to West Lothian in order to assist in meeting key infrastructure for CDAs.

21772260-be38d90 and WL/LDP/PP/0170 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust)

Modify page 32, paragraphs 5.89-5.92 to clarify that the proposed new denominational secondary school at Winchburgh is to be provided by the council, not as stated, by the developers, as it is the council which is receiving and managing developer contributions from the entire council area as development takes place; include reference to this in policy.

21870361-9eb24ed (Christopher Breslin on behalf of Scottish Canals)

Include reference either in policy INF 1 or LDP text to developer contributions to support use of the Union Canal.

21369421-17fa2bd (Mr Stuart Livingstone)

No specific modification is sought.

WL/LDP/PP/0243 (SEPA)

SEPA support the reference within the supporting text of policy INF 1 at section 5.81 to the green network and drainage. SEPA requires, however, that the text here is modified to include wording in order to reflect the potential for developer contributions to assist with the delivery of River Basin

Management Plan (RBMP) objectives related to site(s) development.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0147 & WL/LDP/PP/0158 (Lynsey Fraser on behalf of Gladman Developments and Gladman Developments); **WL/LDP/PP/0236** (Scottish Government-Development Planning Team); **WL/LDP/PP/0350** (Gladman Developments Ltd); **WL/LDP/PP/0358** (Geddes Consulting on behalf of Wallace Land Investment & Management); **WL/LDP/PP/0409** (Scottish Water); **WL/LDP/PP/0239 and WL/LDP/PP/0422** (Homes for Scotland); **WL/LDP/PP/0423** (Walker Group); **21863641-89d0459** (David Howel on behalf of BDW Trading Ltd and H&J Russell); **21865046-8dc0d66** (David Howel (John Macfarlane and Colin Macfarlane); **21772260-be38d90 and WL/LDP/PP/0170** (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust); **21735170-49dcba4** (PPCA on behalf of Drummond Homes); **21735170-49dcba4** (PPCA on behalf of Drummond Homes); **21863501-0bd8a41** (Ian Findlay); **21862570-67b827a** (Robin Matthew on behalf of Winchburgh Developments Ltd); **21871541-ff7b3a** (Sandra Heberton on behalf of Network Rail); **21669441-65242bb** (Brian Martin); **21097306-f5cb7fa** (SEStran) **21369421-17fa2bd** (Mr Stuart Livingstone)

The council's approach to infrastructure provision and developer contributions is consistent with the approach set out in policy 9 of the SDP (CDX) and Planning Circular 3/2012 (CDX). Paragraph 88 of the approved SDP (CDX) indicates that significant investment in infrastructure, particularly education, is required in West Lothian to implement existing committed development and further investment will be needed to support the SDP strategy. The LDP re-iterates this. Paragraphs 5.78-5.84 set out the council's approach to developer contributions. Policy INF 1 provides appropriate cross-referencing to other sections in the LDP relating to infrastructure provision and developer contributions.

The proposed LDP makes it clear that, in a climate of diminished resources in both the public and private sectors, there will be an imperative to exploit a number of mechanisms to assist in delivery of infrastructure (policy CDA 1 page 26, paragraphs paras 5.78-5.84 and policy INF 1). Para.23 of Circular 3/2012 (CDX) indicates that planning authorities should give consideration to the possibility of other funding mechanisms with costs being recovered through stage payments as the development progresses. The possibility of the council forward funding infrastructure and recouping the cost is regarded as a significant financial risk to the council. The council is not considered to be an appropriate vehicle for minimising developer risk. However there may be circumstances where forward funding particular aspects of a development would be appropriate, where consistent with the vision and strategy of the Plan and the council's aims and strategic objectives and where the financial risks to the council can be satisfactorily managed.

The council has been proactive in assisting in the delivery of infrastructure to support development through forward funding and has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development. The fund was set up in 2009 following council Executive approval on 19 May 2009 in order that the council could help to forward fund key infrastructure required to support the implementation of the West Lothian Local Plan 2009 (CDX) and recover its costs through developer contributions. This would enable funds received from developers to then be recycled to fund further projects. The fund to date has primarily funded education and roads infrastructure to assist in development delivery and remains a key component of the council's aims to support development delivery (CDX). The council has ongoing dialogue with the CDA developers to deliver infrastructure, principally through requirements set out in legal agreement accompanying planning permission (Section 75 Agreements) and relevant review clauses. Para.23 has been added to Circular 3/2012 (CDX) and indicates that planning authorities should give consideration to the possibility of other funding mechanisms with costs being recovered through

stage payments as the development progresses.

In addition to the Local Infrastructure Fund the council has investigated a series of funding mechanisms to deliver infrastructure and continues to do so (CDX council response to planning delivery advice and CDX City Deal).

The council is aware of its statutory duties in relation to the provision of education. The council's approach to education provision is set out in the Education Position Statement (CDX).

The Spatial Strategy concentrates the majority of new development in the Core Area consistent with a sustainable settlement strategy. The LDP recognises the significant infrastructure constraints that exist within the area. The council's approach to addressing this is to take a sustainable approach and continue to reduce the demands for new infrastructure by the careful location and siting of new development within the CDAs. This is supported by Scottish Planning Policy, paragraph 76 (CDX).

Scottish Government Circular 3/2012, paragraph 21 (CDX) is clear in that planning obligations should not be used to resolve existing deficiencies. As such, contributions are only being sought towards the cost of meeting infrastructure necessary as a consequence of new development, including cumulative impacts. Paragraphs 17 and 20 of Circular 3/2012 (CDX), support the consideration of cumulative impacts of development over time. Where a cumulative impact is anticipated all new development should make a contribution to this. This is considered to be a fair and reasonable way of sharing costs both over time and across multiple sites. This also gives the development industry certainty regarding costs, which would not exist if a "first come first served" approach were adopted. Policy INF 1 of the LDP (page 31) sets out the council's approach to developer contributions and advises of the proposed preparation of Supplementary Guidance. Paragraph 140 of Scottish Government Circular 6/2013: Development Planning (CDX) advises that Supplementary Guidance may be prepared and adopted alongside the LDP or subsequently. The council's approach to preparation of Supplementary Guidance is consistent with this. Similarly, the terms of paragraph 141 of Circular 6/2013 (CDX) are relevant, advising that the content of supplementary guidance does not need to be scrutinised at Examination given that the principle of the policy will already have been scrutinised and included in the LDP. The council's approach to Supplementary Guidance is consistent with the requirements of paragraph 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

The current SPG is to be reviewed and carried forward into the new Supplementary (SG) or Planning Guidance (PG) and sets out the circumstances where developer contributions for education capacity may be required and provides a clearly evidenced tariff for such contributions. Appendix 4 of the LDP provides details of proposed supplementary and planning guidance.

The approach set out in the LDP is consistent with the requirements of paragraph 6 of Scottish Government Circular 4/1998 (CDX).

Potential impacts of development in proximity to rail infrastructure would be assessed through the development management process and a Transport Assessment submitted where required; requirements for Supplementary Guidance in relation to transport has been recognised in the LDP (Appendix 4, page 266 refers).

With regard to paragraph 5.46 of the LDP and the request set out in **21772260-be38d90 and WL/LDP/PP/0170** (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust) to amend this paragraph, policy HOU 2 and the preceding paragraphs 5.50-5.53 of the LDP set out the council's approach to maintaining the five year effective housing land supply and as such no amendment is required to paragraph 5.46 as this would add to repetition in the LDP.

The council does not propose to modify the LDP in response to this issue other than to amend Appendix 4 to reflect that topics related to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' will be taken forward as supplementary guidance rather than planning guidance.

WL/LDP/PP/0238 (SNH)

The council acknowledges that there are minor inconsistencies between paragraphs 5.58 and 5.81. The council would not take issue if the reporter was minded to amend or modify the Plan in relation to this issue.

POLICY INF 1 INFRASTRUCTURE PROVISION AND DEVELOPER OBLIGATIONS

WL/LDP/PP/0358 (Geddes Consulting on behalf of Wallace Land Investment & Management);

WL/LDP/PP/0209 (RSPB)

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

21735170-49dcb4 (PPCA on behalf of Drummond Homes)

WL/LDP/PP/0363 (Transition Linlithgow)

WL/LDP/PP/0423 (Walker Group)

21870361-9eb24ed (Christopher Breslin on behalf of Scottish Canals).

Proposed amendments to Policy INF 1 sought by **WL/LDP/PP/0358** are shown as follows:

Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

The council will only support development when identified and necessary infrastructure requirements have been addressed to its satisfaction to mitigate the impacts of the proposal as a planning obligation (if required, consistent with Circular 3/2012).

~~Where if the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where these matters are addressed contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of comprehensive planning.~~

~~Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed.~~

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2013 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed during the Plan period.

Paragraphs 17 and 20 of Circular 3/2012 (CDX), support the consideration of cumulative impacts of development over time. The council's approach to developer contributions as set out in Policy INF1 is consistent with the terms of the circular. The proposed amendments would dilute the terms of the

policy and lead to inconsistencies between policies set out in the approved SDP, namely policy 7 and policy 9 (CDX, pages 44 and 47) requiring that sufficient infrastructure is available or its provision committed before development can proceed.

The Council does not propose to modify policy INF1 LDP in response to this issue.

WL/LDP/PP/0209 (RSPB)

Seek inclusion in the policy of reference to developer contributions towards environmental mitigation or enhancement on the proposed development site or, if not feasible, on suitable sites elsewhere and include habitat creation. The council does not propose to amend the policy to reflect this request. Supporting text to policy INF 1 (paragraph 5.81) includes reference to open space and associated green network.

Proposed amendments to Policy INF 1 sought by **WL/LDP/PP/0239** and **WL/LDP/PP/0422** (Homes for Scotland) are shown as follows: Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

“The council will only support development when identified infrastructure requirements have been addressed to its satisfaction.

Where the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where these matters contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of comprehensive planning.

Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed-

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2013 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission.

In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed during the Plan period.”

The proposed text implies that the council does not consider financial viability or phasing/staging payments. In situations where the impact of developer contributions may affect the viability of a project the council’s position is that each case will require to be considered on its own circumstances would be taken into account at the planning application stage. The council will consider reviewing the timing or phasing of paying financial contributions to assist the financial viability of a scheme and actively does so through the development management process.

The Council does not propose to modify policy INF1 LDP in response to this issue.

Proposed amendments to Policy INF 1 sought by **21735170-49dcb4** (PPCA on behalf of Drummond Homes) – alternative wording to policy INF 1 is shown as follows: Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

“The council will support development on an individual site by site basis when identified infrastructure requirements have been addressed on a proportional basis and in line with the requirements of Circular 3-2012 (or successor legislation) to its satisfaction.

Where the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted on an individual site by site basis where contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought on an individual site by site proportional basis for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of comprehensive planning.

Where a funding deficit exists, the Council shall examine all reasonable alternative funding mechanisms available to it to allow development to proceed. Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed. Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2012 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed to address this matter as quickly as possible by the Council following publication of the Local Development Plan Proposed Plan.”

Proposed amendments to policy INF 1 sought by **WL/LDP/PP/0423** (Walker Group)
Alternative wording to policy INF 1 is shown as follows: Highlighted text reflects additions to the policy whereas strike-through text reflects deletions.

“The council will only support development when identified infrastructure requirements have been addressed to its satisfaction.

Where the cumulative impact of new developments will generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where these matters contributions which are reasonably related to the scale and nature of the proposed development are secured. In calculating the impact of new developments the council will look at the cumulative long-term effect of new development. Contributions will be sought for the provision of facilities or the improvement of existing facilities and infrastructure necessary in the interests of comprehensive planning.

Development will not be permitted to commence until all necessary infrastructure is provided, or its funding is fully committed and the necessary works are capable of implementation or phasing to manage demand on infrastructure has been agreed-

Where infrastructure constraints, identified by the council in conjunction with relevant authorities, cannot be overcome, there will be a presumption against development.

Infrastructure requirements are set out in Chapter 6, Appendix Two and the Action Programme.

The requirements of this policy may be secured through legal agreements to deliver planning obligations in accordance with Scottish Government Circular 3/2013 Planning Obligations and Good Neighbour Agreements (and any subsequent legislation which emerges during the life of the Local Development Plan) and will be concluded between the applicant and the council, prior to the issue of planning permission. In all cases, the council will consider the economic viability of proposals alongside options of phasing or staging payments.

Note: Supplementary Guidance explaining how Developer Obligations will be implemented will be developed during the Plan period.'

The Council does not propose to modify policy INF1 LDP in response to this issue.

WL/LDP/PP/0243 (SEPA) the suggested amendment to include reference to river basin management in paragraph 5.81 is supported by the council should the Reporter be minded to accept this change.

WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)

The council has been proactive in assisting in the delivery of infrastructure to support development through forward funding and has established a Local Infrastructure Fund to assist in the delivery of infrastructure required to support development (CDX). In addition to the Local Infrastructure Fund the council has investigated a series of funding mechanisms to deliver infrastructure and continues to do so (CDX council response to planning delivery advice and CDX City Deal). The Council does not propose to modify the LDP in response to this issue.

WL/LDP/PP/0423 (Walker Group)

The council's approach to supplementary/planning guidance and the contents of Appendix 4 is set out in Schedule 4 number (1M). The council proposes to amend Appendix 4 to reflect the terms of this submission.

21804649-7315bb7 (Rick Finc Associates on behalf of John Kerr Ltd)

Page 8 of the LDP "Infrastructure Requirements and Delivery" advises of the need to secure developer contributions to facilitate delivery of infrastructure. As a developer, the council would also be required to make developer contributions. As such the council does not propose to amend the LDP in relation to this submission.

21806840-3c4cd5d (Linda Ovens)

Infrastructure requirements to support the site allocations in the LDP Proposed Plan are set out in Appendices 1 and 2 of the Plan and in the accompanying Action Programme. The delivery of infrastructure requires input from the development industry through developer contributions as set out in pages 9, 24, 26, 27, 30-37, 61 and 119-122 and policies HOU 3, CDA 1, INF 1 TRAN 2, TRAN 3 and ENV 34. The council does not propose to amend the LDP in relation to this issue.

21870361-9eb24ed (Christopher Breslin on behalf of Scottish Canals)

The terms of the policy do not preclude contributions related to the canal. This is also a matter that can be addressed through supplementary guidance. The council does not propose to amend the LDP in relation to this issue.

21369421-17fa2bd (Mr Stuart Livingstone)

The preparation of the Proposed Plan has involved significant engagement with key agencies and infrastructure providers and their input has informed site selection, phasing and the detailed site requirements set out in Appendix 2. The council is therefore satisfied that the Plan is sufficiently

robust in this context and does not propose to amend it in relation to the issue raised.

Reporter's conclusions:

Reporter's recommendations:



Issue: 1H	Affordable Housing	
Development plan reference:	Policy HOU 5 (Affordable Housing)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0147 and WL/LDP/PP/0158 (Lynsey Fraser and Gladman Developments)</p> <p>WL/LDP/PP/0170 and 21772260-be38d90 (Peter Allan on behalf of Aithrie Estates and Hopetoun Estates Trust)</p> <p>WL/LDP/PP/0214 and 21116167-568db87 (Colliers International on behalf of British Solar Renewables)</p> <p>WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)</p> <p>WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)</p> <p>WL/LDP/PP/0247 (Taylor Wimpey)</p> <p>WL/LDP/PP/0356 (Wallace Land Investment & Management)</p> <p>WL/LDP/PP/0363 (Transition Linlithgow)</p> <p>WL/LDP/PP/0428 (Dr John R Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council)</p> <p>21885168-94c1b7a (Roger Livermore on behalf of Linlithgow Cycle Action Group)</p> <p>21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)</p> <p>21863500-512fcff (John Aitken)</p> <p>21862925-c3f61d6 (Martin Crook)</p> <p>21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)</p> <p>21820028-fc73853 (Christine Anderson)</p> <p>21817641-28bbd5b (Michael Vickers)</p> <p>21804649-7315bb7 (Rick Finc on behalf of John Kerr of John Kerr Ltd)</p> <p>21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)</p> <p>21772340-ba488f2 (Simon Baxendale)</p> <p>21768463-17de3f9 (Uphall Estates Ltd)</p> <p>21669441-65242bb (Brian Martin)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 5</p> <p><i>This section of the Plan details the Spatial Strategy - Housing Growth, Delivery and Sustainable Housing Locations</i></p> <p>(para 5.69 – 5.74, pages 27-28)</p> <p>Policy HOU 5 (Affordable Housing)(page 28)</p>	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0147 (Lynsey Fraser)</p> <p>WL/LDP/PP/0158 (Gladman Developments)</p> <p>Supports the move towards a requirement for 25% affordable housing on residential sites; the council should allow developers of residential sites to deliver the affordable housing on their sites themselves, leaving the council free to pursue its affordable housing scheme on other sites and ultimately lead to higher levels of delivery of affordable housing, and in particular, social-rented housing, which the council identifies as being in greatest need; more flexible approach required to deliver full range of affordable housing in addition to meeting their own manifesto goals on the social rented side; more private market housing can deliver more affordable housing integrated into individual developments, as affordable housing does not carry nil-value for private developers. The</p>		

development industry can deliver a range of housing for the affordable sector, with new models being developed; including low cost, shared equity etc. The approach for only social rented by WLC is too narrow and won't deliver sufficient quantity. Council owned land should be used to deliver significant affordable housing and not sold (as several sites have been recently) for profit for private market housing.

WL/LDP/PP/0170 and 21772260-be38d90 (Peter Allan on behalf of Aithrie Estates and Hopetoun Estates Trust)

Further sustainable expansion of Winchburgh will make a significant contribution to meeting council affordable housing requirements; supports a revision to the council's affordable housing policy to bring it up to date with revised Scottish Planning Policy; LDP should recognise that delivery of affordable housing can take a variety of forms but affordable housing is, often, one of a number of considerations in site delivery; a flexible approach must be adopted to allow delivery of the 25% requirement whilst, at the same time, maintaining development viability; the Housing Background Paper appears to make no reference to the council's affordable housing building programme; outwith its own two year affordable housing programme, the council has no reserve of land available to come forward to fill the short-medium term housing land gap that would improve the five year housing land requirement position; requests sight of the revised supplementary guidance on affordable housing and advises that it should be published alongside the LDP for consultation; seek amendments various sections of the LDP (as set out in Modifications Sought section below); seeks clarification on the terms of paragraph 5.34, in the circumstances described in the paragraph, market housing should be free of any requirements to provide or fund further affordable housing; incorrect to refer to HoNDA2 in the LDP.

WL/LDP/PP/0214 and 21116167-568db87 (Colliers International on behalf of British Solar Renewables)

Supports lower level of affordable housing provision (15%) in relation to the Whitburn and Blackburn area as it affects Heartlands as set out in policy HOU 5; development at Heartlands may assist in meeting future demand; clarification sought on the progress and status of Supplementary Guidance in relation to affordable housing; the emerging LDP policy framework must echo the sentiments of Scottish Planning Policy in providing the level and type of affordable housing required responding to local needs and requirements.

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

Seeks change to paragraph 5.71 to reflect that all types of affordable housing will be required not just social rent, or land for the provision of social rented housing, which is too restrictive; to gain the optimum from the policy it must contain all the flexibility that is built into PAN 02/2010 (CDX) and SPP within the LDP policy and supplementary guidance; seek change to paragraph 5.74 to reflect that new supplementary guidance will be produced; current supplementary guidance referred to in the LDP dates from 2006 and not reflect the wording of paragraph 5.74 or that of PAN 02/2010 or SPP; the new supplementary guidance should be made available for consultation alongside the LDP Proposed Plan; seek change to policy HOU 5 so that it has the flexibility the council refer to in Supplementary Guidance set out clearly within it to be in keeping with the Chief Planner's letter on supplementary guidance (15 January 2015). (CDX)

WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)

The affordable housing allocation from new market housing development is shown as increasing from the current 15% to 25%. Suggest that this creates a risk that some developers could stand back from a site build because the site sales economics could no longer stand up.

WL/LDP/PP/0247 (Taylor Wimpey)

Development of the Kingsfield site, Linlithgow will deliver affordable housing.

WL/LDP/PP/0356 (Wallace Land Investment & Management)

Development of land at Wellhead Farm, Murieston, Livingston will provide for affordable housing.

WL/LDP/PP/0363 (Transition Linlithgow)

Land adjacent to the loch and behind St. Michael's RC church (former tennis courts), could be given planning support for social housing.

WL/LDP/PP/0428 (Dr John R Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council)

A LHS Priority 1 Area 25% of all development in Linlithgow must be affordable and the threshold for commuted sums < 25; supports key objective to deliver affordable housing, particularly in the areas of highest demand; Linlithgow needs more affordable housing.

21885168-94c1b7a (Roger Livermore on behalf of Linlithgow Cycle Action Group)

There is not enough affordable housing in new housing developments.

21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)

Land west of Murieston Road, Murieston, Livingston could contribute towards affordable housing.

21863500-512fcff (John Aitken)

There is high demand for affordable housing in Linlithgow.

21862925-c3f61d6 (Martin Crook)

25% provision for social housing MUST be spent in Linlithgow and the housing must be built in the same developments as other land is not available; there is no need for housing in Linlithgow other than for affordable housing.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)

Unsubsidised private sector housing can make a significant contribution to affordable housing requirements over the Plan period and that the council should not rely on social rented housing as the only means of affordable housing delivery; unacceptable for the Council to prioritise affordable housing delivery of that for market sale (para 5.37 of the LDP refers); the LDP must recognise the role played by unsubsidised affordable housing provided by market house builders and landowners as a significant contributor, both now, and in future years to meeting need; the council cannot rely on rented accommodation to meet its housing needs. The adjacent City of Edinburgh Council has recently updated its affordable housing to list nine forms of affordable housing tenure that are acceptable in its area. This flexible approach must also be adopted by West Lothian Council in order that it best meets its affordable housing need (para 5.69 of the LDP refers).

21820028-fc73853 (Christine Anderson)

Suggests the compulsory purchase of the Victoria Halls to allow them to be turned into small rented units for older council tenants who might like to move to the centre of town from larger homes further out.

21817641-28bbd5b (Michael Vickers)

Linlithgow is in dire need of affordable housing yet the LDP scarcely considers Linlithgow in this respect; a suitable site for 30 dwellings in Mill Road has been reduced to 15; the LDP contains nothing about affordable housing in Linlithgow or Linlithgow Bridge; current development of 15 affordable units in Mill Road are the first in 15 years and look to be the last.

21804649-7315bb7 (Rick Finc on behalf of John Kerr of John Kerr Ltd)

Considers that site H-LL 11 Wilcoxholm, Linlithgow can make a significant contribution to market and

affordable housing within the West Lothian Strategic Development Area.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Supports proposed affordable housing levels set out in policy HOU 5. However, suggest that there should be a policy that encourages diversity of housing types so that developments are able to attract a balanced mix of people and households; suggest that it would be helpful to include a policy that encourages provision of houses for varying needs given the aging of the West Lothian population and increasing provision of care at home.

21772340-ba488f2 (Simon Baxendale)

Comments in relation to a proposed housing site at Tarbert Drive, Livingston; objects to use of land deemed to be good to be used by walkers being used for affordable housing.

21768463-17de3f9 (Uphall Estates Ltd)

Supports flexibility in terms of affordable housing provision which should also include commuted payments.

21669441-65242bb (Brian Martin)

Understands that there is a shortage of affordable homes nationally and that every Local Authority is required to identify sites which can be developed for new homes, however, does not believe that site H-WI 2 will contribute to affordable requirements.

Modifications sought by those submitting representations:

WL/LDP/PP/0170 and 21772260-be38d90 (Peter Allan on behalf of Aithrie Estates and Hopetoun Estates Trust)

Amend page 8 in relation to economic development and in later sections of the LDP, including Appendix 4 to ensure that policy and practice coincide and that SG remains subordinate to the Plan and its policies and approach is consistent with requirements of paragraph 139 of Circular 6/2013.

WL/LDP/PP/0170 and 21772260-be38d90 (Peter Allan on behalf of Aithrie Estates and Hopetoun Estates Trust)

Seeks clarification on the terms of paragraph 5.34, to reflect that in the circumstances described in the paragraph, market housing should be free of any requirements to provide or fund further affordable housing; supplementary guidance on affordable housing should be published alongside the LDP.

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

Seeks change to paragraph 5.71 to include a sentence that references developers being able to fulfil their affordable housing requirements through provision of any of the tenures set out in Scottish Planning Policy 2014 (SPP paragraphs 126 and 128) (CDX) and in Planning Advice Note 02/2010 'Affordable Housing and Housing Land Audits' (PAN 02/2010, paragraph 5) (CDX). Proposed additional wording is: *'Exemptions will be set out in Supplementary Guidance, as will further information on how all the tenures defined as affordable housing by the Scottish Government in SPP and PAN 02/2010 can be provided.'*; seek change to paragraph 5.74 to reflect that new supplementary guidance will be produced; and seek change to policy HOU5 so that it has the flexibility the council refers to in Supplementary Guidance set out clearly within it to be in keeping with the Chief Planner's letter on supplementary guidance (15 January 2015) (CDX).

WL/LDP/PP/0247 (Taylor Wimpey)

Seeks inclusion of land at Kingsfield, Linlithgow in the LDP for housing development.

WL/LDP/PP/0356 (Wallace Land Investment & Management)

Seeks inclusion of land at Wellhead Farm, Murieston, Livingston for housing development.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Suggests inclusion of a policy that encourages diversity of housing types so that developments are able to attract a balanced mix of people and households; and a policy that encourages provision of houses for varying needs given the aging of the West Lothian population and increasing provision of care at home. No wording to the proposed policies has been provided.

21863641-89d0459 (David Howel on behalf of BDW Trading Ltd and H&J Russell)

Seeks inclusion of land at Murieston Road, Murieston, Livingston in the LDP for housing development.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)

Seeks amendment to paragraph 5.69 of the LDP to recognise the role played by unsubsidised affordable housing provided by market house builders and landowners as a significant contributor, both now, and in future years to meeting need; a flexible approach to the provision of affordable housing must be adopted, seek amendment to paragraph 5.36 of the LDP to reflect this; seek amendment to paragraph 5.37 of the LDP; suggest the approach adopted by the City of Edinburgh Council should be followed.

21768463-17de3f9 (Uphall Estates Ltd)

Seeks inclusion of land at Uphall in the LDP for residential development (application 0840/P/15 refers).

21772340-ba488f2 (Simon Baxendale)

No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

21669441-65242bb (Brian Martin)

Requests that site boundaries for site H-WI 2 are planned to run west from Lyndean Terrace and towards East Coxydene Farm rather than east and north of Lyndean Terrace as this would impact less on any of the existing homes.

Summary of responses (including reasons) by planning authority:New Housing Land Allocations**WL/LDP/PP/0247** (Taylor Wimpey)**WL/LDP/PP/0356** (Wallace Land Investment & Management)**21863641-89d0459** (David Howel on behalf of BDW Trading Ltd and H&J Russell)**21768463-17de3f9** (Uphall Estates Ltd)

Should the sites promoted be included in the LDP there would be a requirement for contributions towards affordable housing. The council does not support allocation of these sites for development, the reasons for which are set out in relevant Schedule 4's **referenced XX**. The council does not propose to amend the LDP in relation to this issue.

21669441-65242bb (Brian Martin)

Site H-WI 2 is included in the approved master plan for the Calderwood CDA and is subject to a planning permission in principle for mixed use development **(CDXX 0524/P/09)**. Condition 24 (p) of the planning consent refers to provision of a Wilkieston half bypass. Whilst site H-WI 2 is not identified in the approved master plan and planning permission as a housing site, an indicative road

corridor is shown on the approved plans, running to the north of Lyndean Terrace. The LDP spatial strategy is predicated on the continuing support for development in Core Development Areas of which the Calderwood CDA forms part. Para 5.46 of the LDP allows for additional development within the CDAs. In order to assist in the delivery of the half bypass and to reflect the indicative alignment, the council has concluded that following determination of the preferred route for the half bypass there will be a residual area of ground between the existing village and the road presenting an opportunity to identify a development site. The site would make a contribution to overall housing numbers in the LDP and would be required to contribute towards affordable housing provision. Any expansion of Wilkieston to the west is likely to lead to ribbon development, and represent a significant incursion into the open countryside. The council does not propose to amend the LDP in relation to this issue.

Proposed Housing Land Allocations

21772340-ba488f2 (Simon Baxendale)

See schedule 4 **reference 16A**

Policy HOU 5

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Supports proposed affordable housing levels set out in policy HOU 5. In relation to diversity of housing types, policy CDA 1 of the LDP provides for this (page 26). Policy HOU 7 (page 29) addresses housing provision for varying needs to recognise the needs of an aging population, supported accommodation and provision of care at home. The council does not propose to amend the LDP in relation to this issue.

WL/LDP/PP/0147 (Lynsey Fraser)

WL/LDP/PP/0158 (Gladman Developments)

WL/LDP/PP/0170 and 21772260-be38d90 (Peter Allan on behalf of Aithrie Estates and Hopetoun Estates Trust)

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland)

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)

The council's approach to delivery of affordable housing will be guided by the preparation of new supplementary guidance. It is envisaged that this guidance will be fully compliant with current Scottish Government policy and advice namely, Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits, **(CDX)** Planning Circular 3/2012 **(CDX)** and the West Lothian Local Housing Strategy 2012-2017 **(CDX)**. The council recognises that to rely only on social rented accommodation provided by the council will not deliver on housing needs; council owned land has been reviewed to inform the council house build programme and continues to be reviewed should the council embark on further house building. The council as a landowner is entitled to market and dispose of land within its ownership as it sees fit. The council acknowledges that the reference in paragraph 5.74 to supplementary guidance should be amended to reflect new guidance which is to be prepared in support of the LDP rather than current adopted SPG dating from 2006. Other than an amendment to paragraph 5.74 the council does not propose to amend the LDP in relation to this issue.

WL/LDP/PP/0240 (Brian Johnstone on behalf of Livingston Village Community Council)

The council's approach to delivery of affordable housing will be guided by the preparation of new supplementary guidance. It is envisaged that this guidance will be fully compliant with current Scottish Government policy and advice namely, Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits **(CDX)**, Planning Circular 3/2012 **(CDX)** and the West Lothian Local Housing Strategy 2012-2017 **(CDX)**. It is envisaged that development viability will be referenced in the guidance which emerges. It would be for the developer to demonstrate to the council that

development would be not be viable and that the requirements in relation to affordable housing provision could not be met. The council does not propose to amend the LDP in relation to this issue.

21862925-c3f61d6 (Martin Crook)

Support for 25% provision of affordable housing in Linlithgow is acknowledged. Paragraph 129 of SPP2014 advises that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses whilst paragraph 130 of SPP2014 advises that development plans should consider how affordable housing requirements will be met over the period of the plan. The LDP is compliant with this. Linlithgow is identified in the council's Local Housing Strategy 2012-2017 (CDX) as an area of high demand for affordable housing and a Priority 1 area for investment. This has informed the council's approach to affordable housing and proposed contribution levels set out in policy HOU5 of the LDP. A site at Mill Road, Linlithgow has been identified for council house build and construction has commenced for 15 houses. Paragraphs 3.85 – 3.97 of the Main Issues Report to the LDP (CDX) and paragraphs 5.63 – 5.67 of the proposed plan set out the background as to why the town of Linlithgow (and the wider ward area) has been identified as an area for 25% contribution towards affordable provision. The levels of housing completions in Linlithgow, priority 1 status in the council's Local Housing Strategy and property values in the town provide and an indication that demand is high in the town. This demand is highlighted in (CDX). The council has sought to address the shortage of affordable properties in Linlithgow by constructing house on a site at Mill Road, however, the council recognises that this will have only a small impact in addressing the housing shortage. The council cannot control the type of housing which comes forward in the town and restrict tenure to provide only for affordable needs, however, it can provide the policy approach to guide future development. See also Schedule 4 number 15A.

Supplementary Guidance

WL/LDP/PP/0214 and 21116167-568db87 (Colliers International on behalf of British Solar Renewables)

WL/LDP/PP/0170 and 21772260-be38d90 (Peter Allan on behalf of Aithrie Estates and Hopetoun Estates Trust)

21768463-17de3f9 (Uphall Estates Ltd)

The council has noted its intention to prepare supplementary guidance on affordable housing in support of the LDP as set out in Appendix 4 of the LDP. Policy HOU 5 provides the basis for progressing this. This guidance will revise and update the current guidance dating from 2006. Requirements of SPP and relevant guidance in place at the time of drafting the revised guidance would be taken into account. The council does not propose to modify the LDP in relation to this matter other than to delete the link in the online version of the LDP to current SPG on Affordable Housing thus removing any conflict between the terms of policy HOU 5 and revised Supplementary Guidance on affordable housing that will emerge.

Affordable Housing in Linlithgow

21885168-94c1b7a (Roger Livermore on behalf of Linlithgow Cycle Action Group)

21863500-512fcff (John Aitken)

WL/LDP/PP/0428 (Dr John R Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council)

WL/LDP/PP/0363 (Transition Linlithgow)

21817641-28bbd5b (Michael Vickers)

21804649-7315bb7 (Rick Finc on behalf of John Kerr of John Kerr Ltd)

21820028-fc73853 (Christine Anderson)

Support for the provision of affordable housing in Linlithgow is noted. The terms of the LDP would not prevent land to the rear of St Michael's Church or Victoria Halls coming forward as a windfall

opportunity for housing development, subject to availability of infrastructure and environmental considerations and agreement of the landowner to dispose of the site. The site at Mill Road is currently under construction for council house build (CDX 0244/FUL/15). See Schedule 4 15A in relation to the site H-LL 11 Wilcoxholm, Linlithgow. For these reasons, the council does not agree to modify the plan in response to these representations.

Reporter's conclusions:**Reporter's recommendations:**

Issue: 11	Transportation issues in Linlithgow	
Development plan reference:	Transportation issues in Linlithgow	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
21829599-04bda7a (Dr Tom Brown) 21772368-19ac58a & 21803202-5e7a5f5 (Mrs Heather Adam) 21749350-78d18dc (Mr Robert McMillan) 21866113-8746a97 (Ms Christine Mahoney) 21885168-94c1b7a (Mr Roger Livermore) 21770063-66ceb8b (Dr Irene Fortune) 21805807-715a5cb (Dr Sean Semple) 21806840-3c4cd5d (Mrs Linda Ovens) 21811882-d301651 (Mr Peter Corry) 21837154-a149fc8 & 21908084-a51cod3 (Miss Fiona Stewart) 21848598-a0fd5a1 (Mr Finlay Scott) 21858089-afb326d (Mr Colin Neil) 21862925-c3f61d6 (Mr Martin Crook) 21862933-dd18650 (Mr Brian Lightbody) 21863500-512fcff (Mr John Aitken) 21866415-600c2a6 (Mr Andrew Macgregor) 21869116-1bf7a19 (Mrs Fiona Campbell) 21870470-975ea2c (Mr Christopher Thomas) 21870675-da390eb (Mr Jim Hannan) 21877215-01ad265 (Mr Keith Irving) 21878213-619aba8 (Mr Charles Webster) 21890779-ab465d4 (Mr Ian Macleod) 21893837-f70748e (Mr Donald Macdonald & Mrs Jennifer Macdonald) 21901313-d249beb (Mrs Lynda Thomas) 21901690-ee6a148 (Mr James Cameron) 21903480-347ed14 (Mr John Kemp) 21905608-81f701a (Mr Andrew McIntosh) 21905735-285b25t (Mrs Edith McDowall) 21906311-e06a2ce (Mrs Moira Tweedie) 21906511-H-LL4 (Mr James Jamieson) 21909147-6354c53 (Ms Orla Bennett)	21909335-dle203d (Mr Richard Rippon) 21909725-H-LL4;H-LL10;H-LL12 (Miss S Ryan) 21909794-H-LL4 (Mr Matt Wallace) 21910234-bbc3f45 (Mr Fraser McCluskey) 20972986-ed82b5b (Mr Iain Mclean) 21009678-804ca64 (Dr Rebecca Smallwood) 21199868-a0814b5 (Mr Stewart Forsyth) 21349895-851aa9e (Mr Duncan Fortune) 21372312-87d4304 (Mr David Armstrong & Mrs Adrienne Armstrong) 21395490-829d8c0 (Mr Robert Allan) 21448840-0ba5188 (Mr Anthony Daly) 21495743-09927a1 (Mrs Emma Gordon) 21538330-acf5384 (Mrs Maureen Watt) 21543061-cdb46ce (Ms Eileen McGhee) 21558610-d9620a5 (Mr Leslie Neary) 21670368-ca9306c (Mr Steve Donaghue) 21755712-ac97478 (Mr Paul Buchannan-Smith) 21648848-8eaccff (Mr Johnathon Moss) 21660154-0fee94e (Mrs Helen MacKenzie) 21804649-7315bb7 (Mr Rick Finc) 21817641-28bbd5d (Mr Michael Vickers) 21820028-fc73853 (Mrs Christine Anderson) 21899784-1fec22c (Ms Jennifer Leonard) 21908859-13d16a4 (Mr Steven Heale) 21908947-Ea81783 (Mrs Sarah Gahagan) 21909039-7f5032f (Ms Jennifer Davies) WL/LDP/PP/0343 (Laura McGowan) WL/LDP/PP/0363 (Transition Linlithgow) WL/LDP/PP/0424 (Mr Ron Smith) WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Community Council)	
Provision of the development Plan to which the issue relates:	Page 26 paragraphs 5.63 – 5.67 – approach to development in Linlithgow Page 89 Linlithgow settlement statement Page 193 – 200 – Linlithgow housing sites Proposals map 2 Landscape Character and Local Landscape Designations (page 41, paragraphs 5.139 - 5.143) Paragraphs 5.240 to 5.242 and policy EMG4;	

Planning authority's summary of the representation(s):

21829599-04bda7a (Dr Tom Brown) & 21772368-19ac58a & 21803202-5e7a5f5 (Mrs Heather Adam) & 21749350-78d18dc (Mr Robert McMillan) & 21866113-8746a97 (Ms Christine Mahoney) & 21885168-94c1b7a (Mr Roger Livermore) & 21770063-66ceb8b (Dr Irene Fortune) & 21805807-715a5cb (Dr Sean Semple) & 21806840-3c4cd5d (Mrs Linda Ovens) & 21811882-d301651 (Mr Peter Corry) & 21837154-a149fc8 & 21908084-a51cod3 (Miss Fiona Stewart) & 21848598-a0fd5a1 (Mr Finlay Scott) & 21858089-afb326d (Mr Colin Neil) & 21862925-c3f61d6 (Mr Martin Crook) & 21862933-dd18650 (Mr Brian Lightbody) & 21863500-512fcff (Mr John Aitken) & 21866415-600c2a6 (Mr Andrew Macgregor) & 21869116-1bf7a19 (Mrs Fiona Campbell) & 21870470-975ea2c (Mr Christopher Thomas) & 21870675-da390eb (Mr Jim Hannan) & 21877215-01ad265 (Mr Keith Irving) & 21878213-619aba8 (Mr Charles Webster) & 21890779-ab465d4 (Mr Ian Macleod) & 21893837-f70748e (Mr Donald Macdonald & Mrs Jennifer Macdonald) & 21901313-d249beb (Mrs Lynda Thomas) & 21901690-ee6a148 (Mr James Cameron) & 21903480-347ed14 (Mr John Kemp) & 21905608-81f701a (Mr Andrew McIntosh) & 21905735-285b25t (Mrs Edith McDowall) & 21906311-e06a2ce (Mrs Moira Tweedie) & 21906511-H-LL4 (Mr James Jamieson) & 21909147-6354c53 (Ms Orla Bennett) & 21909335-dle203d (Mr Richard Rippon) & 21909725-H-LL4;H-LL10;H-LL12 (Miss S Ryan) & 21909794-H-LL4 (Mr Matt Wallace) & 21910234-bbc3f45 (Mr Fraser McCluskey) & 20972986-ed82b5b (Mr Iain Mclean) & 21009678-804ca64 (Dr Rebecca Smallwood) & 21199868-a0814b5 (Mr Stewart Forsyth) & 21349895-851aa9e (Mr Duncan Fortune) & 21372312-87d4304 (Mr David Armstrong & Mrs Adrienne Armstrong) & 21395490-829d8c0 (Mr Robert Allan) & 21448840-0ba5188 (Mr Anthony Daly) & 21495743-09927a1 (Mrs Emma Gordon) & 21538330-acf5384 (Mrs Maureen Watt) & 21543061-cdb46ce (Ms Eileen McGhee) & 21558610-d9620a5 (Mr Leslie Neary) & 21670368-ca9306c (Mr Steve Donaghue) & 21755712-ac97478 (Mr Paul Buchannan-Smith) & 21648848-8eaccff (Mr Johnathon Moss) & 21660154-0fee94e (Mrs Helen MacKenzie) & 21804649-7315bb7 (Mr Rick Finc) & 21817641-28bbd5d (Mr Michael Vickers) & 21820028-fc73853 (Mrs Christine Anderson) & 21899784-1fec22c (Ms Jennifer Leonard) & 21908859-13d16a4 (Mr Steven Heale) & 21908947-Ea81783 (Mrs Sarah Gahagan) & 21909039-7f5032f (Ms Jennifer Davies) & WL/LDP/PP/0343 (Laura McGowan) & WL/LDP/PP/0424 (Mr Ron Smith)

Object to the inclusion of site H-LL 2, H-LL 4, H-LL 7, H-LL 10, H-LL 11 and , H-LL12 Linlithgow for one or more of the following reasons:-

- Concern about potential access through Maidlands (H-LL 11).
- How will both parts of site H-LL 11 be served if issue with bridge over railway and canal not be too conspicuous. The southern half can be served from Edinburgh Road but not easy for northern part to access the road network without a bridge.
- Impacts on the town centre which already has a high traffic volume.
- Impossible to park in the town centre due to inadequate available parking.
- Difficulties over the canal bridge and along Back Station Road for vehicles and pedestrians.
- There is insufficient pedestrian footway width over the canal bridge and Back Station Road.
- Also does not support the housing allocation sites which are on green field sites.
- Developments should not be included until solutions to transportation infrastructure around the town centre are considered, planned and introduced.
- Looking for detail as to how walking and cycling can be encouraged as a result of allowing new housing.
- No reference in the transport appraisal to cycling and walking or reference to designing streets and key policy documents seeking to change how we travel and how we balance our streets.
- Traffic congestion issues on the High Street are not addressed by the modelling. Supports town centre housing but should come with no additional parking for the properties.
- No safe cycling in the area.
- Town boundary should not be extended Building on greenfield sites to the south of the town

should not be permitted to reduce the traffic impact over the canal or onto the High Street.

- The majority of proposals for the Linlithgow area require developer contributions towards supporting infrastructure however there are no details within the plan. Developer proposals already put forward should be refused until such infrastructure has been defined and in place. There is no point taking monies from developers if there is no decision as to how the money will be spent.
- Adding a further 60 houses will equate to 90 cars on Preston Road which is already well used and congested at peak times.
- The document Linlithgow – A Plan for the Future 2025 – 30 should be given serious consideration.
- Access constraints linking both the wider network and the two parts of site H –LL 11.
- Non car transport options are limited from site H-LL 11.
- Construction of the westbound slips at M9 J3 must be done before any housing is permitted.
- If transportation infrastructure can be provided then support for H-LL 11.
- Insufficient parking for rail station users and tour coaches.
- The traffic assessment only focuses on the High Street in the AM peak only.
- The alternative access for H-LL 10 is not clearly shown on the map.
- The M9 J3 should be made all ways to reduce congestion on the existing road network.
- Housing should only be at Burghmuir and no-where else in Linlithgow.
- Site H-LL 10 should only have road access to Edinburgh Road with pedestrian only links to Clarendon Road or the farm track.
- Instead of scattering development it should be grouped to the south-east of the town in the Clarendon / Edinburgh Road area but outwith areas currently zoned as area of great landscape value.

21804649-7315bb7 (Mr Rick Finc)

Support to the inclusion of site H-LL 11

- By allocating the site it will allow production of a masterplan, transportation assessment and drainage calculations to be developed.

WL/LDP/PP/0343 (Laura McGowan)

Supports the plan as presented.

WL/LDP/PP/0363 (Transition Linlithgow)

The LDP needs to state how air quality issues will be addressed. They can be addressed by the following package of traffic demand/behaviour management measures (to reduce additional traffic)

- land-use planning in favour of centralised locations, otherwise further developments away from the centre will further compound the significant volumes of short-distance car use.
- provision of high quality/safe/direct walking and cycling routes to encourage fewer short distance journeys by car.
- development promoting behaviour change programmes to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.
- 20mph speed limits to encourage lower emissions through smoother vehicle flows/less accelerating and decelerating, whilst enabling a safer environment (attractive for greater levels of High St cycling).
- robust/enforced parking restrictions in the town centre to better control traffic coming into town (both numbers, vehicle flows -stop-start looking for spaces- and turning manoeuvres which impede road safety).
- addressing the issue of bus layovers, whilst engines are left running, on the High Street
- bus interchanges at the extents of the High Street where there is greater space (i.e. by

Tesco, and by the Medical Practice), to lessen stop/starting along the High Street of these higher emission vehicles, whilst freeing up space on the High Street for improved town centre infrastructure, that also brings economic benefits i.e. wider footways, street furniture /plants (absorbing CO2), potential outdoor café/seating.

Additional comments:

- limited safe cycling in the town at present.
- active travel infrastructure proposals do not indicate strategic linkages to the town centre / other settlements.
- The LDP does not address the critical infrastructure issues that currently exist on the network.

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Community Council)

- The LDP should detail the projected plan for the High St including proposals for a High St relief road and traffic management measures to improve the environment and air quality for pedestrians and cyclists.
- Plans for an improvement to town centre parking are of primary importance and should be described in the LDP and detailed in the masterplan.
- The proposed development areas in the LDP appear to leave the discussion of infrastructure, principally roads, to the planning application. Prefer to see the indicative road layout as part of the LDP such that developers can appreciate the extent of the required commitment to roads and other infrastructure from the outset. Alternatively, the LDP should make reference to a masterplan for Linlithgow to be included in Supplementary Planning guidance to be issued before end 2016.
- Missing from the roads section on page 35 is the upgrading of the road from the Southern end of Manse Road to the roundabout at the junction of Main St, Dechmont and the A899, to connect Linlithgow to Livingston. This 7km road with new cycle path would demonstrate the Vision. At the very least the existing footpath via Beecraigs and Bangour Fisheries should be upgraded to a cycleway with the missing link between Bangour Fisheries and the A89 properly established.
- The Transport Appraisal is a reactive assessment which considers the impact of development scenarios, mainly traffic generated by housing development. What is required is a proactive plan, proposing new transport infrastructure and management to solve existing problems as well as those generated by new development. The resolution of these existing and future problems to be financed by new development. This is illustrated in 'A Plan for the Future'.
- The Transport Appraisal concludes that the development proposals included in the Local Development Plan can be accommodated by the implementation of various mitigating measures which fall broadly into two areas. The improvement to the traffic management of the major junctions on the High Street, Falkirk Road and Edinburgh Road and the provision of West orientated slip roads at the M9/ Blackness Road Junction 3 motorway interchange. Only the latter is included in the development plan. (5.113)
- With the exception of the West Port junction, where new signal control is proposed, all the traffic management measures involve changes to the signal timings and junction layout and benefits to main road traffic are offset by increased delays to retail access at Linlithgow Bridge and for traffic exiting Preston Road.

The Transport Appraisal:

- Does not address public transport, pedestrian movements or cycle provision.
- Sees the problem only in terms of potential new development and ignores other drivers for growth in traffic over the next 10 years.
- Only addresses morning peak flows.

- Does not address illegal parking the reason for which and the mitigation measures for which need further study.
- Acknowledges that traffic feeding onto the town network is restricted by the Model to the capacity of the network which given the limited size of the network has an impact on the Model's viability.
- Gives no consideration to the provision of additional parking or the impact that the associated traffic would have on the network.

Modifications sought by those submitting representations:

21829599-04bda7a (Dr Tom Brown) & 21772368-19ac58a & 21803202-5e7a5f5 (Mrs Heather Adam) & 21749350-78d18dc (Mr Robert McMillan) & 21866113-8746a97 (Ms Christine Mahoney) & 21885168-94c1b7a (Mr Roger Livermore) & 21770063-66ceb8b (Dr Irene Fortune) & 21805807-715a5cb (Dr Sean Semple) & 21806840-3c4cd5d (Mrs Linda Ovens) & 21811882-d301651 (Mr Peter Corry) & 21837154-a149fc8 & 21908084-a51cod3 (Miss Fiona Stewart) & 21848598-a0fd5a1 (Mr Finlay Scott) & 21858089-afb326d (Mr Colin Neil) & 21862925-c3f61d6 (Mr Martin Crook) & 21862933-dd18650 (Mr Brian Lightbody) & 21863500-512fcff (Mr John Aitken) & 21866415-600c2a6 (Mr Andrew Macgregor) & 21869116-1bf7a19 (Mrs Fiona Campbell) & 21870470-975ea2c (Mr Christopher Thomas) & 21870675-da390eb (Mr Jim Hannan) & 21877215-01ad265 (Mr Keith Irving) & 21878213-619aba8 (Mr Charles Webster) & 21890779-ab465d4 (Mr Ian Macleod) & 21893837-f70748e (Mr Donald Macdonald & Mrs Jennifer Macdonald) & 21901313-d249beb (Mrs Lynda Thomas) & 21901690-ee6a148 (Mr James Cameron) & 21903480-347ed14 (Mr John Kemp) & 21905608-81f701a (Mr Andrew McIntosh) & 21905735-285b25t (Mrs Edith McDowall) & 21906311-e06a2ce (Mrs Moira Tweedie) & 21906511-H-LL4 (Mr James Jamieson) & 21909147-6354c53 (Ms Orla Bennett) & 21909335-dle203d (Mr Richard Rippon) & 21909725-H-LL4;H-LL10;H-LL12 (Miss S Ryan) & 21909794-H-LL4 (Mr Matt Wallace) & 21910234-bbc3f45 (Mr Fraser McCluskey) & 20972986-ed82b5b (Mr Iain Mclean) & 21009678-804ca64 (Dr Rebecca Smallwood) & 21199868-a0814b5 (Mr Stewart Forsyth) & 21349895-851aa9e (Mr Duncan Fortune) & 21372312-87d4304 (Mr David Armstrong & Mrs Adrienne Armstrong) & 21395490-829d8c0 (Mr Robert Allan) & 21448840-0ba5188 (Mr Anthony Daly) & 21495743-09927al (Mrs Emma Gordon) & 21538330-acf5384 (Mrs Maureen Watt) & 21543061-cdb46ce (Ms Eileen McGhee) & 21558610-d9620a5 (Mr Leslie Neary) & 21670368-ca9306c (Mr Steve Donaghue) & 21755712-ac97478 (Mr Paul Buchannan-Smith) & 21648848-8eaccff (Mr Johnathon Moss) & 21660154-0fee94e (Mrs Helen MacKenzie) & 21804649-7315bb7 (Mr Rick Finc) & 21817641-28bbd5d (Mr Michael Vickers) & 21820028-fc73853 (Mrs Christine Anderson) & 21899784-1fec22c (Ms Jennifer Leonard) & 21908859-13d16a4 (Mr Steven Heale) & 21908947-Ea81783 (Mrs Sarah Gahagan) & 21909039-7f5032f (Ms Jennifer Davies) & WL/LDP/PP/0343 (Laura McGowan) & WL/LDP/PP/0424 (Mr Ron Smith)

- No development south of the railway until road safety improvements can be provided to make easier access for vehicles and pedestrians.
- Keep Linlithgow an area of restraint
- No further development until existing transport infrastructure issues can be resolved.
- Plans to reduce congestion in the High Street are required.
- Plans for a High Street relief road/by pass north of the loch between Bonnytown and St Ninians Road (A706) should be included in the LDP.
- A new road between M9 and Edinburgh Road should be included in the LDP.
- A new road from Edinburgh Road to Manse Road South to relieve Manse Road bridge should be included in the LDP.
- Considerably more town centre parking is required
- Upgrading the road from Manse Road South to Dechmont to a B class road should be identified.

- A cross town cycle path should be identified in the LDP.
- A coach/car park to encourage tourism should be identified in the LDP.

21804649-7315bb7 (Mr Rick Finc)

No modifications sought.

WL/LDP/PP/0343 (Laura McGowan)

No modifications sought.

WL/LDP/PP/0363 (Transition Linlithgow)

The LDP needs to state how air quality issues will be addressed. A detailed action plan should be listed with proposed measures.

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Community Council)

The LDP should detail the projected infrastructure requirements needed to accommodate the extent of the proposed development.

Summary of responses (including reasons) by planning authority:

21829599-04bda7a (Dr Tom Brown) & 21772368-19ac58a & 21803202-5e7a5f5 (Mrs Heather Adam) & 21749350-78d18dc (Mr Robert McMillan) & 21866113-8746a97 (Ms Christine Mahoney) & 21885168-94c1b7a (Mr Roger Livermore) & 21770063-66ceb8b (Dr Irene Fortune) & 21805807-715a5cb (Dr Sean Semple) & 21806840-3c4cd5d (Mrs Linda Ovens) & 21811882-d301651 (Mr Peter Corry) & 21837154-a149fc8 & 21908084-a51cod3 (Miss Fiona Stewart) & 21848598-a0fd5a1 (Mr Finlay Scott) & 21858089-afb326d (Mr Colin Neil) & 21862925-c3f61d6 (Mr Martin Crook) & 21862933-dd18650 (Mr Brian Lightbody) & 21863500-512fcff (Mr John Aitken) & 21866415-600c2a6 (Mr Andrew Macgregor) & 21869116-1bf7a19 (Mrs Fiona Campbell) & 21870470-975ea2c (Mr Christopher Thomas) & 21870675-da390eb (Mr Jim Hannan) & 21878213-619aba8 (Mr Charles Webster) & 21890779-ab465d4 (Mr Ian Macleod) & 21893837-f70748e (Mr Donald Macdonald & Mrs Jennifer Macdonald) & 21901313-d249beb (Mrs Lynda Thomas) & 21901690-ee6a148 (Mr James Cameron) & 21903480-347ed14 (Mr John Kemp) & 21905608-81f701a (Mr Andrew McIntosh) & 21905735-285b25t (Mrs Edith McDowall) & 21906311-e06a2ce (Mrs Moira Tweedie) & 21906511-H-LL4 (Mr James Jamieson) & 21909147-6354c53 (Ms Orla Bennett) & 21909335-d1e203d (Mr Richard Rippon) & 21909725-H-LL4;H-LL10;H-LL12 (Miss S Ryan) & 21909794-H-LL4 (Mr Matt Wallace) & 21910234-bbc3f45 (Mr Fraser McCluskey) & 20972986-ed82b5b (Mr Iain Mclean) & 21009678-804ca64 (Dr Rebecca Smallwood) & 21199868-a0814b5 (Mr Stewart Forsyth) & 21349895-851aa9e (Mr Duncan Fortune) & 21372312-87d4304 (Mr David Armstrong & Mrs Adrienne Armstrong) & 21395490-829d8c0 (Mr Robert Allan) & 21448840-0ba5188 (Mr Anthony Daly) & 21495743-09927al (Mrs Emma Gordon) & 21538330-acf5384 (Mrs Maureen Watt) & 21543061-cdb46ce (Ms Eileen McGhee) & 21558610-d9620a5 (Mr Leslie Neary) & 21670368-ca9306c (Mr Steve Donaghue) & 21755712-ac97478 (Mr Paul Buchannan-Smith) & 21648848-8eaccff (Mr Johnathon Moss) & 21660154-0fee94e (Mrs Helen MacKenzie) & 21804649-7315bb7 (Mr Rick Finc) & 21817641-28bbd5d (Mr Michael Vickers) & 21820028-fc73853 (Mrs Christine Anderson) & 21899784-1fec22c (Ms Jennifer Leonard) & 21908859-13d16a4 (Mr Steven Heale) & 21908947-Ea81783 (Mrs Sarah Gahagan) & 21909039-7f5032f (Ms Jennifer Davies) & WL/LDP/PP/0343 (Laura McGowan) & WL/LDP/PP/0424 (Mr Ron Smith)

Also see Schedule 4 number 15A.

Traffic modelling work has been carried out to support the LDP (CDX). This work has identified that there is a requirement to improve the signal timings at the various junctions through Linlithgow to help the flow of traffic. The document "Linlithgow A Plan for the Future" (CDX) requires additional

housing units for the solutions to work and expects an unreasonable amount of developer contributions for it to work. Whilst the council supports development in Linlithgow and advises that developer contributions will be required to assist in delivery, the scale of development set out in the LDP for Linlithgow is not to the scale proposed in the document “Linlithgow A Plan for the Future” which covers a time frame beyond that of the LDP. The solutions themselves set “Linlithgow A Plan for the Future” are ambitious and not all within either the council or developer control to provide.

The council has prepared an Active Travel Plan which is aimed at improving sustainable transport options throughout West Lothian. This document was approved by the Council Executive on 26 April 2016 will form planning guidance associated with the LDP (CDX).

From a transportation perspective any new developments would be asked for at least a transport statement and depending on their size a need for a transportation assessment. It would identify what sustainable transport options are required and address the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

21804649-7315bb7 (Mr Rick Finc)

The site will be assessed via the transportation appraisal process with any impact on the existing road network at that time having to be addressed.

WL/LDP/PP/0343 (Laura McGowan)

Nothing further to add.

WL/LDP/PP/0363 (Transition Linlithgow)

The aim of the LDP is to detail objectives for economic development. The council has prepared an Active Travel Plan which is aimed at improving sustainable transport options throughout West Lothian. This document was approved by the Council Executive on 26 April 2016 will form planning guidance associated with the LDP (CDX).

The proposed actions and policies set out by Transition Linlithgow may well be considered in the future but it is not intended that they will form part of the proposed LDP.

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Community Council)

The document “Linlithgow – A plan for the Future” has listed a variety of measures that the community view as a solution to the existing infrastructure restrictions and those that could arise from further development. This document concludes with a requirement for a large funding budget. This budget is not achievable as a forward funding exercise and each element would require careful consideration as to whether it is feasible in its own right.

As a planning application comes forward for potential housing developments a transport appraisal will be required. The document “Transport Assessment and Implementation: A Guide” issued by Scottish Executive is used to determine what impact the development will have and address any infrastructure improvements that may be needed. There may also be supplementary planning guidance that sets out strategic improvements that developers may need to contribute towards.

The council has undertaken traffic modelling and accessibility analysis to support the LDP (CDX x2). This confirms that development in Linlithgow can be delivered with no net detriment to the network.

The council does not propose any amendments to the LDP in relation to the submissions made.

Reporter's conclusions:
<i>Insert text</i>
Reporter's recommendations:



Issue: 1J	Education Infrastructure	
Development plan reference:		Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p> WL/LDP/PP/0170 and 217722600-be38d90 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust) WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland) WL/LDP/PP/0428 (Dr John R Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council) WL/LDP/PP/0459 (Gladman) 21910234-bbc3f45 (Fraser McCluskey) 21909794-H-LL4 (Matt Wallace) 21909725-H-LL4; H-LL10; H-LL12 (S Ryan) 21909335-dle203d (Richard Rippon) 21909039-7f5032f (Jennifer Davis) 21908947-Ea81783 (Sarah Gahagan) 21908859-13d16a4 (Dr Steven Neale) 21908747-H-LL4 (James Boyd) 21906586-e2594f3 (Sheena Miller) 21906311-e06a2ce (Moira Tweedie) 21905608-81f701a (Andrew McIntosh) 21903480-347ed14 (John Kemp) 21901690-ee6a148 (James Cameron) 21901313-d249beb (Lynda Thomas) 21899784-1fec22c (Jennifer Leonard) 21897700-D131008 (Kevin Treadwell) 21893837-f70748e (Donald and Jennifer MacDonald) 21890779-ab465d4 (Iain MacLeod) 21889085-fbc6475 (Claire Wakefield) 21887865-b35526d (Jennifer Martin) 21878213-619aba8 (Charles Webster) 21871160-08ca39a (Rick Finc on behalf of George Duncan) 21866113-8746a97 (Christine Mahony) 21862933-ddl8650 (Brian Lightbody on behalf of Clarendon Mews Residents) 21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd) 21848598-a0fd5a1 (Finlay Scott) 21829599-04bda7a (Dr Tom Brown) 21820028-fc73853 (Christine Anderson) 21817641-28bbd5b (Michael Vickers) 21811882-d301651 (Peter Corry) 21806840-3c4cd5d (Linda Ovens) 21804649-7315bb7 (Rick Finc on behalf of John Kerr of John Kerr Ltd) 21772368-19ac58a (Heather Adam) 21749350-78d18dc (Robert McMillan) 21716490-c057327 (John Orr) 21670368-Ca9306c (Steve Donaghue) 21660154-0fee94e (Helen MacKenzie) </p>		

21648848-8eaccff (Jonathan Moss) 21543061-cdb46ce (Eileen McGhee) 21538330-Acf5384 (Mr & Mrs Watt) 21372312-87d4304 (Mr & Mrs Armstrong) 21119948-2ac9a17 (Paul Houghton on behalf of Laurieston Developments Limited) 21116167-568db87 (Meabhann Crowe on behalf of British Solar Renewables) 21009678-804ca64 (Dr Rebecca Smallwood)	
Provision of the development Plan to which the issue relates:	Plan wide
Planning authority's summary of the representation(s):	
<p>WL/LDP/PP/0170 and 217722600-be38d90 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust) – the council has an important role to play in facilitating the provision of infrastructure, for example as the supplier of education. This should be acknowledged. Education as described in paragraph 5.91 of the LDP requires clarification. The principal school issue affecting the whole of West Lothian is the proposed new denominational secondary school to be sited at Winchburgh. But it should be clarified that this is to be provided by the council, not as stated, by the developers, as it is the council which is receiving and managing developer contributions from the entire council area as development takes place. This would also be the preferred policy for the ND secondary school at Winchburgh too without which no development in Winchburgh or Linlithgow can proceed further. The geographical area for contribution collection requires to be defined.</p> <p>WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland) – Whilst correct because of the Council's current approach to developer contributions, especially in regard to Education infrastructure, this presents in itself a barrier to development and maintaining an effective 5 year housing land supply. the biggest constraint on increasing the delivery of new housing in West Lothian to be the lack of education capacity and the Council's inability to resolve that timeously to allow housing to be occupied. To set out, as this paragraph does, that this will require to be addressed by housebuilders in the first instance is unhelpful.</p> <p>WL/LDP/PP/0428 (Dr John R Kelly on behalf of Linlithgow and Linlithgow Bridge Community Council) – objects to proposed approach to Linlithgow citing various reasons including need for new education provision.</p> <p>WL/LDP/PP/0459 (Gladman) - supports the overall spatial strategy, we are concerned as to whether or not the approach to growth is entirely consistent with the approach to education infrastructure and wider infrastructure issues.</p> <p>21910234-bbc3f45 (Fraser McCluskey) - objects to development citing various reasons including need to address education capacity issues.</p> <p>21909794-H-LL4 (Matt Wallace)) – objects to allocation of site H-LL 4 Manse Road citing various reasons including need to address education capacity issues</p> <p>21909725-H-LL4; H-LL10; H-LL12 (S Ryan) – objects to allocation of sites H-LL 4 Manse Road, H-LL 10 Clarendon Farm and H-LL 12 Preston Farm citing various reasons including need to address education capacity issues.</p> <p>21909335-dle203d (Richard Rippon) – objects to development citing various reasons including need to address education capacity issues.</p>	

21909039-7f5032f (Jennifer Davies) - objects to allocation of sites H-LL 4 Manse Road citing various reasons including need to address education capacity issues.

21908947-Ea81783 (Sarah Gahagan) – objects to the LDP objects to development citing various reasons including need to address education capacity issues.

21908859-13d16a4 (Dr Steven Neale) – objects to development of site H-LL 11 Wilcoxholm/Pilgrims Hill citing various reasons including need to address education capacity issues.

21908747-H-LL4 (James Boyd) – objects to allocation of site H-LL 4 Manse Road citing various reasons including need to address education capacity issues.

21906586-e2594f3 (Sheena Miller) – objects to proposed residential developments in Linlithgow on grounds of proposals not having been given proper attention in relation to school capacity.

21906311-e06a2ce (Moirra Tweedie) – objects to allocation of site H-LL 4 citing various reasons including need to address education capacity issues.

21905608-81f701a (Andrew McIntosh) - objects to allocation of site H-LL 4 Manse Road citing various reasons including need to address education capacity issues.

21903480-347ed14 (John Kemp) - objects to proposed residential developments in Linlithgow until issues of traffic management, parking and education are resolved.

21901690-ee6a148 (James Cameron) - objects to development of sites H-LL 4 Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm on grounds of access; impact on school capacity and amenity.

21901313-d249beb (Lynda Thomas) – objects to proposed approach to Linlithgow citing various reasons including need to address education capacity issues.

21899784-1fec22c (Jennifer Leonard)) – objects to development in Linlithgow citing various reasons including need to address education capacity issues.

21897700-D131008 (Kevin Treadwell) – supports allocation of H-LL 10 Clarendon Farm for development on grounds that more land for housing is needed in Linlithgow in general in order to maximise the use of the train station as a means of sustainable transport; additional housing could be used to cross subsidise the provision of education facilities within the adjacent CDA [Winchburgh] to alleviate capacity issues in Linlithgow Academy.

21893837-f70748e (Donald and Jennifer MacDonald) – object to development of Preston Farm and site H-LL 12 Linlithgow citing various reasons including need to address education capacity issues.

21890779-ab465d4 (Iain Macleod) – objects to allocation of site H-LL 12 Preston Farm, Linlithgow citing various reasons including concerns over education capacity, cites requirement for two new primary schools.

21889085-fbc6475 (Claire Wakefield) – objects to proposed allocation of sites in Linlithgow for housing development citing various reasons including lack of education capacity; seeks more information in the LDP on catchment schools; suggests alternative sites could be developed with less impact on Back Station Road and needn't impact Low Port primary school if they feed an

expanded Springfield School via a safe route footbridge over the canal and railway.

21887865-b35526d (Jennifer Martin) – objects to allocation of site H-LL 10 Clarendon Farm, Linlithgow for development citing various reasons including lack of education capacity; incorrect references to catchment schools for sites H- LL 2, Westerlea Court, H-LL 3 Boghall East, H-LL 4 Manse Road, H-LL 7 Clarendon House, H-LL 10 Clarendon Farm and H-LL 11 Wilcoxholm/ Pilgrims Hill.

21878213-619aba8 (Charles Webster) – objects to development in Linlithgow citing various reasons including adverse impact on schooling.

21871160- 08ca39a (Rick Finc on behalf of George Duncan) – seeks inclusion of a site at Balgreen Farm, Livingston for housing and advises of awareness of need for contributions towards education infrastructure.

21866113-8746a97 (Christine Mahony) – supports affordable housing provision in Linlithgow but concerns over scale of housing development proposed citing various reasons including education capacity constraints.

21862933-ddl8650, WL/LDP/PP/0137 and WL/LDP/PP/0244 (Brian Lightbody on behalf of Clarendon Mews Residents) – objects to development of site H-LL 10 Clarendon Farm, Linlithgow citing various reasons including need to resolve education capacity constraints.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd) - Supplementary Guidance is required on non-denominational secondary school delivery as soon as possible to provide certainty over the funding mechanism for a new non-denominational secondary school at Winchburgh necessary to deliver and unlock development in the east sector of the Council area.

21848598-a0fd5a1 (Finlay Scott) - objects to allocation of site H-LL 11 Wilcoxholm/Pilgrims Hill, Linlithgow for development citing various reasons education capacity constraints.

21829599-04bda7a (Dr Tom Brown) – objects to allocation of H-LL 11 Wilcoxholm/Pilgrims Hill, citing various reasons including school capacity concerns.

21820028-fc73853 (Christine Anderson) - objects to proposals affecting Linlithgow citing various reasons and suggests alterations to the school estate to accommodate development.

21817641-28bbd5b (Michael Vickers) - objects to development in Linlithgow citing various reasons including education capacity constraint.

21811882-d301651 (Peter Corry) – objects to development of site H-LL 12 Preston Farm, Linlithgow citing various reasons including education capacity.

21806840-3c4cd5d (Linda Ovens) – objects to development in Linlithgow citing various reasons including concerns for impact on school route; incorrect references to catchment schools and inconsistencies in referencing compared with other sites and school capacity issues at listed Low Port Primary School.

21804649-7315bb7 (Rick Finc on behalf of John Kerr of John Kerr Ltd) – wish to engage with the Council on detailed educational matters. Believe that in the light of recent appeal decisions that there may be scope for earlier development within Linlithgow.

21772368-19ac58a (Heather Adam) – objects to development in Linlithgow particularly H-LL 4

Manse Road, H-LL 7 Clarendon House and H-LL 10 Clarendon Farm citing various reasons including need to address education capacity issues.

21749350-78d18dc (Robert McMillan) – objects to development of site H-LL 11 Wilcoxholm Farm/Pilgrims Hill, Linlithgow citing various reasons including education capacity constraints.

21716490-c057327 (John Orr) – supports development of site at Dykeside Farm, Bathgate; advises that the catchment area for Torphichen could be extended further south to the edge of Bathgate to allow expansion on the north side of Bathgate. A new primary school would be required, and this would ease the pressure on the current Torphichen PS.

21670368-Ca9306c (Steve Donaghue) - objects to development of site H-LL 12 Preston Farm, Linlithgow citing various reasons including additional pressure on the schools.

21660154-0fee94e (Helen MacKenzie) -objects to development in Linlithgow citing various reasons including lack of school capacity.

21648848-8eaccff (Jonathan Moss) - objects to allocation of site H-LL 12 Preston Farm citing various reasons including lack of school capacity.

21543061-cdb46ce (Eileen McGhee) - objects to development in Linlithgow citing various reasons including education capacity; advises of inaccuracies regarding school catchments in Linlithgow.

21538330-Acf5384 (Mr & Mrs Watt) - objects to allocation of site H-LL 4 Manse Road, Linlithgow for development citing various reasons including school capacity issues.

21372312-87d4304 (Mr & Mrs Armstrong)- objects to proposed development of site H-LL 11 Wilcoxholm/Pilgrims Hill in Linlithgow citing various reasons including school capacity issues at secondary school level.

21119948-2ac9a17 (Paul Houghton on behalf of Laurieston Developments Limited) – seek to develop land at South Logie Nursery, Logiebrae Road, Westfield for housing development: requests that the blanket ban on windfall sites being granted planning permission in advance of education capacity issues being resolved is removed; does not accept lack of education capacity within the catchment schools.

21009678-804ca64 (Dr Rebecca Smallwood) - objects to LDP strategy for Linlithgow citing various reasons including school capacity issues remain to be addressed and incorrect references to school catchments affecting proposed development sites in Linlithgow.

Modifications sought by those submitting representations:

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland) These set out the Council's strategy for funding education infrastructure to serve new development. Homes for Scotland seek a change that the Council consider front funding this infrastructure rather than rely on developers in the first instance to provide the required infrastructure.

21871160-08ca39a (Rick Finc on behalf of George Duncan) – inclusion of site for development

21716490-c057327 (John Orr) - inclusion of site for development.

Various – removal of sites in Linlithgow for housing development.

Summary of responses (including reasons) by planning authority:
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West Lothian Council has a plan led approach to education planning and has previously obtained senior counsel advice to ensure that its methodology is appropriate, consistent and robust. The West Lothian Local Development Plan (LDP), prepared in accordance with SESplan, now provides the development context for education planning in West Lothian. Matters relating to education in West Lothian are set out in the council's Position Statement on Education (CDX) in response to the matters raised above. See also Schedule 4 number 15A in relation to Linlithgow, 25A in relation to Westfield and 1E.

21871160- 08ca39a (Rick Finc on behalf of George Duncan) - Site has currently no footpath access and all pupils would in any event require transport assistance. Not sustainable.

21716490-c057327 (John Orr) - Site would likely require extensive school consultation to achieve revised arrangements for primary and secondary school. Site would require provision of a footpath network to link with Torphichen. The council would be unlikely to have capital funding to cover cost of Torphichen pupils. Secondary school options are difficult, if not impossible without full implementation of the LDP strategy as outlined in the CDX.

WL/LDP/PP/0170 and 217722600-be38d90 (Peter Allan on behalf of Aithrie Estates and the Hopetoun Estate Trust) – It is the case that a denominational secondary school has been directly linked to the Winchburgh and Broxburn CDA area since the CDA's inception. The council is not in a position to have a definitive view on a catchment area without following through statutory consultation procedures. It is correct that the council would have the role of procuring any new school provision – but funding of new school provision rests with developers. The council does not have sufficient resources to forward fund the scale of investment that a new secondary school requires. The council can only start a procurement process when it has guarantee of a funding solution. Comments on a non-denominational secondary school are as follows.

21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd) – Whilst supplementary guidance may be useful for household developments or other limited housing development potentially within the catchment of a new Winchburgh non-denominational school there are only a small number of developers within the CDA area that would contribute to the cost of the non-denominational secondary school which is directly and solely related to their development. The council can only start a procurement process when it has guarantee of a funding solution. A masterplan approach by the developers would assist.

Reporter's conclusions:
Reporter's recommendations:



Issue: 1K	Strategic Environmental Assessment (SEA)	
Development plan reference:	Environmental Report accompanying the Proposed Plan	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>21899011 / 3dc08d4 - Mr Gordon Cameron.</p> <p>WL/LDP/PP/0255 - Nicholas B L Davis.</p> <p>WL/LDP/PP/0351 - William Kidd for Historic Environment Scotland.</p> <p>In addition, through comment on the SEA document that accompanied the Proposed Plan, the three consultation authorities:</p> <ul style="list-style-type: none">• Historic Environment Scotland (WL/LDP/PP/0351)• Scottish Environment Protection Agency (WL/LDP/PP/0243)• Scottish Natural Heritage (WL/LDP/PP/0238) <p>all made detailed comments.</p>		
Provision of the development Plan to which the issue relates:	H-LL 4 Manse Road, Linlithgow (Appendix 2: Page 194). Strategic Environmental Assessment (SEA).	
Planning authority’s summary of the representation(s):		
<p>Mr Cameron (21899011 / 3dc08d4) objects to allocation of the site at Manse Road, Linlithgow for development on a number of grounds as he indicates the site is.</p> <ol style="list-style-type: none">1. greenfield;2. designated an Area of Great Landscape / Special Landscape Area;3. prime agricultural Land; and the4. impact of houses on the skyline on south approach into Linlithgow. <p>He specifically mentions the Strategic Environmental Assessment, which accompanies the Local Development Plan, states this allocation occupies “a skyline location and is an integral part of the AGLV as it meets Linlithgow development here would erode this clear boundary.” These issues are not a case of ‘Not-in-my-Back-Yard’, but of conserving the very best agricultural and environmentally sensitive areas which surround the southern edge of Linlithgow for future generations.</p> <p>Mr Davis (WL/LDP/PP/0255) made comments on the Environmental Report : Section 9 - Cultural Heritage</p> <ul style="list-style-type: none">• there is no reference to Historic Environment Scotland who were legally constituted on 1st October 2015;• no SPG information; and• Maps 9 and 29 of section 9 were not available in Library during consultation stage. <p>HES (WL/LDP/PP/0351) made comment in relation to Part 2: Environmental Report</p> <p>They note that the updated Environmental Report (ER) focusses on assessment of those development sites which were submitted to the council after the Main Issues Report (MIR) consultation. Are content that the assessment of these sites is appropriate and adequate for the</p>		

historic environment.

As these additional sites are the only element of the Proposed Plan (PP) included in the updated ER, HES have assumed that the council gave consideration to the remainder of the content of the PP and concluded that the new material that it contains (e.g. those policies which have undergone iterative development and change since they were assessed at MIR stage) is not expected to have significant environmental effects. Although not a statutory requirement, in future the council could consider summarising such changes within the updated ER and outlining the reasons for concluding that significant effects are not expected. This would add value to the updated ER as a supporting document for consultation on the PP.

At MIR stage, HES noted that the ER was not accompanied by a non-technical summary. HES also provided comments on some of the assessment findings and mitigation, and recommended that the ER be updated to reflect these and other representations made. In focussing the ER update solely on additional sites, the opportunity to address these points has not been taken, reducing the benefit of the ER as an accessible and accurate consultation tool. In light of this, HES have appended the comments we provided on the ER at MIR stage, as these will have relevance as the Plan process moves forward to examination.

None of the comments contained in HES letter should be construed as constituting a legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Environment Scotland's commitment to capacity-building in SEA.

Modifications sought by those submitting representations:

While not explicitly expressed from Mr Cameron's objection (**21899011 / 3dc08d4**), can assume removal of site H-LL 4 Manse Road, Linlithgow from the Proposed Plan is sought.

See table below for modifications sought by SEA consultation bodies.

Summary of responses (including reasons) by planning authority:

With Mr Cameron (**21899011 / 3dc08d4**), the main aspects of the objection are addressed in Schedule 4: 15C relating to H-LL 4 Land east of Manse Road, Linlithgow.

In relation to the comment on the SEA, page 359 of the Environmental Report does indeed reflect this statement, but it was made in the context of individual Site Appraisals by Settlement from the "Call for Sites" submissions process where a large number of conditions and setting elements were assessed. If this site is to be progressed, then details of a strong south boundary treatment would be expected with a future planning application along with cross sections of the site to determine the potential development platforms and address this skyline issue that was identified during the initial site assessment.

In response to Mr Davis (**WL/LDP/PP/0255**) issues on the Cultural Heritage section of the SEA, the SEA and Proposed Plan were drafted and approved at Committee for consultation before HES came into being. They can easily be reference in the finalised Proposed Plan. There would not be any supplementary guidance in relation to the SEA. The maps were printed and available but did not find their way into the version in Linlithgow Library.

HES various constructive points are acknowledged.

Finally, the three consultation authorities:

- Historic Environment Scotland (**WL/LDP/PP/0351**)
- Scottish Environment Protection Agency (**WL/LDP/PP/0243**)
- Scottish Natural Heritage (**WL/LDP/PP/0238**)

all made detailed comments on the Proposed Plan and SEA. They are laid out below in table format with the Consultation Authorities comment followed by the council's proposed response as this will be easier to follow than the format used for other Schedule 4's.

As pointed out by HES, it is not a statutory requirement to summarise such changes as relate to the few additional sites that do not undermine or create a different policy approach that would have required a full scale update to the ER. HES comments at the MIR stage were taken on board in the preparation of the Proposed Plan. Although unfortunate that a short non-technical summary statement was not included this is not considered a major issue as the full SEA was still carried out and the assessment available and it could not have summarised over 440 sites.

The council are also satisfied that they have undertaken a rigorous Strategic Environmental Assessment of all the sites in the Proposed Plan and that this complies with the relevant legislation. **Unless otherwise stated the council would not propose to alter the SEA unless directed to do so by the Reporter.**

Consultation Authority comments	West Lothian Council Response
Historic Environment Scotland (HES)	
<p>General comments</p> <p>On 1 October 2015, Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014. In view of this, we recommend that where appropriate, references to Historic Scotland and RCAHMS in the Proposed Plan and supporting documents should be replaced by reference to Historic Environment Scotland.</p>	<p>Agreed and West Lothian Local Development Plan - Proposed Plan, and supporting documents, when adopted in winter 2016 / early 2017 will remove reference to former bodies "Historic Scotland" and "The Royal Commission on the Ancient and Historical Monuments of Scotland" and replace them with "Historic Environment Scotland".</p>
<p>HES welcomes that the built heritage has been embedded within the vision statement for the Plan, and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment.</p>	<p>Noted.</p>
<p>Comments on the policy elements of the Plan</p> <p><i>POLICY EMP 3 Employment development within settlement boundaries</i></p> <p><i>POLICY EMP 4 Employment development outwith settlement boundaries</i></p> <p><i>POLICY EMP 8 Tourism</i></p> <p>These policies include the wording '.....adversely impact on any special architectural, natural heritage designations or</p>	<p>Agreed and policy text will be altered to reflect suggestion that broader range of historic environment assets are considered and not merely focus on architectural interests.</p> <p>The council advise the Reporter</p>

<p><i>landscape interests'</i></p> <p>As many historic environment assets are not primarily considered to be 'architectural', we recommend altering the wording to better encompass the broad range of historic environment assets in West Lothian. For example, '<i>historic environment designations</i>' or '<i>historic environment assets</i>' could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.</p>	<p>that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p><i>POLICY ENV 24 Conservation Areas (Demolitions)</i></p> <p>This policy sets out five criteria, all of which are required to be satisfied in order to permit demolition of buildings which are of value to the character of a Conservation Area. This aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (http://www.historic-scotland.gov.uk/shep), or national guidance (http://www.historic-scotland.gov.uk/demolition-2.pdf) which suggests that conservation area demolition proposals are usually considered in the same way as listed building demolitions, by assessing against four criteria, requiring as a minimum that one of the four criteria to be met.</p> <p>Additionally, whilst SHEP requires that planning authorities have regard to the desirability to preserve or enhance the conservation area in considering demolition applications, the proposed policy requires that proposals for replacement development must enhance the conservation area.</p> <p>The proposed policy therefore goes beyond the requirements set out in SHEP. Whilst it may be your intention to establish a more rigorous regime, you should be satisfied that the proposed policy will be workable in practice, and will not be likely to lead to frequent deviation from policy in decision making, which may introduce uncertainty and inconsistency into the decision making process. In such circumstances, consistent adherence to a more flexible, practicable policy approach may be of more benefit.</p>	<p>West Lothian Councils consider the 5 criteria test with policy ENV24 are adequate and do not wish to weaken the policy. We have a duty to "preserve or enhance" conservation areas so will reflect that requirement in the wording. For example "...and the conservation area will be preserved or enhanced as a result of the development". It is the council view that the extra criterion is justified. It is the locational need that is the issue. We would add in after "...for the development..." "<i>which would ensure the retention of the building</i>". However on further reflection, there is concern at the use of "(demolitions)" in the title. This may fetter the use of that policy to only demolitions. It is proposed to replace it with "(Developments and Demolitions)" and it opens up the policy to wider use. The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p><i>Paragraph 5.194</i></p> <p>For information, the Buildings at Risk register is now maintained by Historic Environment Scotland.</p>	<p>Acknowledged and any reference to the Buildings at Risk Register in the West Lothian LDP, or accompanying supplementary guidance, will acknowledge HES.</p> <p>The council advise the Reporter that if they were minded to</p>

	support the changes sought by the consultation authorities, WLC would not object.
<p><i>POLICY ENV 28 Listed Buildings</i></p> <p>The policy element relating to the demolition of listed buildings proposals sets out four criteria, all of which should be satisfied in order to permit demolition. As with Policy ENV 24, this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (http://www.historic-scotland.gov.uk/shep), or national guidance (http://www.historic-scotland.gov.uk/demolition-2.pdf) which set out four assessment criteria, requiring as a minimum that one of the four criteria to be met.</p> <p>It would be very rare that an application for demolition would be able to satisfy all four criteria set out in Policy ENV 28. Whilst it may be your intention to establish a more rigorous regime than that set out in national policy, as with Policy ENV 24 you should be satisfied that the proposed policy will be workable in practice.</p> <p>If you determine to amend the policy to require one or more criteria to be met, I would recommend that you omit criteria c (<i>the building cannot be adapted without material loss to its character</i>) as it would not be sufficiently robust as a stand-alone criteria. This is because, whilst there may be instances where the only viable option for re-use of a listed building will require adaptation which will result in a 'material loss' to the character of the listed building, this is unlikely to outweigh the impact of complete loss through demolition.</p> <p>This policy states a presumption against enabling development. This section of the policy has been carried through from the Local Plan, which was adopted against the background of a different economic context. Whilst we support the application of robust criteria to assess the acceptability of enabling development, we also recognise that in some cases it may be essential to securing a viable long term future for a listed building at risk. In view of this, we suggest that you may wish to retain the criteria for enabling development but omit the first sentence of this section, to form a more positive approach to this issue.</p>	<p>The council may have interpreted this incorrectly. It says at para 3.44 <i>"Where the application proposes the demolition of a listed building applicants will be expected to provide evidence to show that:"</i> and then lists 4 criteria. After each of the first 3 criteria is the word "or". A problem for the council could arise at appeal if the council are at odds with national policy. The council will review this policy and reword the criteria to reflect the wording of SHEP.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object to amendment of the text to read: <i>"Enabling developments which cross-subsidise works to historic buildings will be considered favourably only if the character or setting of the building is not adversely affected..."</i> etc. It is the view that the use of the word "and" before the last criterion ensures that all of the criteria have to be met.</p>
<p><i>Policy MRW 3 Impediments to Mineral Extraction</i></p> <p>Criteria g. of this policy refers to <i>'sites or settings of archaeological, historical or architectural significance,</i></p>	<p>For Policy NRW 3 relating to "Mineral Extraction</p>

<p><i>particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area’.</i></p> <p>By specifying some, but not all heritage designations, this criteria implies a lesser level of protection for those not included. In view of this, we recommend simply omitting reference to individual designation types. Alternatively, Inventory Designed Landscapes and Battlefields could be included in the criteria.</p>	<p>Impediments” and especially criteria g); West Lothian council prefer to retain the list of relevant heritage designations and will insert “<i>Inventory Designed Landscapes and Battlefields</i>” to make it clear which heritage designations the policy covers and the tests that relevant development proposals must meet.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p><i>Comments on the Proposed Plan spatial strategy</i></p> <p>We have looked at the development proposals within the Proposed Plan, concentrating on scheduled monuments and their setting, A listed buildings and their setting, gardens and designed landscapes and battlefields appearing in their respective Inventories, and Conservation Areas.</p> <p>Some of the proposed development sites have the potential for impacts on heritage assets within our remit. However, we consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts. Early engagement with Historic Environment Scotland on development proposals which raise complex or significant issues will be key to avoiding adverse impacts and optimising positive outcomes for the historic environment. We would encourage you to ensure that all mitigation measures identified in the ER (or recommended in our letter of 17 October 2014, appended below) are brought through to the site delivery requirements.</p>	<p>Noted.</p> <p>Acknowledged. Agreed and both the Development Planning & Development Management sections will continue to work closely with HES on development proposals that may have issue for the historic environment. The former Historic Scotland comments on the Environmental Report relating to the Main Issues Report has been re-examined to ensure all mitigation measures concerning the historic environment are covered in the Site Delivery Requirements schedules.</p>
<p>We have detailed comments to make on the following proposed development sites:</p> <p><i>H-LL 11 – Wilcoxholm Farm / Pilgrim Hill</i></p> <p>At MIR stage we highlighted that development of this site could impact upon the setting of the scheduled monument Union Canal, River Almond to River Avon (http://portal.historic-scotland.gov.uk/designation/SM8954). We also noted that access to the northern part of the site appears to be constrained, and consequently had concerns</p>	<p>Access to the northern part of the site could be from the west via Maidlands where a road spur was inserted in the previous development but never utilised. This currently gives access to the</p>

<p>that access requirements (for instance, a new access bridge) may have an adverse impact on the canal and its setting.</p> <p>We continue to consider that this development allocation may raise issues for the site and setting of the Union Canal, particularly as the site delivery requirements confirm that a new canal crossing will be required to deliver this allocation. Whilst we are content that these impacts could be mitigated by application of policy and sensitive design, it will be essential that Historic Environment Scotland have early involvement in further discussions on the development of proposals for the site. Any proposed direct impact on the scheduled monument would be subject to the Scheduled Monument Consent process. The site delivery requirements should be updated to reflect our comments here.</p>	<p>field. However, Maidlands is only one option. Access could also be taken further east through improvement to the access serving Wilcoxholm Farm. Further consideration of the development of the linear field to the south (Pilgrims Hill) suggested there will be no new road bridge crossing of the Union Canal.</p> <p>Where Schedule Monument Consent will be required is in the proposal (P-102) to connect the new scheme (as well as south east Linlithgow) to the canal towpath via a new ramped cycle way in the south west corner of the north field, subject to design gradients being overcome and addressing impact on the residential amenity of the two adjacent residential properties, albeit they have blank east gable walls.</p>
<p><i>H-LL 12 – Preston Farm</i></p> <p>Neither the SEA findings for this allocation, or the site delivery requirements, take cognisance of the potential for impacts on the site and setting of the scheduled Union Canal (http://portal.historicscotland.gov.uk/designation/SM8954) or the setting of A listed Preston House (http://portal.historic-scotland.gov.uk/designation/LB12983). We are content that these impacts could be mitigated by robust application of policy and sensitive design, but this should be reflected in the ER and site delivery requirements. We would welcome early discussion as proposals for development of this site progress, and the site delivery requirements should be updated to reflect this.</p>	<p>A Pre-Application Notice (PAN) has now been submitted by Cala Homes that shows a buffer open space stand-off area between the development and the Union Canal. Preston House which has seen development in its walled garden is separated from the site by a mature woodland shelter belt and only the northern half of the field, furthest away from the Listed House, has been allocated.</p>
<p><i>H-WB 17 – Site west of Niddry Castle</i></p> <p>At Main Issues Report this was identified as an alternative site and we agreed with the SEA findings which indicated that development at this location had the potential for adverse impacts on the setting of A listed Niddry Castle (http://portal.historic-scotland.gov.uk/designation/LB7437). We stated that whilst some development could be accommodated here, if this site was brought forward to the Proposed Plan, robust mitigation would be required to deliver development without significant adverse effects on Niddry Castle.</p>	<p>As pointed out the existing Niddry Castle currently sits in the landscape context of the adjacent Niddry Bing that continues to be under extraction with several decades of material left to remove to allow the core base to be further redevelopment at the end of the Winchburgh Core Development Area.</p>

<p>This site has now been brought forward into the Proposed Plan, allocated for the development of 250 housing units. While Niddry Castle is largely seen in the context of Niddry Castle Bing, due to the number of residential units and close proximity of the site boundary to the castle we consider that it would be very difficult to deliver this scale of development in this location without significant adverse impact on the setting of Niddry Castle. Consequently, we consider that the number of housing units proposed should be reduced, and the final number be determined as a result of further assessment of the capacity of the site, for example through the master planning process. If this site is retained in the Plan, early consultation with Historic Environment Scotland on a mitigation strategy and on the development of a masterplan for the site will be essential.</p>	<p>The owner of the site is keen to promote it for development. The Council would suggest to the Agent that in preparing the masterplan for this large, flat site (which is currently operated as part of the adjacent golf course), that they engage with HES at an early stage to consider the site layout in relation to mitigating the potential effects of residential development near the Castle.</p> <p>The number of residential units suggested, c250, is based on an average density on the site area and what the future school capacity and road junction with Main Street can accommodate.</p>
<p>Part 2: Environmental Report</p> <p>We understand that the updated Environmental Report (ER) focuses on assessment of those development sites which were submitted to the council after the Main Issues Report (MIR) consultation. We are content that the assessment of these sites is appropriate and adequate for the historic environment.</p> <p>As these additional sites are the only element of the Proposed Plan included in the updated ER, we have assumed that you gave consideration to the remainder of the content of the PP and concluded that the new material that it contains (e.g. those policies which have undergone iterative development and change since they were assessed at MIR stage) is not expected to have significant environmental effects.</p> <p>Although not a statutory requirement, in future you could consider summarising such changes within the updated ER and outlining the reasons for concluding that significant effects are not expected. This would add value to the updated ER as a supporting document for consultation on the PP.</p> <p>At MIR stage, we noted that the ER was not accompanied by a non-technical summary. We also provided comments on some of the assessment findings and mitigation, and recommended that the ER be updated to reflect these and other representations made. In focusing the ER update solely on additional sites, the opportunity to address these points has not been taken, reducing the benefit of the ER as an accessible and accurate consultation tool. In light of this, we have</p>	<p>Acknowledged that HES accept that the further short SEA of the additional sites is “appropriate and adequate for the historic environment” element of the Proposed Plan.</p> <p>Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan (2009), there were no major significant environmental effects. In many cases, there have only been minor iterative changes to many of the environmental protection policies.</p> <p>Acknowledged that the timescale required to progress the MIR to Proposed Plan consultation stage had resulted in a short Environment Report update. However, the approach taken by the council was considered proportionate and</p>

<p>appended the comments we provided on the ER at MIR stage, as these will have relevance as the Plan process moves forward to examination.</p>	<p>within the scope of the legislation and demands on staff time and resources.</p> <p>Acknowledged that there was an omission of a Non-Technical Summary. The points that HES made relating to mitigation of potential effects on the historic environment on the numerous MIR sites was taken into account in the Appendix 1: Employment and Appendix 2: Housing site delivery requirements that are set out as specific site requirements in the relevant schedules and the rear of the LDP. Further consideration can be undertaken at Planning Application stage and during pre-application negotiations on forthcoming development proposals.</p>
<p>Scottish Natural Heritage (SNH)</p>	
<p>We understand from the 'SEA Process' summary in section 1.2 that the scope of assessment at this stage is of additional proposed allocations which were received after the Main Issues Report (MIR) consultation. As far as we are aware, there have been no other changes made to the Environmental Report which accompanied the MIR.</p> <p>While this approach appears to conform to advice set out in paragraphs 4.34 to 4.41 of PAN 1/2010, it is unclear to us at this stage whether the effects of the addition of the 19 additional sites on the overall development strategy have been assessed.</p>	<p>Confirmed there have been no changes to the previous major Strategic Environmental Assessment Environmental Report that was undertaken to assess over 420 proposed development sites as part of the Main Issues Report.</p> <p>Acknowledged that this succinct approach conforms with the relevant PAN. It can be confirmed that the additional 19 sites, some of which were small scale, were judged to have very little effect on the wider 400 plus employment, housing and mixed uses sites allocations and indeed only just over half (11) of the sites were judged suitable to progress to allocation in the Proposed Plan.</p>
<p>The tight focus of the update also means that your response to comments and advice on the Environmental Report from the Consultation Authorities is not available for review. We are therefore unclear on how our previous advice will, in combination with this response, influence monitoring and in</p>	<p>It is acknowledged that due to the short nature of the review focusing on the new sites, this has meant that there is no external record and hence</p>

<p>turn how it has influenced the content of the Proposed Plan.</p> <p>We believe that this omission could be easily rectified, perhaps by the addition of a simple list of changes. As a starting point, it may be useful for us to meet and discuss our previous comments and your handling of these.</p>	<p>review of the three consultation authorities comments on the Main Issues Report and the additional Post-MIR sites and how they were considered and incorporated into the Proposed Plan. The ER review was part of the D&T PDSP and Council Executive reports on response to MIR consultations and the Proposed Plan.</p> <p>The council welcomes the opportunity for further input from Scottish Natural Heritage and the other two consulting authorities. As the LDP progresses through the examination process towards adoption an update SEA will likely be required.</p>
<p>Annex to SNH letter of – detailed comments on Environmental Report update</p> <p>Of the sites presented in this update, we were offered the opportunity to comment on these sites following the MIR consultation. Our comments, based on the information available to us at the time, were brief but indicated possible mitigation and opportunities for enhancement where possible. The comments on the sites in the update do not present potential mitigation measures. We therefore offer the following advice on the preferred sites:</p>	<p>Acknowledged that SNH offered environmental comments on the additional 19 post MIR sites.</p>
<p>Land at Niddry Mains House, Winchburgh (MIRQ 0159):</p> <p>The ‘Avoid adverse direct impact on species &c’ sub-objective is negative due to the requirement to take access to the proposed allocation through Beatlie Wood. There is no assessment of the potential for utilizing existing access to Niddry Mains House, which is shown as within the allocation in Map 2 of the Proposed Plan.</p> <p>There is also no assessment of alternative access options via adjacent CDA allocation H-WB3. Given Beatlie Wood’s role in setting of this part of Winchburgh, the emerging CDA development and as part of the wider green network, we would expect this assessment of options to address identified impacts. While there is no sub-objective specifically relating to movement and permeability, we would expect comments on the site to have identified a requirement to establish connections to the adjacent CDA allocations and to the existing and proposed town centre.</p>	<p>It is understood that the existing access to Niddry Mains House will remain private and consequently there will need to be a new access to the MIR Q 0159 development site to the east of the linear wood. However, through the master planning of the “CDA-NN” site it may be that development access can come from the east and avoid creating a new access through the woods.</p> <p>As above, the potential alternative access options would be considered at the more detailed master-plan stage. It</p>

	<p>may well be that there is no need to create an access through Beatlie Wood. However, if it transpires that a new access through the wood is required then a survey of the woodland would be required and in conjunction with required sightlines and layout of the development site, then the best location of the access would entail the minimum loss of trees, as has successfully occurred on similar circumstances at many enclosed wooded sites in Livingston e.g.; Rose Place, Eliburn and similarly at Old Wood Place, Eliburn.</p>
<p>Land south of Willowdean, Bridgend (MIRQ 0162): The assessment of the sub-objective 'Avoid AGLVs &c' identifies a negative impact for this site due to its partial position within the Bathgate Hills AGLV / cSLA. As with other sites within local landscape designations, mitigation should be based on the Management recommendations set out in the Local Landscape Designation Review report.</p>	<p>Acknowledged. However, the site allocation occurred after the Local Landscape Designation Review (LLDR) was completed. The LLDR notes for this area is not part of the Bathgate Hills candidate SLA and the north boundary line is drawn somewhat to the south along the Ochiltree ridge road.</p>
<p>Stonerigg Farm, Armadale (H AM 18): We have not previously commented on this site. The assessment of biodiversity sub-objectives seems reasonable, we are not aware of protected species or habitats of conservation interest on this site. There are no nationally designated sites on or adjacent to the site although we note that Black Moss proposed Local Biodiversity Site (LBS) lies north of the proposed allocation. It appears unlikely that the LBS would be affected by development on the site.</p> <p>While there is no sub-objective specifically relating to movement and permeability, we would expect comments on the site to have identified the existing path network which runs through this site and to propose mitigation in design of development and for disruption to use during construction.</p>	<p>This small site is related to previous planning approvals on the site of Stonerigg Farm on the south west edge of Armadale. The proposed Black Moss Local Biodiversity Site is some way to the north and separated by Wood Park that remains as protected open space as it operates as a Neighbourhood Park. Development on Stonerigg Farm would impact on neither the Moss, nor the public Park.</p> <p>Specific design details such as permeability and path connection in relation to the development site being adjacent to Wood Park can be considered at a planning application stage.</p>
<p>Ex-West Calder High School, Polbeth (MIRQ-LATE 2) The assessment of the 'Avoid causing significant effect on</p>	<p>Yes, it can be confirmed that the</p>

<p><i>designated &c sites'</i> sub-objective is negative. As there are no national designations on or adjacent to the potential allocation, we assume this refers to the Limefield Glen & Harwood Water to Gavieside Bridge proposed LBS.</p> <p>As there is a stand-off of around 100m between the allocation boundary and the proposed LBS boundary, it appears that these effects are either indirect or from predicted access to the proposed LBS. The identified effect and mitigation requirements arising from this effect are unclear at present.</p>	<p>Harwood Water / Limefield Glen pLBS is the site raised when considering the re-use of the former West Calder High School brownfield site that will be surplus after the replacement high school is built at Parkhead, West Calder. The pLBS is well over 100m from the edge of the new allocation. However, there is also the Tree Preservation Order on part of the wooded landscape around Limefield House. While any future development will be confined to the brownfield and playing field elements of the former school, likely effects are thought to be minor and relate to the impact of development of the boundary mature trees roots and canopies. This can be dealt with by detailed consideration at the planning application stage where the design of the layout would have a buffer from the edge of the existing woodland to the north and west.</p>
<p>Old Rows (Ex-Ritchie's Yard), Seafield (MIRQ-LATE 3)</p> <p>We have not previously commented on this site. The assessment of biodiversity sub-objectives seems reasonable, we are not aware of protected species or habitats of conservation interest on this site.</p>	<p>Acknowledged. This site is part of the redevelopment of a former builder yard that is located on the north west corner of Seafield Village. The adjacent small local park is protected open space that separates the site from the Easter Inch Moss & Seafield Law Local Nature Reserve, but it is over 250m from the site boundary and it is not considered that there will be any significant major environmental effects from redevelopment of the open yard as an urban infill site.</p>
<p>Mid Street, Bathgate (MIRQ-LATE 4) - No comment.</p>	<p>Acknowledged. This is a small urban infill site.</p>
<p>14-20 Glasgow Road, Bathgate (MIRQ-LATE 5) - No comment.</p>	<p>Acknowledged. This is a small urban infill site.</p>

<p>While the majority of the issues discussed above relate to local impacts, it is nevertheless unclear how these allocations have been assessed in an updated assessment of the overall development strategy. This includes the testing of issues as set out in Table 10 of the Environmental Report which accompanied the MIR. We support a proportionate approach to SEA but would expect a concise update of the ER to include an overview of the influence of changes to the spatial strategy. We would welcome a meeting with you and the other Consultation Authorities to discuss how this information could be presented.</p>	<p>It can be confirmed that the additional 19 sites, some of which were small scale, where judged to have very little effect on the wider 400plus employment, housing and mixed uses sites allocations and indeed only just over half (11) of the sites were judged suitable to progress to allocation in the Proposed Plan.</p> <p>Due to the timescales involved and the undertaking of a major SEA of over 400 sites, many rolled forward from the previous adopted West Lothian Local Plan (2009) that was exempt from the SEA process as it had been started and finalised before the Act came into operation, it was considered that a proportionate approach was necessary. Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p> <p>The Council will seek to organise a meeting with the other consultation authorities to consider this issue.</p>
<p>Scottish Environment Protection Agency (SEPA)</p>	
<p>SEPA have used our scoping consultation response to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the LDP itself will be provided separately.</p>	<p>Acknowledged and that additional comments on the actual LDP were received separately.</p>
<p>As the West Lothian LDP is finalised, West Lothian Council as Responsible Authority, will be required to take account of the</p>	<p>Noted. It is anticipated to adopt the Proposed plan in Winter</p>

<p>findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government SEA Guidance. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.</p>	<p>2016 / Spring 2017 and hence it is expected to publish and advertise a "SEA Compliance Statement" in early 2017 and forward it to the Scottish Government SEA Gateway as well as the three consultation authorities.</p>
<p>Appendix 1: Comments on the Environmental Report (ER)</p> <p><u>General comments</u></p> <p>The information provided to us with the Proposed Plan (PP) and the absence of an update on the MIR Environmental Report (ER1) made it very difficult to establish whether our previous comments have been taken into account.</p> <p>As mentioned in our separate PP response, we have also had difficulty assessing the information due to delays in obtaining robust Geographic Information System (G.I.S.) data.</p> <p>We are generally content with the environmental assessment submitted for the post-MIR sites in the West Lothian Proposed Plan (PP) Environmental Report (ER2). Our comments on the assessment of the policies have been largely taken into account in the PP (see our separate response to the PP) and we are generally content with this aspect of the assessment. We do however have concerns about the following aspects of the SEA:</p> <p>1) The environmental assessment in the MIR ER (ER1) has not been updated following comments from the Consultation Authorities (CAs) (see our response of the 9 October 2014 PCS/135578);</p> <p>The WL LDP ER2 paragraph 1.2.4 states: <i>'The ER was published but only a few minor comments were received and addressed in the council's responses to comments on the MIR. Whenever there is a requirement to update the ER, there will be further opportunities to comment on such revised assessments. A post-adoption statement under EASA will also be prepared</i></p>	<p>Due to the timescales involved and the undertaking of a major SEA of over 400 sites, many rolled forward from the previous adopted West Lothian Local Plan (2009) that was exempt from the SEA process as it had been started and finalised before the Act came into operation, it was considered that a proportionate approach was necessary. Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p> <p>The council accommodated GIS requests where possible. Some were received late in the process or were delayed due to other Planning Service work pressures.</p> <p>Acknowledged that SEPA are generally content with the Post-MIR sites environment assessment and that SEPA comments on policies have been accommodated.</p>

setting out the relationship between the ER and the WLLDP, and the influence of comments received during the public consultation stages’.

This paragraph refers to updating the ER but no opportunity has been presented to the CAs nor to the public to see an updated ER with revised assessments, only an assessment for new sites. As a minimum we would expect to see an assessment of the cumulative effects of the PP now that it includes new sites together with any related mitigation and enhancement measures.

2)The Environmental Report does not contain a Non-Technical Summary (NTS) which is a requirement of the [Environmental Assessment \(Scotland\) Act 2005](#) Schedule 3.

The NTS is a mandatory requirement of the ER. Its purpose is to make the assessment more understandable and accessible to the public and as such the absence of it may have prevented further comments being made on the SEA or the plan.

We would welcome the opportunity to meet with you and the other Consultation Authorities in order to address these issues. In the meantime we recommend that you consider preparing an addendum to the ER showing a) how the CAs comments from ER1 have been taken into account, b) how the additional sites assessed influenced the overall strategy and c) a NTS for the whole SEA, prior to the adoption of the LDP and prior to the submission of the Post Adoption Statement. The WLC should also consider whether it is necessary as a result of this to extend the current consultation to ensure that the revisions constitute part of the ER2 consultation.

We would recommend that the West Lothian Council (WLC) satisfy itself that the requirements of the Act and PAN1/2010 have been met.

The council welcomes the opportunity for further input from SEPA and the other two consulting authorities.

As the LDP progresses through the examination process towards adoption an update SEA will likely be required.

While it was an unfortunate oversight that a Non-Technical Summary was not included in the 727page Environment Report (ER), within the ER “Introduction” section 1.0, sub-section 1.4 has the heading “Summary of consultation authorities comments and Council responses”, was included but when the various components of the major report were collated this summary, which was intended to be the Non-Technical Summary was not included. Section 12 - Appendix 4 contains a detailed 17 page summary of the 3 Consultation Authorities Comments and WLC response. However, the fact remains that the detailed assessment of sites individually and cumulatively was undertaken and that any interested promoter is still able to identify their site within the ER and how it was addressed and considered under the SEA process.

Due to the expedited timeline to address the comments received on the Proposed Plan, it is not possible to extend the consultation period. Indeed SEPA comments were received on the final working day of the 6 week consultation period and hence it was not possible to assess this issue.

	<p>The Council is satisfied that it considered all the various environmental data and environmental issues relevant to over 440 allocated sites contained in the Main Issues Report and the Post-MIR Update but as a further check a combined list will be prepared of all the sites that the three consulting authorities raised comments and an indication on how these were considered within the Proposed Plan.</p>
<p><u>SEPA Detailed comments</u> Environmental Report 1 revisions</p> <p>We are disappointed to see that ER2 only presents assessment of the new sites and does not revisit the ER1 assessment. Whilst we agree with a proportionate approach, we consider that it is still important to ensure that the purpose and requirements of the Environmental Assessment (Scotland) Act 2005 are met.</p>	<p>The ER2 assessment does indeed follow the ER1 assessment but as stated above, the approach taken by the council is considered to be proportionate and within the scope of the legislation. It was not considered expedient to undertake a further full-blown re-run of the SEA process for less than 20 sites compared to over 420 that arose after the Main Issue Report period and that the council was indeed being proportionate as SEPA accept.</p>
<p>The comments we provided at MIR stage refer to the significance of the effects of the ER1 environmental assessment on the basis of information held by SEPA. We recommend that the assessment should therefore be revised in order to consider the effect of the new sites on the PP as a whole and to ensure that mitigations / enhancement measures are identified.</p>	<p>West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan (2009), there were no major significant environmental effects. The additional 19 sites, some of which were small scale, were judged to have very little effect on the wider 400plus employment, housing and mixed uses sites allocations and indeed only just over half (11) of the sites were judged suitable to progress to allocation in the</p>

	Proposed Plan.
<p>Please note that we have provided a comprehensive flood risk review of the preferred sites according to the new SEPA Flood Maps as part of our separate PP response.</p>	<p>Acknowledged. This updated flooding information, if necessary, will be translated into the relevant site specific delivery requirement schedules in Appendices 1 and 2 dealing with Employment and Housing sites respectively.</p> <p>The council advise the Reporter that if they were minded to support the changes sought by the consultation authorities, WLC would not object.</p>
<p>We remain unclear as to how the SEA informed the plan. We raised this issue in our previous response as comments submitted by SEPA (in respect to the water environment) on the call-for-sites did not appear to be considered in the ER1.</p>	<p>SEPA information related to the call for sites process was used to inform the SEA of all the 420 sites listed in ER 1. Many rolled forward from the previous adopted West Lothian Local Plan (2009) that was exempt from the SEA process as it had been started and finalised before the Act came into operation, it was considered that a proportionate approach was necessary. Indeed, West Lothian Council consider that given the level of development allocations assessed at the MIR stage along with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p>
<p>We therefore recommend that in preparing the addendum to the ER revisions to the site assessments with regard to flood risk and protection of the water environment as per our previous comments should be considered.</p>	<p>The council welcomes the opportunity for further input from SEPA and the other two consulting authorities. As the LDP progresses through the examination process towards adoption an update SEA will likely be required.</p> <p>The council advise the Reporter that if they were minded to</p>

	support the changes sought by the consultation authorities, WLC would not object.
Environmental Report 2: post-MIR sites assessment We welcome the submission of the environmental assessment for the 19 sites which were submitted to the West Lothian Council after the MIR consultation. We responded to the sites informal consultations, which were presented to us at different stages, with separate responses (e.g. April 2015 our ref: PCS/139345, May 2015, etc).	Acknowledged and SEPA comments were used to consider the adequacy of the Post MIR sites.
We welcome the WLC decision to group the sites into one assessment, submitted with the Proposed Plan Consultation, rather than submitting separate assessment for each consultation. We consider that most of our previous comments on the Plan have been largely taken into account, however we would bring the following to your attention:	Acknowledged
We would welcome clarification on the approach taken as we note that in some cases a developer requirement for a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) in the PP is mirrored by a positive effect in the assessment in one case and a negative effect in another case. For example, we note that a negative effect has been identified for flood risk on MIRQ 0159 (Land at Niddry Mains House, Winchburgh); while for site H-AM 18 (Stonerigg Farm, Armadale) the assessment shows positive effects. In our response of the 16 April 2015 (our ref: PCS/139345) we requested a Flood Risk Assessment (FRA) for several sites. We are content that for most cases the assessment shows a negative effects on flood risk for these sites, however for MIRQ0038 (1) - Hunter Road there is a positive effect which is incorrect.	This may have been a minor administrative error. The assessment was also informed by internal comments from colleagues within the Council's Operational Services Flood Risk Team. Noted. However, Hunter Road, Livingston is not a site that the council support.
In our April response we asked for a FRA for certain sites and therefore this could have been presented in the assessment as a mitigation measure.	Acknowledged.
Please see our separate response on the PP for details of which sites require revisions in terms of significant effects in relation to flood risk.	Acknowledged.
In addition, for MIRQ – LATE3 Old Rows (Ex-Ritchie's Yard) Seafield, the commentary mentions potential contaminated land issues related to raised ground but the scoring is positive for the soil objective.	Acknowledged. This was a minor administrative error but related more to the known asbestos on the sites buildings roofs, rather than the open yard area.
From ER 1 we understood that cumulative and synergistic effects were to be further expanded when the allocations are added to committed, but not yet developed, sites. This has not been covered in ER2 and we would therefore welcome	West Lothian Council consider that given the level of development allocations assessed at the MIR stage along

<p>consideration of this in an addendum. In particular we highlighted the need to consider how cumulative effects from different sites will impact on the nutrient issue related to the Linlithgow Loch.</p>	<p>with the roll forward of many of the undeveloped sites from the West Lothian Local Plan, there were no major significant environmental effects as the wider spatial strategy and its focus on Core Development Areas has not significantly changed but been updated with some minor extensions.</p> <p>In relation to Linlithgow Loch, a specific Supplementary Guidance Note is under preparation that will seek developer's contributions towards remedies to the nutrification of the loch. A Catchment Management Plan (CMP) has already been prepared. However, part of the problem stems from SEPA not classifying the Loch as a baseline water-body and consequently it cannot attract funding for the recommendations contained within the CMP. The council has also recently been involved in the high-level strategic summit about the environmental issues concerning the Loch that also involved SEPA, and politicians to try and move forward solutions to the long term nutrient problem on the Loch.</p>
Reporter's conclusions:	
Reporter's recommendations:	

Issue: 1L	Miscellaneous	
Development plan reference:	<p>Vision Statement and Aims (page 8)</p> <p>Policy EMP 3 – Employment development within settlement boundaries (page 15)</p> <p>Policy EMP 4 – Employment development outwith settlement boundaries (page 15)</p> <p>Policy EMP 8 – Tourism (page 18)</p> <p>Policy Tran 3 – Core Paths and Active Travel (page 37)</p> <p>The Union Canal (page 49, para 5.164-5.165)</p> <p>Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)</p> <p>Policy ENV 24 – Conservation Areas (Demolitions) (page 55)</p> <p>Policy ENV 28 – Listed Buildings (page 58)</p> <p>Policy ENV 34 – Art and Development (page 61)</p> <p>Air Quality and Noise (page 70, para 5.240-5.242)</p> <p>Policy EMG 4 – Air Quality (page 71)</p> <p>Policy MRW 3 – Impediments to Mineral Extraction (page 74)</p> <p>Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75)</p> <p>Residential Care and Supported Accommodation (para 5.76)</p> <p>Development Proposals by Settlement – Livingston Mixed use (page 90)</p> <p>Appendix 2 (page 119)</p> <p>H-EC 5 - Raw Holdings West (Remainder)</p> <p>H-LL 11 (Wilcoxholm Farm / Pilgrim Hill)</p> <p>H-LL 12 (Preston Farm)</p> <p>H-WB 17 (Site west of Niddry Castle)</p> <p>Appendix 4 (page 265)</p> <p>Appendix 6 (page 275)</p> <p>P-26 Mansefield Park</p> <p>P-28 St Paul's Primary School</p> <p>Additional Comments</p> <p>Proposals Map 2 – Areas of Special Protection Mapping Issues (general)</p> <p>Local Development Plan format</p>	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0351 (Virginia Sharp on behalf of Historic Environment Scotland)		

WL/LDP/PP/0361 (Michelle Heron on behalf of East Calder Community Council)
21905608-81f701a (Andrew McIntosh)
21903174-49ae9a7 (Ian Brownell)
21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)
21901313-d249beb (Lynda Thomas)
21800734-34593fb (Persimmon Homes)
21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)
21381621-7b44212 (Scott McInroy on behalf of Fife Council)
20999351-1fe9cb6 (Christine Hay)
21897700 D131008 (Kevin Treadwell)

Provision of the development Plan to which the issue relates:	Miscellaneous
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Planning authority's summary of the representation(s):

WL/LDP/PP/0351 (Virginia Sharp on behalf of Historic Environment Scotland)

General Comments

Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) have ceased to operate and have been replaced by a new organisation, Historic Environment Scotland (HES). This new organisation (which is a Non Departmental Public Body) was established by the Historic Environment Scotland Act 2014. In view of this, we recommend that where appropriate, references to Historic Scotland and RCAHMS in the Proposed Plan and supporting documents should be replaced by reference to Historic Environment Scotland.

Spatial Strategy

HES welcomes that the built heritage has been embedded within the vision statement for the Plan, and considers that this is a positive foundation for the understanding, protection and appreciation of the values and benefits of West Lothian's historic environment. Some of the proposed development sites have the potential for impacts on heritage assets within HES remit, however consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts.

The council's response to the spatial strategy is set out in a separate Schedule 4 number 1C.

Policy EMP 3 – Employment development within settlement boundaries (page 15)

Policy EMP 4 – Employment development outwith settlement boundaries (page 15)

Policy EMP 8 – Tourism (page 18)

The above policies include the wording '.....adversely impact on any special architectural, natural heritage designations or landscape interests'.

As many historic environment assets are not primarily considered to be 'architectural', we recommend altering the wording to better encompass the broad range of historic environment assets in West Lothian. For example, 'historic environment designations' or 'historic environment assets' could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.

Policy ENV 24 - Conservation Areas (Demolitions) (page 55)

Suggests some minor variations to wording.

The council's response to Policy ENV 24 is set out in a separate Schedule 4 number 26Ag.
Policy ENV 28 – Listed Buildings (page 58)

Suggests some minor variations to wording.

The council's response to Policy ENV 28 is set out in a separate Schedule 4 number 26Ah.

Policy MRW 3 – Impediments to Mineral Extraction (page 74)

Criteria g. of this policy refers to '*sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area*'.

By specifying some, but not all heritage designations, this criteria implies a lesser level of protection for those not included. In view of this, we recommend simply omitting reference to individual designation types. Alternatively, Inventory Designed Landscapes and Battlefields could be included in the criteria.

Site specific comments relating to site H-LL 11 and H-LL 12 are set out in Schedule 4 number 15A.
Site specific comments relating to site HWB 17 are set out in Schedule 4 number 24E.

Comments relating to the Environmental Report (SEA) are set out in Schedule 4 number 1K.

WL/LDP/PP/0361 (Michelle Heron on behalf of East Calder Community Council)

Infrastructure and Travel

A71 Corridor

More commitment required within the LDP to provide sustainable transport options in the East Calder area. Better bus provision. Better cycle connections along A71 especially towards Edinburgh. Better connections to rail stations and more car parking at Uphall Station.

The council's response to Infrastructure and Transport is set out in a separate Schedule 4 number 26V.

Residential Care and Supported Accommodation (page 29, para 5.76)

From the experience of the respondent, development thus far in the community at Seven Wells and Calderwood, the housing type and infrastructure makes no attempt to address the housing needs of an aging population. Additionally, detailed plans currently submitted by developers for the Raw Holdings development show multi story, family homes being proposed across the whole site. Many people in the village have lived here all their lives and now in their older years would like to remain in the village and move to smaller more easily accessible homes thus freeing up larger family properties. It would therefore seem appropriate to ensure that all new developments in an around East Calder include provision of this type.

Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)

In the absence of a masterplan for the Raw Holdings area of East Calder, it is very difficult to respond

specifically to potential changes to East Calder Park and the immediate surrounding area with related improvements. However, they believe that the area known locally as 'The Muddies' and the areas within Raw Holdings West which are used recreationally, should be covered by the policy 'ENV 21'.

The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

H-EC 5 Raw Holdings West (Remainder) (page 181)

There appears to be a discrepancy between the housing numbers stated for the Raw Holdings West area. The numbers, indicated on page 85 are correct, albeit, now out of date and therefore somewhat misleading. The numbers shown on page 181 do not appear to align to those on page 85 or any other combinations of approved applications.

Mansefield Park Extension

Page 86 of the LDP details 'Park improvements at 'The Muddies' in association with Calderwood CDA. The extension of Mansefield park is mentioned again on page 124 with the area being referred to as 'The Muddies'. The correct term for this area of ground is '**The Muddies**' and should therefore be amended on page 86.

21905608-81f701a (Andrew McIntosh)

NB The council's responses to the Linlithgow sites are set out in a separate Schedule 4 number 15A.

The consultation response portal is not user friendly - familiarisation with planning technical language does not make a citizen's genuine concerns easy to report.

21903174-49ae9a7 (Ian Brownell)

NB The council's responses to the Linlithgow sites are set out in a separate Schedule 4 number 15A.

The method of comment entry is dreadful. It feels like you have designed it to make it very difficult for anyone especially the non-PC savvy people to use.

When entering comments, they could only see one line at a time and were unable to review the comments made. Is there some good reason why this should be so difficult to use is this day of modern internet enabled communication.

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

The Community Council is sorry to note that no captions are provide for any of the pictures used to illustrate the draft document. Not only does this make the document less interesting to the reader but it leaves them uncertain as to whether the buildings or views shown are intended to be exemplars of good practice or poor. It is not even certain whether all the views shown are of West Lothian or whether many are simply stock commercial photographs. The Newton Community Council feels that an invaluable opportunity has been missed.

21901313-d249beb (Lynda Thomas)

NB The council's responses to Linlithgow sites are set out in a separate Schedule 4 number 15A.

The proposals map text is too small even when printed.

The respondent did not find using the online process easy to follow and was concerned that their views may not come across as strongly as they feel.

21800734-34593fb (Persimmon Homes)

Objects to site capacity at Raw Holdings. For site specific comments on site H-EC 5 see schedule 4 number 11A. For all other comments on the Calderwood CDA see Schedule 4 number s 11B and 11C.

P-26 Mansefield Park (page 276)

Seek additional clarification to the Proposal text which currently reads “Park improvements at ‘The Muddies’ in association with Calderwood CDA”.

This should be amended to read as follows “Park improvements at ‘The Muddies’ in association with Calderwood CDA. The developer providing the land for the Park extension to be reimbursed for the gifting of land by way of developer contributions from others”.

P-28 St Paul’s Primary School (page 276)

Seek additional clarification to the Proposal text which currently reads “School extension and new access (including land)”.

This should be amended to read as follows “School extension and new access (including land). Developer to be reimbursed for the gifting of land and works in kind by way of developer contributions from others”.

Proposals Map

Object to relative to East Calder, Kirknewton and Wilkieston with regards to the extent of Site Ref H-EC 5 Raw Holdings West (Remainder) which takes no account of the extent of the current planning application Ref: 0609/FUL/15. In this respect, Plan East Calder A (sent by e-mail under separate cover and referenced 34593fb) should be substituted directly for the East Calder, Kirknewton and Wilkieston inset.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Policy Tran 3 – Core Paths and Active Travel (page 37)

Support this policy on core paths and active travel. In addition, suggest that the policy framework should seek to ensure that infrastructure to encourage active travel should be in place in the early stages of developments, before the first unit is occupied. The infrastructure should include signage (including approximate time to travel) and street furniture.

Policies ENV 21 and ENV 22

Support these policies to protect existing open space, playing fields and sports facilities.

However suggest that these policies should be extended to ensure that developments also provide new areas of public open space, appropriate to the size of development, that are attractive, useable, include play equipment and are well located in the development to encourage regular use, have good lighting and low hedging to enabling people to feel safe.

The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

Policy ENV 34 – Art and Development (page 61)

Suggest that where possible public art should be developed in a way that involves the local community.

Policy EMG 4 – Air Quality (page 71)

Clarification is sought to what is meant by 'mitigate the adverse effects of development on air quality 'effectively'. Does this mean that mitigation measures must ensure air quality meets EU standards?

Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75)

Suggest that this policy on unconventional gas extraction should require environmental and health impact assessment of any application.

Appendix 4 (page 265)

Aware that West Lothian has Supplementary Planning guidance that requires Health Impact Assessment of developments that meet certain criteria. The respondent believes it is important that this guidance be applied and the findings used to inform planning decisions.

21381621-7b44212 (Scott McInroy on behalf of Fife Council)

Fife Council has no objection, in principle, to the proposed West Lothian Local Development Plan.

20999351-1fe9cb6 (Christine Hay)

The respondent could find no reference in the proposed plan to horse riding. There is no mention about the retention and/or upgrading of bridle paths in West Lothian. There are a number of horse owners and livery establishments to consider. This needs to be considered before finalisation and a section included with reference to horse riding.

Proposals Map 2 – Linlithgow and Broxburn Area

21897700 D131008 (Kevin Treadwell)

The respondent objects to the 'Areas of Special Protection' designation afforded to traditional miners row cottages) and seeks to have them reclassified as Conservation Areas given changes to house holder permitted development rights and the detrimental impact such works can have on the character of these properties.

Mapping Issues (general)

21870470 975ea2c (Mr Christopher Thomas)

Complains that the scale of the maps in the Proposed Plan is too small to clearly see the detail.

21518048 9fd6647 (Dr Tim Kempster)

Complains that the maps are not of sufficient detail to assess impact on adjacent housing and in some instances boundaries appear to go through existing properties.

Local Development Plan format**WL/LDP/PP/0214 and 21116167 568db87** (Colliers International on behalf of British Solar Renewables)

Planning Circular 6/2013: Development Planning directs LDPs to be “concise, map-based documents, making use of plain language and a range of graphical techniques to convey strategy and individual policies and proposals in an accessible way.” This is not considered to be the case in respect of West Lothian Council’s proposed Local Development Plan.

Modifications sought by those submitting representations:**WL/LDP/PP/0351** (Virginia Sharp on behalf of Historic Environment Scotland)Spatial Strategy

No modification proposed.

Policy EMP 3 – Employment development within settlement boundaries (page 15)

Policy EMP 4 – Employment development outwith settlement boundaries (page 15)

Policy EMP 8 – Tourism (page 18)

No specific modification requested in terms of the above policies but nevertheless invites the council to consider revisions to better encompass the broad range of historic environment assets in West Lothian. For example, ‘historic environment designations’ or ‘historic environment assets’ could be used, depending on whether you wish the policy to focus on designated assets or to include all heritage assets.

Policy MRW 3 – Impediments to Mineral Extraction (page 74)

Suggests simply omitting reference to individual designation types listed in Criteria g. Alternatively, Inventory Designed Landscapes and Battlefields could be included in this criteria.

WL/LDP/PP/0361 (Michelle Heron on behalf of East Calder Community Council)Infrastructure and TravelA71 Corridor

Residential Care and Supported Accommodation (page 29, para 5.76)

Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)

H-EC 5 Raw Holdings West (Remainder) (page 181)

No specified modification proposed.

P-26: Mansefield Park (page 86)

The correct term for this area of ground is **‘The Muddies’** and should therefore be amended on page 86.

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council) - No specific modification is proposed.

21800734-34593fb (Persimmon Homes)

The following modifications are proposed:

Development Proposals by Settlement – East Calder (page 85) H-EC 5 Raw Holdings (Remainder)

Capacity of this site should be modified from 410 units to 560 units

Appendix 2: Schedule of Housing Sites/Site Delivery Requirements – East Calder (page 181) H-EC 5 Raw Holdings West (Remainder)

Capacity of this site should be modified from 383 units to 560 units

In addition, a further line should be added under H-EC 5 entitled H-EC 5a entitled Raw Holdings (Remainder II) with a site size of 12 ha and a capacity of 300 units. This is to reflect additional land located within the CDA but outwith the application sites which could come forward in the longer term.

P-26 Mansefield Park (page 276)

The text (proposal column) should be amended to read as follows

“Park improvements at ‘The Muddies’ in association with Calderwood CDA. The developer providing the land for the Park extension to be reimbursed for the gifting of land by way of developer contributions from others”.

P-28 St Paul’s Primary School (page 276)

The text (proposal column) should be amended to read as follows

“School extension and new access (including land). Developer to be reimbursed for the gifting of land and works in kind by way of developer contributions from others”.

Proposals Map 5: Villages

Modification of the boundary housing allocation H-EC 5 is proposed.

The council’s responses to Raw Holdings/Calderwood are set out in a separate Schedule 4 numbers 11a, 11B 11C.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Policy Tran 3 – Core Paths and Active Travel (page 37) - No specific modification is proposed.

Policies ENV 21 and ENV 22 - No specific modification is proposed.

The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

Policy ENV 34 – Art and Development (page 61) - No specific modification is proposed.

Policy EMG 4 – Air Quality (page 71) - No specific modification is proposed.

Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75) - No specific modification is proposed.

Appendix 4 (page 265) - No specific modification is proposed.

21381621-7b44212 (Scott McInroy on behalf of Fife Council) - No specific modifications are proposed.

20999351-1fe9cb6 (Christine Hay) - A section to be included with reference to horse riding.

Proposals Map 2 – Linlithgow and Broxburn Area

21897700 D131008 (Kevin Treadwell)

Seeks to have traditional miners row cottages protected under a conservation area designation as opposed to the 'Area of Special Protection' designation identified in the Proposed Plan.

Mapping Issues (general)

21870470 975ea2c (Mr Christopher Thomas)

Seeks to have the maps made larger.

21518048 9fd6647 (Dr Tim Kempster)

No specific modification sought but it is assumed that the respondent would wish for the maps to be made larger.

Local Development Plan format

WL/LDP/PP/0214 and 21116167 568db87 (Colliers International on behalf of British Solar Renewables)

No specific modification sought. The respondent is clearly dissatisfied with the format of the Plan but does not indicate what revisions should/could be made.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0351 (Virginia Sharp on behalf of Historic Environment Scotland)

Spatial Strategy

The council notes the comments made, and no modifications are necessary

Policy EMP 3 – Employment development within settlement boundaries (page 15)

Policy EMP 4 – Employment development outwith settlement boundaries (page 15)

Policy EMP 8 – Tourism (page 18)

Policy MRW 3 – Impediments to Mineral Extraction (page 74)

The council notes the comments and suggested changes and would not object should the Reporter be minded to amend the above policies as set in this representation.

WL/LDP/PP/0361 (Michelle Heron on behalf of East Calder Community Council)

Infrastructure and Travel

A71 Corridor

Residential Care and Supported Accommodation (page 29, para 5.76)

Policy ENV 21 – Protection of Formal & Informal Open Space (page 54)

H-EC 5 Raw Holdings West (Remainder) (page 181)

Comments are noted.

Mansefield Park Extension

Comments are noted and the council would not object to the additional text.

Extension to St Paul's Primary School

Comments are noted and the council would not object to the additional text.

21905608-81f701a (Andrew McIntosh) - comments about the response portal are noted.

21903174-49ae9a7 (Ian Brownell) - comments about the response portal are noted.

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council) - comments about the content and layout of the draft document are noted.

21901313-d249beb (Lynda Thomas) - comments about the general approach to development in Linlithgow are noted and issues about the online submission portal.

21800734-34593fb (Persimmon Homes) - the council has carefully considered the reasons put forward in support of the proposed modifications but remains of the view that there is insufficient justification to modify housing allocation H-EC 5 and associated modifications to appendix 2 and proposal maps. The planning permissions would remain in place without the need to alter the allocation. The spatial strategy focuses on promoting development in the most sustainable locations, where its impact can be minimised and continues to support development within the previously established Core Development Areas and other strategic locations. For these reasons, the council does not agree to modify the plan in response to this representation. The council's responses to Raw Holdings/Calderwood are set out in a separate Schedule 4 numbers 11A, 11B, 11C.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Policy Tran 3 – Core Paths and Active Travel (page 37) - Comments are noted, however no

modification of the plan is proposed. However the council would not object if the policy was amended to this effect by the Reporter.

Policies ENV 21 and ENV 22 - Comments are noted, however no modification of the plan is proposed. However the council would not object if the policy was amended to this effect by the Reporter. The council's response to policy ENV 21 is set out in a separate Schedule 4 number 26F.

Policy ENV 34 – Art and Development (page 61) - Comments are noted, however no modification of the plan is proposed. However the council would not object if the policy was amended to this effect by the Reporter.

Policy EMG 4 – Air Quality (page 71) – comments are noted, however, the council does not agree that clarification is required and does not propose to alter the terms of the policy.

Policy MRW 5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking)) (page 75) - Comments are noted, however no modification of the plan is proposed.

Appendix 4 (page 265) - Comments are noted, however no modification of the plan is proposed.

21381621-7b44212 (Scott McInroy on behalf of Fife Council) - comments are noted and no modification of the plan is proposed.

20999351-1fe9cb6 (Christine Hay) – section 5.108 – 5.112 of the LDP relate to how people move around West Lothian as part of their daily routine. Reference in this part of the LDP to horse riding is not considered to be appropriate as a result as horse riding is seen as more of a leisure activity. The council does not propose to modify the plan in respect of this submission.

Proposals Map 2 – Linlithgow and Broxburn Area

21897700 D131008 (Kevin Treadwell)

The council does not consider the shale miners rows to fully merit designation conservation area designation as there have unfortunately been too many cumulative alterations and extensions over the years. The council has however undertaken to review the areas of special control designation with a view to determining whether their status should be changed. The opportunity will also be taken to update planning guidance on shale miners rows.

Mapping Issues (general)

21870470 975ea2c (Mr Christopher Thomas)

The maps have been produced to a scale which is not dissimilar to the current West Lothian Local Plan and other comparable Local Development Plans across Scotland and which have not given rise to any significant issues. It is also worth noting that when viewed electronically, the resolution of the maps can be easily manipulated to suit the needs of the viewer.

21518048 9fd6647 (Dr Tim Kempster)

The maps have been produced to a scale which is not dissimilar to the current West Lothian Local Plan and other comparable Local Development Plans across Scotland and which have not given rise to any significant issues. It is also worth noting that when viewed electronically, the resolution of the

maps can be easily manipulated to suit the needs of the viewer.

The council has sought to ensure that boundaries and such like are rational and sensibly plotted but it is sometimes the case that they are distorted by the cartographic process when the resolution is changed for printing. While every effort has been made to address this, it cannot be completely eliminated.

Local Development Plan format

WL/LDP/PP/0214 and 21116167 568db87 (Colliers International on behalf of British Solar Renewables)

The council has endeavoured to make the document as accessible and as legible as possible and has sought to use Plain English throughout. Documents of this nature are a fusion of text and graphics and it will be appreciated that it is difficult to strike the right balance. The council does however welcome constructive criticism and will use this to inform future documents.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 1M	Appendices to the LDP	
Development plan reference:	Appendices 1, 2 and 4	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0236 (Scottish Government - Development Plan Team) WL/LDP/PP/0238 (Scottish Natural Heritage) WL/LDP/PP/0250 and 21872446-ace48d2 (Neil Gray on behalf of St Francis Group Ltd) WL/LDP/PP/0409 (Scottish Water) 21689834-585a0d6 (Janet Wigham) 21591616-a6b8d7b (Jennifer Martin) 21887865-b3552bd (Jennifer Martin)</p>		
Provision of the development Plan to which the issue relates:	Appendix 1 (page 99), Appendix 2 (page 119) and Appendix 4 (page 265)	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0236 (Scottish Government - Development Plan Team) Notes that information about development contribution requirements is contained in various locations in the plan (policies, supplementary text, Appendix 2, the action programme and supplementary guidance) and identifies a requirement for improved cross referencing regarding developer contributions. Seek a change to Appendix 2 in relation to references to supplementary guidance and to ensure compliance with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.</p> <p>Suggests that it is not clear how the infrastructure requirements, particularly those relating to education, cemetery provision and education, have been arrived at, nor is there any explanation how the improvements are to be funded. Suggests that clearer justification is either provided in the plan or readers directed to where information is available and which also justifies the contributions required in the context of Circular 3/2012 if Section 75 Agreements are to be used.</p> <p>Suggests consideration be given to a change to text in Appendix 4 to reflect that where reference is made to Planning Guidance for topics relating to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy' these should be referenced as Supplementary Guidance as these documents propose to cover details of infrastructure requirements and specific/principles of developer contributions which would be subject to consultation, as is required by legislation for supplementary guidance.</p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage) Seeks deletion of references in Appendix 2 directing developers to "Liaise with SNH to ensure all protocols are observed" and suggest that reference should be made instead to Planning Guidance (Planning for Nature: Development Management & Wildlife). Also advise that SNH will advise on habitats, species and landscape assessment for sites where EIA is required as detailed in its Service Statement for Planning and Development and that in other circumstances the standing guidance on SNH website should be used. Advise that Appendix 2 includes very little detail on active travel and</p>		

that clearer direction on active travel should be set out in Appendix 2 to provide greater certainty to developers.

WL/LDP/PP/0409 (Scottish Water)

Comment in relation to Appendix 2 and advise that where there is limited or insufficient capacity at works, Scottish Water will provide available capacity; actively encourage pre-application discussions in line with Planning Advice Note 79 (PAN 79); advise that insufficient capacity should not be seen as a barrier to development and reference it's the 5 Growth Criteria which developers will have to demonstrate compliance with to enable Scottish Water to provide the quantum to deliver available capacity to enable the development to proceed; advise of commitment to enable sustainable economic growth within Scotland and will continue to work with West Lothian Council and other stakeholders to outline where there is spare capacity within their network, and allow development to occur in areas where need to upgrade plant is minimal thus helping to reduce developer costs.

WL/LDP/PP/0250 and **21872446-ace48d2** (Neil Gray on behalf of St Francis Group Ltd)

Advises of an over-supply of employment land as set out in Appendix 1, Employment Land (page 99) in the Kirkton Campus area; the quality and planning restrictions make the re-allocation of employment sites in the replacement plan difficult to understand.

21689834-585a0d6 (Janet Wigham) advises of errors in Appendix 2 in relation to catchment schools for proposed housing sites H-LL 7 (Clarendon House), H-LL 10 (Clarendon House) and H-LL 11 (Wilcoxholm/Pilgrims Hill).

21591616-a6b8d7b (Jennifer Martin) - advises of errors in Appendix 2 in relation to catchment schools for proposed housing sites H-LL 3 (Boghall East), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm).

21887865-b3552bd (Jennifer Martin) advises of errors in Appendix 2 in relation to catchment schools for proposed housing sites : H-LL 3 (Boghall East), H-LL 4 (Manse Road) , H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill).

Modifications sought by those submitting representations:

WL/LDP/PP/0236 (Scottish Government - Development Plan Team)

Amend third bullet point of Appendix 2 (page 119) to explicitly identify which SG should be accorded with and at the same time ensure that the connection to the supplementary guidance within the plan is compliant with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008. Include clearer justification either in the plan, or signposts provided to where information is available which justifies the contributions required.

Change Appendix 4 in relation to Supplementary Guidance and Planning Guidance to reflect that some of these documents propose to cover details of infrastructure requirements and specific/principles of developer contributions, which would be appropriate for public consultation, as is required by legislation for supplementary guidance. 'Planning Guidance' is proposed for topics in relation to 'Developer Contributions for General Infrastructure for Site Delivery' and 'Education Strategy'. Consideration should be given to these being 'Supplementary Guidance'.

WL/LDP/PP/0238 (Scottish Natural Heritage) - seek deletion of references in Appendix 2 directing developers to "Liaise with SNH to ensure all protocols are observed" and suggest that reference should be made instead to Planning Guidance (Planning for Nature: Development Management & Wildlife; amend Appendix 2 to provide detail on strategic routes and meeting travel demands in new development requires expansion.

WL/LDP/PP/0409 (Scottish Water)

Add reference to reflect that Scottish Water can support development even where there are capacity restrictions.

WL/LDP/PP/0250 and **21872446-ace48d2** (Neil Gray on behalf of St Francis Group Ltd)

Remove reference to land at Simpson Parkway, Kirkton Campus, Livingston form employment land allocations and Appendix 1 as a result.

21689834-585a0d6 (Janet Wigham)

Seeks correction to Appendix 2 in relation to catchment schools for proposed housing sites H-LL 7 (Clarendon House), H-LL 10 (Clarendon House) and H-LL 11 (Wilcoxholm/Pilgrims Hill), should the sites continue to be allocated for housing development.

21591616-a6b8d7b (Jennifer Martin)

Seeks correction to Appendix 2 in relation to catchment schools for proposed housing sites H-LL 3 (Boghall East), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm), should the sites continue to be allocated for housing development.

21887865-b3552bd (Jennifer Martin)

Seeks correction to Appendix 2 in relation to catchment schools for proposed housing sites a H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm Farm/Pilgrims Hill) should the sites continue to be allocated for housing development.

Summary of responses (including reasons) by planning authority:**WL/LDP/PP/0236** (Scottish Government - Development Plan Team)

Appendix 2 sets out the broad types of development and locations where developer contributions are sought. The proposed LDP makes it clear that, in a climate of diminished resources in both the public and private sectors, there will be an imperative to exploit a number of mechanisms to assist in delivery of infrastructure (policy CDA 1 page 26, paragraphs paras 5.78-5.84 and policy INF1). The council acknowledges however, that references to developer contributions and where these would apply are contained elsewhere in throughout the LDP. To avoid confusion, the council is supportive of the proposed change to Appendices 2 and 4 to ensure compliance with the requirements of Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and as such would not take issue should the Reporter be minded to change the LDP in this regard. However, the council does not propose to amend the third bullet of Appendix 2 as the council considers that this bullet point is self-explanatory. See also Schedule 4 number 1F in relation to developer contributions.

WL/LDP/PP/0238 (Scottish Natural Heritage)

The council would support the amendment of text at Appendix 2 to delete "Liaise with SNH to ensure all protocols are observed" and replace with reference to Planning Guidance (Planning for Nature: Development Management & Wildlife. Planning Guidance on active Travel was approved by the Council Executive on 26 April 2016 (CDX)). The guidance is a material consideration in consideration of planning applications. The council proposes to amend Appendix 2 to include an overarching reference to the Active Travel Plan.

WL/LDP/PP/0409 (Scottish Water)

The council notes that Scottish Water can support development even where there are capacity restrictions and would be willing to add this as a footnote to both Appendix One and Two for

clarification, should the reporter be so minded to support these amendments. The text at Appendix 1 and Appendix 2 would advise that lack of capacity at Scottish Water plant does not necessarily prohibit development and that Scottish Water would seek to work with developers and the council to address requirements.

WL/LDP/PP/0250 and 21872446-ace48d2 (Neil Gray on behalf of St Francis Group Ltd)

Appendix 1 – Employment Land (page 99), the council considers that it has sufficient and adequate employment land allocated in the plan and does not propose to change the LDP to reflect the terms of this submission. The council's response to the allocation of land at Simpson Parkway is set out in Schedule 4 number 16K.

21689834-585a0d6 (Janet Wigham)

The council accepts that drafting errors have been made in relation to catchment schools for sites H-LL 7 (Clarendon House), H-LL 10 (Clarendon House) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and will amend Appendix 2 to correct these errors. See also Schedule 4 number 15 A.

21591616-a6b8d7b (Jennifer Martin)

The council accepts that drafting errors have been made in relation to catchment schools for proposed housing sites H-LL 3 (Boghall East), H-LL 5 (Falkirk Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm/Pilgrims Hill) and H-LL 12 (Preston Farm) and will amend Appendix 2 to correct these errors. See also Schedule 4 number 15 A.

21887865-b3552bd (Jennifer Martin)

The council accepts that drafting errors have been made in relation to catchment schools for proposed housing sites a H-LL 3 (Boghall East), H-LL 4 (Manse Road), H-LL 7 (Clarendon House), H-LL 10 (Clarendon Farm) and H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill) and will amend Appendix 2 to correct these errors. See also Schedule 4 number 15 A.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 10	Climate Change & Renewable Energy	
Development plan reference:	Policies NRG 1, NRG 2, NRG 3, NRG 4 & NRG 5.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)</p> <p>21863501-0bd8a41 (Ian Findlay on behalf of FEDS)</p> <p>21716219-1b06374 (Andrew Dodds)</p> <p>WL/LDP/PP/0243 (SEPA)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 5 – The Spatial Strategy (Including Policy Framework)</p> <p>Climate Change & Renewable Energy</p> <p>Climate Change Measures (Pages 62-63, paragraphs 5.209- 5.214)</p> <p>Low Carbon development and Renewable Energy (Pages 63-65, paragraphs 5.215-5.225)</p> <p>Policy NRG 1 - Climate Change and Sustainability</p> <p>Policy NRG 2 - Solar Roof Capacity Requirements</p> <p>Policy NRG 3 - Wind Energy Development</p> <p>Policy NRG 4 - Other Renewable Energy Technologies</p> <p>Policy NRG 5 - Energy and Heat Networks</p>	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)</p> <p>The respondent references the Strategic Development Plan (SDP) (CDX) to note that there is a need to derive a higher proportion of heating and energy requirements from renewable sources and to reduce overall energy consumption. The council is reminded of its obligations under SDP Policy 10 which directs that “Local Development Plans should promote the use of renewable energy proposals that aim to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks”.</p> <p>It is noted the Policy NRG 1 - Climate Change and Stability, aims to present a set of overarching principles to reduce greenhouse gas emissions and mitigate and adapt to climate change, and while this aim is supported, it is considered that in light of the provisions of the SDP, the aims and objectives of the Proposed Plan could be more ambitious and seek greater use of renewable energy technologies across West Lothian.</p> <p>It is noted that the council has prepared a <i>Climate Change Strategy 2015-2020 to identify the key areas that need to be addressed to meet the challenges of climate change and a Carbon Management Plan</i>, but regrets that these are not available for comment at this time. Similarly, it notes and welcomes the council’s intention to prepare non statutory supplementary guidance in respect of renewables but considers that it would have been preferable to have had the PG published alongside the Proposed Plan. The respondents express a wish to engage with the council</p>		

in the preparation of this guidance.

In so far as Policy NRG 5 - Energy and Heat Networks is concerned, the respondents support the principle of energy and heat networks, however, advises the council that when using this policy going forward it must be mindful that such schemes carry a degree of commercial risk and are not always a viable development option.

Addressing the subject of Low Carbon Development and Renewable Energy, reference is made to Scottish Planning Policy (SPP, 2014) (CDX) which calls on local authorities, when preparing Development Plans, to *“ensure an area’s full potential for electricity and heat from renewable sources is achieved...”* (para 155) Local Development Plans should, specifically, *“support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area.”*

Notes that paragraph 5.216 of the Proposed Plan encourages the decentralisation of energy production and this is strongly supported. However, finds it regrettable that this sentiment is not fully integrated into either of the two renewable energy policies set out in the Proposed Plan.

The council is reminded that the National Planning Framework 3 (NPF3) (CDX) SPP 2014 share a single vision for the planning system in Scotland in relation to climate change - a low carbon place whereby the aim to reduce carbon emissions and adapting to climate change. (SPP 2014, para 16)

With regard to Policy NRG 4 - Other Renewable Energy Technologies, it is noted that this provides general support for development of renewable energy schemes in principle, however the wording of the policy is considered vague and it is suggested that it requires overall strengthening if it is to be taken forward in the LDP.

While SPP 2014 does not directly consider solar installations, it does require Development Plans to identify the capacity of an area for accommodating renewable energy projects of a range of scales (SPP 2014 para 167). In addition, the SPP 2014 sets out considerations which may be included when considering energy infrastructure development proposals. In this sense, SPP 2014 is wholly supportive of the installation and development of renewable energy technologies and encourages a mix of renewable energy technologies across all local authority areas and this has to a degree been assimilated into the Proposed Plan.

Policy NRG 2 - Solar Roof Capacity Requirements - which calls for all new residential, commercial and industrial buildings to have a minimum installed solar roof capacity requirement, is supported. However, the respondents are strongly of the opinion that renewable energy generation should not be viewed in isolation. The Policy, to a degree, plays with the issue ...the council should be mindful that integrated renewable systems are the best way forward to achieving their renewable energy goals. Roof generation can be problematic in so far as there are known issues with quality of product, warranty and repairs/refitting. The Proposed Plan fails to make use of the opportunities the Plan presents in respect of renewable energy generation. It is the case that embedded energy must feature in the development sites like “Heartlands”, other strategic allocations and the Core Development Areas of West Lothian. Solar energy parks and energy savings designed into new buildings from the outset is a proven and efficient way in which to support and grow a low carbon environment.

At “Heartlands”, the respondents aim to utilise and design-in as much renewable energy as possible, for the good of all concerned who live, work and do business in the area, including;

- a 100MW solar park and will produce energy to support the business and industrial

occupiers and others;

- an energy from waste facility could supply heating direct to business users; and
- hydro schemes on site could utilise the sites mining history to add to the energy mix on site.

The emerging LDP policy should therefore be strengthened to drive such an approach on other development sites across the Plan area.

Taken alongside Policy NRG1, it is considered that the Proposed Plan largely focuses on building-related renewables infrastructure. The Proposed Plan provides nothing in the way of support for ground-mounted solar arrays as a means by which the targets, aims and ambitions of the Climate Change (Scotland) Act 2009, (CDX), NPF3 and SPP 2014 can be met. This approach is flawed and the council should revise the Plan to address this matter. This would assist in meeting the council's key aim of *"help to achieve climate change objectives by minimising the area's carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures."* (Proposed Plan, pages 5-6).

In the absence of any policy inclusion within the Proposed Plan at this stage, it is suggested that the council considers the inclusion of some policy reference to solar arrays in line with the SAS. Indeed, in the drafting of such policy the SAS urges local authorities to:

- ensure that policies for large arrays of PVs cover landscape, urban design, land use, biodiversity, aviation, access, grid, security fencing and decommissioning issues; and
- ensure that design policies, particularly in urban areas, encourage applicants to explore possibilities for large arrays of elevational PVs.

Typical planning considerations as set out in the SAS include:

- landscape/visual impact
- ecological impacts
- archaeology
- impact on communities
- glint and glare impacts
- aviation matters
- decommissioning

To create the correct policy framework for the growth of renewable technologies across West Lothian during the duration of the LDP, a policy should be included in the Plan at this stage, reflecting those matters highlighted above. The respondents, as leading developers of solar energy schemes, and have indicated a willingness to engage with and advise the council on such matters.

21863501-0bd8a41 (Ian Findlay on behalf of FEDS)

Queries the meaning, in practical terms, of the statement on page 9 titled 'Climate Change and Renewable Energy'. Suggests that the Proposed Plan is missing an opportunity if this is low on the vision agenda. Believes that West Lothian should be making a statement here and targeting being the best Scottish region in developing performing low carbon developments or risk being left behind.

References Low Carbon Development and Renewable Energy (page 63, paragraphs 5.215- 5.221) and links this to the respondents' promotion of a development site at Oakbank by East Calder (which is addressed in a separate Schedule 4 (11E)). States the design of low and zero carbon homes is a fundamental element of the Oakbank Regeneration Project that aims to design and build a low carbon community on a brownfield site which historically has damaged the environment. Advises that the respondents have commissioned sustainability consultants to help deliver this vision and also show how the damage done in the past can be counterbalanced and believes that this approach is a massive opportunity for West Lothian.

Again referencing the Oakbank Regeneration Project, and in the context of Energy and Heat Networks (page 66, paragraphs 5.226 - 5.229), it is stated that this will deliver a low/zero or potentially carbon plus development. District heating and networked solar technologies will play a part in this energy mix and it is the respondents view the typical developer is unlikely to offer anything other than a token gesture in response to this policy.

Anticipates the publication of planning guidance and welcomes the fact that the subject of renewables is to be addressed.

21716219-1b06374 (Andrew Dodds)

Comments are restricted to the subject of Off-gas Grid Areas and Renewable Heat Requirement for New-build Housing (page 67, paragraphs 5.230 - 5.232)

Questions why biomass/wood burning boilers are being mandated for new builds in the countryside in preference to LPG and challenges this by reference to a number of studies which suggest that:

1. They will not reduce CO² output over the next 40 years during the growth period of the replacement replanted trees;
2. They are not carbon neutral when the cost (fossil fuel) of harvesting, preparation and transportation are included;
3. There are potential health implications particularly in small communities with high percentage of wood burning boiler penetration and
4. Particulates, Irritant compounds, Polycyclic Aromatic Hydrocarbons, Volatile Organic compounds and Dioxins are all present in the smoke.

WL/LDP/PP/0243 (SEPA)

Policy NRG 1 – Climate Change and Sustainability (page 63) - SEPA notes and supports the Council's overarching policy in respect of climate change and sustainability which will be promoted by way of several policies within the Proposed Plan.

Policy NRG 3 – Wind Energy Development (page 65) - SEPA note that the policy directs developers to the Supplementary Planning Guidance (SPG) Wind Energy whereby *'the council supports the development of wind energy schemes in principle....wind energy proposals will be assessed against the detailed spatial framework and the criteria set out in SPG'*. Further, the policy states that *'development will be supported where it can be satisfactorily demonstrated that proposals will not individually or cumulatively have a significant adverse impact on local communities, natural environment, public safety and economy'*. SEPA understand that the SPG will not be adopted by the Council prior to the end of the consultation period for the LDP. SEPA commented on the draft SPG in July 2013 and at that point highlighted a number of concerns on the wording it contained. SEPA notes that that some of the issues highlighted in their response have been addressed by way of policy coverage in the LDP (for example, the protection of Groundwater Dependent Terrestrial Ecosystems and the avoidance of development on deep peat). Whilst SEPA support the overarching aim within the policy that wind energy development will only be supported where it is demonstrated that individually or cumulatively there will be no adverse impact on the natural environment, SEPA reserves their position on this aspect of the proposed plan until the SPG is published later this year.

Policy NRG 5 –Energy and Heat Networks (page 65) - SEPA support the inclusion of this policy which aims to ensure that West Lothian's greenhouse gas emissions are mitigated by the use of district heating schemes where technically feasible. SEPA welcomes the Council's commitment to the preparation of a Heat Map. SEPA also support the final paragraph of the policy which encourages developers of substantial new development to consider the use of community energy networks in their development. Furthermore, SEPA support the section of the policy which states that where an existing local energy network is established, developments will be expected to connect to it, if this is

technically feasible. Finally, with regard to new developments in proximity to existing or proposed heat networks, SEPA supports paragraph 3 of the policy which states that new development in areas identified as appropriate for district heating, or where a district heating network exists or is planned, will require to include infrastructure for connection to these networks.

Modifications sought by those submitting representations:

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

With regard to Policy NRG 4 - Other Renewable Energy Technologies - the respondents seek an overall strengthening of the policy but have not indicated in what way. It is also claimed that the Proposed Plan fails to make use of the opportunities the Plan presents in respect of renewable energy generation and should seek to make greater use of renewable energy technologies across West Lothian.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)

The respondents support for the LDPs recognition of decentralisation of energy production is welcomed.

The last paragraph of Policy NRG 1 - Climate Change and Sustainability - states that, *"the council will expect development proposals to have regard to the above principles (i.e. set out in the policy) and further detailed policy throughout the LDP for reducing climate change and increasing sustainability"*; further reinforces the council's support and addresses the respondents issue about SPP 2014 & NPF 3 having a single vision for the planning system to create *"a low carbon place whereby the aim to reduce carbon emissions and adapting to climate change."*

The respondents themselves point out the Plan is *"supportive of the installation and development of renewable energy technologies and encourages a mix of renewable energy technologies"*.

The council refutes the suggestion that the Proposed Plan fails on renewable energy generation, and points to paragraph 5.4 where it states;

"To meet the requirements for West Lothian set out in the SDP, there is a need to ensure the delivery of development land allocations in the right places to provide for community needs whilst protecting the built and natural heritage for future generations. The LDP spatial strategy seeks to deliver sustainable development by continuing to support the previously established CDA allocations at..... together with the strategic allocation at Heartlands, Whitburn."

Building standards also ensure that all new properties meet required Energy Efficiency standards.

Policy NRG 1 - Climate Change and Sustainability – actively encourages sustainable low carbon development.

It is acknowledged that Policy NRG 2 - Solar Roof Capacity Requirements - focuses on building-related renewables infrastructure rather than solar farms, but to date, this has not been a significant issue in east central Scotland. As the council have not been presented with any viable solar proposals, no comprehensive survey has been undertaken to identify suitable areas.

Policy NRG 4 - Other Renewable Energy Technologies - indicates that *"development will be supported where it can be satisfactorily demonstrated that proposals will not individually or cumulatively have a significant adverse impact on local communities, the natural and historic environment, public safety and the economy of the local area"*.

The respondents suggest that roof mounted generation can be “problematic” but do not present any evidence or elaborate. The council’s own experience suggests they are instead low maintenance and generally reliable. Building mounted renewables are a very visual and a direct way of raising awareness of low carbon technologies and provide direct benefits to householders.

The council are aware of the general desire of the respondents to develop a solar farm in the area south of Whitburn and are agreeable to discussing further details. The technology, together with related technology, such as battery storage, continues to develop and it is important that the plan takes a supportive, and flexible approach to allow support for the technology as it develops.

The proposal for *“a 100MW solar park and will produce energy to support the business and industrial occupiers and others”* at Heartlands is an interesting and could potentially be an alternative to the commercial requirements in NRG 2. However, no benefit to householders is mentioned.

Proposals for a solar farm at “Heartlands”, would be considered against policy NRG 4 and the other related policies mentioned within it. Indeed, they cover the majority of the points listed by the consultants in relation to *“typical planning considerations as set out in the SAS”*. Consequently, it is not considered necessary to include a new specific policy to address solar arrays in the LDP.

Wider proposals for integrated, or embedded energy, would be welcomed.

With Policy NRG 1, while this is wide ranging policy that could cover e.g.; solar farm installations, this aspect is covered by Policy NRG 4 which covers some of the issues that would relate to the development of a solar farm.

In relation to commented about, *“The emerging LDP policy should be strengthened to drive such an approach on other development sites across the Plan area”*, NRG 5 covers energy and heat networks and is generally encouraging of these proposals to come forward from developers.

21863501-0bd8a41 (Ian Findlay on behalf of FEDS)

The respondent makes a statement about the LDP Aims when referring to Climate Change & Renewables and that it is “not clear”. Tackling Climate Change is a key part of national and local planning policies, but there are also numerous other central and local government policy levers involved in Climate Change.

The Proposed Plan’s asserted aim is to *“Help achieve climate change objectives by minimising the area’s carbon footprint through promoting development in sustainable locations and supporting mitigation and adaptation measures*, is clear in that the council wish to locate development in areas close to public transport routes such as rail and bus, re-use brownfield land and not new greenfield sites and be close to existing services like schools and shops. This reduction in the need to travel to access these services will reduce carbon emissions in West Lothian. Other aspects of reducing carbon emissions include mitigation measures such as introducing SUD schemes as part of developments and adaption measure such as planting more shelter belt boundary woodland around a site.

A separate Schedule 4 (**11E**) addresses site specific issues relative to the proposed Oakbank Regeneration scheme by East Calder.

21716219-1b06374 (Andrew Dodds)

Regarding the points raised in relation to Biomass / Wood burning boilers, it is the case that because LPG is a carbon based fuel the council is trying to encourage developers to move away from carbon

based fuels to renewable or low-carbon sources. The use of heat pumps is also mentioned alongside biomass in the LDP.

The council is looking to encourage uptake by implementing these technologies in our own buildings. For example, there is no natural gas connection at Westfield Village and the Primary School was previously heated using fuel oil. The council has now replaced the existing system with a biomass plant leading to significant carbon savings.

In response to the points raised, the following responses are offered:-

1. there are sustainability requirements as part of the Renewable Heat Incentive that requires that wood fuel supplies must come from sustainable sources;
2. Government emissions factors for biomass are significantly lower than those for LPG and natural gas (0.0132kgco²/kWh compared to 0.214 and 0.184 respectively). While the percentage of carbon related to processing and transportation is low, local suppliers help reduce emissions by lowering the carbon impact of transportation;
3. the implementation of Biomass boilers is controlled where there are Air Quality Management Areas or smoke control zones; and
4. with an efficient system with good quality fuel, these particulates should be at a minimum but it should be noted that some would also be present in carbon fuelled systems or vehicle emissions.

Policy NRG 4 is considered to be fully acceptable and no modifications are proposed.

WL/LDP/PP/0243 (SEPA) – comments noted.

Reporter's conclusions:
Reporter's recommendations:

Issue: 1P	Economic Development Strategy	
Development plan reference:	Economic Development and Growth	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0236 (Scottish Government - Development Plan Team)</p> <p>21908005-dbc948c (Robert French on behalf of Clyde, Deveron, Annan Land Services)</p> <p>21902291- 41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)</p> <p>21872215-270903f (Rapleys on behalf of BBizspace Limited)</p> <p>21871541-ff7b3a (Sandra Hebenton on behalf ofNetwork Rail)</p> <p>21772260be38d90 (Peter Allan for Aithrie Estates and the Hopetoun Estate Trust)</p> <p>21768463-17de3f9 (MacGarvie and Co Ltd for Uphall Estates Ltd)</p> <p>21543061-cdb46ce (Eileen McGhee)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy (Including Policy Framework) Economic Development & Growth (Pages 12-13, paragraphs 5.11- 5.22)	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0236 (Scottish Government - Development Plan Team)</p> <p>Suggests the Proposed Plan should support opportunities for integrating efficient energy and waste innovations within business environments to accord with paragraph 96 of Scottish Planning Policy 2014, which refers <i>“Development plans should support opportunities for integrating energy efficient waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilities co-location, as set out in paragraph 179.”</i> (CDX)</p> <p>21908005-dbc948c (Robert French on behalf of Clyde, Deveron, Annan Land Services)</p> <p>States that the element of economic growth has failed to address sustaining the less able communities and is well highlighted in Blackridge which has benefitted from a substantial housing allocation but which has in turn failed to be built. The conclusion should be that the village requires inward investment in terms of employment opportunities and the local plan has failed badly in that respect.</p> <p>21902291- 41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)</p> <p>Newton Community Council is highly supportive of both the broad strategy of the Plan that envisages moderate housing and commercial allocations constraints to favoured growth corridors and of the detailed policies. It does however note that there appears to be a contradiction between sections which state that West Lothian’s population growth has been concentrated among the elderly (para 5.76), and others stating that population growth has been mainly among the young (para 5.11).</p> <p>21871541-ff7b3a - (Sandra Hebenton on behalf of Network Rail)</p> <p>Notes that one of the key aims of the Plan is to <i>‘Ensure that all essential infrastructure and facilities are provided to support population and economic growth and where appropriate, secure proportional developer contributions to facilitate the delivery of such provision. It is important to note that without the necessary infrastructure requirements having been satisfactorily addressed the</i></p>		

council will be unable to support development proposals.'

Where growth areas or significant housing allocations are identified close to existing rail infrastructure it is considered essential that the potential impacts of this are assessed through the development management process. Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions. Notes in particular new housing sites proposed at Linlithgow, Broxburn, Livingston, Bathgate and Addiewell which are likely to see an increase in the use of stations in these areas.

21872215-270903f (Rapleys on behalf of Bizspace Limited)

The respondents are promoting an employment site in Kirkton Campus, Livingston for housing which is principally addressed by a separate Schedule 4 (16L). However, in relation to Community Regeneration they state that market evidence demonstrates that the need for employment land of the type and stock they wish to redevelop at Kirkton Campus and elsewhere within Livingston and West Lothian is now much reduced and unlikely to pick up during the currency of the LDP. A recent report prepared by Ryden is quoted which states that; "Areas such as Fife, West Lothian, Falkirk and Grangemouth have experienced a reduction in enquiries from this normally active (industrial) business sector."

However, the respondents argue that the demand for housing in West Lothian of the right type and scale remains strong given the area's prime location with good strong transport connections to Edinburgh, Glasgow and other key employment areas within West Lothian along the M8 corridor. As such, they strongly believe that their site should be identified as a housing allocation in the Proposed Plan.

21772260be38d90 (Peter Allan for Aithrie Estates and the Hopetoun Estate Trust)

Objects to the Proposed Plan for failing to make specific reference to the qualitative aspects of housing demand, including location, and to recent government announcements regarding boosting new housing opportunities. Critical that there is no mention of housing and the role it plays in facilitating economic development and growth. In particular, the Plan should refer to the evidence in the recent publication "Understanding the housing aspirations of the people of Scotland", September 2015 Scottish Government Social Research (CDX) that meeting housing aspirations is a clear planning objective and fundamental to ensuring that West Lothian is a place which will attract people who wish a home but may not be able to find one of their choice, for example, in Edinburgh.

Similarly, a letter from the Chief Planner of 07.10.15 (CDX) explains how the government is proposing to boost the private rented sector as one of its priorities for expanding housing supply.

References other documents which are contained in the respondents' submission which explains that additional funding for homebuyers has been achieved, underline the qualitative case when considering housing locations and re-inforce the call for a significant increase in housing. Given the correct emphasis on population and economic growth, surprise is expressed that the Plan fails to recognise these important points. The council is reminded that it has an important role to play in facilitating the provision of infrastructure, for example as the supplier of education, and that this should be acknowledged.

21768463-17de3f9 (MacGarvie and Co Ltd for Uphall Estates Ltd)

Supports the allocation of their site for housing. States that the allocation of this site will directly

lead to economic development and growth. Intimates that they have already created a significant number of jobs through private investment in Uphall and have the support of the local community council who acknowledge the improvements. However there is considerable scope to further improvements, hence the promotion of surplus land they control in Uphall for residential use. It should be noted that the council's responses to the Uphall sites are set out in a separate Schedule 4 number **(20A)**.

21543061-cdb46ce (Eileen McGhee)

No objection to make but notes that Linlithgow is the most touristic town in West Lothian, and by freeing up huge parcels of land for (housing) development, the town's appeal as a tourist destination is being destroyed. Additional traffic and lack of parking is off putting to tourists. Objects to the development of many proposed housing sites in Linlithgow.

It should be noted that the council's responses to the Linlithgow sites are set out in a separate Schedule 4 number **(15A)**.

Modifications sought by those submitting representations:

WL/LDP/PP/0236 (Scottish Government - Development Plan Team)

Suggests the Proposed Plan should support opportunities for integrating efficient energy and waste innovations within business environments to accord with paragraph 96 of Scottish Planning Policy 2014

21908005-dbc948c (Robert French on behalf of Clyde, Deveron, Annan Land Services)

No specific modifications are proposed save for lamenting the failure of Development Plans to capture and secure inward investment.

21902291- 41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

Seeks clarification regarding discrepancies between population data.

21871541-ff7b3a - (Sandra Hebenton on behalf of Network Rail)

No specific modifications are proposed but considers it essential that where growth areas or significant housing allocations are identified in close proximity to rail assets the potential impacts of this are assessed through the development management process

21872215-270903f (Rapleys on behalf of Bizspace Limited)

The respondents are seeking changes to land use policy EMP 1 with reference to a site at Kirkton Campus, Livingston and this is being addressed by a separate Schedule 4 **(16L)**.

21772260be38d90 (Peter Allan for Aithrie Estates and the Hopetoun Estate Trust)

No modifications proposed but critical that there is no mention of housing and the role it plays in facilitating economic development and growth.

21768463-17de3f9 (MacGarvie and Co Ltd for Uphall Estates Ltd)

No specific modifications are proposed. The respondents are however seeking the allocation of a site in Uphall for housing and this is being addressed by a separate Schedule 4 **(20A)**.

21543061-cdb46ce (Eileen McGhee)

No specific modifications are proposed.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0236 (Scottish Government - Development Plan Team)

The section of the Proposed Plan dealing with Waste (Page 76) para 5.263 states *“arrangements for waste storage, recycling and collection including kerbside collection, and/or centralised mini-recycling stores, and composting facilities are set out in Supplementary Guidance – Residential Design Guide”*.

While this deals with residential applications, the following policy, MRW 7, specifically address the business environment and ties back to SPP 2014 and two related central government plans and advice:

Policy MRW 7 - Waste Management on Construction Sites

In the interests of general environmental and residential amenity, proposals for new housing, industrial, commercial and business developments must demonstrate to the satisfaction of the council that the generation of waste during the construction period has been minimised and that any residual waste will be managed in a sustainable manner.

Proposals for new housing, industrial, commercial and business developments must incorporate waste management and recycling facilities and must accord with national requirements of SPP 2014, the Scottish Government Zero Waste Plan and ‘Planning and Waste Management Advice,’ published by the Scottish Government in July 2015.

It is the council’s view that this policy satisfactorily supports opportunities for integrating energy efficient waste innovations within business environments and there is no need for additional policies or to amend the existing policy. The council does not propose to make any modification to the Plan.

21908005-dbc948c (Robert French on behalf of Clyde, Deveron, Annan Land Services)

States that the element of economic growth has failed to address sustaining the less able communities and is well highlighted in Blackridge which has benefitted from a substantial housing allocation but which has in turn failed to be built. The conclusion should be that the village requires inward investment in terms of employment opportunities and the local plan has failed badly in that respect.

21908005-dbc948c (Robert French on behalf of Clyde, Deveron, Annan Land Services)

In relation to comment regarding Blackridge, Policy EMP 4 specifically addresses Employment development outwith settlement boundaries whereby :

“Proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to the following criteria being satisfied.....; and this would support, if they met the criteria, any forthcoming employment land proposals on the edge of, or outwith, the village, such as south of Blackridge Station, whereas Policy EMP 3 address proposals within settlement boundaries.

New employment land allocations have also been allocated at Standhill Farm, adjacent to Blackridge. Both factory units at the east end of Blackridge are operational.

21902291- 41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

The support of Newton Community Council towards the “Economic Development and Growth” aims of the Proposed Plan is acknowledged. While West Lothian has an increasing elderly population as acknowledged at the start of the section on Residential Care & Supported Accommodation (page 29), in addition *“West Lothian has one of the fastest growing and youngest populations in Scotland”*

as well as its elderly population, as stated at the start of the Economic Development & Growth section (page 12). No modification to Plan proposed.

21871541-ff7b3a (Sandra Hebenton on behalf of Network Rail)

Networks Rail's comments regarding major economic or residential planning applications taking into account impact on the rail network through the Development Management process can be considered via Transport Assessments submitted by developers to support their major applications. As Network rail note this is supported by Policies TRAN 1 and TRAN 2.

21872215-270903f (Rapleys on behalf of Bizspace Limited)

While the respondents' representation is addressed by a separate Schedule 4 (**16L**); the Rydens statement does indicate a "*normally active (industrial) business sector*." And it may well be that after the major recession it will take a while for this employment space sector to fully recover.

21772260be38d90 (Peter Allan for Aithrie Estates and the Hopetoun Estate Trust)

In response to the claim that there is a lack of reference to housing as an engine for economic growth in the Proposed Plan, attention is drawn to the central Vision Statement where it is stated that in 8 years there will be 'a *greater choice of housing options*'

Furthermore, under the context of the aims for the plan in addressing "Economic Development & Growth" (page 8) the third bullet point states:

- "*Continue to support major development within the Core Development Areas previously established under the Edinburgh and the Lothians Structure Plan at Armadale, East Broxburn and Winchburgh and Livingston and the Almond Valley.*" i.e.; that is 12,500 houses.

No modification of the plan is proposed

21768463-17de3f9 (MacGarvie and Co Ltd for Uphall Estates Ltd)

Comments are noted. The Uphall Estates Ltd site is addressed by a separate Schedule 4 (**20A**). No modification of the plan is proposed.

21543061-cdb46ce (Eileen McGhee)

Comments are noted. No modification of the plan is proposed.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 1S	The LDP Action Programme.	
Development plan reference:	The LDP Action Programme.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0147, WL/LDP/PP/0158, WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd)</p> <p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)</p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)</p> <p>WL/LDP/PP/0423 (Walker Group (Scotland) Ltd)</p>		
Provision of the development plan to which the issue relates:	LDP Proposed Plan: Infrastructure Requirements and Delivery (p. 35, paras. 5.114 – 5.120). Appendix Six- List of Proposals (other developments) (pp. 275 – 279). Supporting document: Action Programme (AP).	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0147, WL/LDP/PP/0158, WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd) - concerned that the Action Programme places too much reliance on the development industry for funding and action, and that many of the actions identified are listed simply as "TBA" or "developer"; advise that this means that the Action Programme is little more than a list of projects required, rather than a programme which genuinely serves to implement the vision, aims and strategy of the LDP; lack of specific timescales means that accurate development forecasting is impossible; the council should acknowledge the receipt/impact of s75 monies and increased council tax revenue from new development in terms of recouping cost for infrastructure which the council may have to bear in the short term.</p> <p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables) – advise that Scottish Planning Policy directs that action programmes should <i>"be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term."</i> (Paragraph 31) It should <i>"set out key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool and should be used alongside the housing land audit to help planning authorities manage their land supply."</i> (Paragraph 124). In the form currently published it is considered that the Action Programme falls short on both of these two points and would benefit from additional detail.</p> <p><u>Key infrastructure Items in the Action Programme for more strategic active travel routes</u></p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – questions why there are actions for active travel on the A89 (P-37) and A71 (P-110), but no similar actions for other strategic routes in West Lothian. Inclusion of actions for other strategic routes would align the Proposed Plan with the emerging direction of SESplan 2 which has identified strategic active travel routes in these corridors.</p> <p><u>Links between the Proposed Plan and the Action Programme</u></p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – Clearer links should be made between</p>		

the Action Programme and the content of the Proposed Plan.

Connection between strategic active travel routes and the green network

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – The strategic active travel routes which the council has submitted to SESplan would benefit from being tied into the emerging green network in the Proposed Plan.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd) - consider that the Action Programme does not adequately quantify the scale of requirements, in particular with regards Education. Para 5.92 of the proposed LDP suggests that the requirements are set out in Chapter 6 and the Action Programme, however this is not the case.

Modifications sought by those submitting representations:

WL/LDP/PP/0147, WL/LDP/PP/0158, WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd) – none specified but terms of submission suggest change is required to the contents of the Action Programme.

WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables) - none specified but terms of submission suggest change is required to the contents of the Action Programme to ensure compliance with requirements of SPP.

Key infrastructure Items in the Action Programme for more strategic active travel routes

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – No specific modification has been sought. However, the suggestion is made that there should be additional actions for active travel for other strategic routes in West Lothian than those identified in the Action Programme i.e. A89 (P-37) and A71 (P-110).

Links between the Proposed Plan and the Action Programme

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – No specific modification has been sought. However, some form of clearer linkage with the content of the proposed plan is intimated.

Connection between strategic active travel routes and the green network

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – The Proposed Plan should be amended to show the strategic active travel routes which the council has submitted as priorities to SESplan for SDP2.

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd) – none specified but terms of submission suggest change is required to the contents of the Action Programme.

Summary of responses (including reasons) by planning authority:

Background to the Action Programme for the Proposed LDP

Paragraphs 130 – 134 of Planning Circular 6/2013: *Development Planning* (CDX) sets out the requirements for Action Programmes. It is a requirement that authorities consider the views of key agencies such as Scottish Natural Heritage (SNH). Action Programmes are published within three months of the related plan being approved and adopted; thereafter they are reviewed at least every two years. A draft Action Programme has been published and issued for consultation (October 2015) as a supporting document for the council's Proposed Plan.

WL/LDP/PP/0147, WL/LDP/PP/0158, WL/LDP/PP/0350 and WL/LDP/PP/0459 (Gladman Developments Ltd); **WL/LDP/PP/0214** (Colliers International on behalf of British Solar Renewables);

WL/LDP/PP/0423 (Walker Group (Scotland) Ltd) - the development strategy set out in the LDP Proposed Plan is predicated on the delivery of the Core Development Areas and Strategic allocations (page 10, paragraph 5.10 of the LDP refers), supported by the allocation of a number of smaller sites across the LDP area. Associated with the development of the CDAs is the delivery of new infrastructure, principally new schools, the delivery of which will impact on the ability of all housing allocations set out in the LDP Proposed Plan to be delivered and therefore effectiveness of supply. Paragraph 88 of the approved SDP (CDX) indicates that significant investment in infrastructure, particularly education, is required in West Lothian to implement existing committed development and further investment will be needed to support the SDP strategy. The LDP re-iterates this. Paragraphs 5.78-5.84 set out the council's approach to developer contributions. Schedule 4 number 1F sets out the council's response to issues raised in relation to developer contributions. The approach set out in the LDP Action Programme is considered by the council to be consistent with the requirements set out in Planning Circular 6/2013 (CDX) and are also reflective of that set out in the SDP Action Programme (CDX). The nature of the Action Programme is such that there will be projects included which at this stage cannot be defined in terms of lead agency. In addition, timescales for delivery are impacted in many instances by grant of planning approval. The final contents of the Action Programme will only be known upon approval of the LDP. In line with Section 21 of the Planning etc. (Scotland) Act 2006 (CDX) the council would intend to publish an Action Programme fully reflective of the LDP approved plan within three months of the adoption of the council's LDP. In the interim, the council does not propose to amend the LDP Action Programme in relation to this submission.

Key infrastructure Items in the Action Programme for more strategic active travel routes

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – SESplan's Development Plan Scheme No. 8 (March 2016) (CDX) indicates that the regional authority's proposed plan and supporting documents for Strategic Development Plan 2 (SDP2) is to be published in late Summer 2016.

The Proposed Plan for West Lothian's LDP was first published in September 2015 when the Council's Executive agreed that it be released for full public consultation in October 2015. With preparation of the Proposed LDP having taken place – earlier in 2015 - it was not feasible to include actions relevant to the emerging SDP2. However, as these initiatives gain in status it would be possible to include them in further planning guidance to the LDP such as Supplementary Guidance (SG) in either the Active Travel Plan SG and / or the Green Network SG as detailed in paragraph below.

West Lothian Council has participated in the assessments of potential strategic active travel routes to inform SDP 2 and has fought hard for their inclusion in that plan. As this development plan is still emerging and its timescale is not confirmed, then the Proposed LDP should conform with SDP 1.

The council has prepared background Supplementary Guidance on West Lothian's Green Network that was approved for public consultation in September 2015. This public consultation is now pending, potentially scheduled for summer 2016. However, should the SDP 2 process catch up with the council considering and agreeing comments on the Green Network SG, then there may be scope to include issues such as strategic active travel routes in any revised West Lothian Supplementary Guidance on Green Networks.

Links between the Proposed Plan and the Action Programme

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – Whilst potentially desirable, no specific indication of how this is to be achieved has been given. Further information and details will be provided in the Action Programme published within three months of the adoption of the council's LDP in line with Section 21 of the Planning etc. (Scotland) Act 2006 (CDX).

Connections between strategic active travel routes and the green network

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – The strategic travel routes which the council submitted to SESplan were submitted after the Proposed LDP text was finalised and issued for public consultation and therefore these linkages between strategic active travel routes and the green network could not be included in the LDP or the attendant Action Programme.

Any further plan changes recommended by the planning authority

None. The Action Programme is effective and complies with Scottish Government guidance and legislation. It reflects the requirements set out in the LDP Proposed Plan and the Action Programme for SDP 1.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 1T	West Lothian Strategic Flood Risk Assessment and LDP policies EMG 1, EMG 2 and EMG 3	
Development plan reference:	Strategic Flood Risk assessment document	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0243 (SEPA)		
Provision of the development Plan to which the issue relates:	West Lothian Strategic Flood Risk Assessment LDP pages 67 – 70, paragraphs 5.233 – 5.239	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0243 (SEPA)</p> <p>Comments on the text included within the Strategic Flood Risk Assessment that accompanies the proposed plan.</p> <p>SEPA advise that they are in the process of updating their Supplementary Guidance on Flood Risk and Drainage and will look to cover all these issues in their updated document. Also advise of impending publication of a new Water and Drainage Assessment document by the SUDS Scotland Working Party so all Drainage Assessments submitted will require to be to that new guidance.</p> <p>SEPA advise that they would look to cover in its updated guidance ongoing historical issues relating to the adoption and maintenance of completed SUDS on sites and there has been recent discussion with Scottish Water through SCOTS to resolve this in the future with a view to ensuring that all completed SUDS are vested in Scottish Water and are maintained jointly between them and SEPA. However, also advise that SEPA has a legacy of SUDS measures which have not been adopted and are not being maintained which is a separate matter.</p> <p>SEPA express concern about the current workload involved with consulting on relevant applications and subsequent submissions in terms of drainage drawings, documents and calculations etc. Other Authorities have Self Certification Schemes in place for FRA and Drainage Approvals. SEPA advise that they are looking into the possibility of trialling this process when updating their SPG.</p> <p>Seek amendments to policies EMG 1 in relation to culverting, EMG 2 in relation to requirements for Flood Risk Assessment and EMG 3 in relation to drainage assessments and to clarify SEPA's requirements against those of Scottish Water.</p> <p>Advise that they are in the process of updating their own supplementary guidance and would seek if timeframes allow that this is reflected in the LDP.</p>		
Modifications sought by those submitting representations:		
WL/LDP/PP/0243 (SEPA) in relation to the West Lothian Strategic Flood Risk Assessment		

Section 1.2:

- The punctuation in the sentence starting “the council is mindful” requires to be amended as it is an important sentence which as it stands does not read well.

Section 1.8

- SEPA recommend that this section could be made clearer by deleting the sentence which starts “In identifying sites for inclusion.....” since the sites which **do** require mitigation are covered in the sentence which follows.
- Replace ‘mitagatory’ with ‘mitigatory’
- Add ‘informed by a satisfactory Flood Risk Assessment’ following ‘stand-offs to watercourses for example’
- Within the sentence which starts ‘SEPA and the council may request’, delete ‘large’ as allocations be any size and require a flood risk assessment.

Section 2.4

- With regard to the sentence which starts ‘where high rates of runoff, SEPA would suggest additional text ‘Such natural flood management can have appositive effect on downstream flooding but cannot be wholly relied upon to facilitate development on sites previously at risk from such flooding’

Section 4.1

- Within the sentence which starts ‘To provide a baseline’ SEPA recommend that this be modified to read ‘new development or redevelopment’

Heading for Section 6

- Typo in supplementary.

WL/LDP/PP/0243 (SEPA) in relation to LDP Policies EMG 1, EMG 2 and EMG 3

Policy EMG1 – advise that we are unable to see where culverting of a watercourse can be justified in terms of aiding development except for, possibly, a road crossing and seek removal of this statement and its re-insertion as paragraph 2 including re-wording so that it states that “proposals for the culverting of a watercourse may be considered with reference to SEPA’s position statement.”

Policy EMG2 – advise of requirements for at least some kind of Flood Risk Assessment for every site development. Even if the site is shown not to be at risk of flooding then a Level 1 FRA is required to demonstrate this. If the site is at risk of flooding from any source or any adjacent source then a full (or level 2 and/or level 3 FRA) will be required. Reference to SEPA Technical Guidance for undertaking a FRA is noted but reference should also be included to the current CIRIA Guidance C624.

Policy EMG3 – seek amendment to the wording of the first sentence to state that developers “will” require to submit a “Drainage Assessment” to ensure that adequate drainage provision is taken into account in the design of a development. in order to avoid confusion with Scottish Water requirements for a Drainage Impact Assessment. This would apply to all references within the plan that refers to a “Drainage Impact Assessment”.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0243 (SEPA) in relation to the West Lothian Strategic Flood Risk Assessment

The second sentence of paragraph 1.2 of the LDP is currently worded as follows:

The council is mindful of the need to ensure that existing developments that are perhaps changed in use or lead to more intensive human use behind defences should also be assessed on sensitivity of use in terms of climate change scenarios or to help reverse the effects of a past unsustainable development where downstream flooding is an acknowledged problem or the receiving watercourse is in a poor condition.'

The proposed amendment to the text is as follows, deleted text is strikethrough, new text in grey box.

'The council is mindful of the need to ensure that existing developments that are perhaps changed in use or lead to more intensive human use behind defences should also be assessed on sensitivity of use in terms of climate change scenarios. ~~or to help reverse the effects of a past unsustainable development where downstream flooding is an acknowledged problem or the receiving watercourse is in a poor condition.~~ Such sites could help reverse the effects of a past unsustainable development where downstream flooding is an acknowledged problem or the receiving watercourse is in a poor condition if appropriate flood prevention measures are undertaken.'

Paragraph 1.8

SEPA recommend that this section could be made clearer by deleting the sentence which starts "In identifying sites for inclusion.....", since the sites which do require mitigation are covered in the sentence which follows. The council accepts the proposed text deletion to avoid repetition in the document. To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the policy to reflect the change requested by SEPA and the correction of a typo by replacing 'mitagatory' with 'mitigatory' within the text.

Add text to penultimate sentence to clarify requirements. The amended sentence would read as follows with new text in highlighted box:

'It might also be possible to integrate development with the flood risk that is identified by providing appropriate mitigatory interventions such as stand offs to watercourses for example **informed by a satisfactory Flood Risk Assessment.**'

At the last sentence delete 'large' as allocations be any size and require a flood risk assessment. The amended sentence would read as follows with deleted text shown as strikethrough text:

'SEPA and the council may request a Flood Risk Assessment (FRA) for ~~large~~ allocation sites that have an element of flood risk e.g. a watercourse flowing through the middle, but could be adequately mitigated through appropriate site design.'

The amended paragraph 1.8 in its entirety would read as follows:

The key role of the SFRA is to help determine whether the potential development sites identified within the *Main Issues Report* (MIR) for the LDP remain suitable for development and can be taken forward to the *LDP Proposed Plan* and that new allocations that have come forward to the *LDP Proposed Plan* and that any new allocations that have come forward for consideration are also suitable for development. ~~In identifying sites for inclusion in the Proposed Plan for development, it may mean that mitigation measures may not be necessary to overcome flood risk as those sites where flood risk has been identified should be 'screened' out as part of the site assessment process.~~ It might also be possible to integrate development with the flood risk that is identified by providing appropriate ~~mitagatory~~ **mitigatory** interventions such as stand offs to watercourses for example **informed by a satisfactory Flood Risk Assessment.** SEPA and the council may request a Flood Risk

Assessment (FRA) for ~~large~~-allocation sites that have an element of flood risk e.g. a watercourse flowing through the middle, but could be adequately mitigated through appropriate site design.

To accord with SEPA requirements, the proposed changes to paragraph 1.8 are acceptable to the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Seek additional text at paragraph 2.4 of the SFRA as follows, additional text shown in highlighted box:

A good understanding of the sources and impacts of flooding, and the links between them, can help identify the right combination of measures to tackle particular flooding problems. For example, catchment and floodplain restoration should be considered to reduce or manage flood risk in both rural and urban areas. Where high rates of run-off in rural upland areas are contributing to flooding problems, measures to store or slow run-off can be considered, including re-vegetating hill slopes to increase the interception of rainfall and increase the roughness of the land surface, thereby slowing runoff. Such natural flood management can have a positive effect on downstream flooding but cannot be wholly relied upon to facilitate development on sites previously at risk from such flooding. In urban areas, an understanding of sources and pathways of flooding can help identify appropriate measures and influence the layout and design of new developments. In some circumstances flood protection schemes or managed retreat from areas at significant risk may need to be considered.

To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Seek amendment to paragraph 4.1 of the SFRA as follows, additional text shown in highlighted box:

The Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a plan-led, catchment-wide, sustainable and risk-based approach to managing flood risk. This includes the preparation of assessments of the likelihood of flooding, and the impacts of flooding and catchment focused plans to address these impacts. By 2016 Flood Risk Management Strategies and Local Flood Risk Management Plans will be in place across Scotland. These will require to be taken into account when subsequent development plans are prepared. To provide a baseline to inform the West Lothian LDP, the council has prepared this SFRA to ensure that new development or redevelopment will be free from significant flood risk and will not increase the risk of flooding elsewhere. This assessment took place at the MIR stage.

To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Seek a correction to typo at the heading for Section 6 to replace “supplemtry” with ‘supplementary’. The council proposes to amend the text to correct this typing error.

Policy EMG 1Water Environment Improvement

SEPA has suggested an amendment to policy EMG 1 to more fully reflect its requirements. The amended policy would read as follows, deleted text shown as strikethrough and new text shown in highlight:

‘Policy EMG 1Water Environment Improvement

Proposals for the culverting of a watercourse will be considered with reference to [SEPA’s position statement](#) on culverting.

Opportunities to improve the water environment and promote natural flood management are supported where it can be demonstrated that these will help to reduce overall flood risk. This could include wetland restoration, riparian planting, flood plain creation, ~~daylighting of culverted watercourses~~ and restoration of heavily modified watercourse. **Proposals for the culverting of a watercourse may be considered with reference to SEPA's position statement.**

Proposals that are aligned with measures identified in the River Basin Management Plan will be supported in principle, including the retrofitting of SuDS features to the existing surface drainage system, the restoration of watercourses and the removal of redundant structures.'

To accord with SEPA requirements, the proposed change is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA.

Policy EMG2 Flooding

The insertion of reference to additional guidelines to inform requirements for flood risk assessment is accepted by the council should the Reporter be minded to amend the text to reflect the change requested by SEPA. The amended text to policy EMG 3 would read as follows, strikethrough text = deleted text, highlighted text = new text, and is set out below:

'Policy EMG2 Flooding

Flooding can seriously impact on people, businesses and the environment and the council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding.

When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted impacts of climate change.

Development will specifically not be supported in:

- a. locations identified as being at medium to high flood risk, unless it accords with the flood risk framework set out in SPP2014; or
- b. where it would lead to an increase in the probability of flooding elsewhere.

Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses). The Flood Risk Assessment should be undertaken in accordance with the relevant and prevailing **SEPA technical guidance** and current CIRIA Guidance C624.

To limit the impact of potential flood risk any development that is subsequently permitted in medium to high risk areas (that accords with the exceptions in the risk framework) or is located in adjacent low to medium risk areas must be built to a water resilient design.

Development that is proposed in an area that is or will be behind a formal flood protection scheme must be an appropriate and acceptable land use for the location, designed to be resilient and must not be constructed until the flood protection scheme is confirmed operational by SEPA.

Appendices 1 & 2 (which respectively list employment and housing land allocations in the plan) identify those sites where there is a known requirement for a FRA, watercourse buffer strips and best practice SuDS treatment. The council nevertheless reserves the right to require the preparation and submission of FRAs for other development sites which present over the plan period where deemed necessary. Guidance will be sought from SEPA and other agencies as appropriate.

Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

All proposals must comply with the terms of Supplementary Guidance on Flooding and Drainage.'

Policy EMG 3 Sustainable Drainage

To accord with SEPA requirements, the proposed change to policy EMG 3 is acceptable is the council should the Reporter be minded to amend the text to reflect the change requested by SEPA. The amended text to policy EMG 3 would read as follows, strikethrough text = deleted text, highlighted text = new text, and is set out below.

'Policy EMG 3 Sustainable Drainage

Developers ~~may~~ **will** be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development. With the exception of single houses, SuDS will be a required part of all proposed development as a means of treating/attenuating surface water and managing flow rates.

Developers will be required to ensure that adequate land to accommodate SuDS is incorporated within development proposals and that housing densities take into account the physical space for effective SuDS. The design of the system should meet best current practice. It is expected that surface water drainage systems, including sustainable drainage systems, for most will be vested in Scottish Water as drainage authority and will, as a consequence, be designed and constructed in accord with the most up to date edition of Scottish Water's Construction Standards and Vesting Conditions 'Sewers for Scotland' (3rd Edition) and at the same time comply with SEPA's Policy and Supporting Guidance on the provision of Waste Water Drainage in Settlements in promoting connection to the public sewerage system where possible.

Where new development (or the change of use of land or buildings) impacts on existing drainage arrangements, the council may require these arrangements to be upgraded and SuDS retrofitted as a condition of planning approval in order to avoid detriment to the water environment.

Where there are existing issues of capacity or flooding associated with combined drainage systems, developers may be required to invest in off-site works to provide additional capacity or reduce loadings on such drainage systems.

Private drainage systems for sewered areas will only be considered as a temporary measure where there is no capacity in the existing sewer system;

Development relying on private sewage systems will only be permitted where there is no public system in the locality and where the council is satisfied that the proposal is acceptable in terms of the impacts on the water environment and on public health.

Developments involving private water supplies will only be permitted where there is no public

supply in the locality and where the council is satisfied that there is sufficient water and that the proposal is acceptable in terms of the environment and public health.

The council will support in principle the incorporation of water conservation measures in new developments, including rainwater harvesting and systems for the recycling of “greywater”.

Regard should also be had to other LDP policies in relation to drainage in new developments, SuDS, flood risk and the treatment of watercourses and proposals will require to contribute to the delivery of green infrastructure and the green network where this is considered appropriate.’

Reporter’s conclusions:**Reporter’s recommendations:**

Issue: 1U	SEPA	
Development plan reference:	Miscellaneous	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0243 (SEPA)		
Provision of the development Plan to which the issue relates:	Miscellaneous	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0243 (SEPA)</p> <p><u>Representations to Allocated Sites (by Settlement)</u></p> <p>Suggests revision to the text of the various entries in Appendix 2 with respect to flooding advice and essentially a refinement of advice previously provided. In particular the requirements for a FRA and a requirement to contact the flood prevention officer to discuss and investigate flooding issues in light of a subsequent review of the surface water 1 in 200 year flood map. Where a FRA is required, further detailed advice is given on the content of any FRA.</p> <p>Sites listed below have not been addressed in separate schedule 4s and associated comments are specific to the site.</p> <p><u>Addiewell & Loganlea</u></p> <p><u>H-AD 1</u></p> <p>No FRA required in developer requirements. Adjacent site (H-AD 3) mentions significant groundwater issues. The council may wish to confirm this issue does not affect this site as well.</p> <p><u>H-AD 2</u></p> <p>Site will likely be constrained due to flood risk hence capacity of 20 may not be achievable. The council may wish to consider removal of allocation.</p> <p><u>H-AD 3</u></p> <p>Developer requirements mention "Significant groundwater issues. Flood Risk Assessment required." SEPA do not have any more info on this risk.</p> <p><u>H-AD 4</u></p> <p>Developer requirements mentions "Flood Risk Assessment required which assesses the flood risk from the Skolie Burn which flows along the western boundary of the site." We would note that the</p>		

Skolie Burn flows along eastern boundary rather than western boundary.

Armadale

E-AM 1

FRA to assess the risk from the Boghead Burn and tributaries (and ponds) which flow through the site.

H-AM 1

Several sections of sewer are also noted as flowing through the site and we would recommend that development does not take on top or immediately adjacent to this flood risk.

H-AM 4

No record of previous consultation on this site.

H-AM 3, H-AM 7, H-AM 8, H-AM 9, H-AM 10, H-AM 11, H-AM 16, H-AM 17, H-AM 18, H-AM 18

No further specific advice given.

Bathgate

E-BG 1

There is a pond shown on site which may be attributed to SUDS but should be investigated during site design.

E-BG 2

Due to extent of surface water flooding on site, the council may wish to include a DIA in the developer requirements.

H-BA 3

Site will likely be constrained due to flood risk.

H-BA 7, H-BA 8, H-BA 9, H-BA 15, H-BA 16

The comments SEPA previously provided were for the larger sites which these sites are part of. The council may wish to consider whether these comments remain applicable.

H-BA 21

Should the proposal differ from what was previously agreed SEPA would require an FRA which assess the risk from the Boghead Burn and the small watercourse.

H-BA 30

Site not within Proposed Plan.

E-BG 3, H-BA 1, H-BA 4, H-BA 5, H-BA 10, H-BA 12, H-BA 13, H-BA 14, H-BA 17, H-BA 19, H-BA 20, H-

BA 22, H-BA 25, H-BA 28, H-BA 29

No further specific advice given.

Blackburn

H-BB 2

Site will likely be constrained due to flood risk.

H-BB 6

As adjacent to a potential flood risk issue may wish to consider during design.

H-BB 7

The current allocation is slightly smaller than what was previously commented upon. The council may wish to consider whether these comments remain applicable.

H-BB 11

Site not within Proposed Plan.

E-BB 1, E-BB 3, E-BB 4, E-BB 5a, E-BB 5c, E-BB 6, H-BB 1, H-BB 3, H-BB 4, H-BB 5, H-BB 8, H-BB 9, H-BB 10

No further specific advice given.

Blackridge

H-BL 1, H-BL 5, H-BL 6

No further specific advice given.

H-BL 2

Burn does not flow through the site but adjacent to. Our previous comments were for the larger site. May wish to consider a flow path should the burn flow onto the road as potentially indicated by the surface water flow path.

H-BL 3

SEPA's previous comments were for the larger site. May wish to consider a flow path should the burn flow onto the road as potentially indicated by the surface water flow path. There is a small watercourse which was investigated as part of a previous FRA and is a known flood risk. This should also be considered.

H-BL 4

An updated FRA would be required for this site as the Westrigg Way road has modified the flooding in this area.

Breich

H-BR 1, H-BR 2, H-BR 3, H-BR 4, H-BR 5, H-BR 6, H-LW 3

No further specific advice given.

Bridgend

E-BD 1

The FRA should assess the risk from the Haugh Burn and any small watercourses within or adjacent to the site. The FRA should consider any structures, e.g. culverts, which may exacerbate flooding. Consideration should also be given to the pond on-site.

H-BD 2

Historic maps show the small watercourse flows on the opposite side of Auldhill Road

H-BD 4

Site will likely be constrained due to flood risk as we would not accept built development on top or immediately adjacent to any culverted watercourse.

H-BD 1, H-BD 3, H-BD 5

No further specific advice given.

Broxburn

E-BU 1, E-BU 3, E-BU 4

Site is close to the canal and would recommend that contact is made with Scottish Canals. Water resilient materials mentioned for nearby sites but not here.

E-BU 2

Site is close to the canal and would recommend that contact is made with Scottish Canals (assume that's why water resilient measures are required).

E-BU 6

Site is close to the canal but would appear to be elevated above it.

H-BU 1

Site would appear to be elevated above adjacent canal.

H-BU 2

Site will need to take into consideration the Broxburn FPS and current SEPA guidance on development behind flood defences.

H-BU 3

SEPA previously mentioned that Halcrow flood study showed this site to be out with the 1:200 year flood extent.

E-BU 5, H-BU 4, H-BU 5, H-BU 6, H-BU 7, H-BU 8, H-BU 9, H-BU 10, H-BU 11, H-BU 12, H-BU 14

No further specific advice given.

Dechmont & Bangour

H-DE 1, H-DE 2, H-DE 3

No further specific advice given.

East Calder

E-EC 1, H-EC 1

No further specific advice given.

H-EC 2

SEPA have commented on larger Camps Industrial Estate. Not aware of the flood risk associated with this site. The council may wish to consider whether these comments remain applicable

H-EC 3

Not aware of flood risk associated with the site. Adjacent FRA indicates site is free from flood risk from the Linthouse Water.

East Whitburn

E-EW 1 and E-EW 2

No further specific advice given.

Fauldhouse

H-FA 1, H-FA 2, H-FA 3, H-FA 4, H-FA 5, H-FA 6, H-FA 7, H-FA 8, H-FA 9, H-FA 10, H-FA 11

No further specific advice given.

Landward Area

H-LW 2, H-LW 6

No further specific advice given.

E-LW 1

Consideration should also be given to flood risk from the pond on the site and we would recommend

raised floor levels to reduce any flood risk.

Linlithgow

E-LL 1, E-LL 2, H-LL 1, H-LL 2, H-LL 3, H-LL 4, H-LL 5, H-LL 7, H-LL 11

No further specific advice given.

H-LL 6

FRA has been provided and SEPA satisfied this addresses flood risk from Mains Burn but that to reduce residual risk from surcharging of M9 culvert, floor levels should be raised to at least 40.5mAOD. We support the statements for "The site is traversed by drainage infrastructure which requires to be identified and protected" and "Requirement to accommodate a buffer strip of 6m between the development and the Mains Burn which straddles the eastern boundary of the site".

H-LL 10

SEPA's previous response requesting the FRA was for consultation on a much larger site than currently proposed. SEPA have no information to indicate flood risk to this smaller site and would not request an FRA. However, SEPA do still recommend measures to mitigate flood risk due to steep topography.

H-LL 12

The surface water flood maps indicate there may be a small watercourse running through the site from the reservoir to the Union Canal. Consideration should also be given to flood risk from the Union Canal and flood mitigation measures and early engagement with Scottish Canals is recommended.

Livingston

H-LV 17

SEPA previously removed objection to development in northern part of this site following submission of FRA but any changes to the proposals in 0239/FUL/15 would require further information submitted.

No further specific advice given on remaining Livingston sites that have not been addressed by other Schedule 4's.

Mid Calder

H-MC 1

No further specific advice given.

Philpstoun

H-PH 1

Recommend flood resilient and resistant measures to address surface water flood risk.

Pumpherstons

H-PU 1, H-PU 2, H-PU 3

No further specific advice given.

Seaford

H-SF 1

No further specific advice given.

Stoneyburn/Bents

H-SB 1, H-SB 2, H-SB 3, H-SB 4, H-SB 5, H-SB 7

No further specific advice given.

H-SB 6

The site does lie adjacent to indicative flood outline however there is a 5m height difference and as a result there is no risk of flooding from the Breich Water that lies within 40m of the boundary of the site to the south. There is a risk of surface water flooding shown on our flood maps however it is likely this map is simply picking up the low lying small watercourses channel

Uphall

E-UH 1, E-UH 2, E-UH 3

No further specific advice given.

West Calder

No further specific advice given for the allocated sites in West Calder

Westfield

H-WF 1

No further specific advice given.

Whitburn

E-LW 5, E-WH 1, H-WH 1, H-WH 3, H-WH 4, H-WH 5, H-WH 6, H-WH 2

No further specific advice given.

H-WH 7

SEPA hold no records of this flooding. It also states that the Gogar Burn flows along the southern boundary which is not the case. The sole issue we have identified is that there is a possibility of a culverted watercourse flowing through the site as outlined within our comments on allocation PJ004 in May 2013

Wilkieston

H-WI 1

SEPA's previous comments (EO1-0076) did not ask for a FRA and they hold no information to suggest the site is at risk of fluvial flooding.

H-WI 2

No further specific advice given. Notes that the code within the proposed plan is different to the GIS information with the proposed plan code as H-WH2 (which is also the reference for Polkemmet Heartlands)

Winchburgh

E-WB 1, E-WB 2, H-WB 1, H-WB 3, H-WB 4, H-WB 6, H-WB 7, H-WB 8, H-WB 9, H-WB 10, H-WB 11, H-WB 14, H-WB 18

No further specific advice given.

H-WB 5

A pond is located to the east of the site and it is possible that the outflow from this watercourse is culverted beneath the site.

H-WB 12

Consideration should be given to the flood risk from the Union Canal and flood mitigation measures and early engagement with Scottish Canals is recommended.

H-WB 13

The small watercourse is culverted at the south eastern corner of the site and should be assessed

Modifications sought by those submitting representations:

Summary of responses (including reasons) by planning authority:

Representations to Allocated Sites (by Settlement)

SEPA's comments are essentially a refinement of advice which had previously been provided and the council would not take issue if the Reporter was minded to amend the entries referencing the sites

in Appendix 2 with respect to flood advice. The council has however, reviewed and suggested through separate Schedule 4s where modifications may be appropriate to reflect extended/updated advice from SEPA.

Reporter's conclusions:**Reporter's recommendations:**



Issue: 1W	Policy ENV 26.	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 26.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
21902291-41e09f9 (Professor Rupert Ormond c/o Newton Community Council) 21900249-79edf80 (Aithrie Estates and Hopetoun Estate Trust c/o Justin Lamb Associates) 21868310-e60d198 (Aithrie Estates and the Hopetoun Estates Trust c/o Yeoman McCallister)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy. Conservation Area at Abercorn / Hopetoun Estate. Policy ENV 26 (page 56).	
Planning authority’s summary of the representation(s):		
21902291-41e09f9 (Professor Rupert Ormond c/o Newton Community Council) Welcomes and supports the Council’s intention to undertake an appraisal of Hopetoun & Abercorn with a view to designation as a conservation area. 21900249-79edf80 (Aithrie Estates and Hopetoun Estate Trust c/o Justin Lamb Associates) 21868310-e60d198 (Aithrie Estates & the Hopetoun Estates Trust c/o Yeoman McCallister) Object to the proposed application of ENV 26. Advises that Hopetoun House is covered by various designations which provide the council with the necessary protection required. It is suggested that: <ul style="list-style-type: none">the inclusion of these sections is pre-emptive: there has been no assessment or consultation;the wording suggests a “<i>fait accompli</i>”;the general policy is covered by Policy ENV 23;there are already sufficient measures and provisions in place to protect the historic environment;the historic environment is not under threat (ENV30), but rather actively managed; anddesignation would be an unnecessary impediment to existing land use and an obstacle to effective management of the Designed Landscape. Considers that there are sufficient mechanisms in place thereby negating the need to pursue the designation of a new conservation area and considers that it would be counter productive to the management of the historic environment.		
Modifications sought by those submitting representations:		
21902291-41e09f9 (Professor Rupert Ormond c/o Newton Community Council) No modification requested in terms of policy ENV 26. 21900249-79edf80 (Aithrie Estates and Hopetoun Estate Trust c/o Justin Lamb Associates) 21868310-e60d198 (Aithrie Estates & the Hopetoun Estates Trust c/o Yeoman McCallister)		

Deletion of paragraph 5.190 and policy ENV 26.

Summary of responses (including reasons) by planning authority:

21902291-41e09f9 (Professor Rupert Ormond c/o Newton Community Council)

The council welcomes the community council's support for policy ENV26.

21900249-79edf80 (Aithrie Estates and Hopetoun Estate Trust c/o Justin Lamb Associates)

21868310-e60d198 (Aithrie Estates & the Hopetoun Estates Trust c/o Yeoman McCallister)

The designation of a conservation area in the Hopetoun and Abercorn area has been a longstanding aim of the council. Abercorn was designated an "Area of Special Control" in the Linlithgow Area Local Plan adopted in 1994 (CD 110), covered by policy C5 of that plan. The plan stated that the option to designate a conservation area would be kept under review.

Within the West Lothian Local Plan (2009), Abercorn is noted as an area of built heritage and townscape value, with policy HER25 applying. It is stated, at paragraph 4.48, that Hopetoun and Abercorn is a prospective conservation area designation on account of the outstanding national architectural and historic character of the area.

There has been no material change in circumstance which would indicate that the character of the area does not merit consideration and designation as a conservation area. The council therefore considers that the plan should not be modified in respect of this representation.

Reporter's Conclusions

Reporter's Recommendations



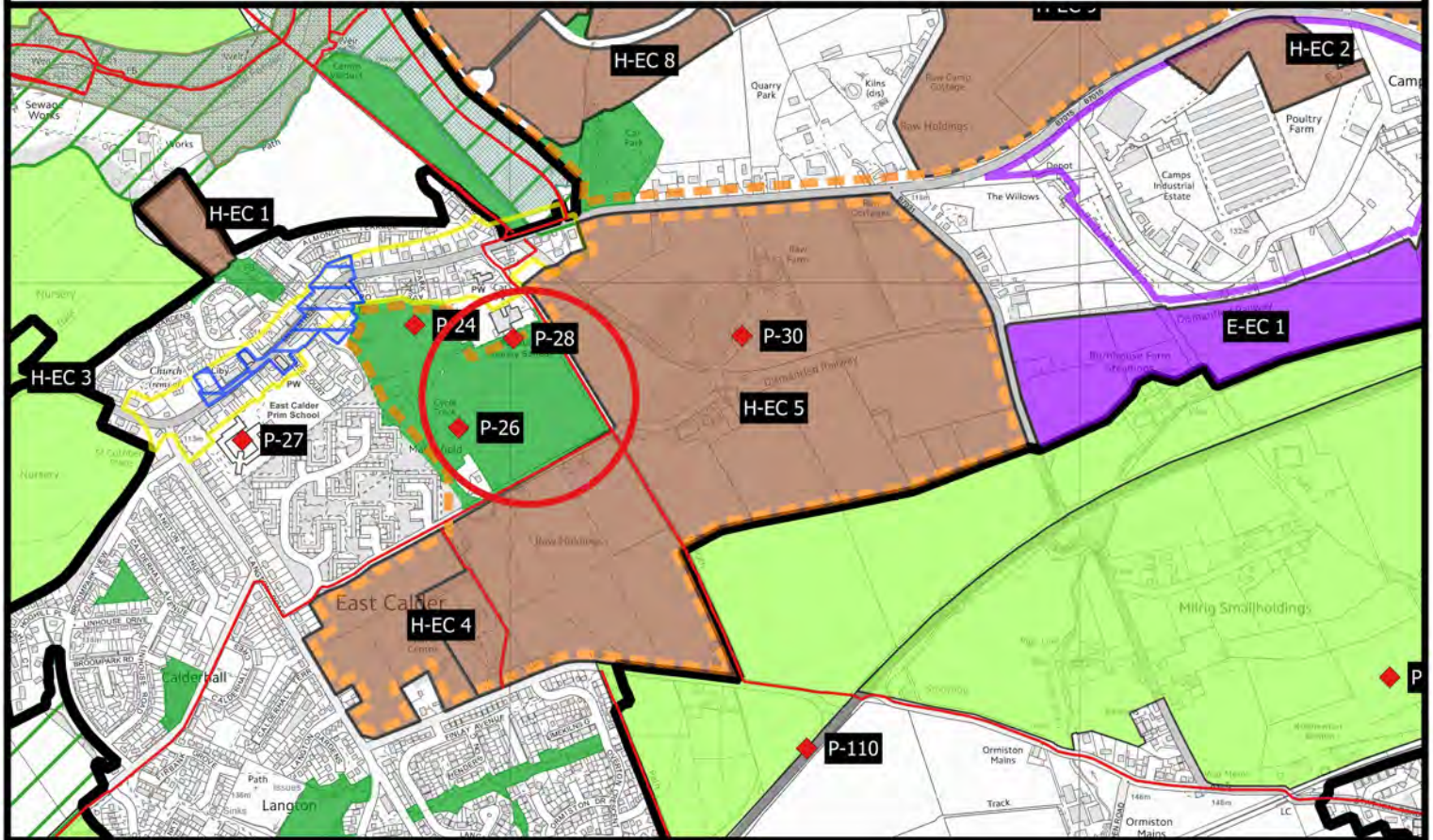
Issue: 1X	Other Matters/Editing Changes	
Development plan reference:	Not applicable	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
West Lothian Council		
Provision of the development Plan to which the issue relates:	Various – see below	
Planning authority's summary of the representation(s):		
<p>This Schedule outlines the council's proposed editing changes to the Pre-Submission West Lothian Local Development Plan. The amendments are for the purpose of factual correction and are in the nature of minor wording, typographical, cartographical, drafting and/or technical changes and are intended to update the document, improve clarity, legibility and presentation. The revisions do not alter the overall impact of the Local Development Plan or change its direction, or affect the substance or soundness of the document and therefore do not require to be the subject of public consultation.</p>		
Modifications sought by those submitting representations:		
<p>A comprehensive list of the corrections which the council proposes to make to the Proposed Plan is attached as an Excel spreadsheet. It references the relevant page of the Proposed Plan or Map (or both), advises if the corrections are mapping or typographical in nature, identifies the specific issue to be addressed and provides details of the remedial action required.</p>		
Summary of responses (including reasons) by planning authority:		
<p>The changes listed reflect matters the council has identified since publication of the LDP Proposed Plan and are considered by the council to be minor changes to the plan. They also reflect in part matters raised through consultation on the proposed plan.</p>		
Reporter's conclusions:		
Reporter's recommendations:		

Reference	Page / Map	Type of modification	Issue	Action required	Corresponding Changed Plan Ref	Issue
1	Map 5	Mapping	Housing site H-EC 5 (Persimmon site) has been omitted from Proposals Map 5 and the extension to the public park at Raw Holdings has not been shown., Label identifying proposal P-30 has been incorrectly plotted. Site H-BU 5 (Candleworks) is erroneously shown as lying outwith the Broxburn CDA boundary Site E- BU 6 (Greendykes House/Greendykes Road) is erroneously shown as lying outwith the Broxburn CDA boundary Site H-BU 10 (West Wood) is erroneously shown as being bisected by the Broxburn CDA boundary An area of white land to the east of steadings at Greendykes should be included within the mixed use area. The definition of the Broxburn CDA (in the Candleworks area) is unclear. The annotation (shown by broken lines) is confusing. Bridgend settlement statement erroneously references housing allocation Bridgend Farm as E-BD 5 but this should be H-BD 5 Appendix 2 does not contain a site schedule for site H-BD 5 Bridgend (page 164) The legend refers to "Kirknewton" Site CDA-CDW (Candleworks) has no figure entered in the column headed 'capacity' Right of Way at Brotherton Farm is shown on Map 3 but does not have a label with a proposal number Proposal P-118 (road link) is not shown on Map 2 at site H-LL 10 on Map 2 Proposal P-119 (Limefield Glen Walkway) is not shown on Map 2 Site H-KN 4 is erroneously shown as embracing 13 Station Rd, Kirknewton The Glen Turner distillery at Starlaw Park Bathgate is not shown on the base map. It is an established business occupying land to the south west of site E-LV 41 and should be embraced by both the employment area boundary and the settlement boundary. The breakdown of housing sites in Core Development Areas and their relative capacity figures contain errors. Site H-EC 6 should include area LKd for 36 units and site H-EC 9 should have a capacity of 2057, not 2,120	Plot missing housing allocation H-EC 5 and plot park extension	Change 2	
2	Map 5	Mapping		Move label further east, away from site of proposed secondary school	Change 3	
3	Map 2	Mapping		Embrace site within the Broxburn CDA boundary	Change 4	
4	Map 2	Mapping		Embrace site within the Broxburn CDA boundary	Change 5	
5	Map 2	Mapping		Embrace the whole site within the Broxburn CDA boundary (remove erroneous division)	Change 6	
6	Map 2	Mapping		Embrace the area of white land as part of the mixed use allocation	Change 8	
7	Map 2	Mapping		Define the boundary of the Broxburn CDA without any unnecessary internal sub-divisions.	Change 9	
8	Page 83	Typographical		Change site reference in settlement statement to H-BD 5		
9	Appendix 2	Typographical		Insert a site schedule for site H-BD 5 in Appendix 2 at page 164		
10	Map 5	Typographical		Correct spelling of Kirknewton		
11	Page 84	Typographical		Enter "n/a" in this column as the part of the site is non residential		
12	Map 3	Mapping		Add label with a proposal number to Brotherton Farm on Map 3	Change 14	
13	Map 2	Mapping		Add label with Proposal number P-118 to Map 2 on site H-LL 10.		
14	Map 2	Mapping		Add label showing Proposal P-119 to Map 2		
15	Map 5	Mapping		Re-draw the boundary of site H-KN 4 to exclude 13 Station Road	Change 17	
16	Map 3	Mapping		Update OS base to show the existing built development and re draw the employment area and settlement boundaries to embrace the development.	Change 18	
17	Page 85	Typographical		Include area LKd to site H-EC 6 and change the capacity to 36 units. Revise the capacity of site H-EC 9 to 2,057 units.		
18	Page 86 and Appendix 2 (page 187)	Typographical	Site H-FA 9 is titled "Main Street (former cinema and garage)". The reference to garage is however erroneous.	Change the title of the site in the settlement statement and in Appendix 2 to "Main Street (former cinema)".		
19	Appendix 2 (page 238)	Typographical	Appendix 2 erroneously reference housing allocation East Coxydene Farm as H-WH 2 but this should be H-WI 2	Change site reference in Appendix 2 to H-WI 2		
20	Appendix 2 (page198)	Typographical	Appendix 2 (page 198) incorrectly identifies Linlithgow Bridge Primary School as the non-denominational primary school for site H-LL 10. It should instead be Low Port P	In Appendix 2 (page 198) remove reference to Linlithgow Bridge Primary School and replace with Low Port Primary School.		
21	Map 3	Mapping	The settlement statement and Appendix 2 describe site H-PU 2 Pumpherston Golf Course and H-PU 3 as Uphall Station Road (former Pumpherston Primary School & Institute). However Map 3 labels them in reverse.	Change label on Map 3 to show site H-PU 2 as Drumshoreland Road Frontage (and change site name in settlement statement and Appendix 2 (page 224) to match. Change label on Map 3 to site H-PU 3 as Uphall Station Road (former Pumpherston Primary School & Institute)	Change 23	
22	Map 5	Mapping	Housing site H-BL 6 does not have label on Map 5	Add a label with site H-BL 6 on Map 5		
23	Page 59	Typographical	At paragraph 5.201, line 4, the word 'development' has been incorrectly used. The correct word in the context of this sentence is 'such'.	Replace the word 'development' with 'such' in paragraph 5.201, line 4		
24	Page 97 and Appendix 2 (page 253)	Typographical	Site H-WB 17 is described in Appendix 2 as lying West of Niddry Castle when it is in fact NORTH. Change all reference to this site accordingly.	Change the title of the site in the settlement statement and in Appendix 2 to "Site north of Niddry Castle".		
25	Page 280	Typographical	The term 'mixed use' is not defined in the Proposed Plan. as there is none in plan and how this relates to MU sites identified in the plan.	Add definition for Mixed Use in Glossary as follows - "Mixed-use development is a type of urban development that blends residential, commercial, cultural, institutional, or industrial uses, where those functions are physically and functionally integrated"		
26	Map 2	Mapping	Proposal P-47 is erroneously shown at Livingston Primary School but should be located north of St Josephs Primary school.	Remove label and relocate to the north to St Josephs Primary school.	Change 29	
27	Page 88 and page 154	Typographical	The address of site H-BB 8 (former Adult Training Centre) is referenced in the settlement statement and Appendix 2 as West Main Street. This is incorrect as it should be EAST Main Street.	Change the title of the site in the settlement statement and in Appendix 2 to "East Main Street (former adult training centre)".		
28	Map 1	Mapping	Some of the descriptions in the Key are abbreviations, for example "SLA" and "SSSI" and will not be understood by many people,	Remove abbreviations from the Key		
29	Map 4	Mapping	Proposal P-82 (Golf Course/Amenity Open Space) is not shown on Map 4.	Add label for P-82 on Map 4.		
30	Appendix 2 (Page 135)	Typographical	Site H-AM 17 erroneously indicates that planning guidelines have been prepared for this site.	Remove the reference to planning guidelines having been prepared for this site. They have not.		
31	Map 4	Mapping	Creamery Park in Bathgate has not been identified as an area of protected open space.	Amend Map 4 (apply green shading) to show Creamery Park as "Land Safeguarded for Open Space / Sports facilities"	Change 42	
32	Map 3	Mapping	Land between the A71 and adjacent to the Firs public house, Polbeth, is shown to be within the within settlement boundary but is at the same time coloured green as if part of the Countryside Belt.	Change map to show land between the Firs public house and the Polbeth settlement boundary as "Land Safeguarded for Open Space / Sports facilities"	Change 43	
33	Appendix 2 (page 119)	Typographical	Under "non-denominational secondary schools" there is reference to "housing sites in the north and west of West Lothian". This should be EAST.	Appendix 2 (page 119) - Change text to "Housing sites in the north and east of West Lothian"		
34	Map 5	Mapping	Site H-BR 2 has been incorrectly defined and embraces an area of agricultural land to the west.	Correct boundary of site H-BR 2 and restore site as white land	Change 45	
35	Appendix 2 (page 164)	Typographical	The entry for site H-BD 3 in Appendix 2 is missing text requiring developer contributions to enhance local park (as per other H-BD sites)	Add a requirement for developer contributions to enhance local park, as per other allocated sites in Bridgend.		
36	Appendix 2 (page 193)	Typographical	Appendix 2 (page 193) incorrectly identifies Low Port Primary school as the non denominational primary school for site H-LL 3. It should instead be Springfield Primary school	In Appendix 2 (page 193) remove reference to Low Port Primary and replace with Springfield Primary school.		
37	Appendix 2 (page 200)	Typographical	Appendix 2 (page 200) incorrectly identifies Linlithgow Bridge Primary School as the non-denominational primary school for site H-LL 12. It should instead be Linlithgow Primary School.	In Appendix 2 (page 200) remove reference to Linlithgow Bridge Primary school and replace with Linlithgow Primary School.		
38	Appendix 2 (page 199)	Typographical	Appendix 2 (page 199) incorrectly identifies Linlithgow Bridge Primary School as the non-denominational Primary school for site H-LL 11. It should instead be Low Port Primary School.	In Appendix 2 (page 199) remove reference to Linlithgow Bridge Primary School and replace with Low Port Primary School.		

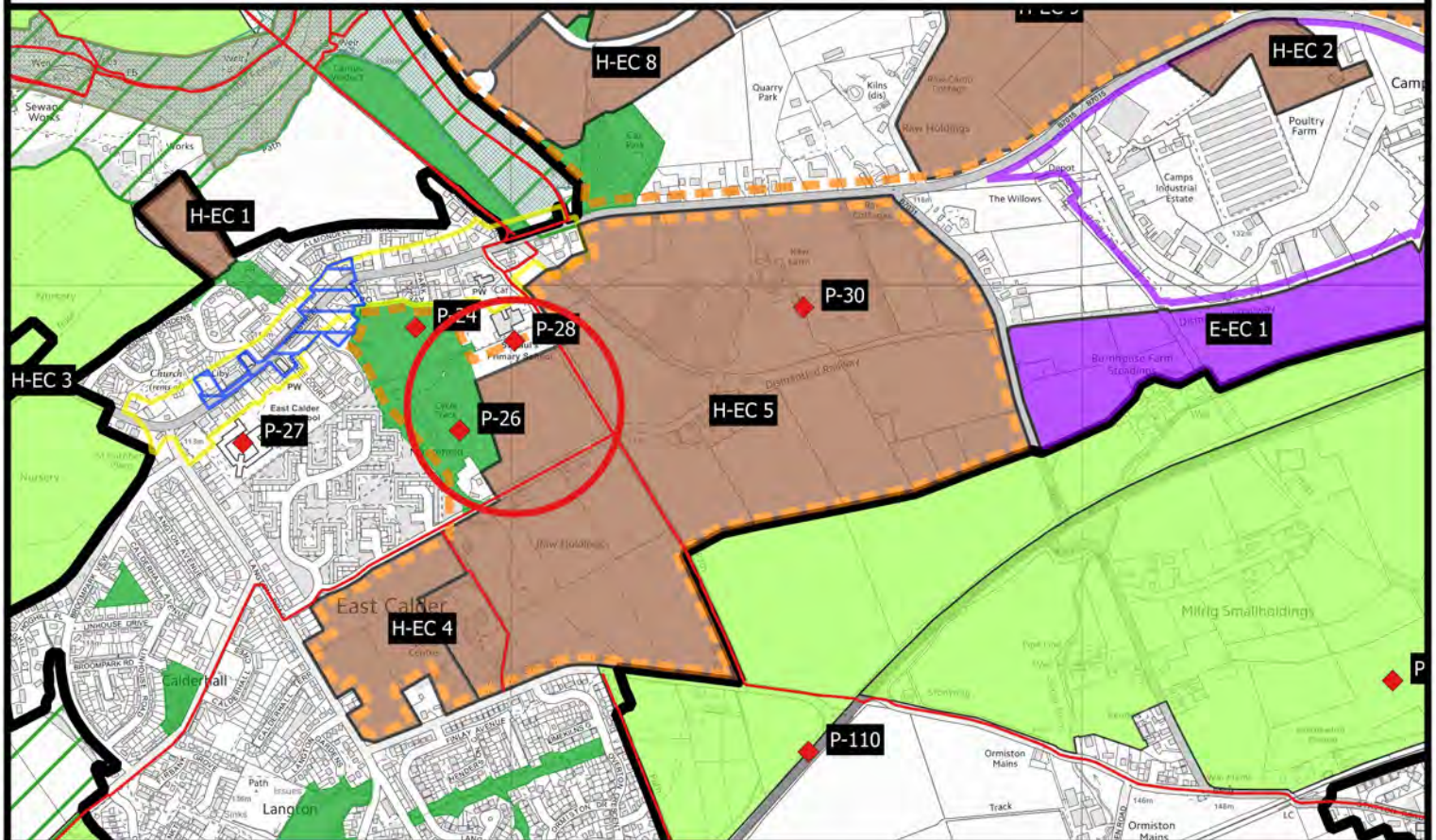
39	Appendix 2 (page 198)	Typographical	Appendix 2 (page 198) incorrectly identifies Linlithgow Bridge Primary School as the non-denominational Primary school for site H-LL 10. It should instead be Low Port Primary School.	In Appendix 2 (page 198) remove reference to Linlithgow Bridge Primary School and replace with Low Port Primary School.	
40	Appendix 2 (page 197)	Typographical	Appendix 2 (page 197) incorrectly identifies Linlithgow Bridge Primary School as the non-denominational Primary school for site HLL 7. It should instead be Low Port Primary School.	In Appendix 2 (page 197) remove reference to Linlithgow Bridge Primary School and replace with Low Port Primary School.	
41	Appendix 2 (page 193)	Typographical	Appendix 2 (page 193) incorrectly identifies Low Port Primary School as the non-denominational primary school for site H-LL 2. It should instead be Linlithgow Primary School.	In Appendix 2 (page 193) remove reference to Low Port Primary school and replace with Linlithgow Primary School.	
42	Page 81	Typographical	H-BA 29 has been omitted from the Bathgate Settlement Statement	Add H-BA 29 to Settlement Statement	
43	Map 4	Mapping	Site H-BA 23 has been incorrectly defined. It benefits from the grant of outline planning permission and this should be reflected in the definition of the site boundary.	Change Map 4 to be consistent with outline permission.	Change 54
44	Page 81 and Appendix 2 (page 150)	Typographical	H-BA 30 is shown on Map 4 but is not listed in the Bathgate Settlement Statement or in Appendix 2. The land is shown in the current West Lothian Local Plan as being part of the greater Wester Inch housing allocation and this has been recognised by rolling it forward to the LDP. I	Add H-BA 30 to the Bathgate settlement statement and create an entry in Appendix 2	
45	Appendix 2 (page 194)	Typographical	H-LL 4 Appendix 2 contains reference to the site being dependent on the allocation of H-LL 10 - This ref is superceded and could be deleted	Delete reference	
46	Page 96 and Appendix 1	Typographical	Map 4 correctly references employment site at Cowhill, Whitburn as E-WH1. However the settlement statement (page 96) erroneously references it with the WLP ref EWb4.	Change reference from EWb4 to E-WH 1 on page 96.	
47	Appendix 1 (page 118)	Typographical	The page header incorrectly reads "Livingston" when the site it sits above is Whitburn.	Remove "Livingston" page header.	
48	Appendix 1 (page 109 and 110)	Typographical	Employment sites E-LL 1 and E-LL 2 are correctly shown on Map 2 and in the settlement statement but have been given the incorrect references of E-LI 1 and E-LI 2 in Appendix 1 (page 109).	Change employment site references in Appendix 1 (page 109) to E-LL 1 and E-LL 2	
49	Appendix 3 (page 261)	Typographical	Site H-LV 4 in Appendix Three (page 261) is stated as having planning permission. This is incorrect. A planning brief has however been prepared.	Remove reference to planning permission granted for H-LV 4. Replace with: "H-LV 4 : Proposed Housing site. Approved planning brief".	
50	Map 4	Mapping	The CDA boundary is incorrectly drawn in relation to site H-AM 13. It extends south of H-AM 13 but should have aligned with the southern boundary of H-AM 13.	Change the Armadale CDA boundary to align with southern boundary of H-AM 13	Change 65
51	Map 3	Mapping	Proposals Map 3, Livingston incorrectly identifies land west of Aldertone Road as a Local Biodiversity site when it has since been developed for housing.	Remove Local Biodiversity Designation as site is now fully built out as part of the WLC housing programme.	Change 66
52	Map 2 and page 89	Typographical and Mapping	In the settlement statement (page 89), Mill Road Industrial Estate, Linlithgow Bridge, has been given an incorrect site area of 1.3ha. It should be 2.2ha In Appendix 1, (page 109) site E-LL 1 is incorrectly referenced as E-LI 1 and has a different description from the settlement statement. The category is also erroneously stated as "A" but should be "C". In Appendix 1, site E-LL 2 is incorrectly referenced as E-LI 2 and has a different description from the settlement statement. In Appendix 1, there is no entry for Land at Burghmuir, north of Blackness Road. In Appendix 3, there is a duplicate entry for the site at Mill Road and it is also incorrectly referenced. In Appendix 3, there is no entry for Land at Burghmuir, north of Blackness Road.	In the settlement statement (page 89), change the site area to 2ha. In Appendix 1 (page 109), the first site should be referenced as E-LL 1 and named as "Mill Road Industrial Estate, Linlithgow Bridge". The site area should be changed to 2ha. The category should be changed to C. The text in the columns 'Infrastructure & Other requirements and 'Planning Status' should remain unchanged. In Appendix 1 (page 109), the second site (Mill Road, plot B, should be deleted) In Appendix 1 (page 110), the site reference should be change from E-LI 3 to E-LL 3 and the site address changed to Land at Burghmuir, north of Blackness Road In Appendix 3, (page 261), the second entry for Mill Road Industrial Estate, Linlithgow Bridge, E-LL2, should be deleted. It should be replaced with a new entry, referenced "Land at Burghmuir, north of Blackness Road" and given the reference E-LL 2 In Appendix 2 (page 195) remove reference to Linlithgow Bridge Primary school and replace with Linlithgow Primary School.	
53	Appendix 2 (page 195)	Typographical	Appendix 2 (page 195) incorrectly identifies Linlithgow Bridge Primary School as the non-denominational Primary school for site H-LL 5. It should instead be Linlithgow Primary School.		
54	Policy ENV 9 (page 47)	Typographical	Typo in heading of policy ENV 9 heading, should be 'forestry', not 'foresrty'	Correct typo from "forestry" to "forestry"	
55	Appendix 2 (page 217)	Typographical	H-LV 31 does not mention that the site has been decontaminated.	Change table to reflect that the site has been decontaminated	
56	Map 4	Mapping	The map continues to show a housing site H-BB 11. It shouldn't. This site was not taken forward in the Proposed Plan and was removed from the Schedule. Map needs amended.	Change Map 4 to remove H-BB 11	
57	Page 222	Typographical	Appendix 2 (page 222) incorrectly identifies Midcalder Primary school as the non-denominational Primary school for site H-PB 1. It should instead be Parkhead Primary school. .	In Appendix 2 (page 222) remove reference to Midcalder Primary school and replace with Parkhead Primary school.	
58	Page 213	Typographical	Appendix 2 (page 213) references Harrysmuir Primary School in relation to Site H-LV 24. It states under the Education column that there are capacity issues relative to this school. This school is not however within the catchment area of site H-LV 24. .	Delete text on page 213 which reads "There are capacity issues relative to Harrysmuir Primary School which may require the provision of an extension".	
59	Page 144	Typographical	Site H-BA 18 is erroneously referenced in Appendix 2 (page 144) under the Status column as " "permission expired".	In Appendix 2 (page 144) delete "permission expired" from the Status column.	
60	Map 4		Site H-BA 23 is incorrectly defined as it does not correspond with the Westerinch Masterplan Masterplan framework.	Amend boundary of site H-BA 23 to correspond with the Westerinch Masterplan Masterplan framework. This has been addressed in Schedule 4N.	
61	Map 2	Mapping	The definition of the Broxburn CDA (in the Albyn area) is unclear. The annotation (shown by broken lines) is confusing.	Define the boundary of the Broxburn CDA without any unnecessary internal sub-divisions.	
62	Page 88 and page 276	Typographical	Proposal P-102 is referenced in the settlement statement (page 88) and in Appendix 6 - List of Proposals (page 276). The location is stated as "Linlithgow" however P-102 also relates to land in Broxburn.	Change the location of P-102 to "Linlithgow and Broxburn" on page 88 of the settlement statement. In Appendix 6 (in the Landward table) change the location of P-102 to "Linlithgow and Broxburn". In Appendix 6 (in the Broxburn table) create a new entry for P-102. Under the column headed Location enter "Linlithgow and Broxburn" and in the Proposal column enter "Access to/from and along the Union Canal"	
63	Map 3 and Appendix 1 and settlement Mapping and Typographical		Site E-LV 42 is shown as employment allocation but is already developed.	Remove site E-LV 42 from Map 3 (and the label). The employment area boundary should however remain unchanged.	
64	Map 3	Mapping	Site H-PB 2 is erroneously shown on Map 3 as an allocated housing site.	Remove site H-PB 2 from Map 3 (and the label). The settlement boundary should however remain unchanged.	
65	Page 39, Figure 6	Typographical	Figure 6 references 'Armadale CDA' in the row entitled 'Local Town Centres and Local Neighbourhood Centres'. However the this reference should be amended with 'tbc' in brackets as the location is still to be confirmed.	Change 'Armadale CDA, Blackburn, East Calder ...' to 'Armadale CDA (tbc), Blackburn, East Calder.'	
66	Map 4 and Appendix 2 (page 137) and Mapping and Typographical		In Appendix 2 and settlement statements (page 81) site H-BA 3 and H-BA 4 are shown as separate allocations. They should however form a single allocation.	Merge H-BA 3 and H-BA 4 together and reference as "Standhill" with reference H-BA 3. Change capacity figure to 197 units and site area 17.2ha. Change details in Settlement statement, Appendix 2 and Map 4.	

67	Page 7, Paragraph 3.2	Typographical	Paragraph 3.1 erroneously references "Planning (Scotland) Act 1997".	Replace this with the full title "The Town and Country Planning (Scotland) Act 1997".
68	Appendix 2 (page 253) and settlement	Typographical	Site H-WB 17 is described in Appendix 2 and in the settlement statement (page 97) as lying WEST of Niddry Castle when it is in fact NORTH.	Change site name to 'Site north of Niddry Castle' in Appendix 2 and settlement statement

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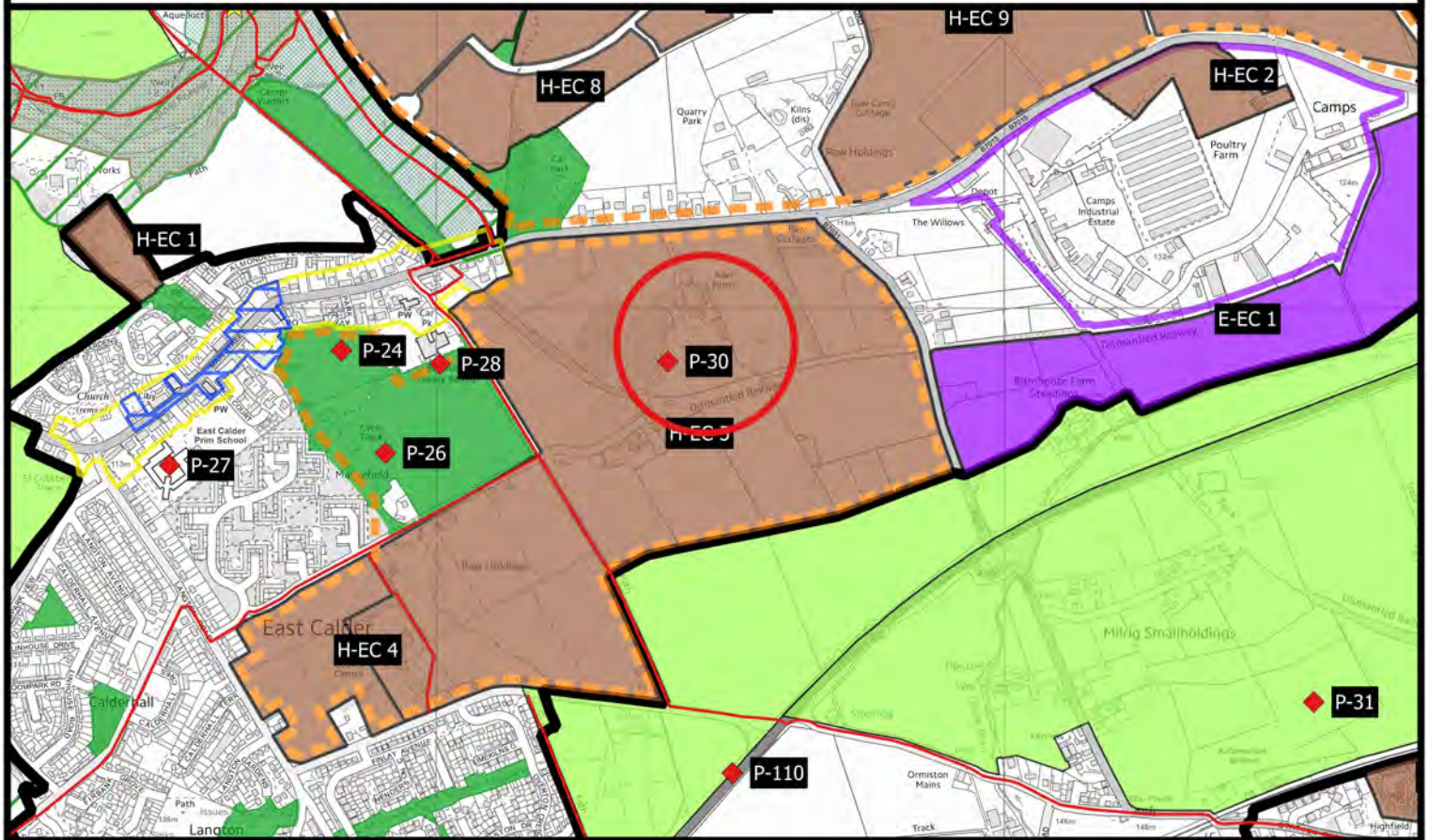


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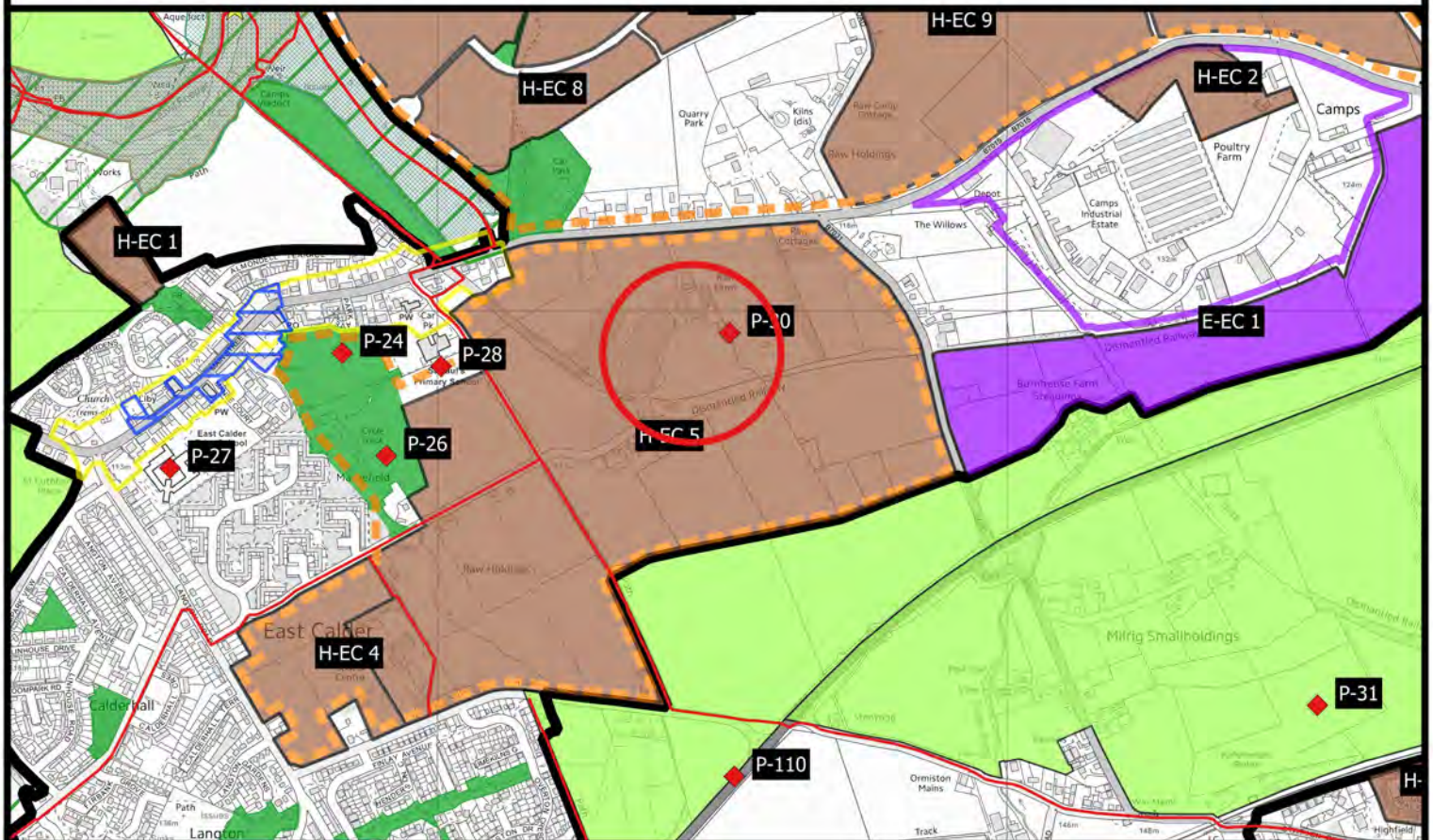
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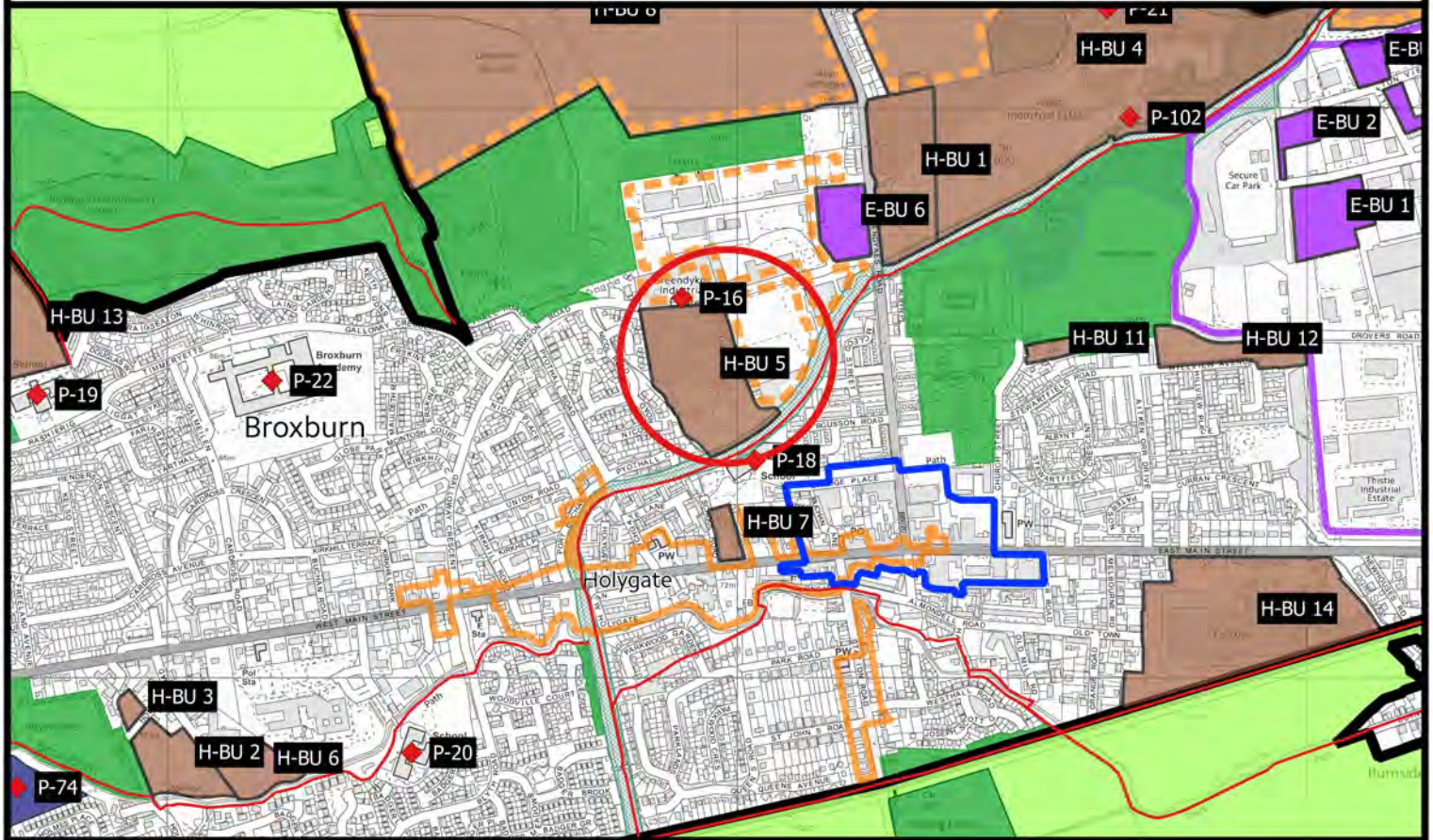


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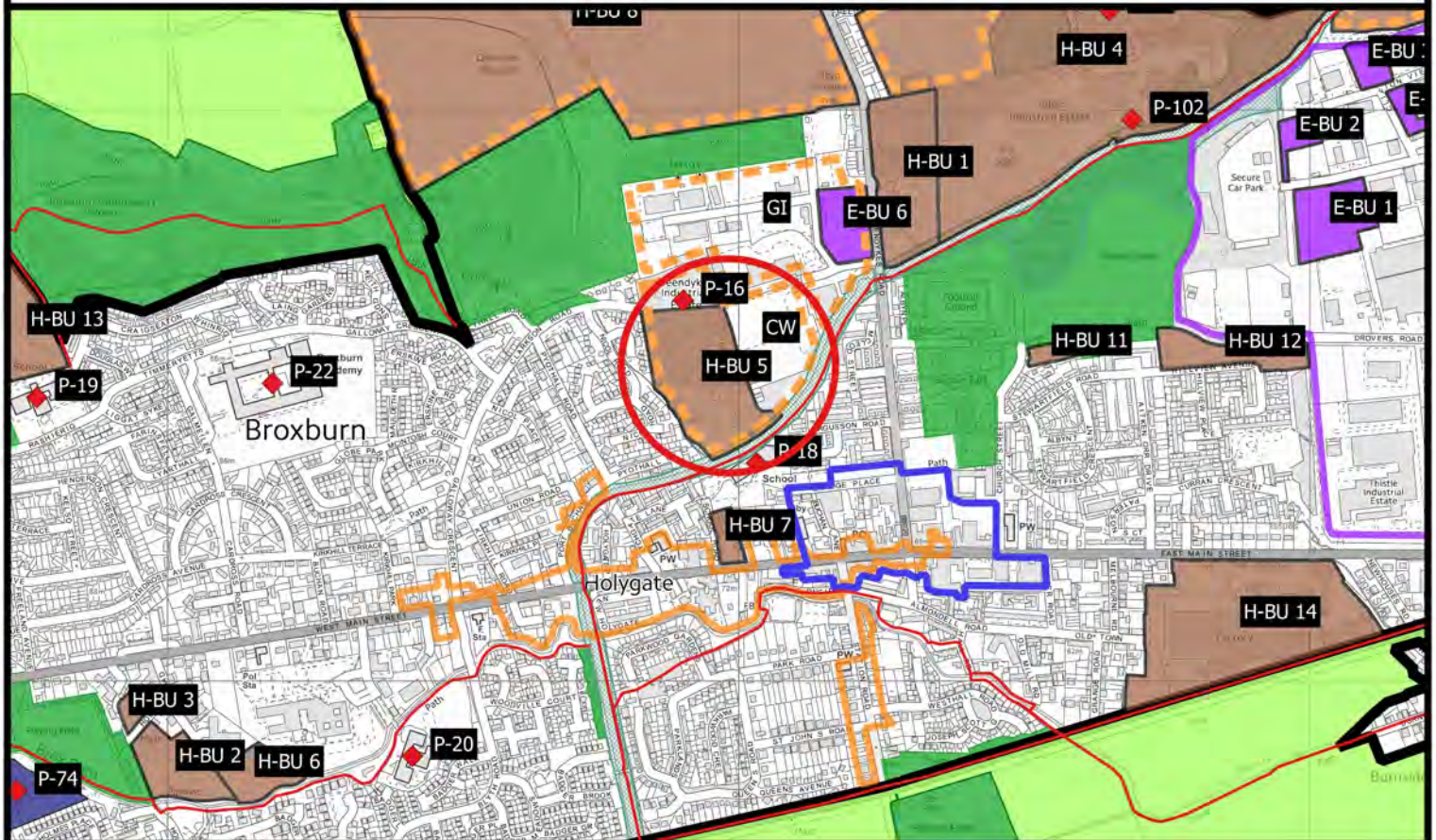
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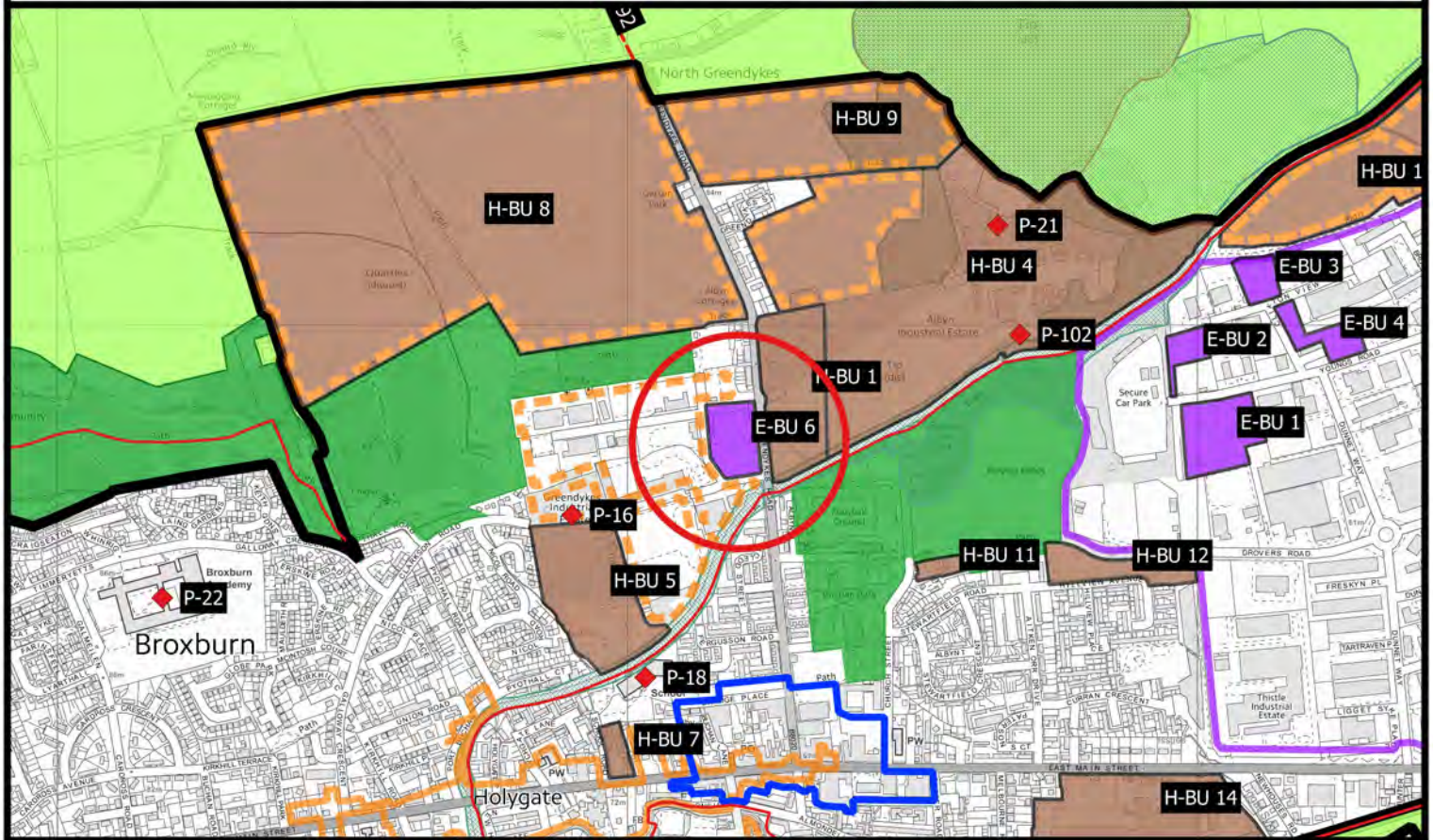


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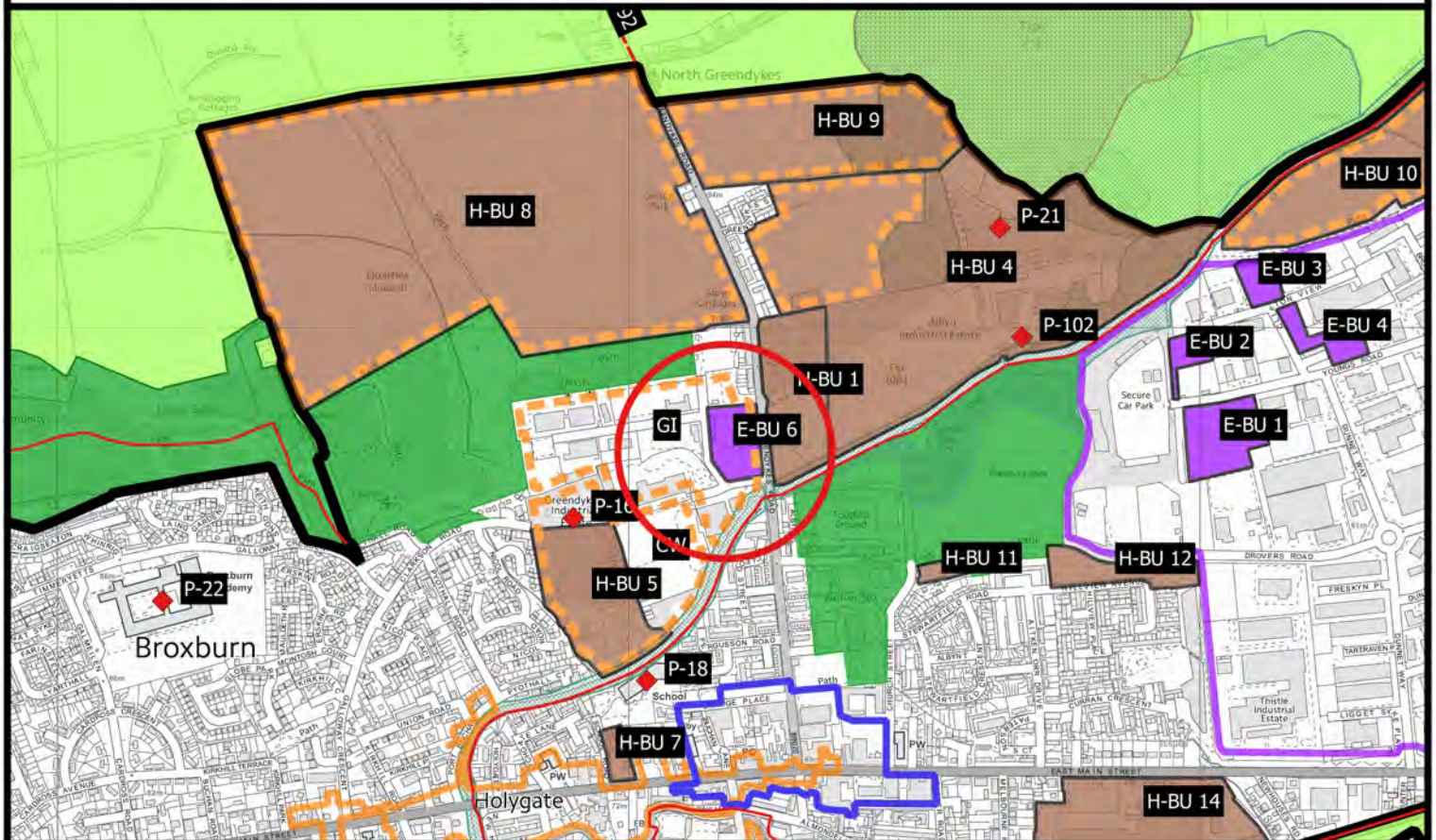
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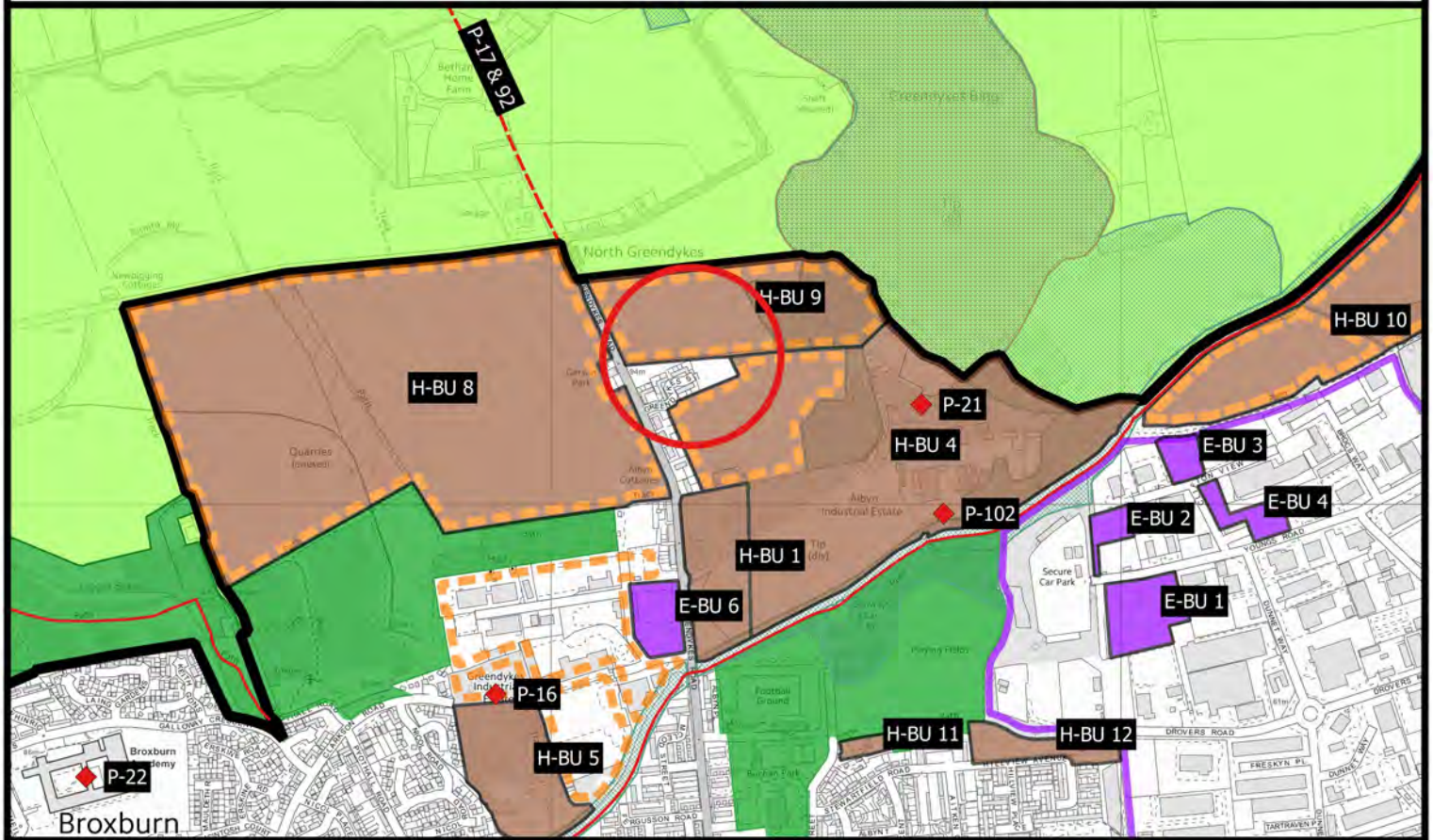
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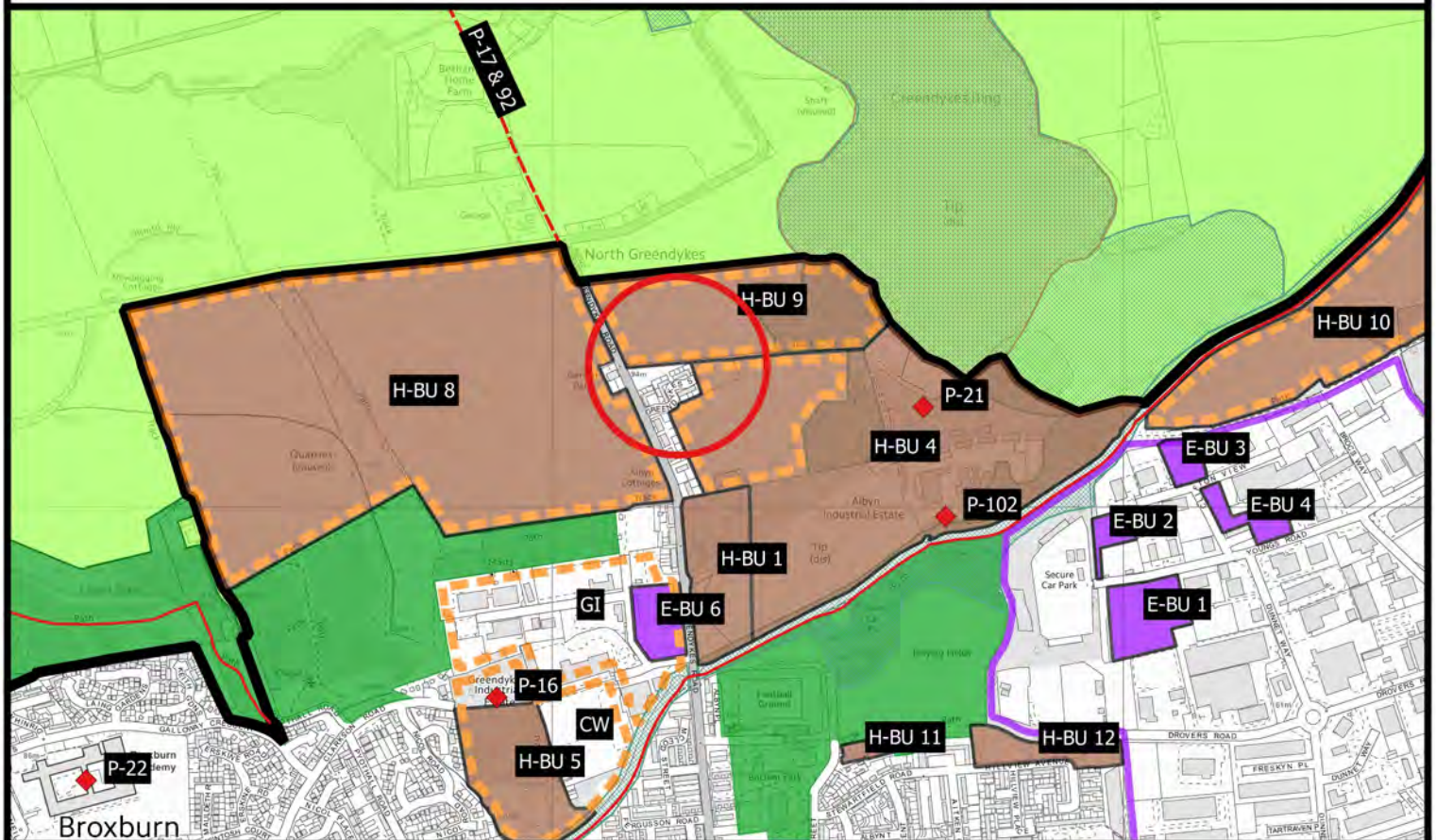


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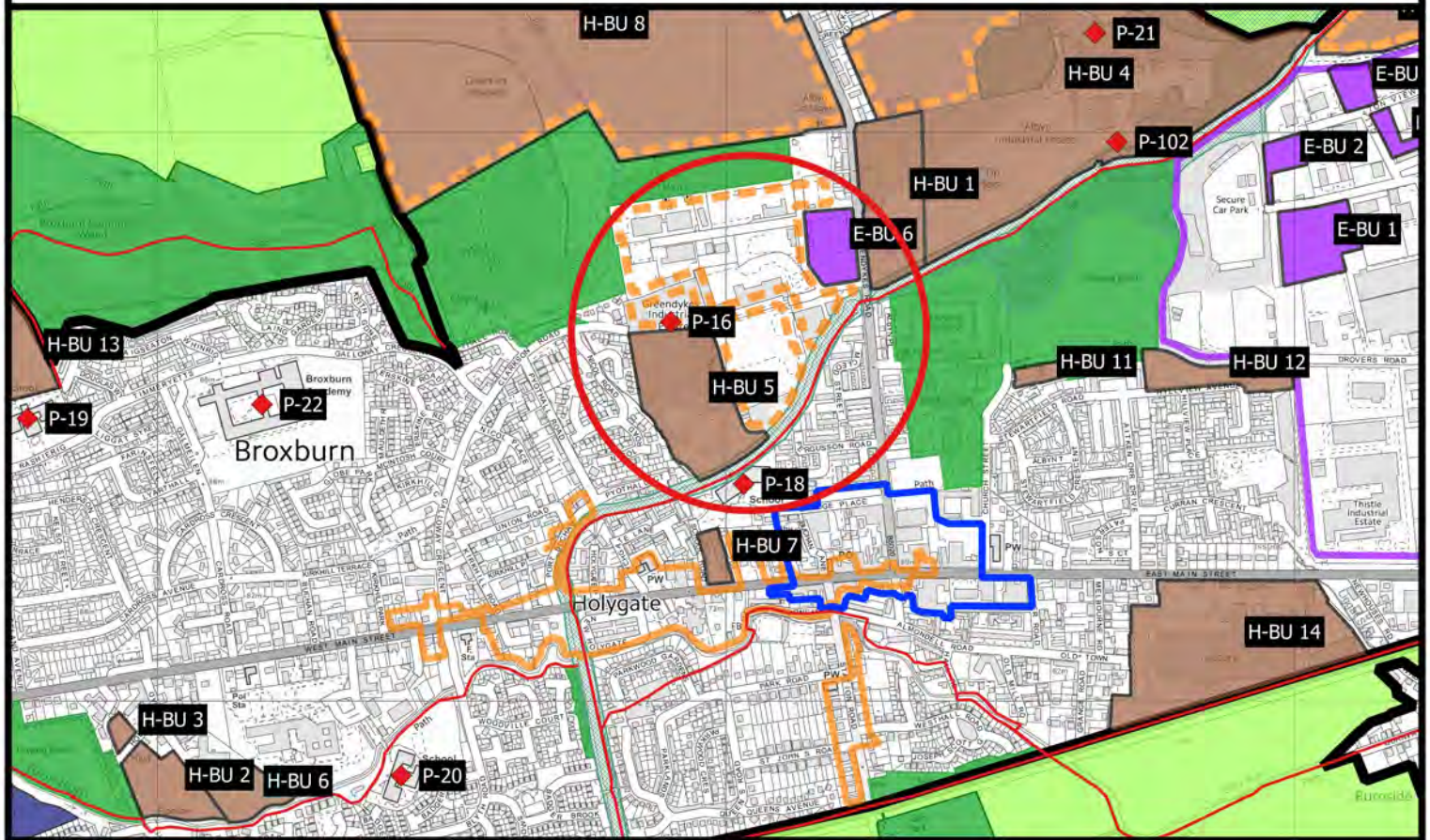


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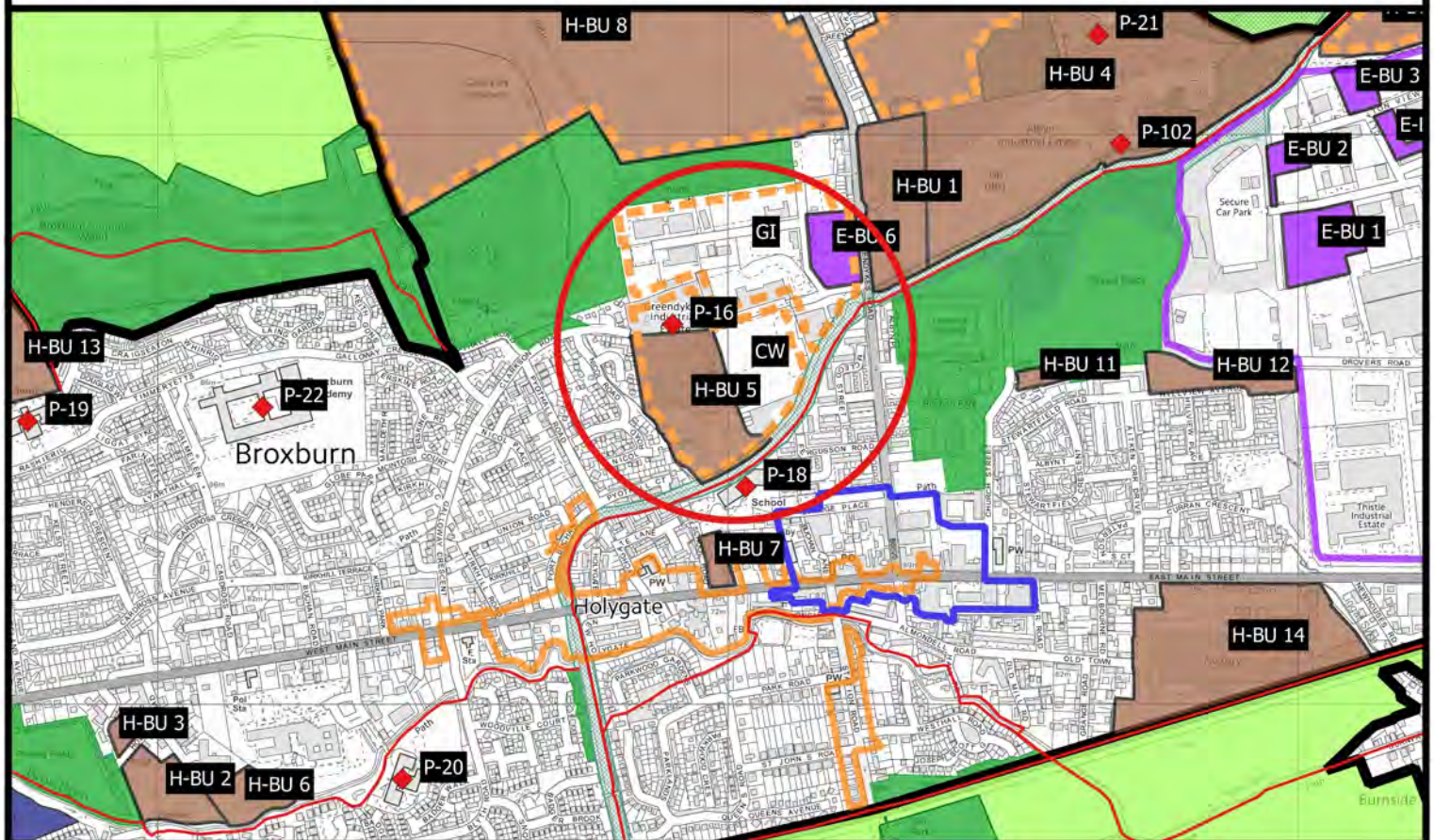
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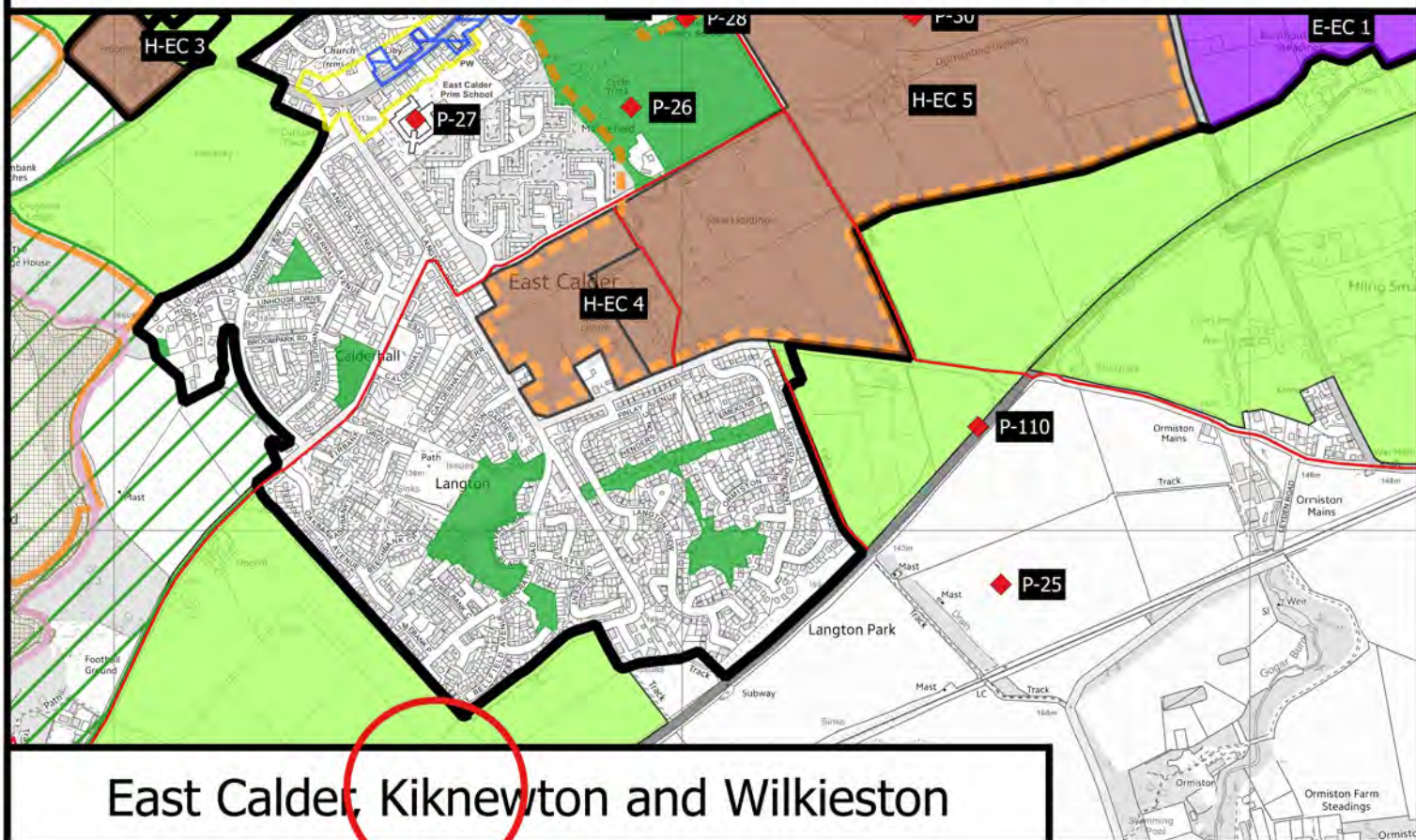


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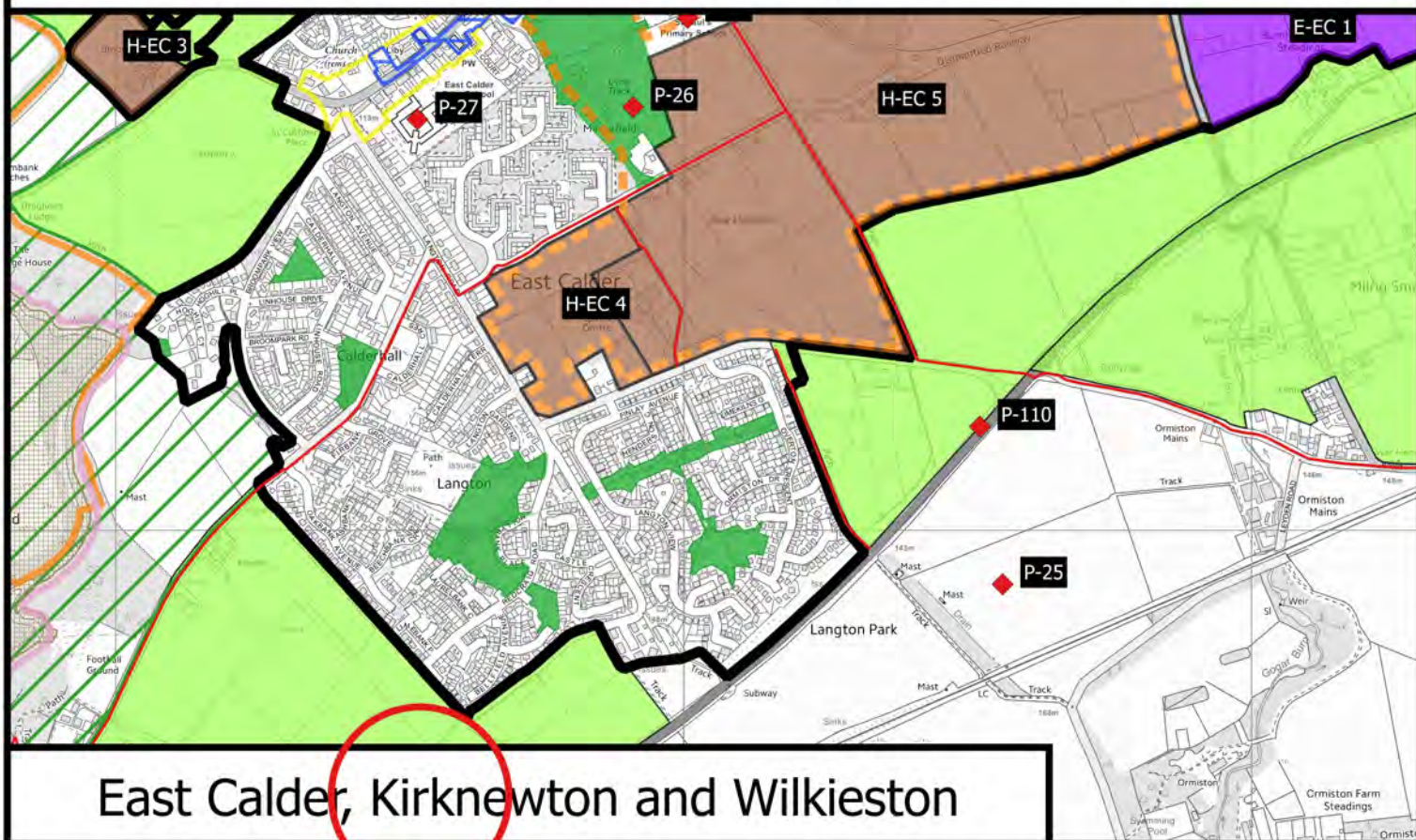
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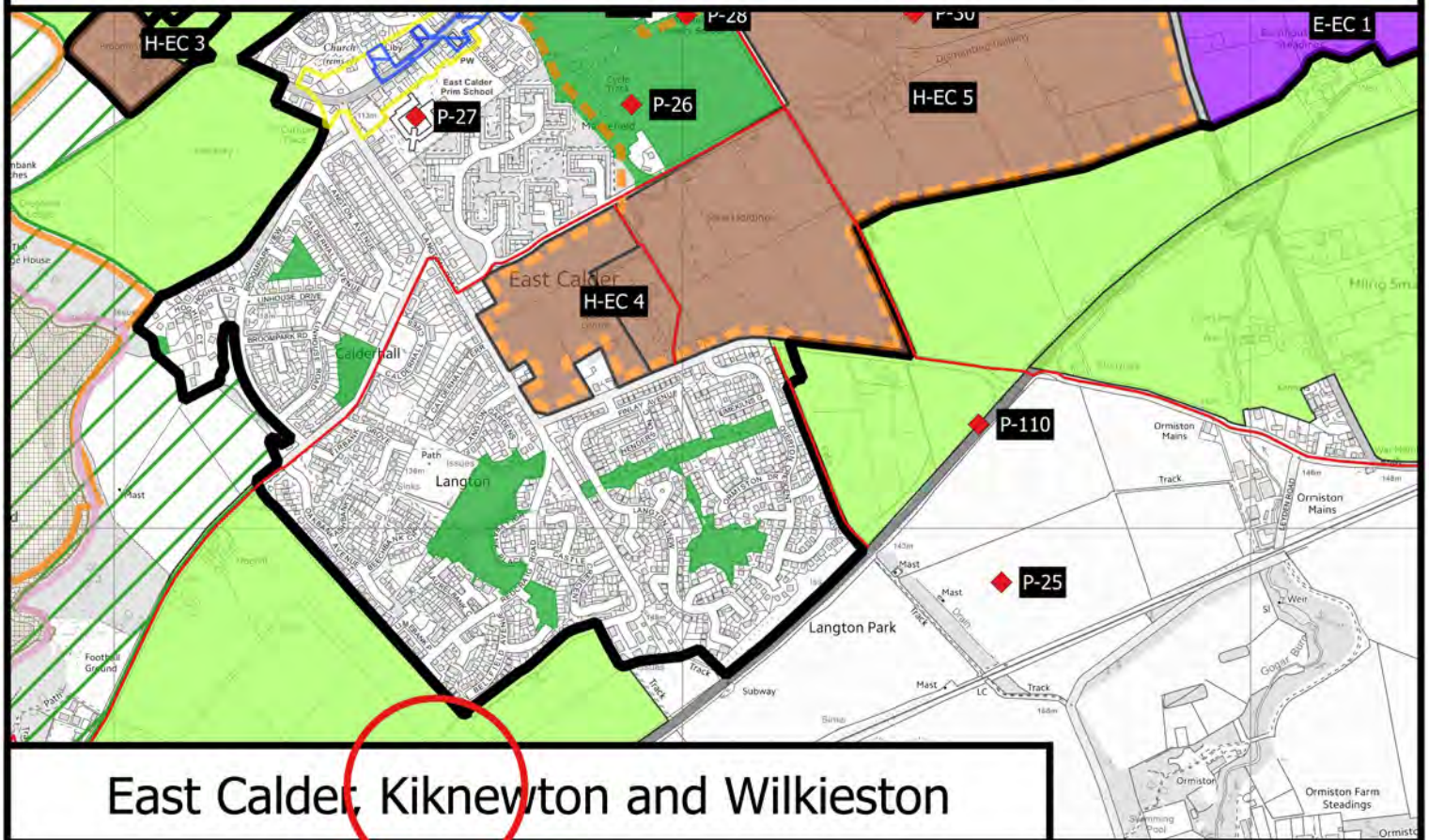


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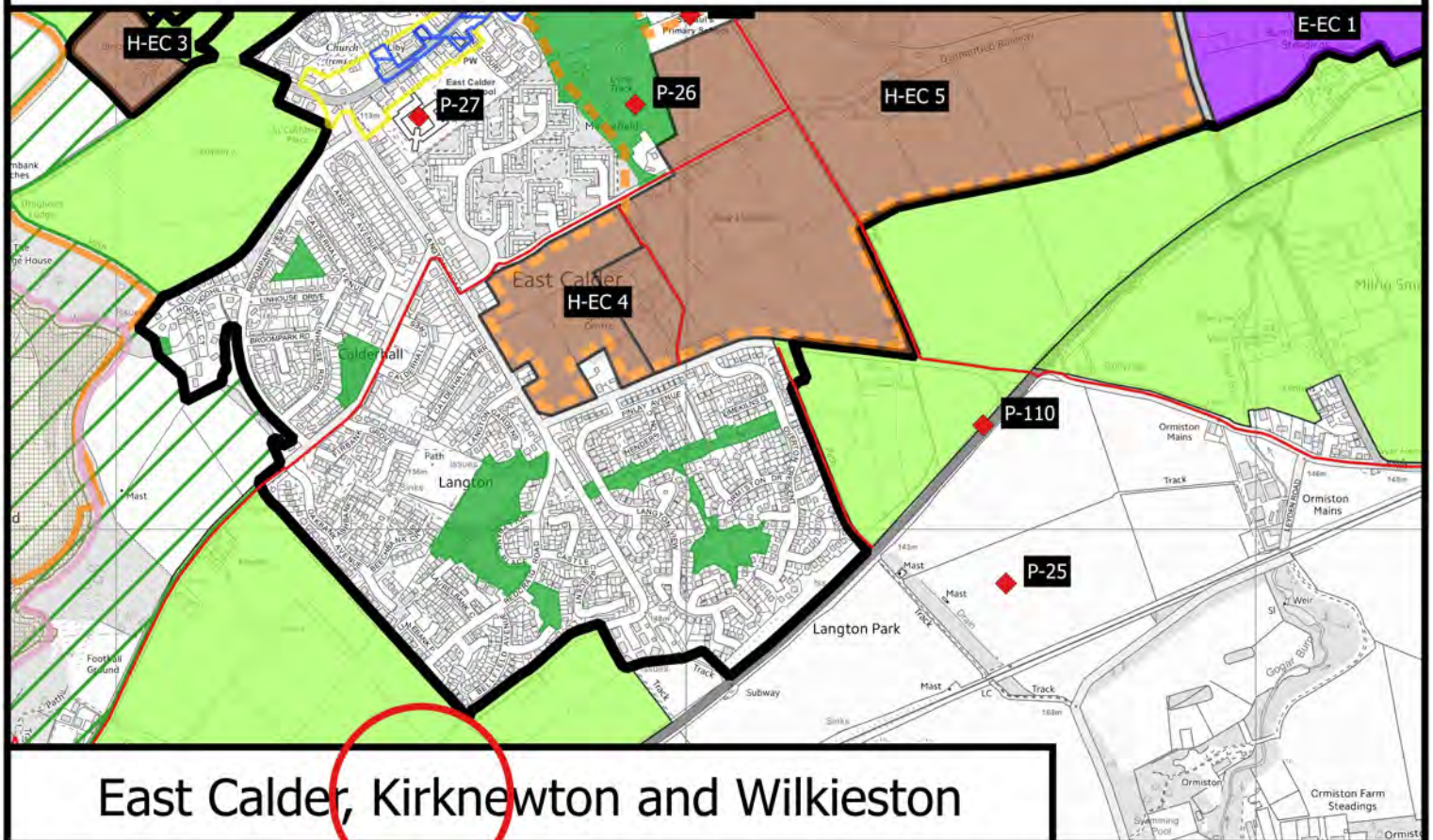
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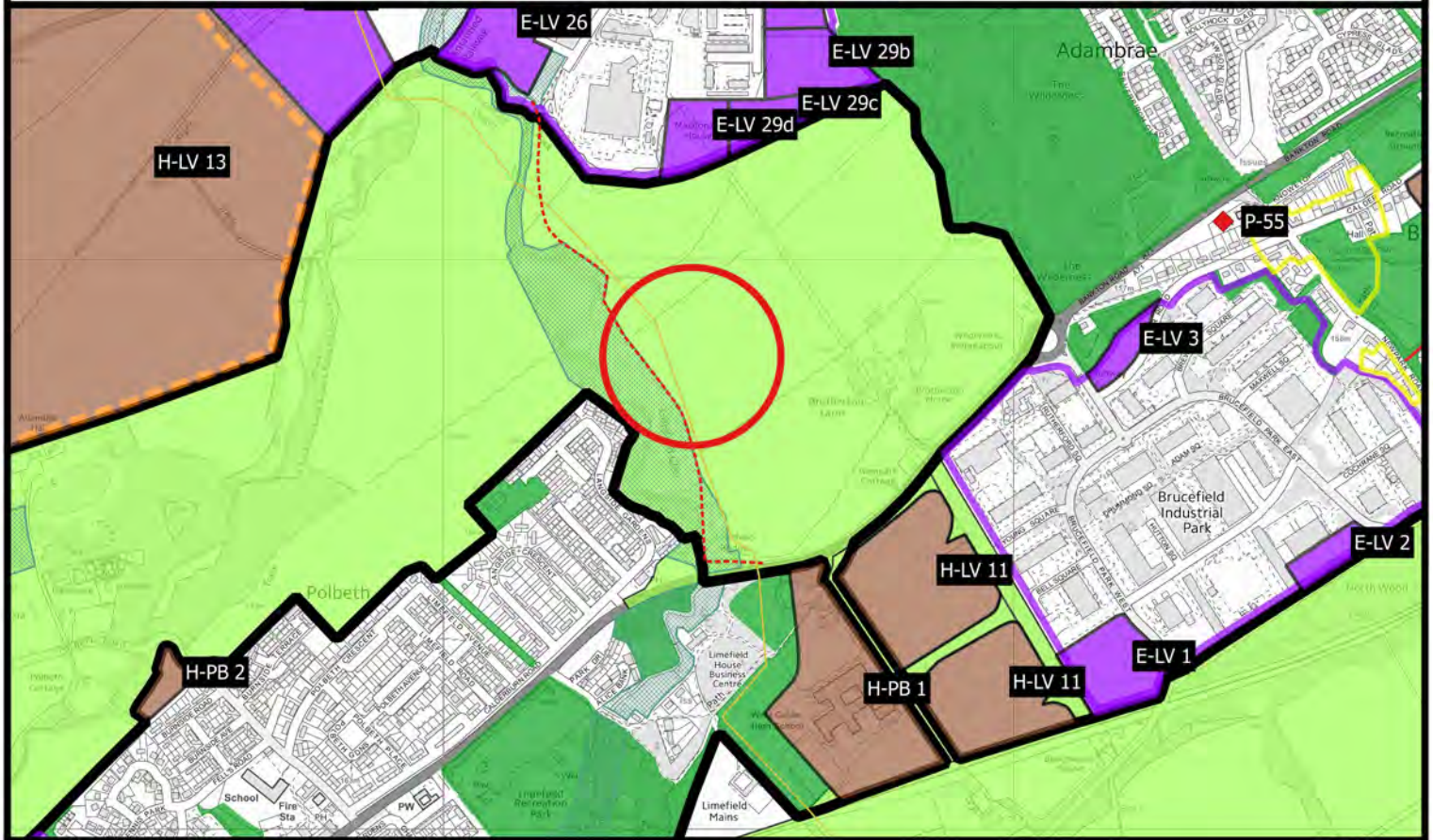


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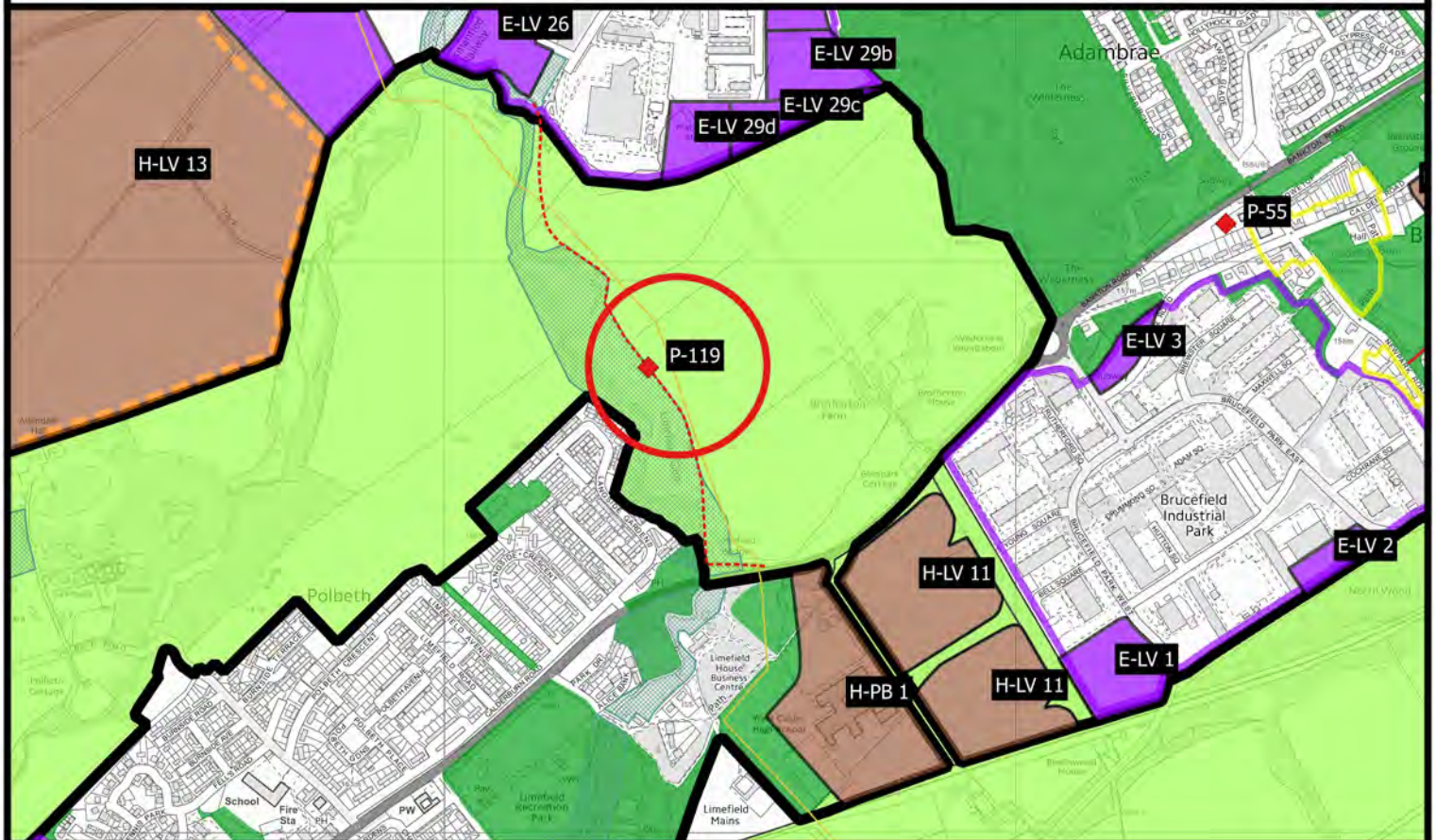
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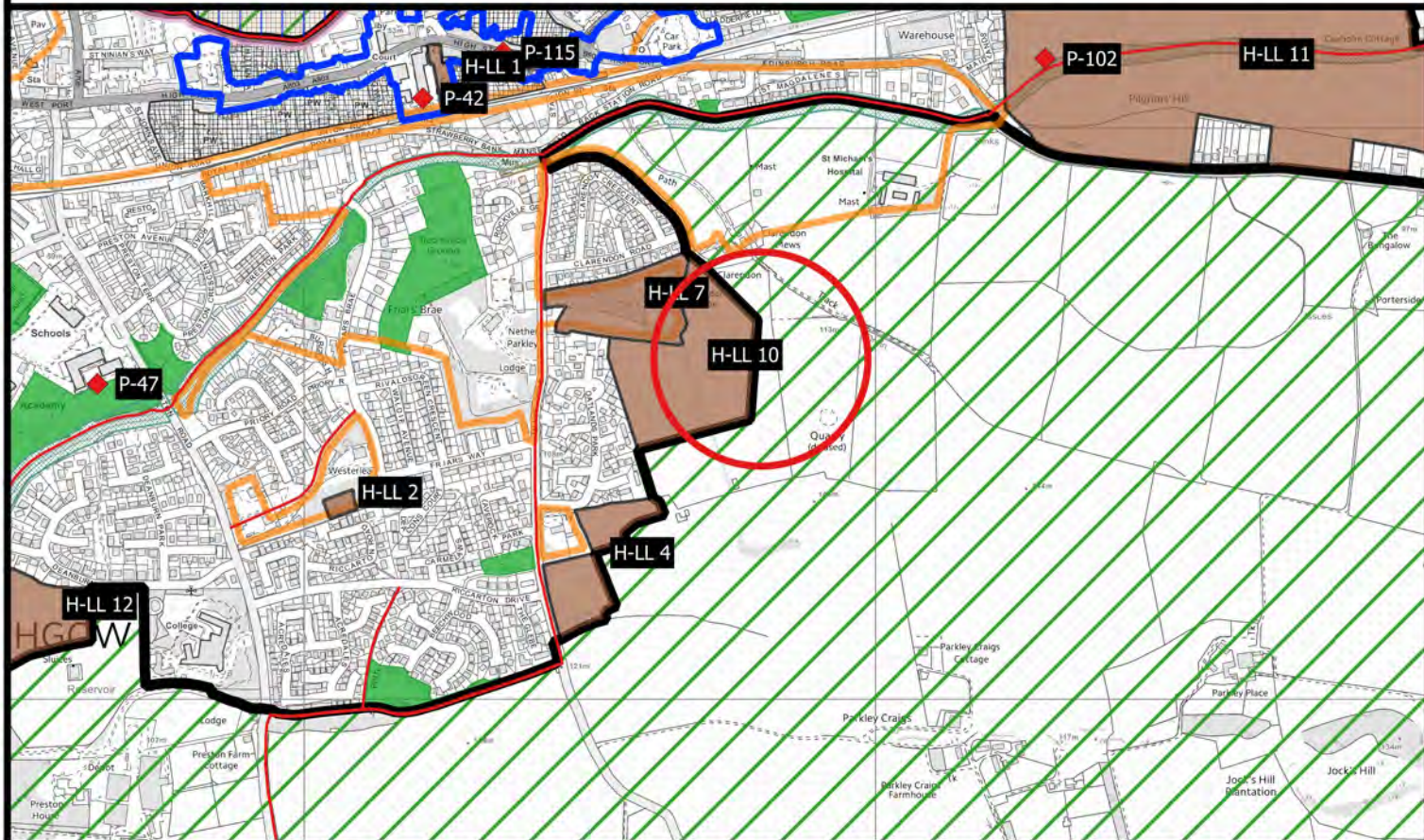


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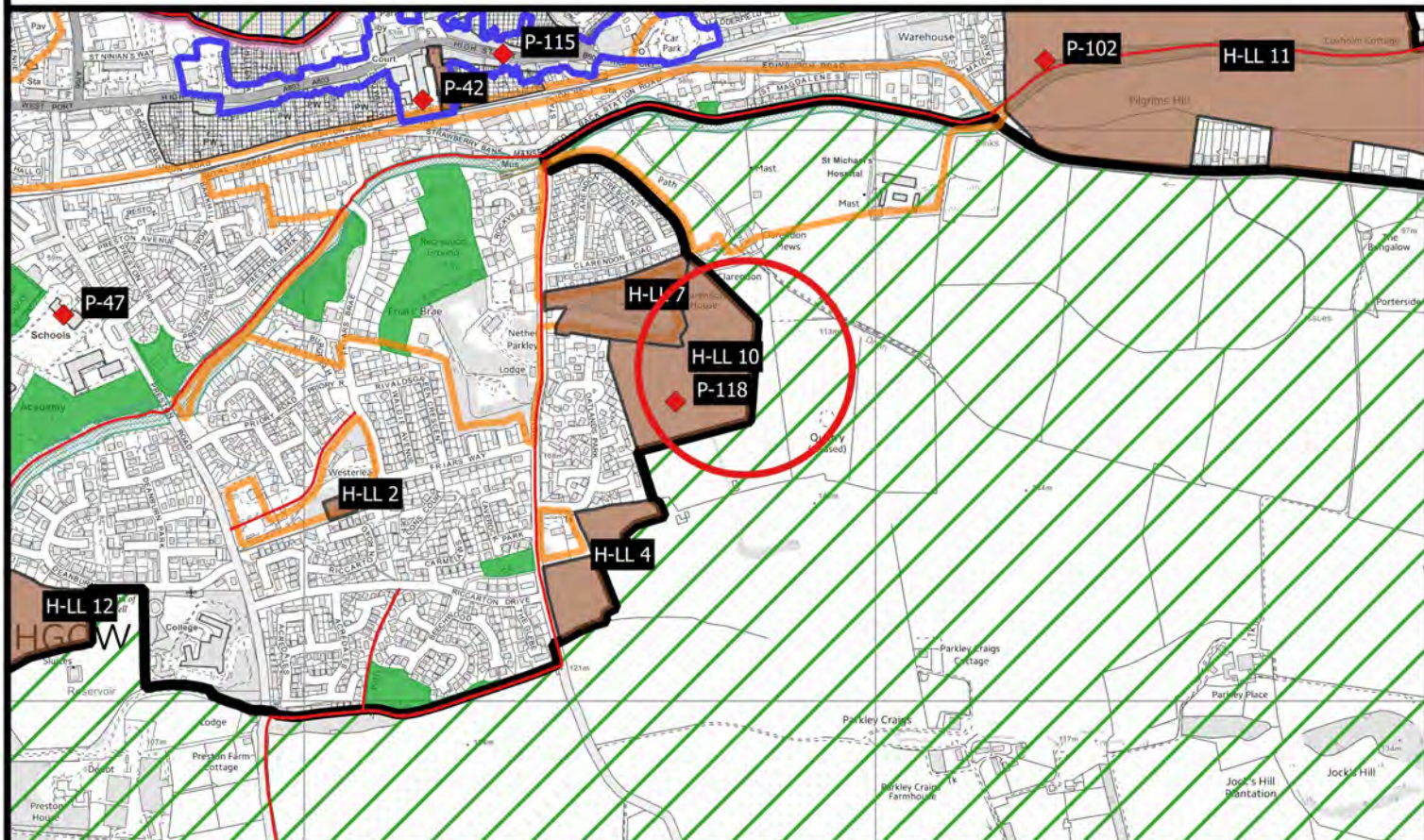
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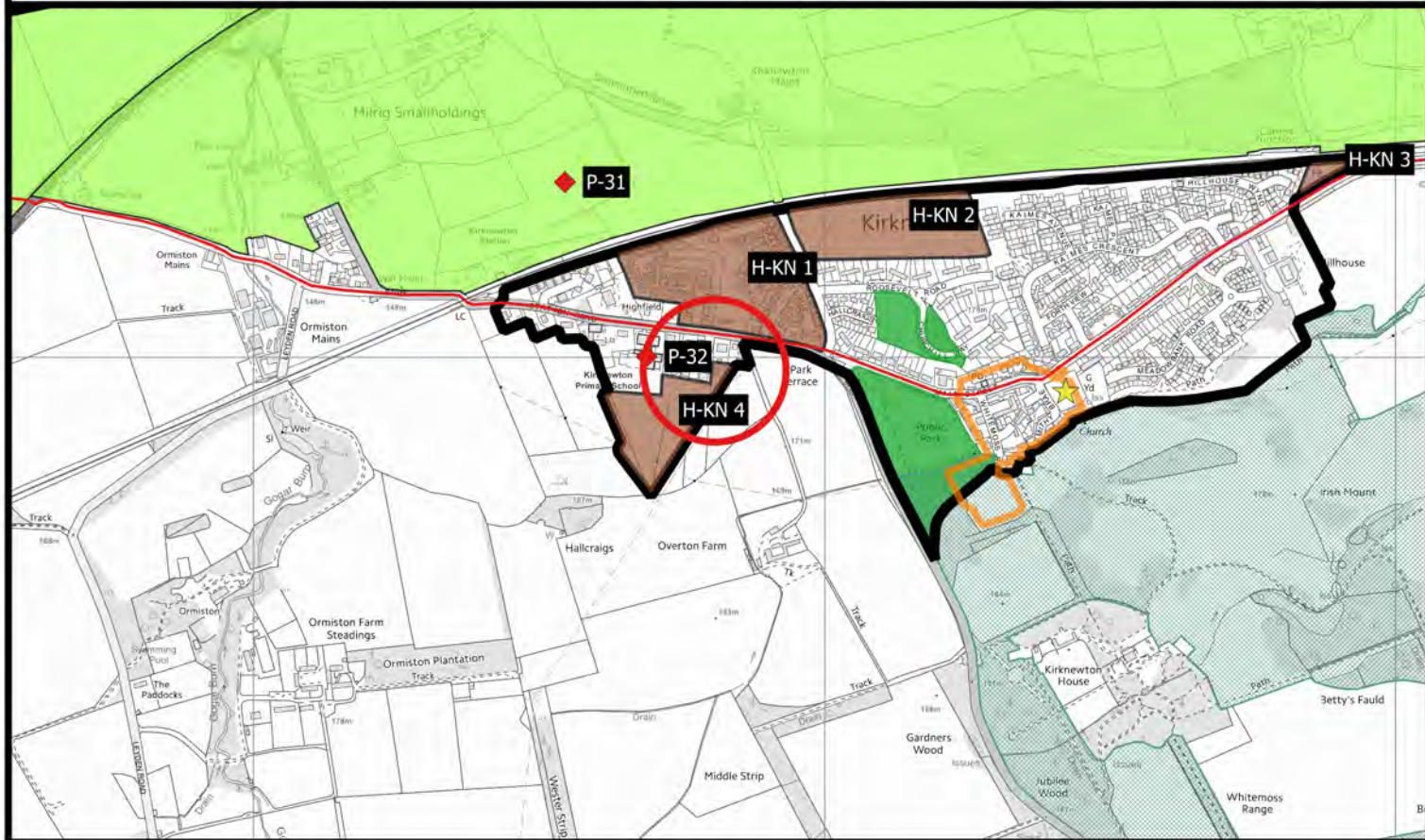


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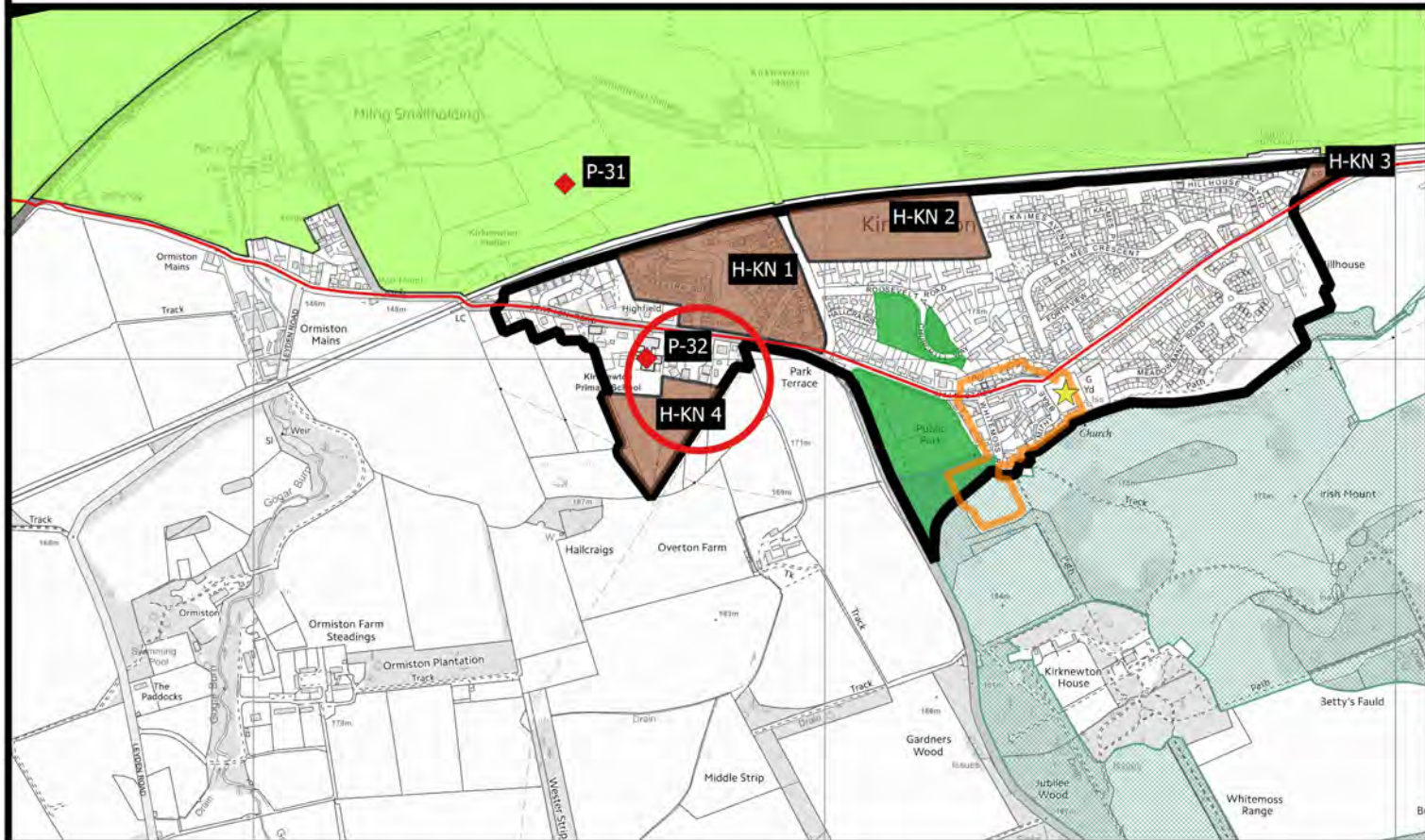
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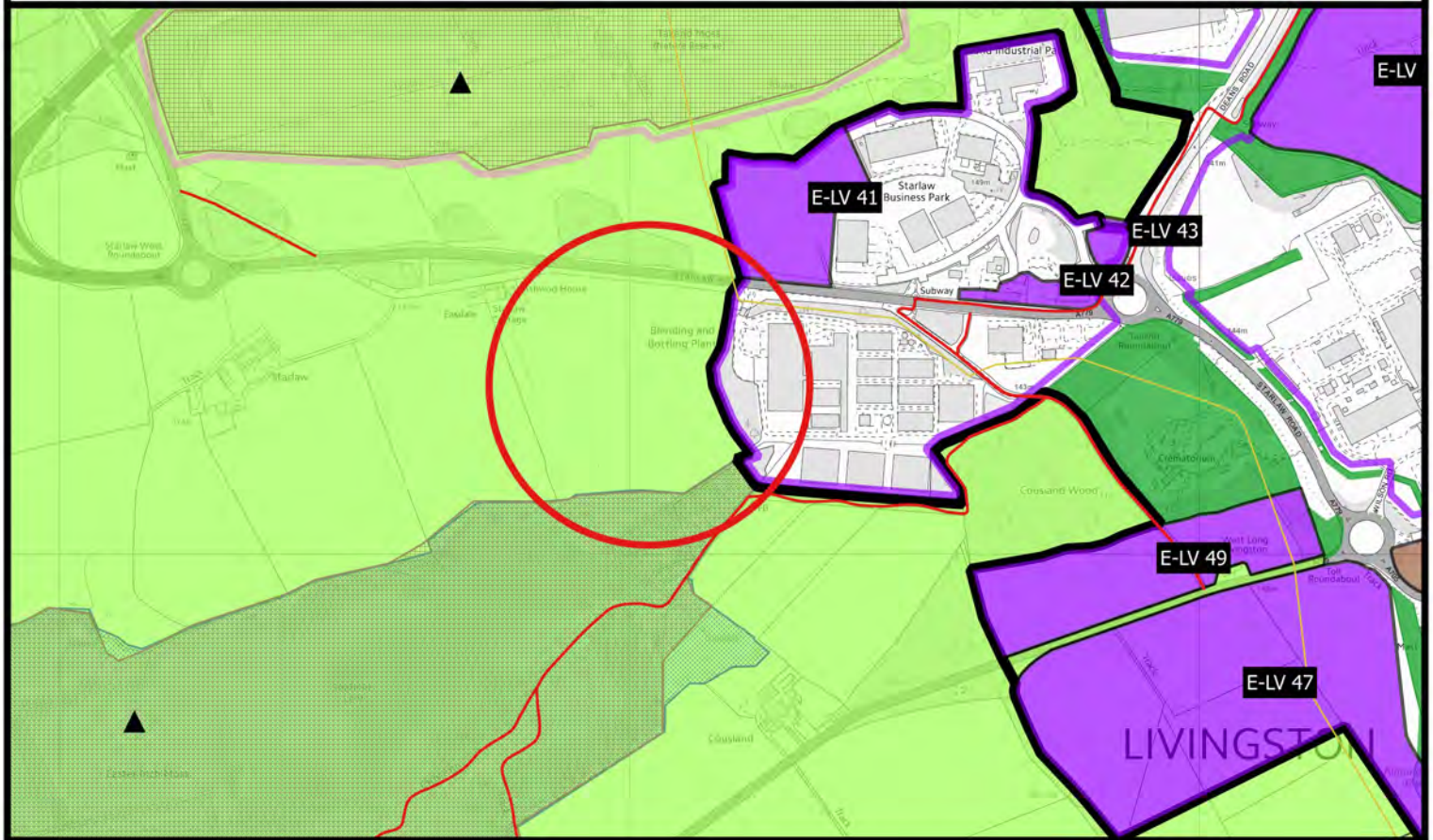


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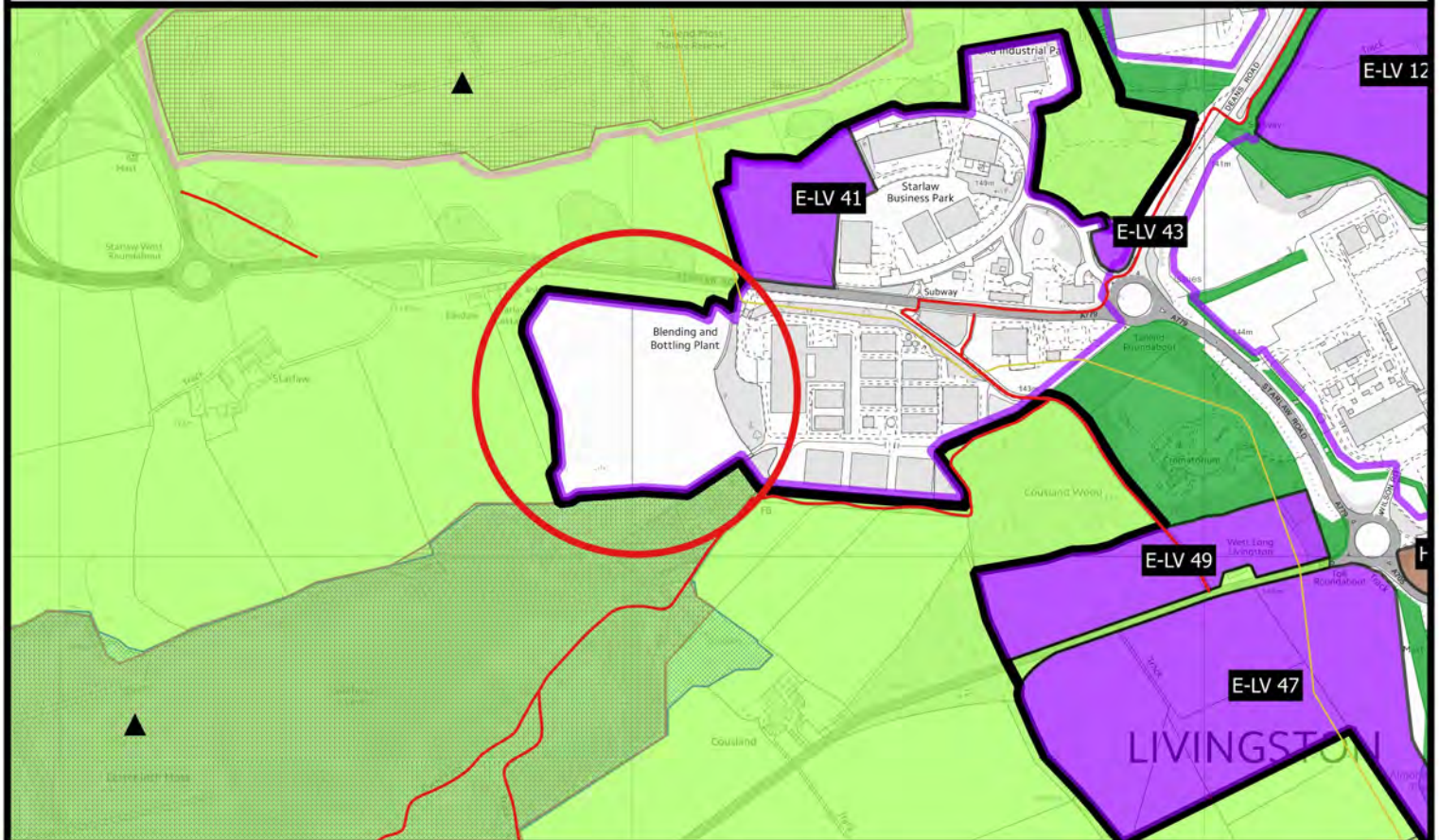
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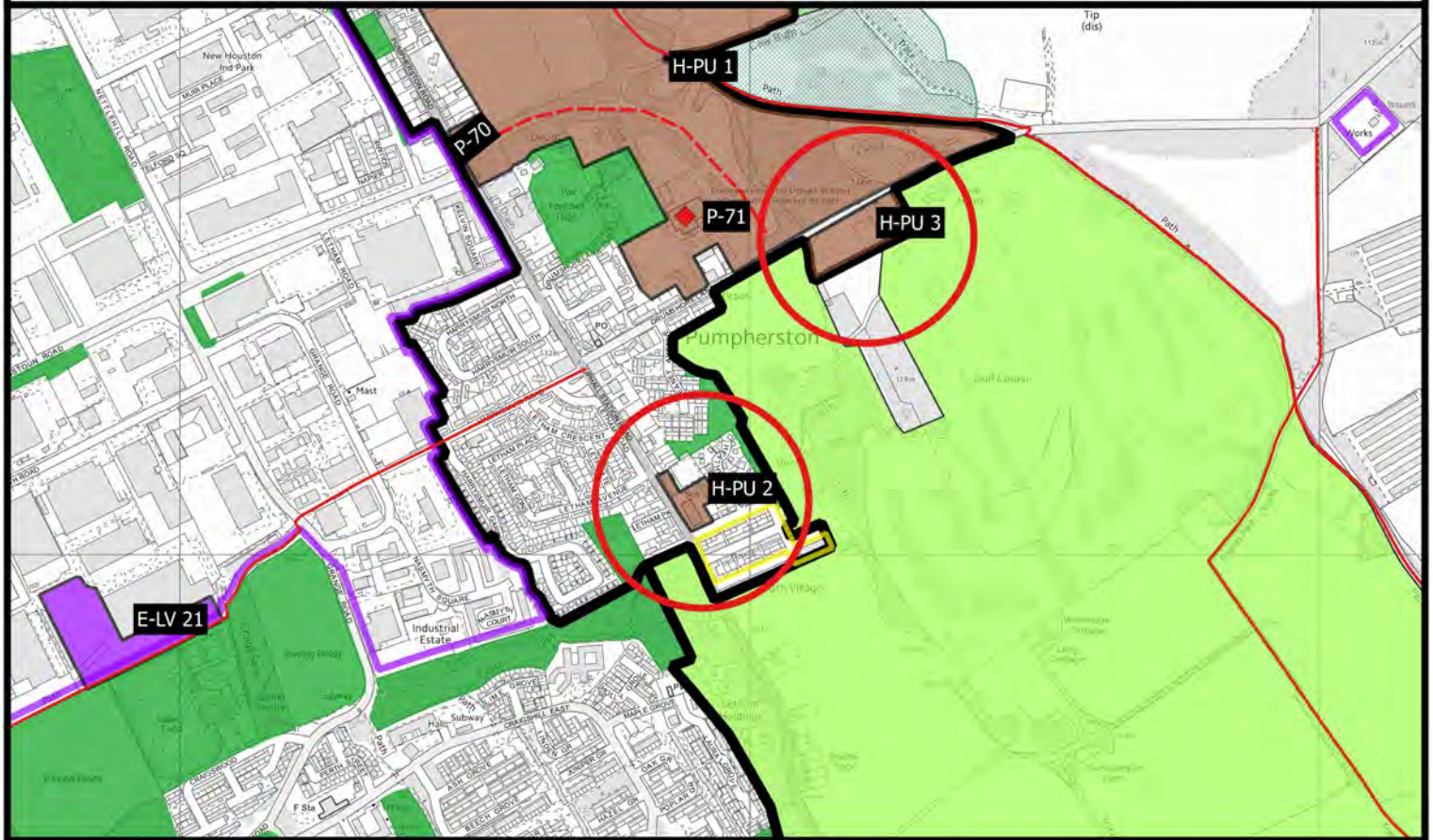


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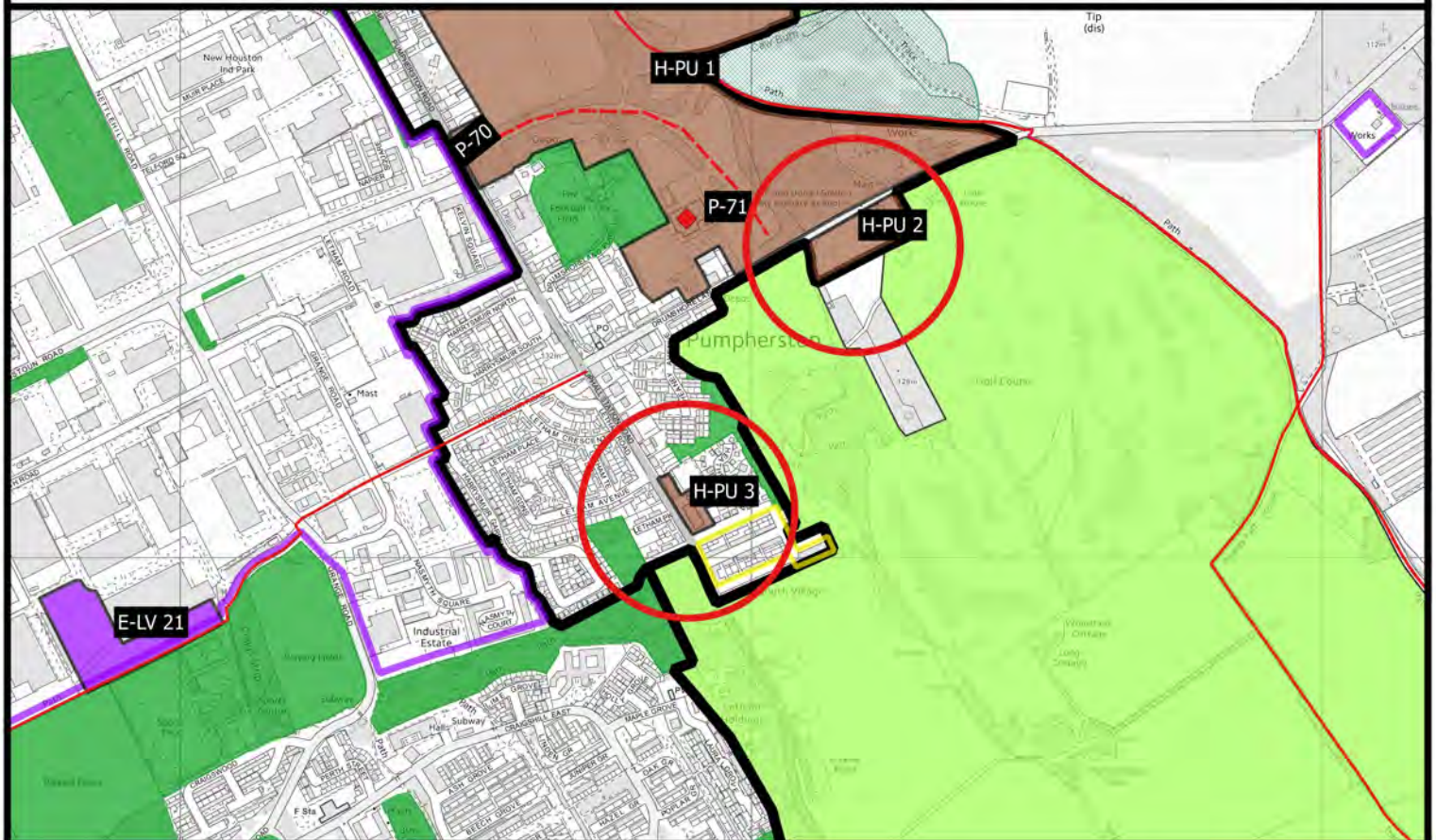
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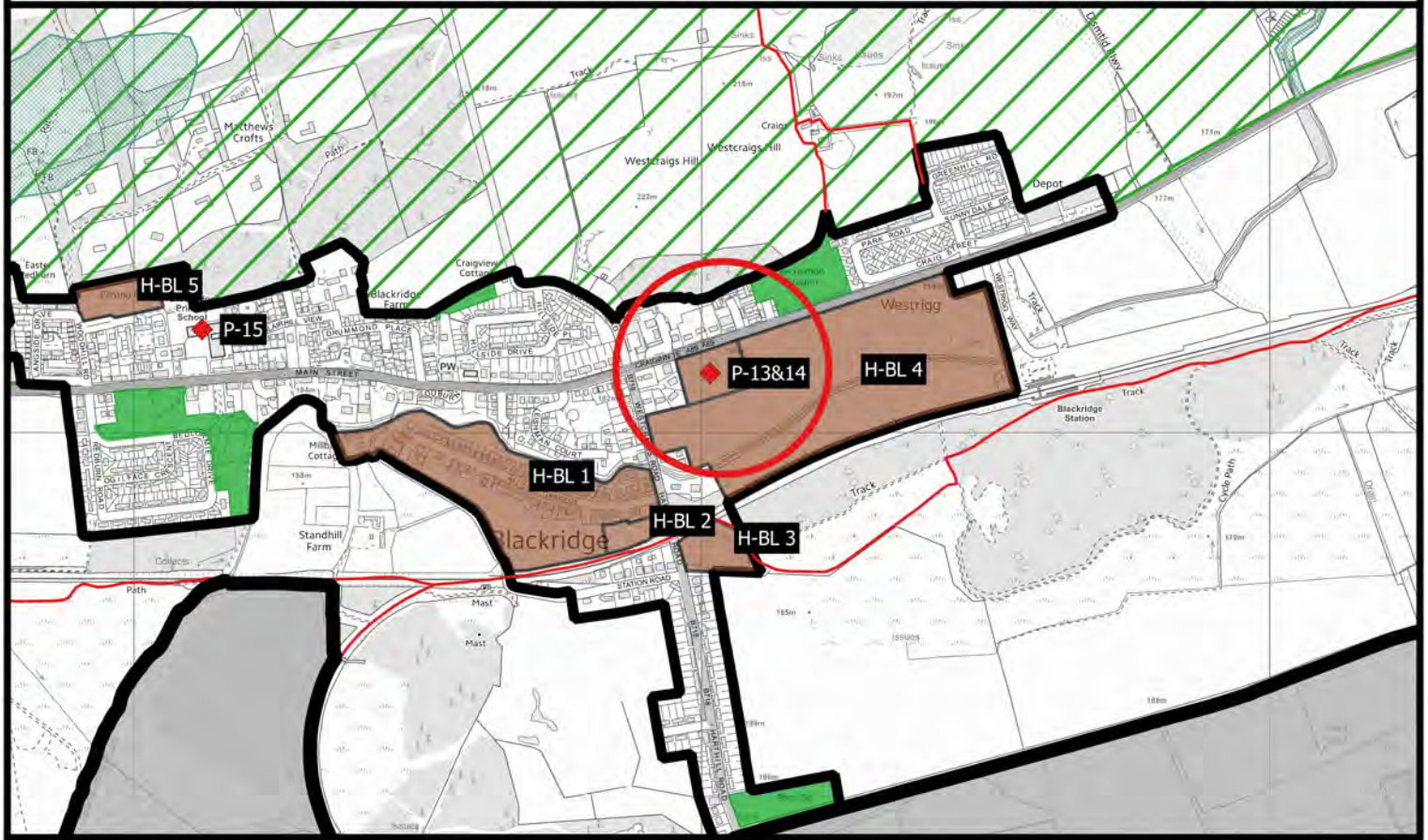


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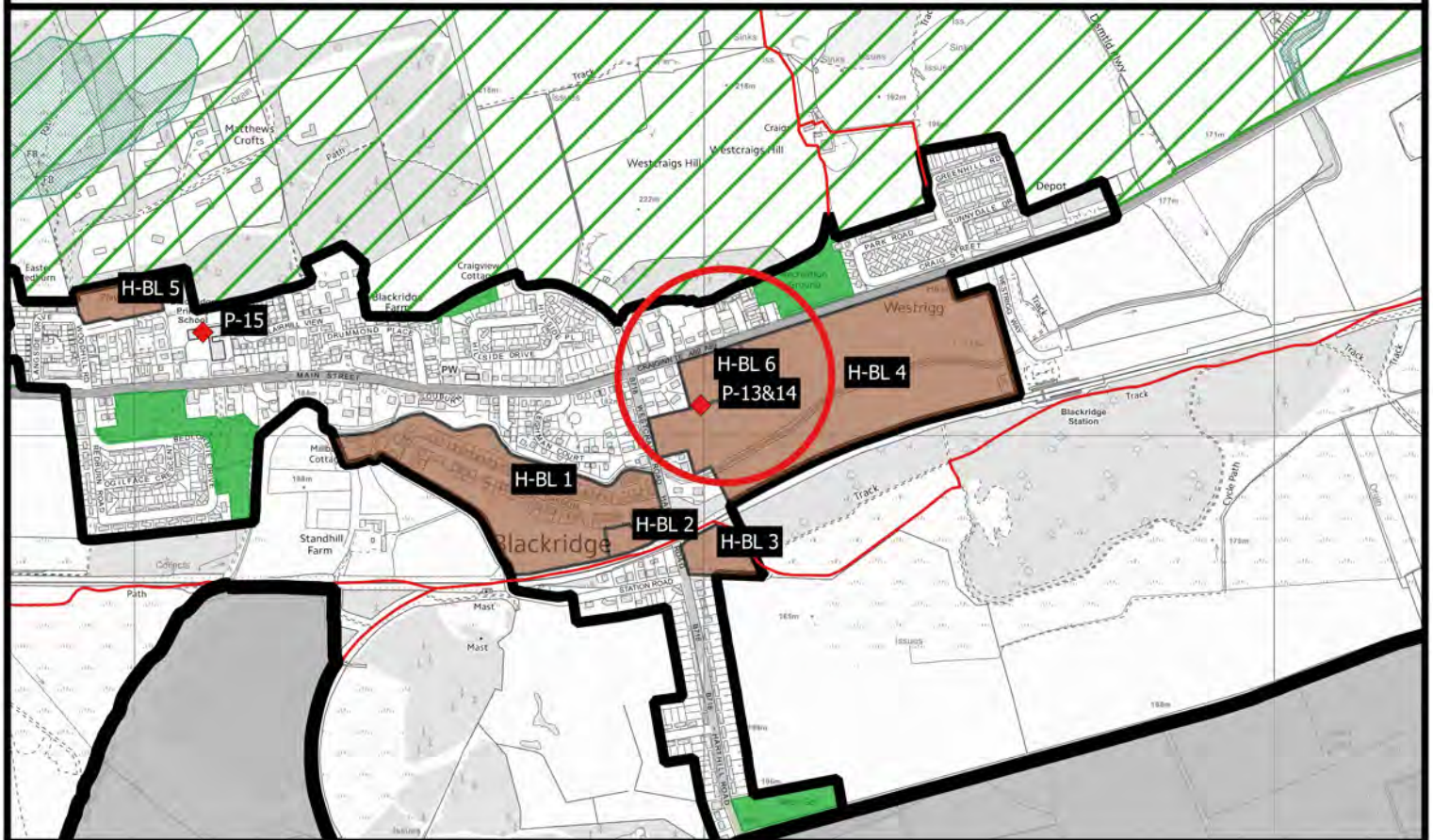
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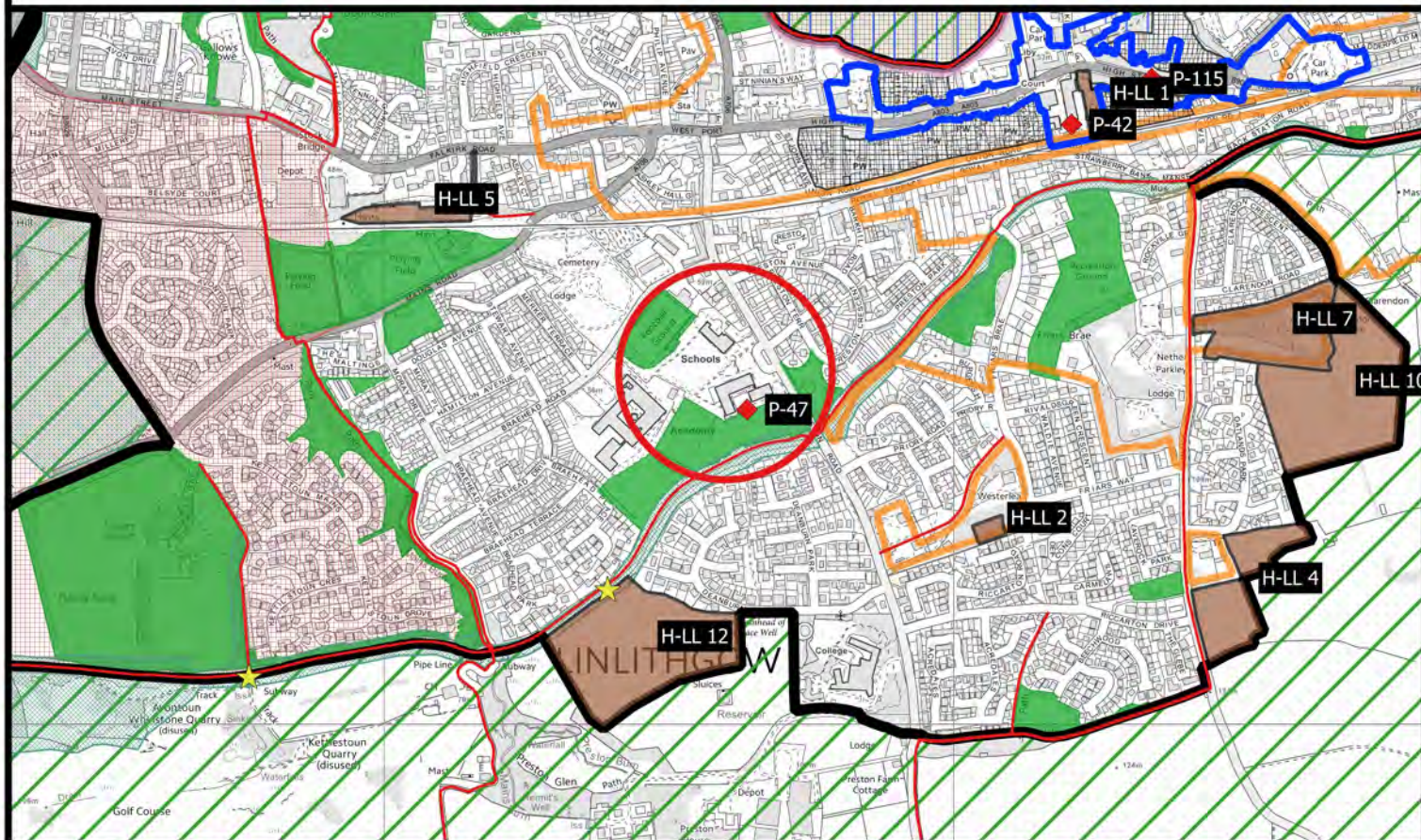


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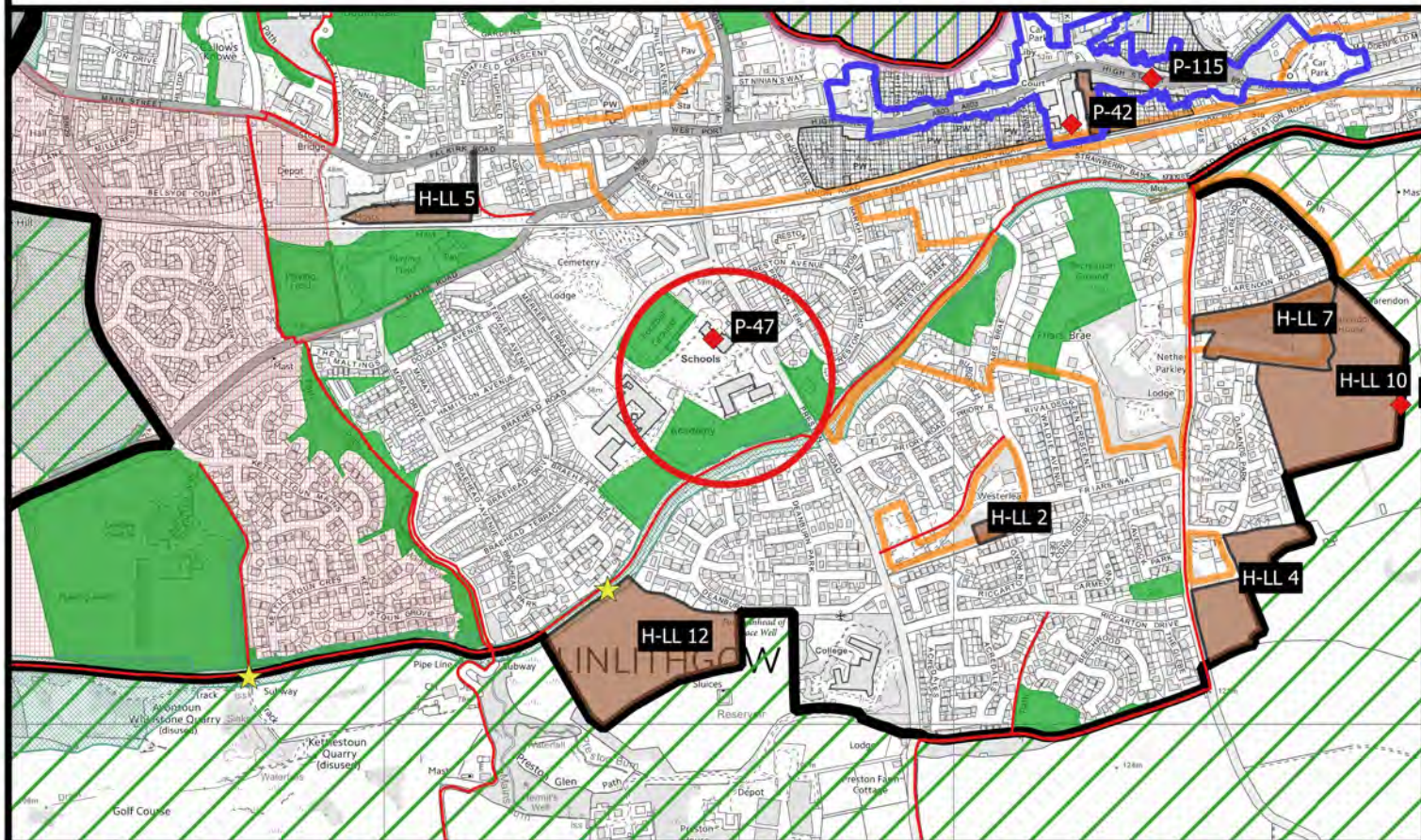
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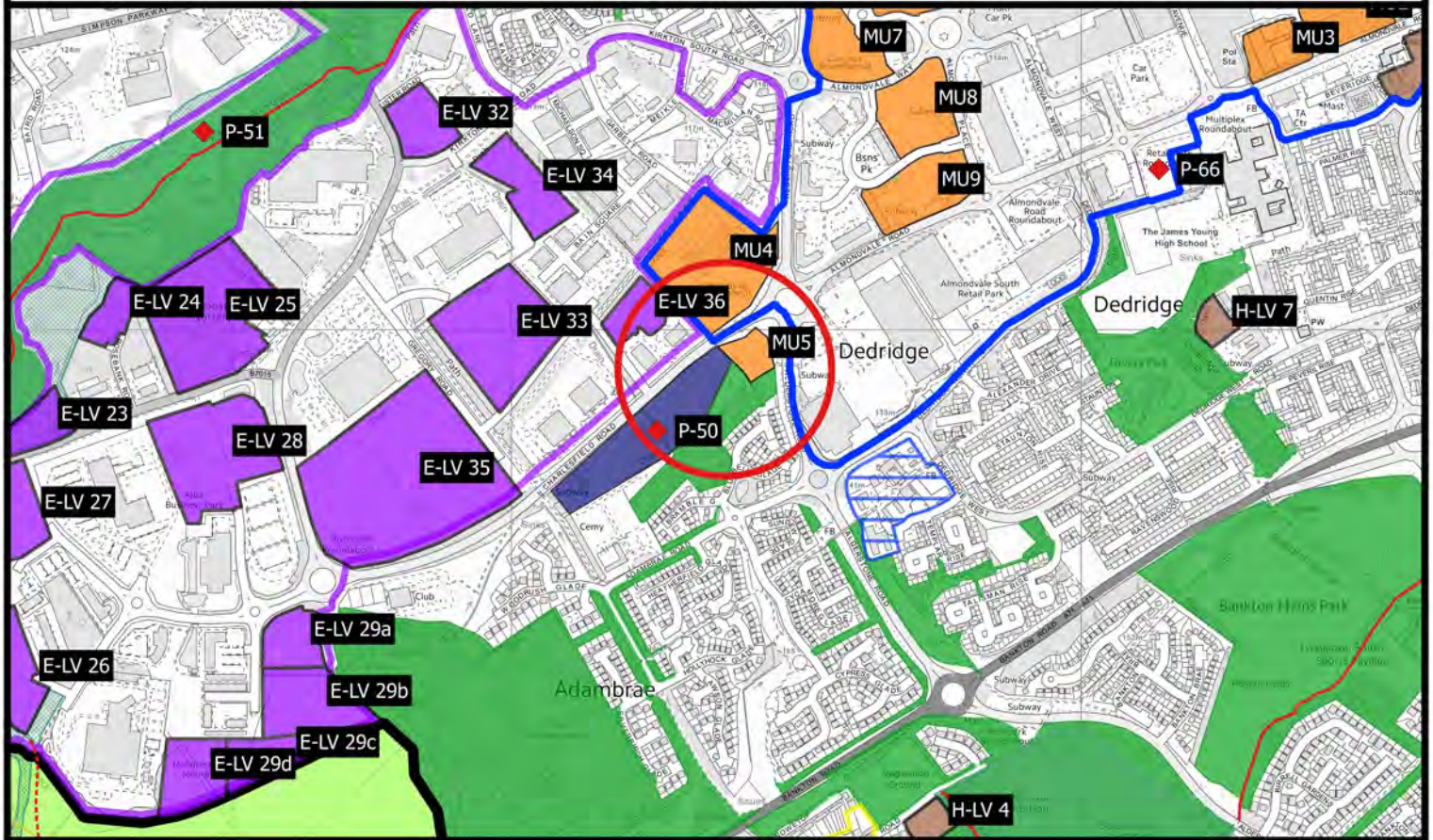


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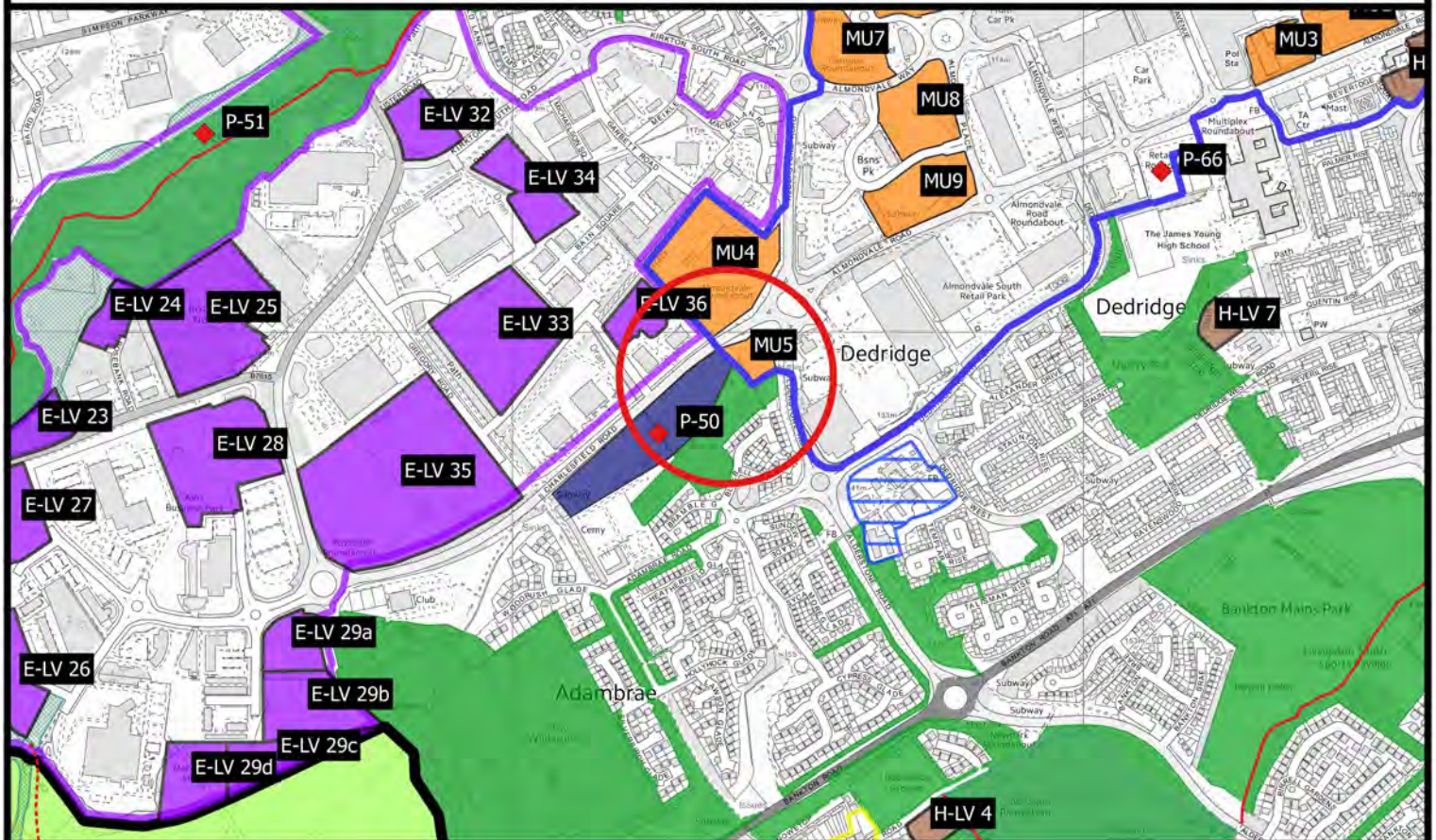
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West Lothian Local Development Plan: Key

Countryside

- ▲ Nature Reserve
- Protected Right of Way/Core Path
- Proposed Strategic Route
- Land to West Suitable for Very Low Density Housing
- SSSI
- ▨ Special Area of Conservation
- ▤ Special Protection Area
- ▧ SLA
- Countryside Belt
- Land Safeguarded for Open Space

Town Centre

- TownCentre
- Local Neighbourhood Centre
- Mixed Use

Miscellaneous

- ◆ Proposal
- Proposal
- Pipeline
- Core Development Areas
- Cemetery Use

West Lothian Local Development Plan: Key

Countryside

- ▲ Nature Reserve
- Protected Right of Way/Core Path
- Proposed Strategic Route
- Land to West Suitable for Very Low Density Housing
- SSSI
- ▨ Special Area of Conservation
- ▤ Special Protection Area
- ▧ SLA
- Countryside Belt
- Land Safeguarded for Open Space/ Sports Facilities

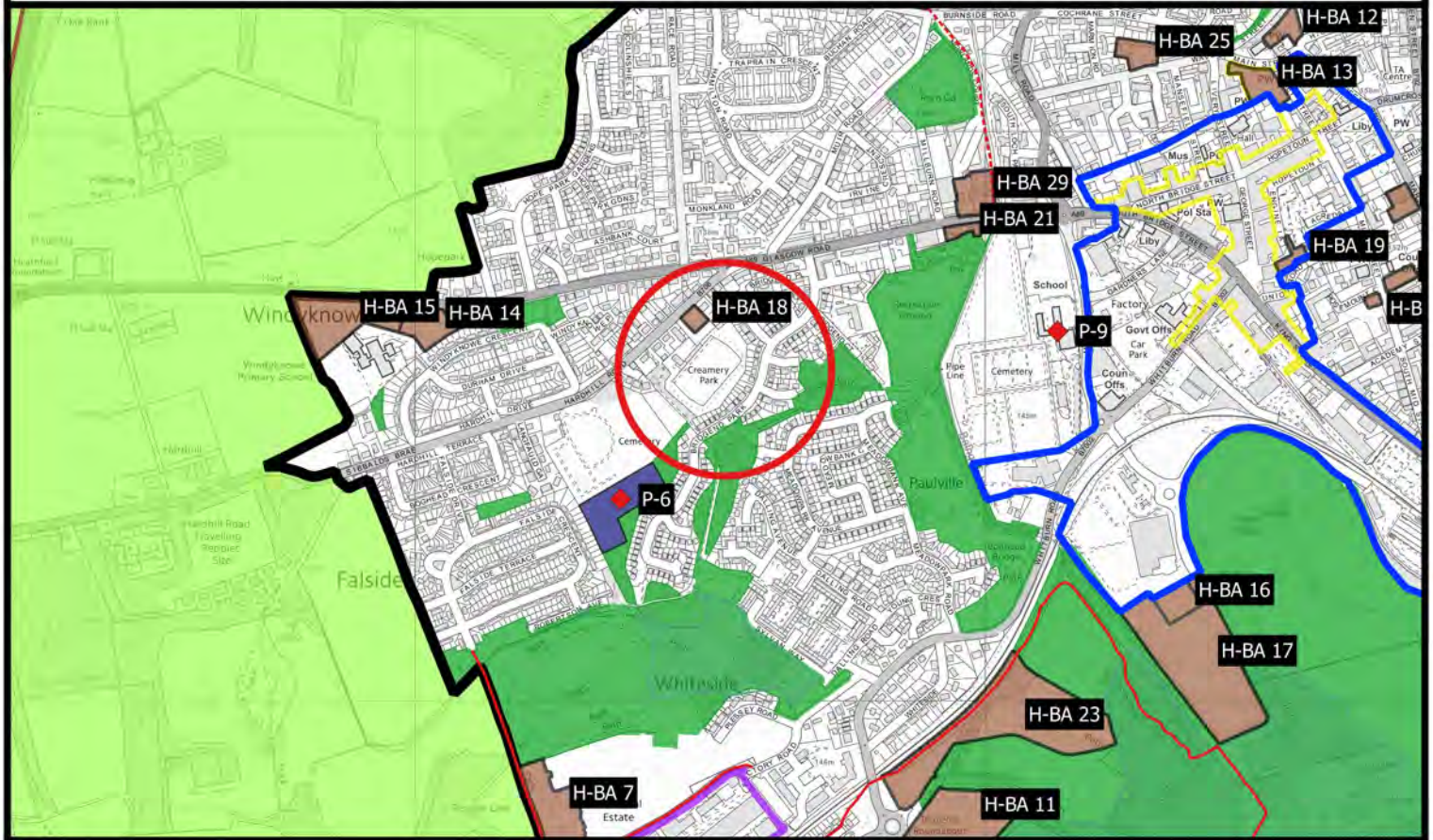
Town Centre

- TownCentre
- Local Neighbourhood Centre
- Mixed Use

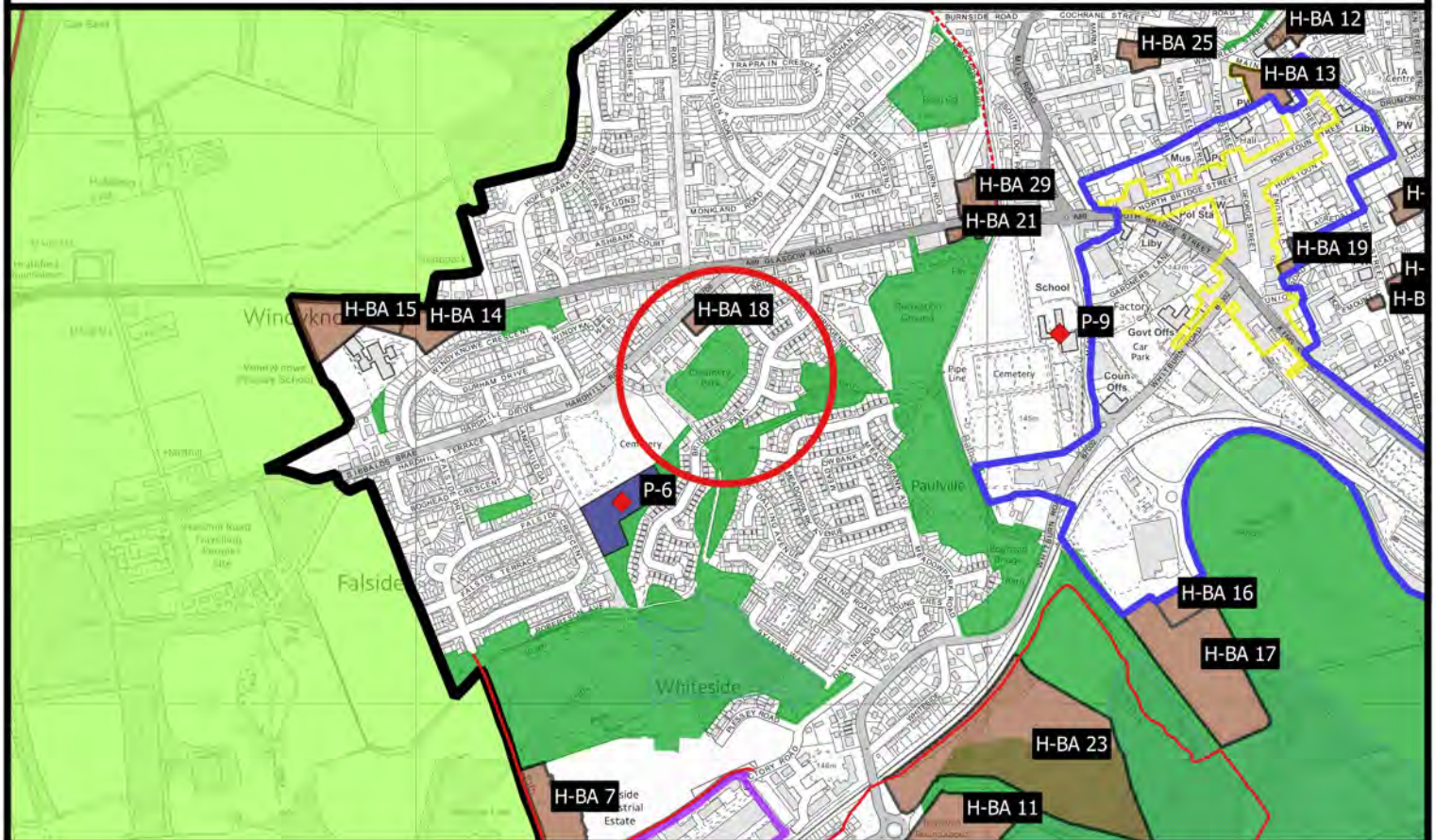
Miscellaneous

- ◆ Proposal
- Proposal
- Pipeline
- Core Development Areas
- Cemetery Use

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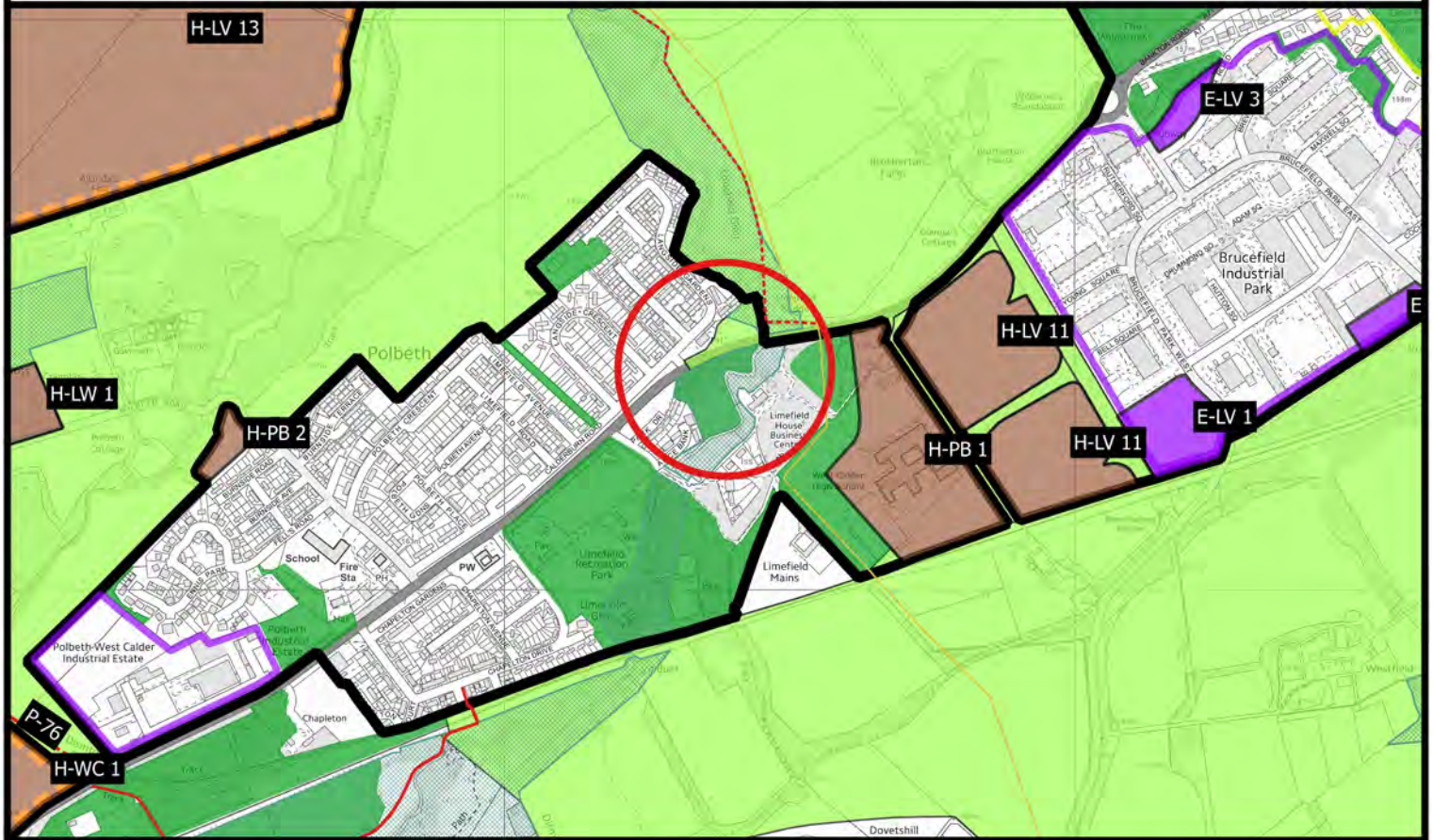


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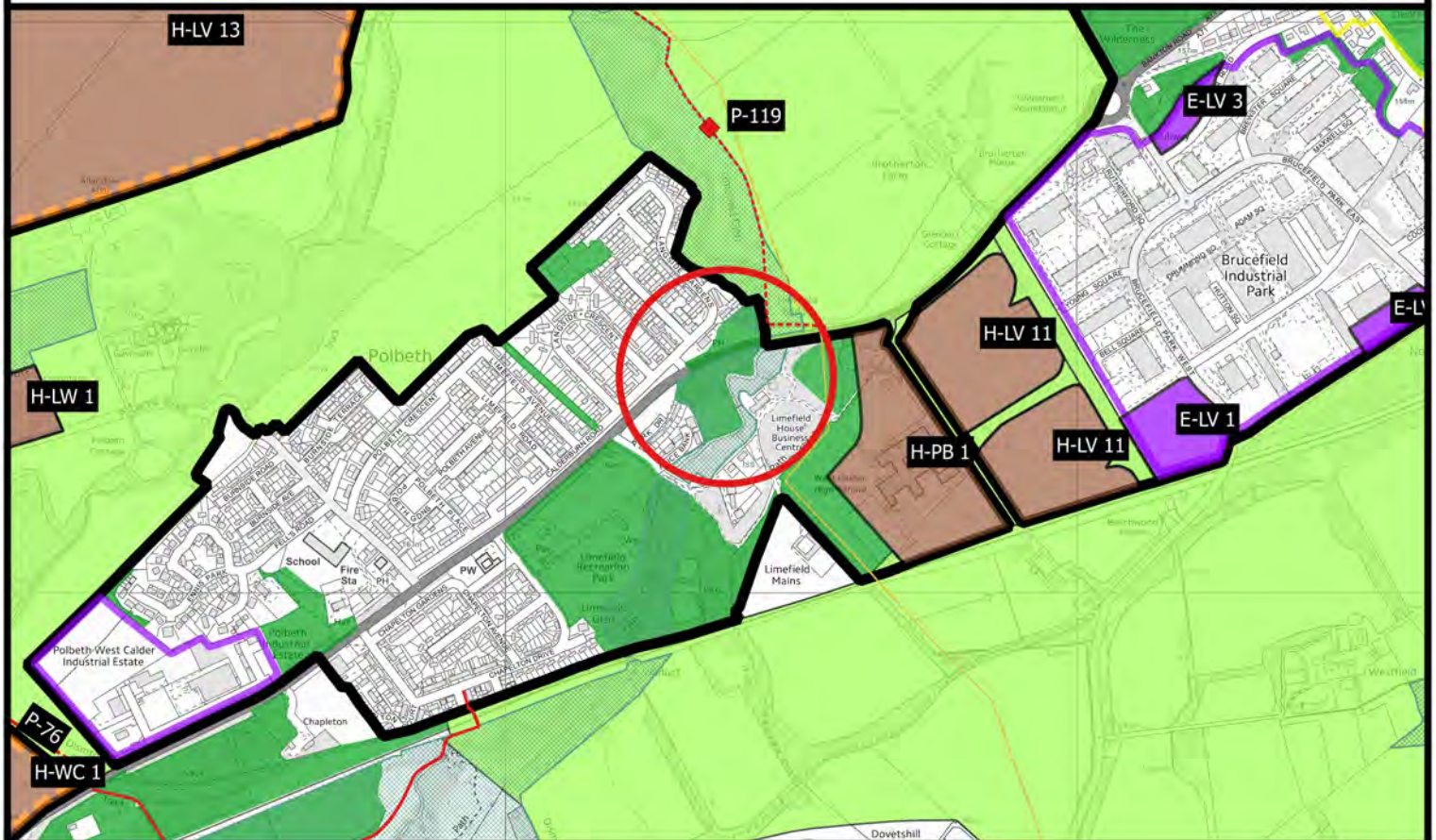
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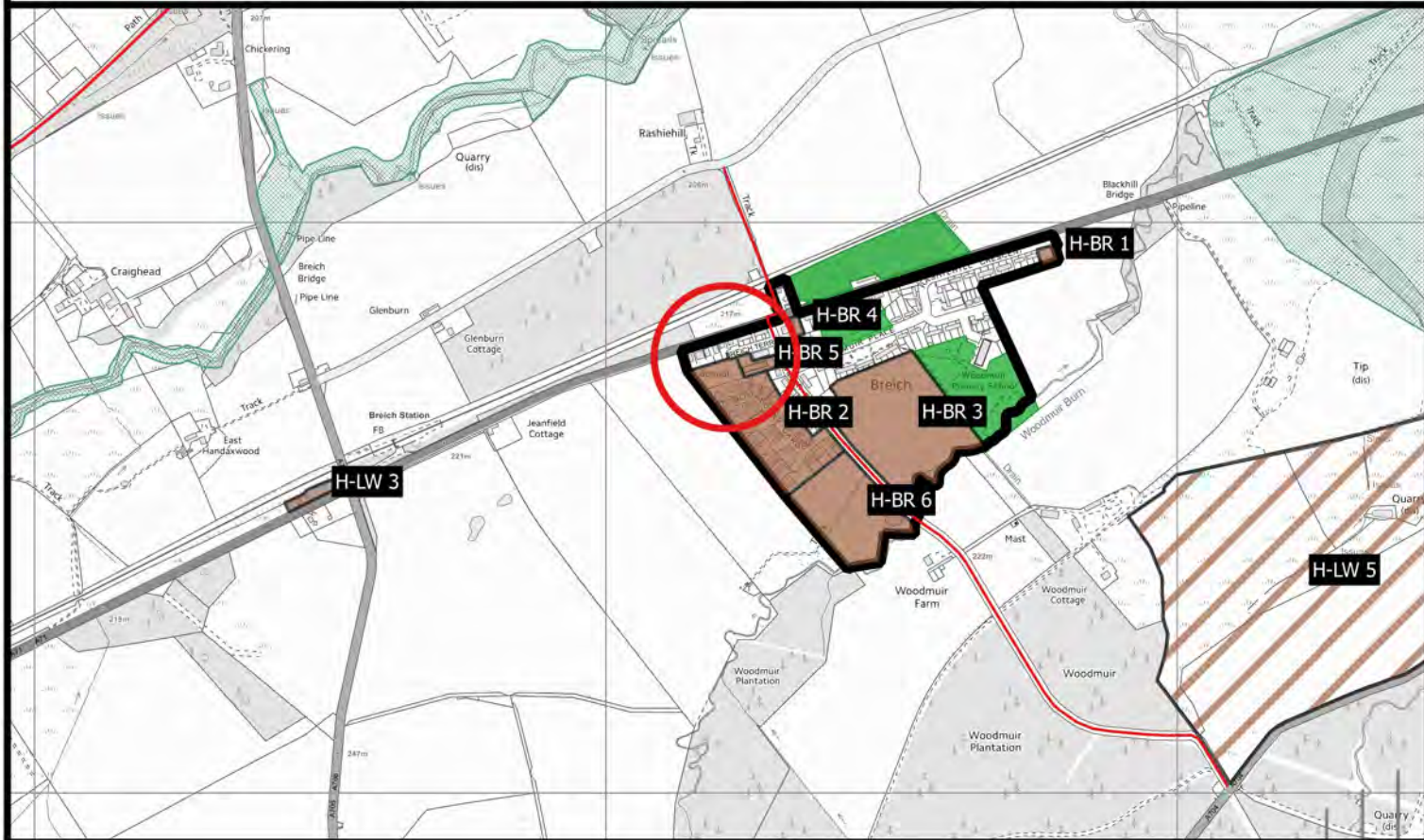


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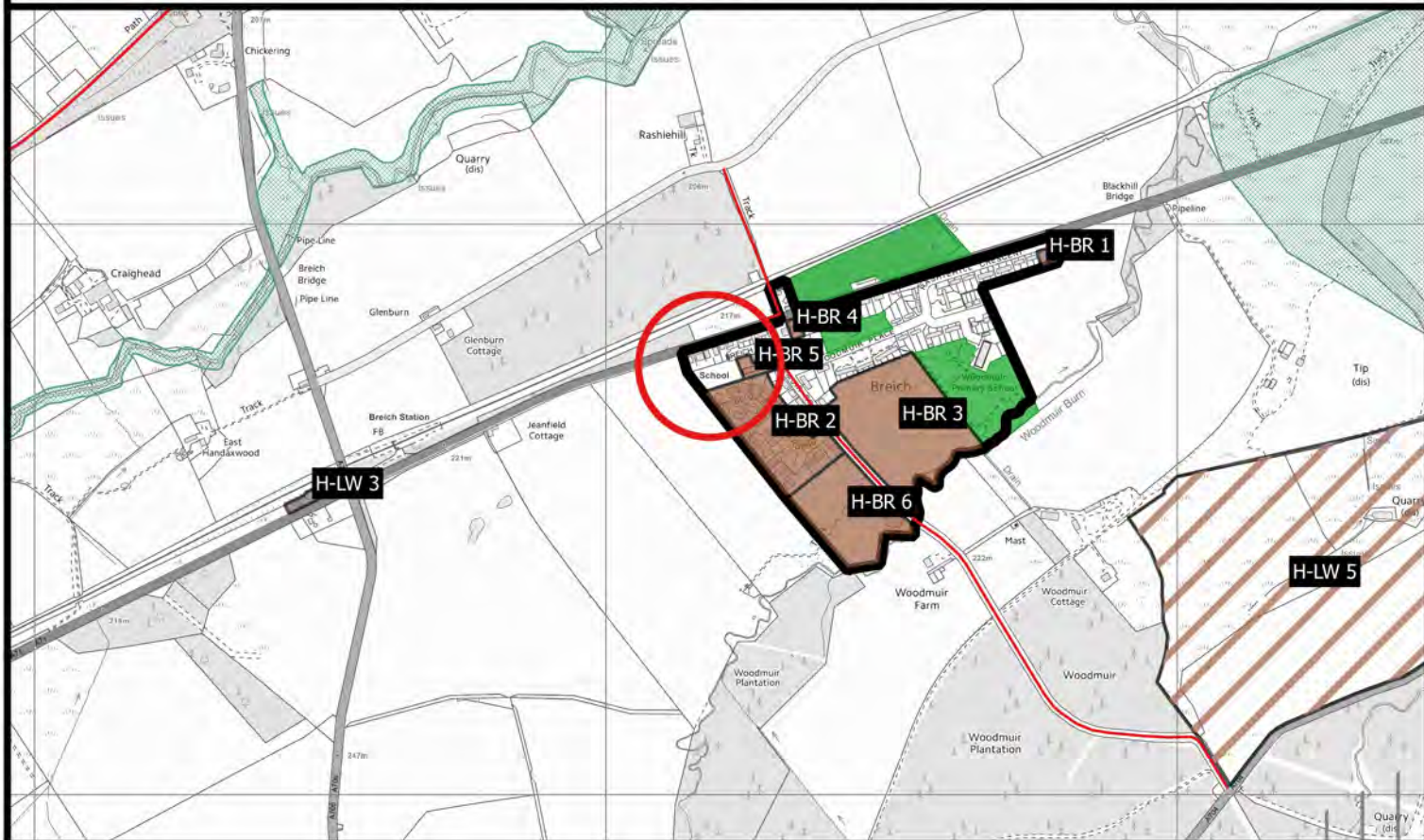
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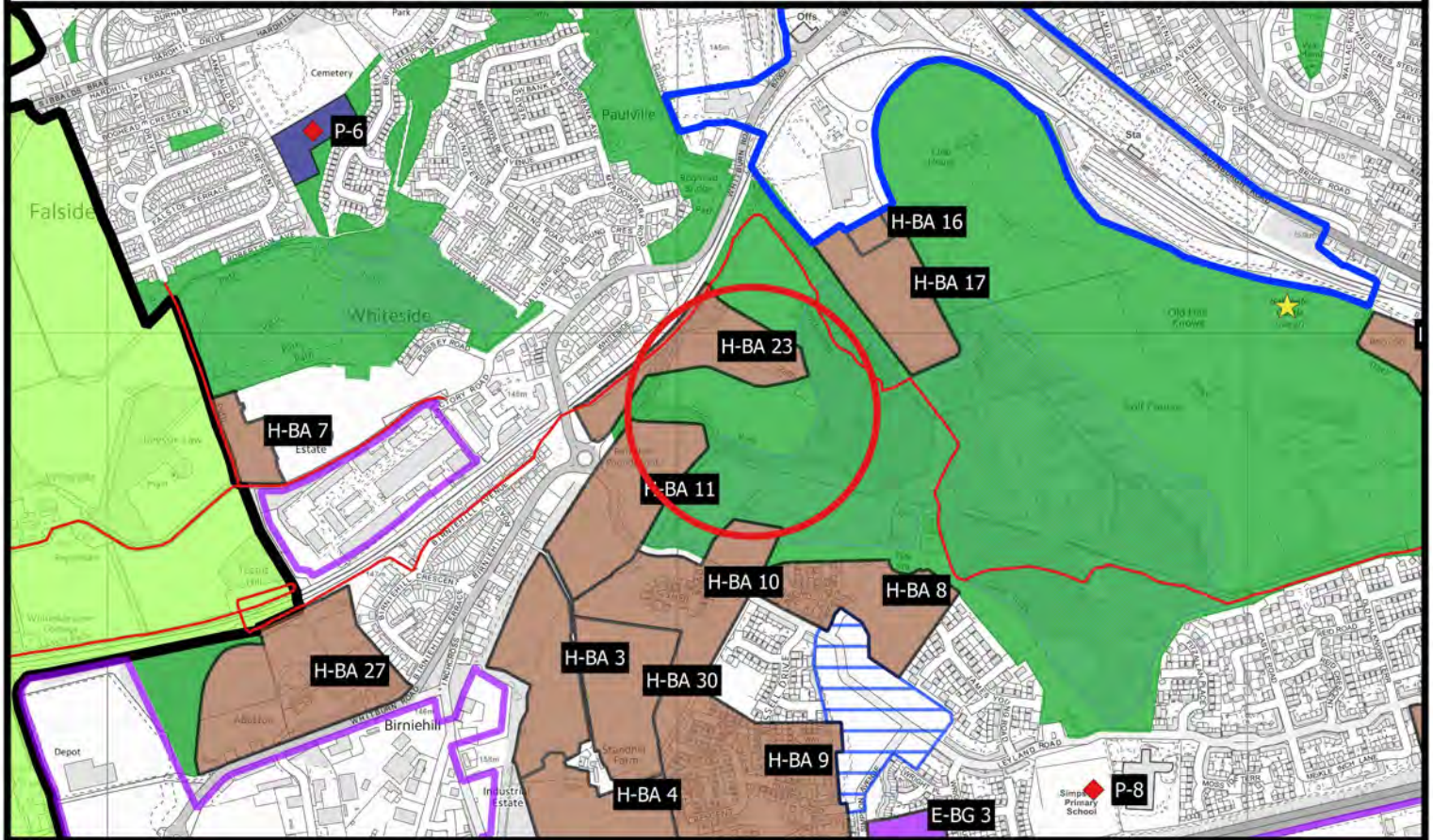


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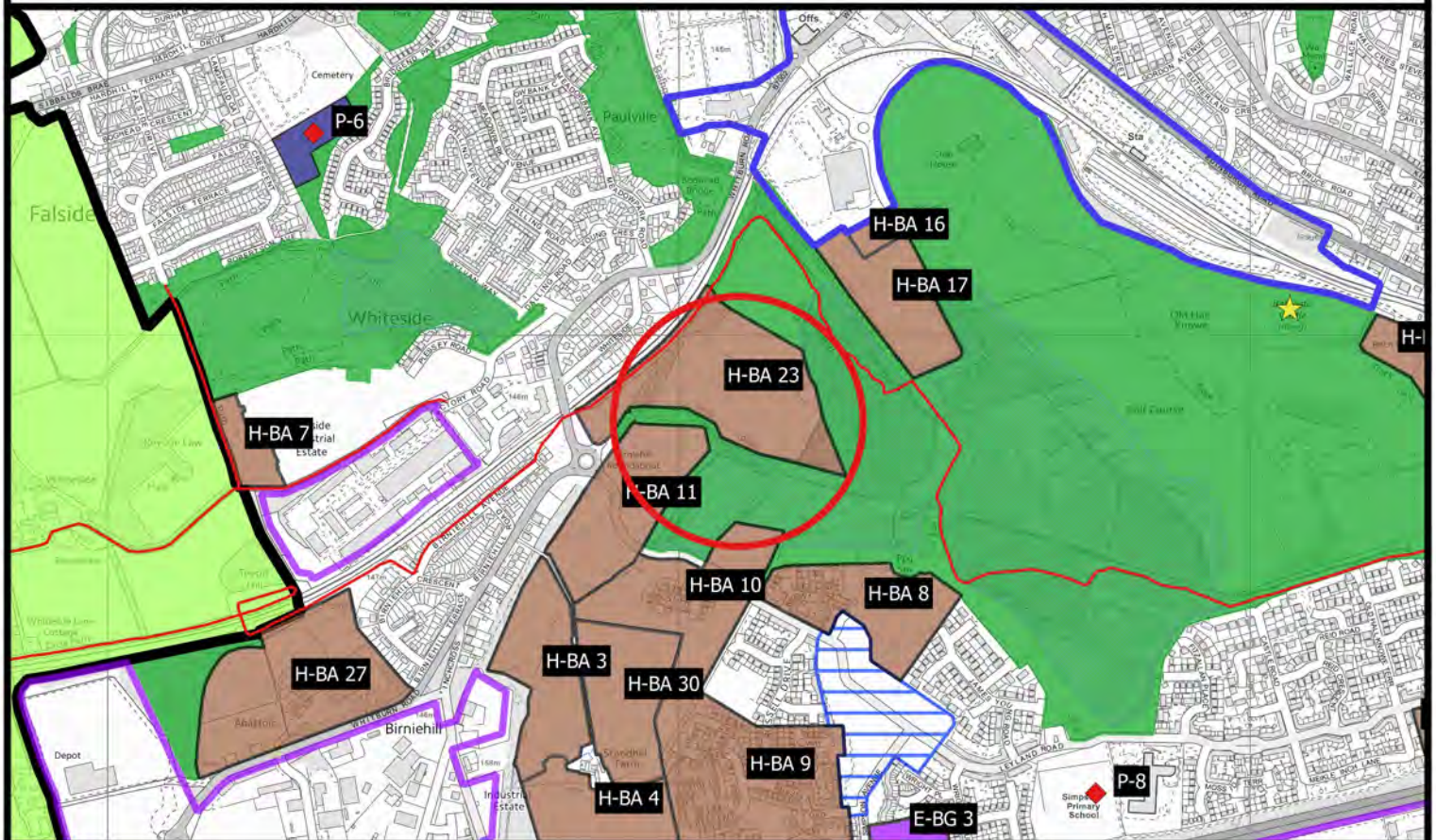
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West Lothian Local Development Plan (Proposed Plan) June 2016



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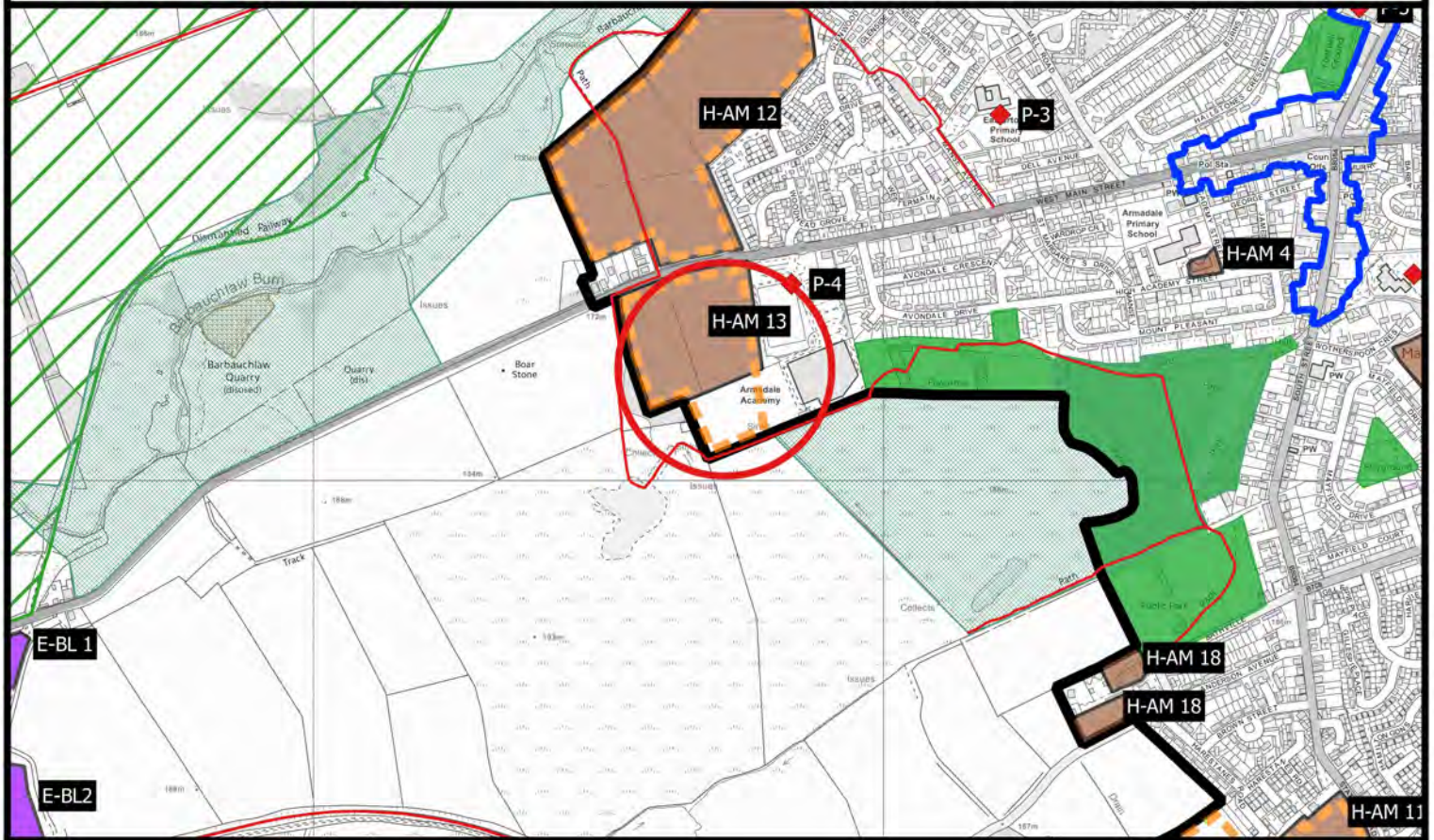
The map displays the Dechmont area in Glasgow, with various land use zones and planning designations. The zones are labeled as follows:

- H-DE 1**: A large brown area on the left side of the map.
- H-DE 2**: A brown area on the right side of the map.
- H-DE 3**: A brown area at the top center of the map.
- P-23**: A red diamond symbol located in the center of the map, near the 'Dechmont' label.
- P-37**: A red diamond symbol located in the bottom right area of the map.
- P-40**: A red diamond symbol located in the bottom right area of the map, near 'P-37'.
- E-LV 44**: A purple area at the bottom right of the map.

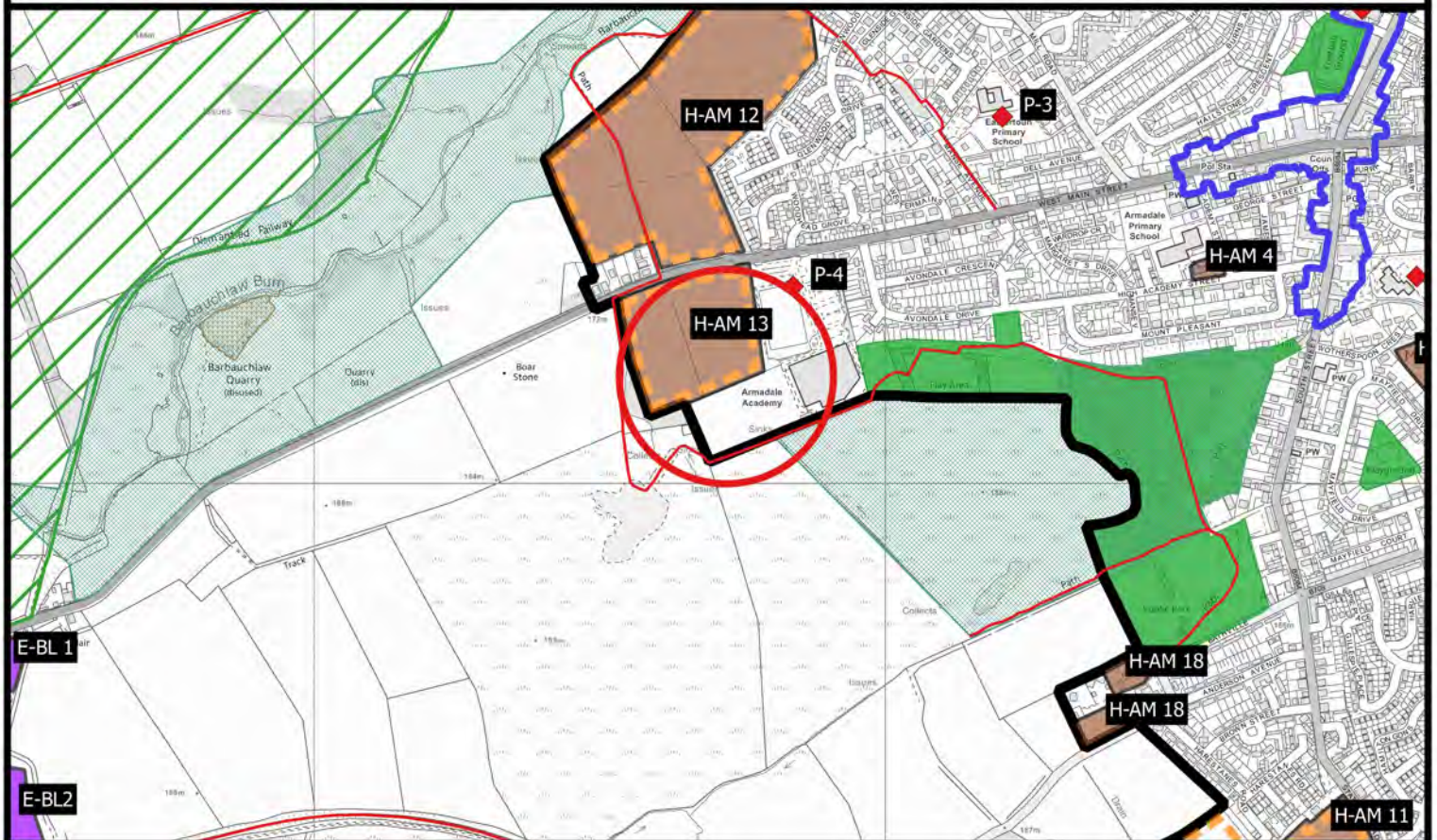
Other labels on the map include 'Bangour Knowes', 'Dechmont Mains Holdings', 'Dechmont Roundabout', 'Deer Park Drive', 'Dechmont', 'P-23', 'P-37', 'P-40', 'E-LV 44', 'H-DE 1', 'H-DE 2', 'H-DE 3', 'Quarry (disused)', 'Bangour Knowes', 'Dechmont Mains Holdings', 'Dechmont Roundabout', 'Deer Park Drive', 'Dechmont', 'P-23', 'P-37', 'P-40', 'E-LV 44', 'H-DE 1', 'H-DE 2', 'H-DE 3'.

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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016

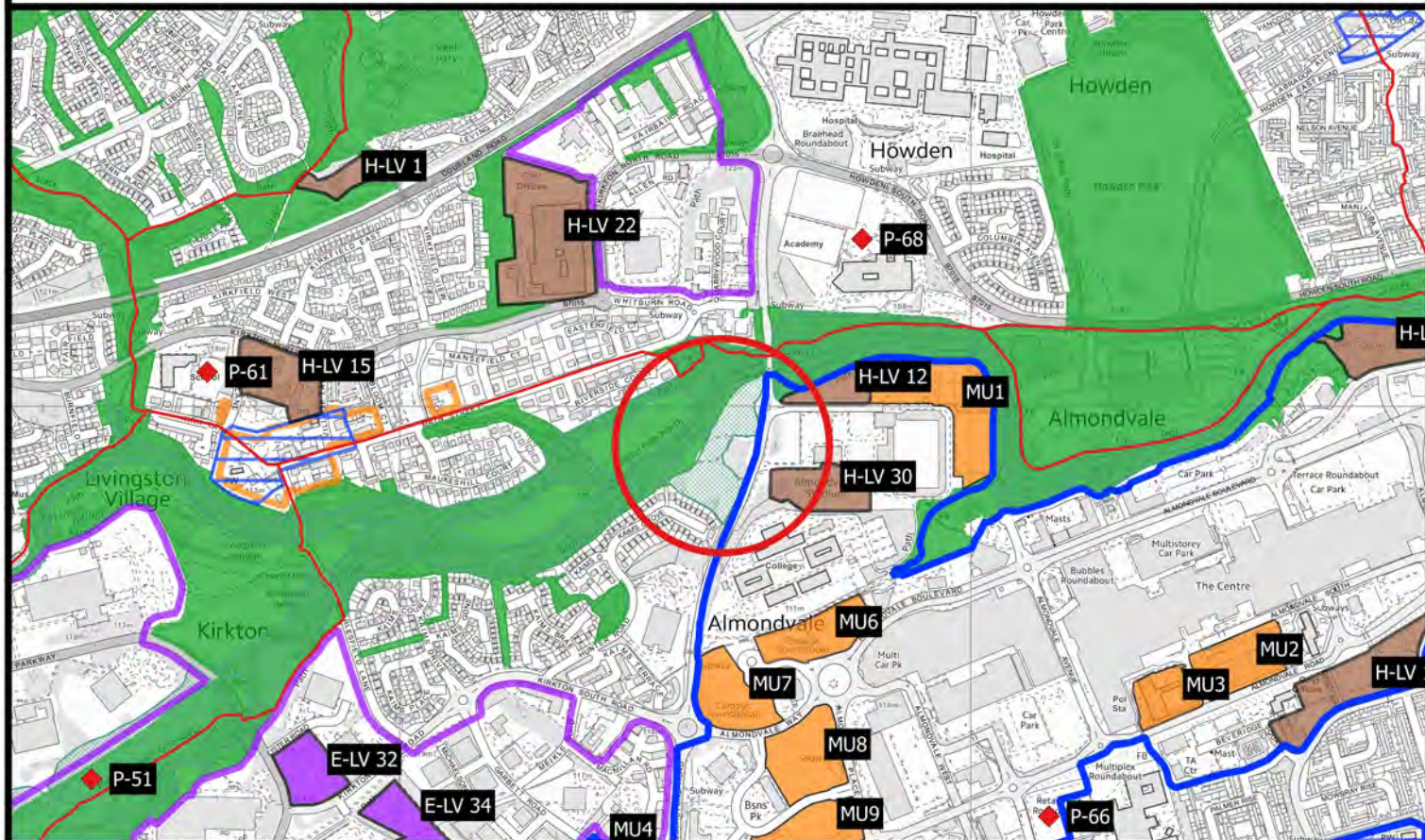


Change 65

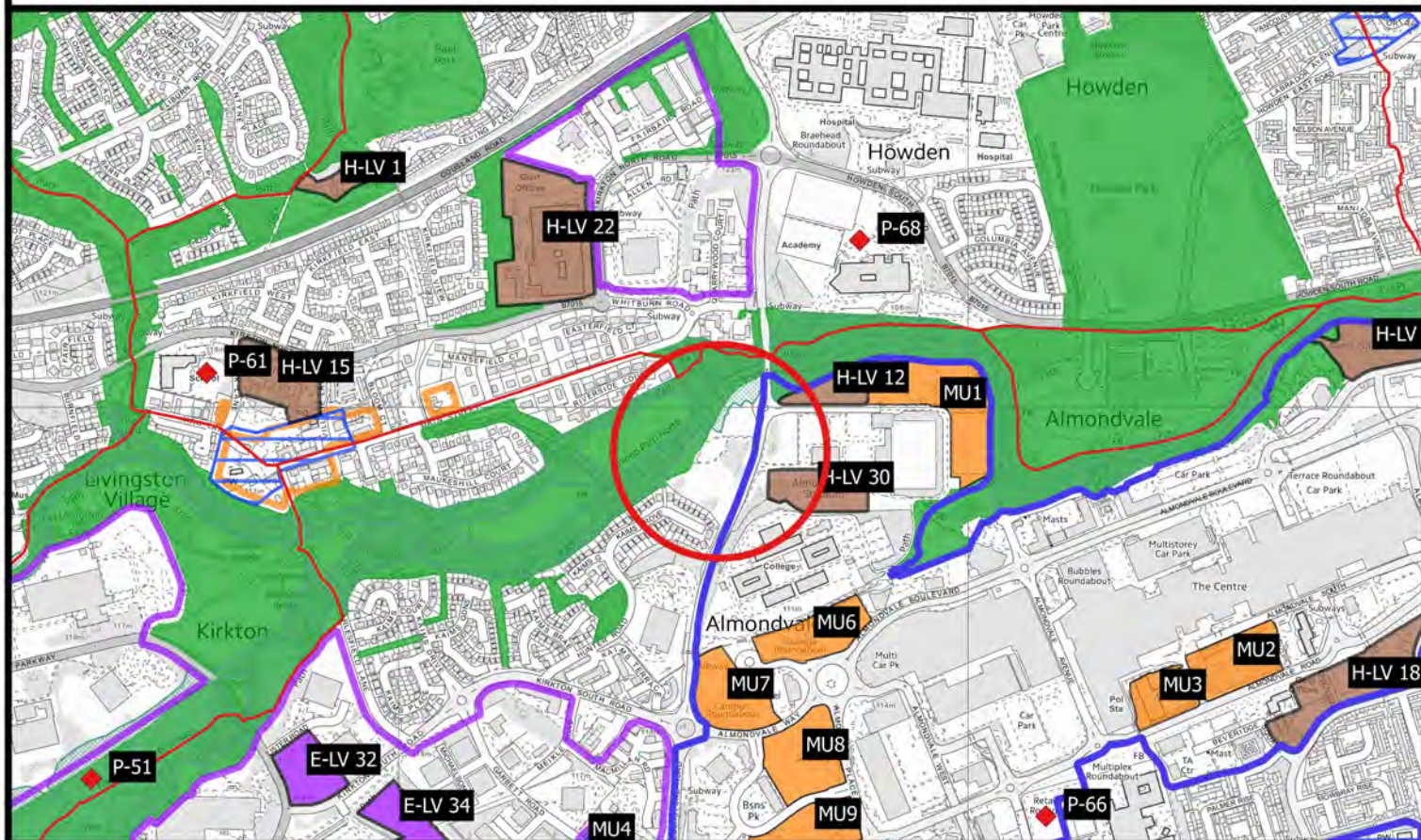
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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016

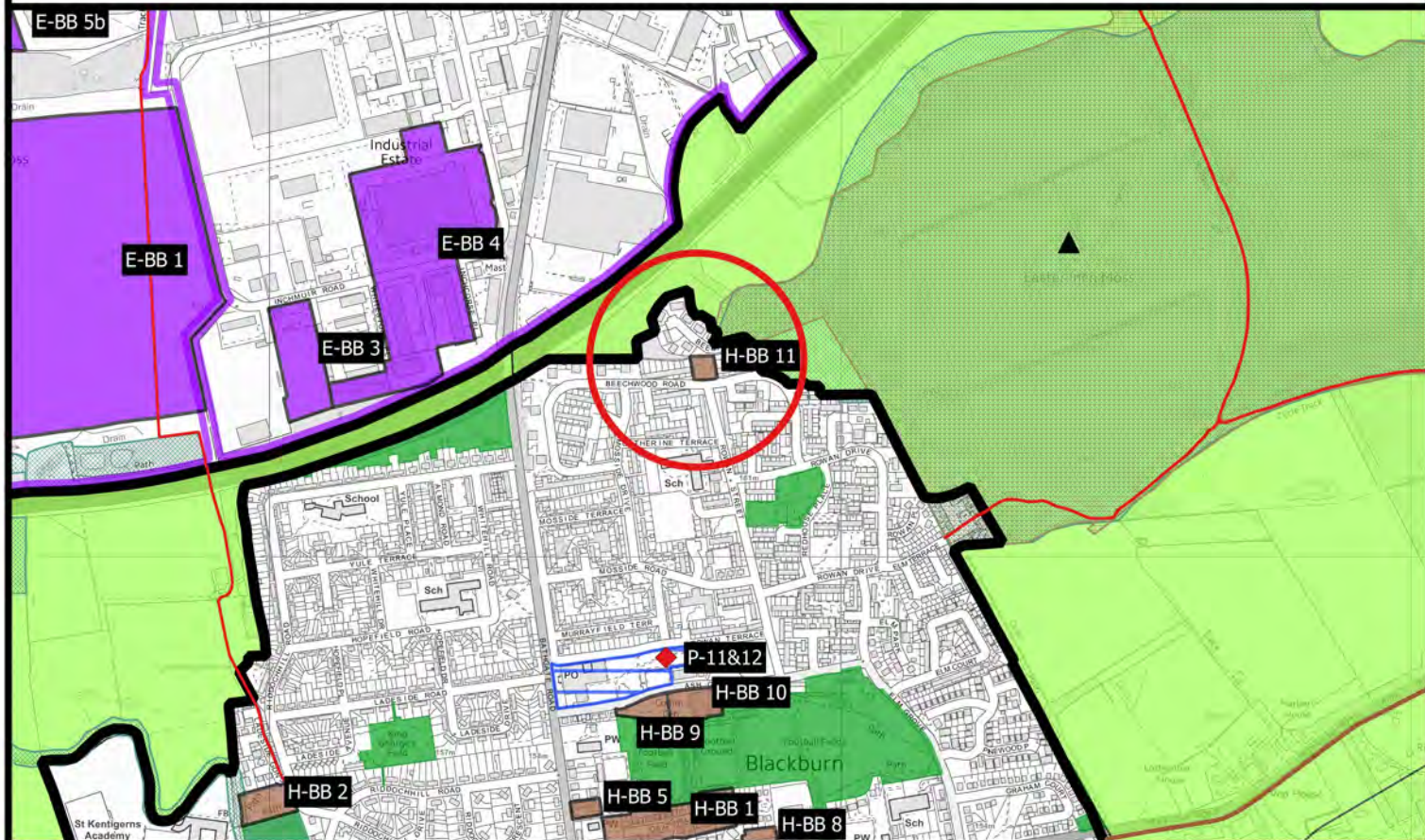


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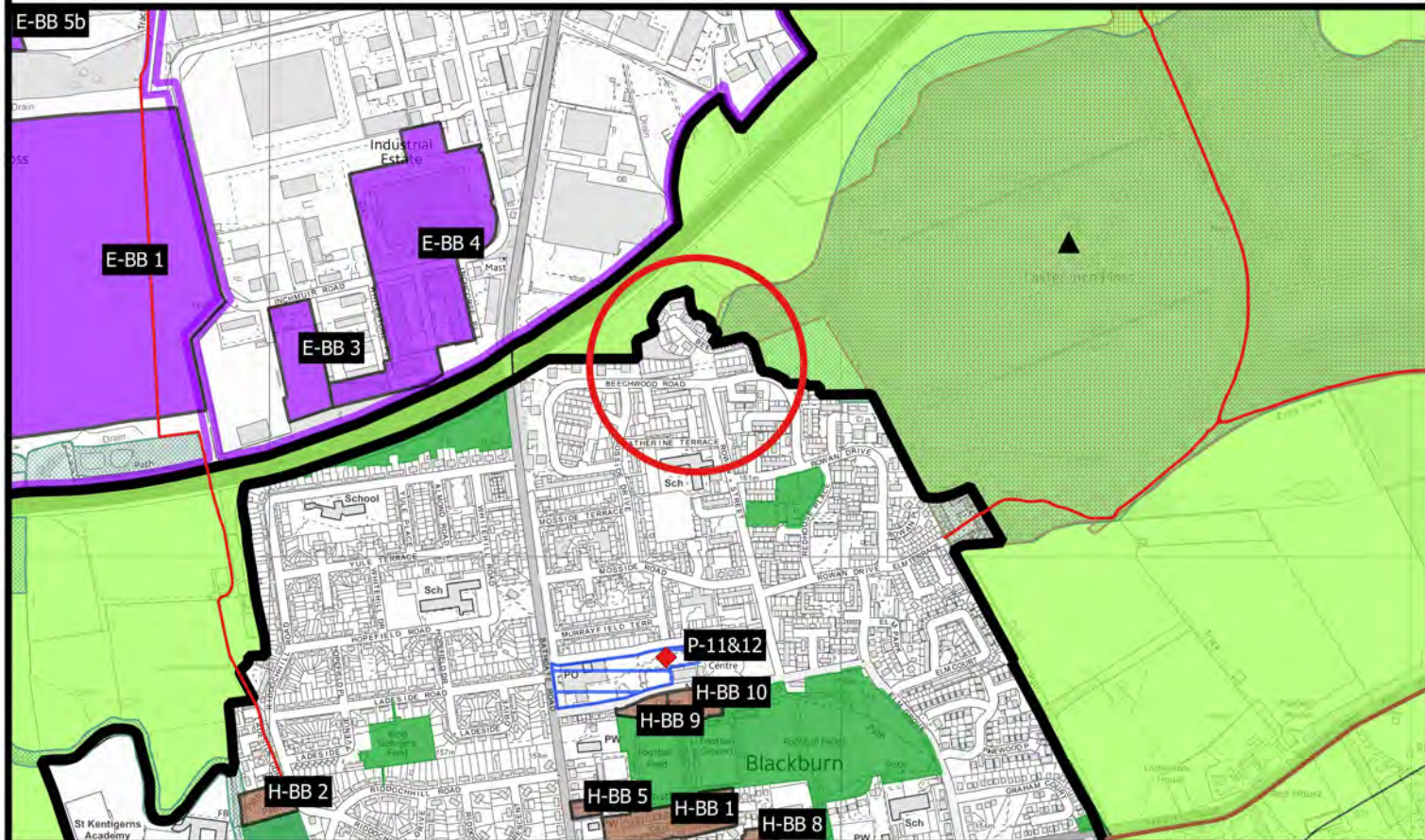
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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016

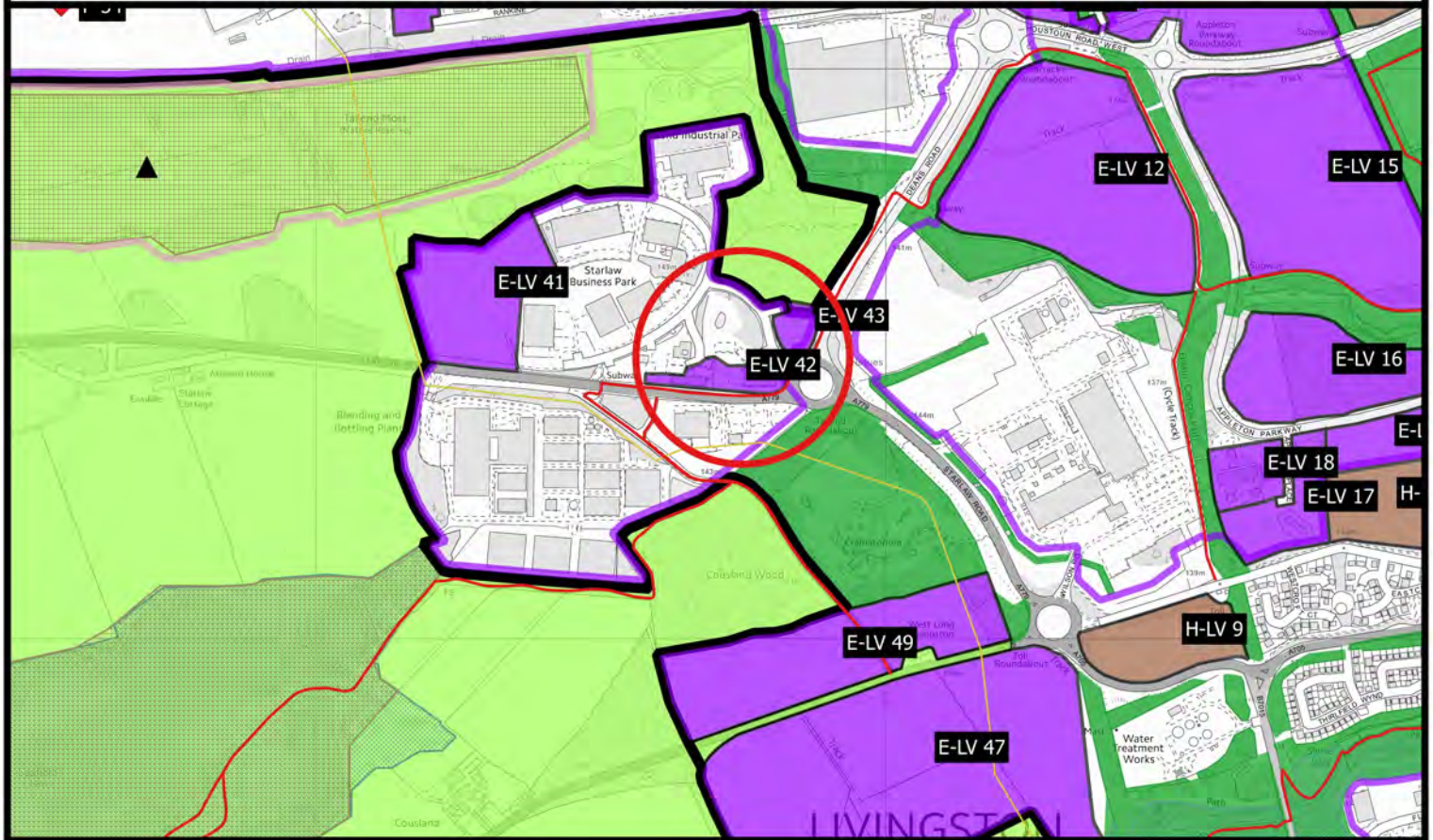


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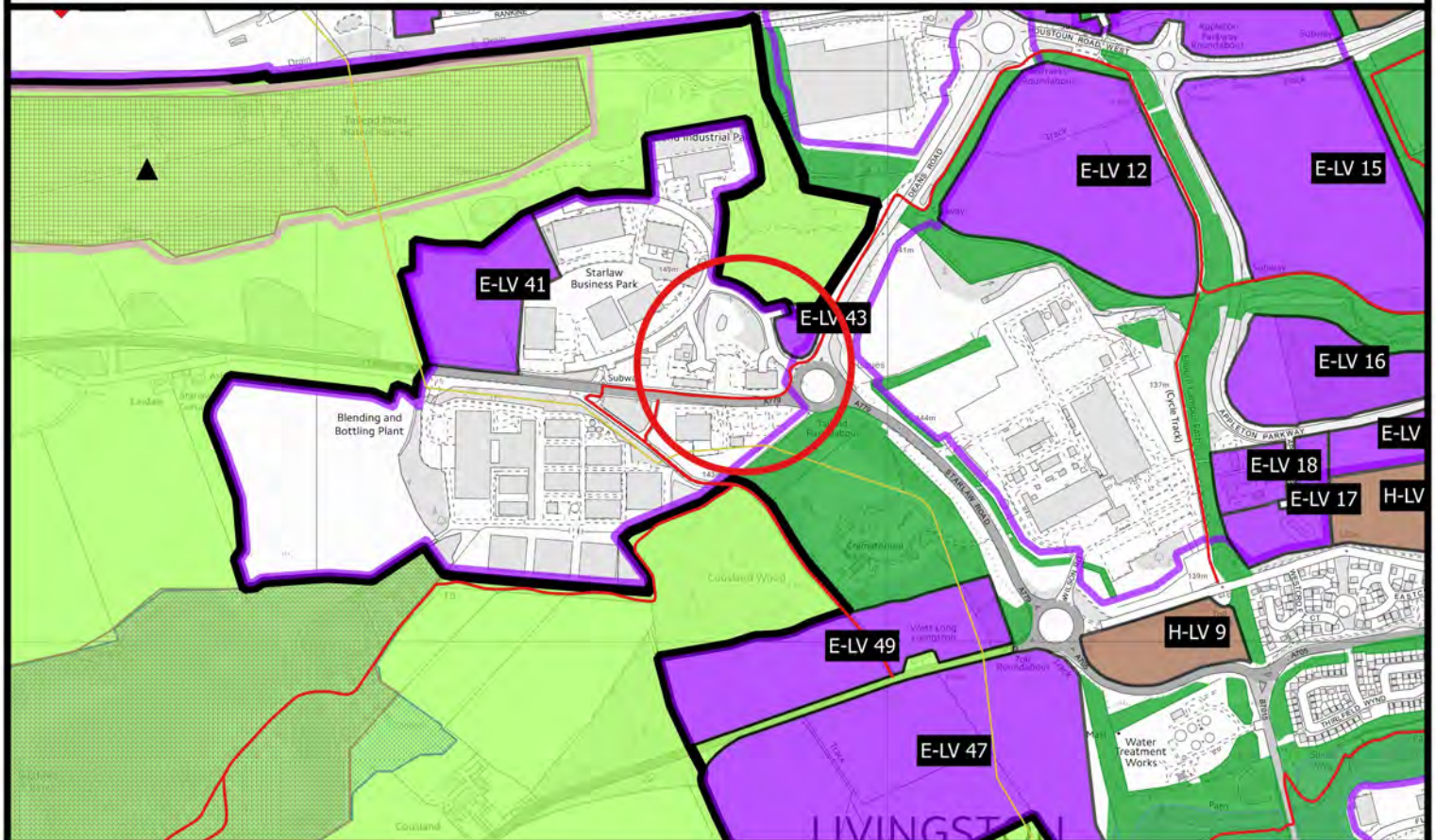
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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016

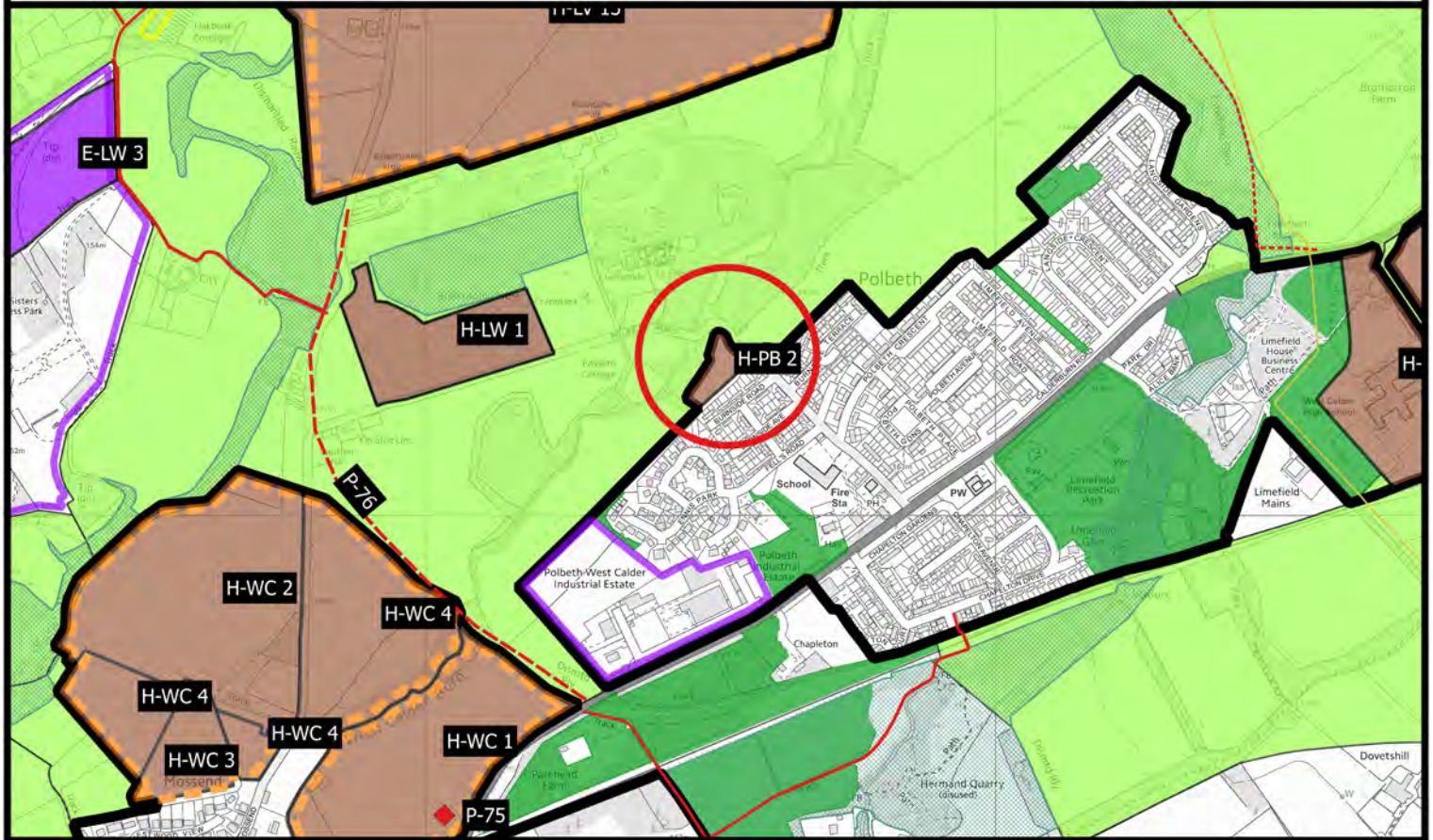


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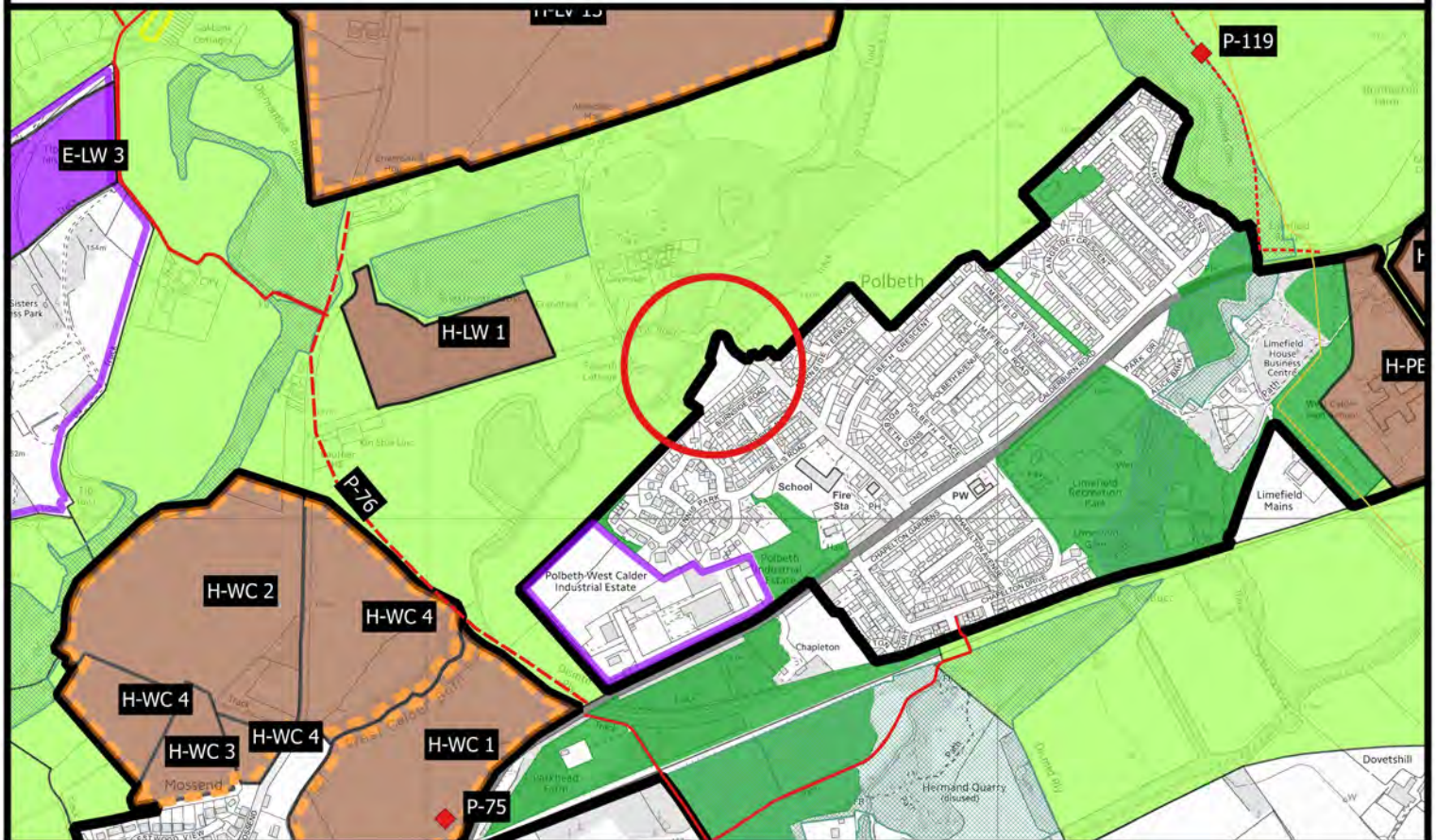
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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016

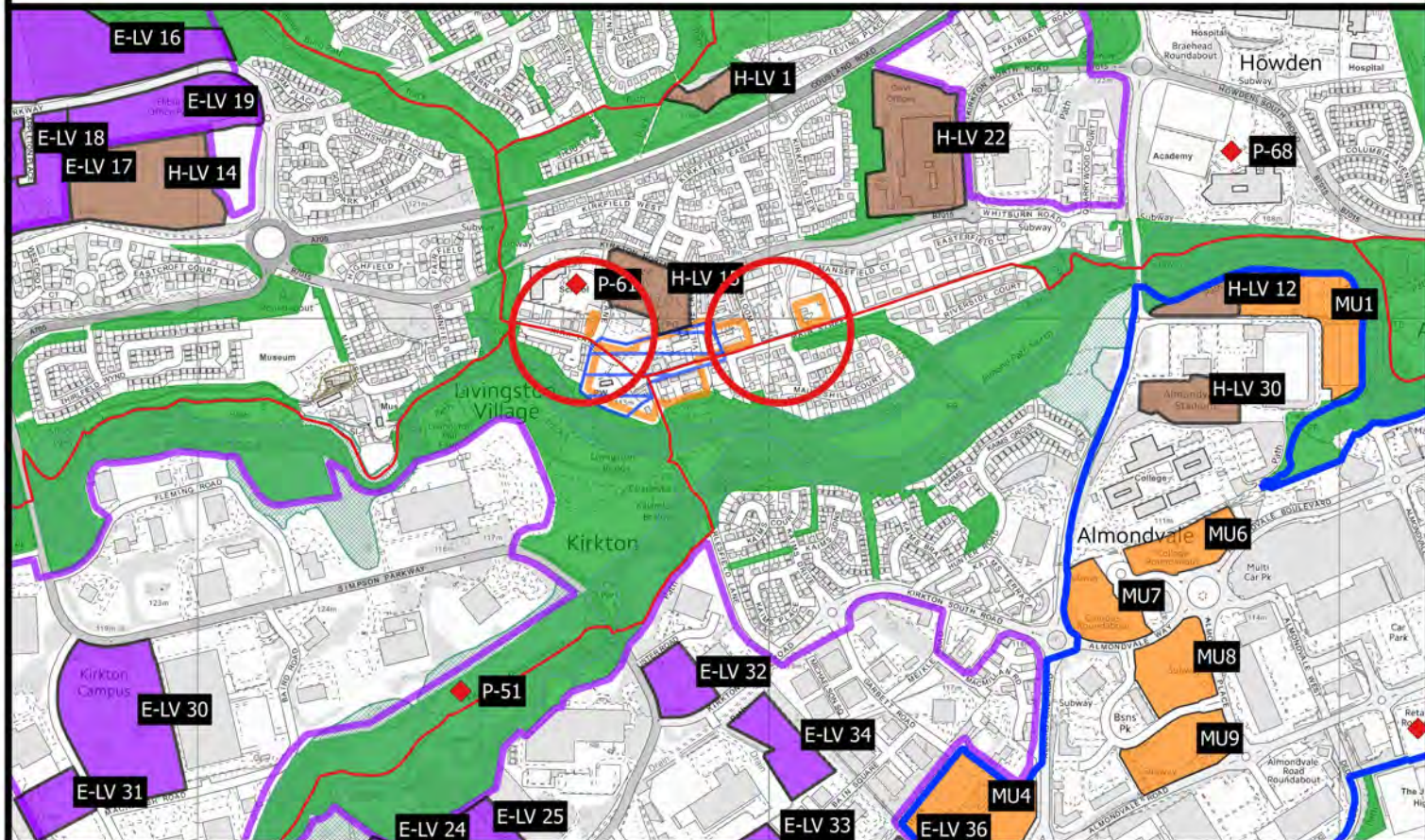


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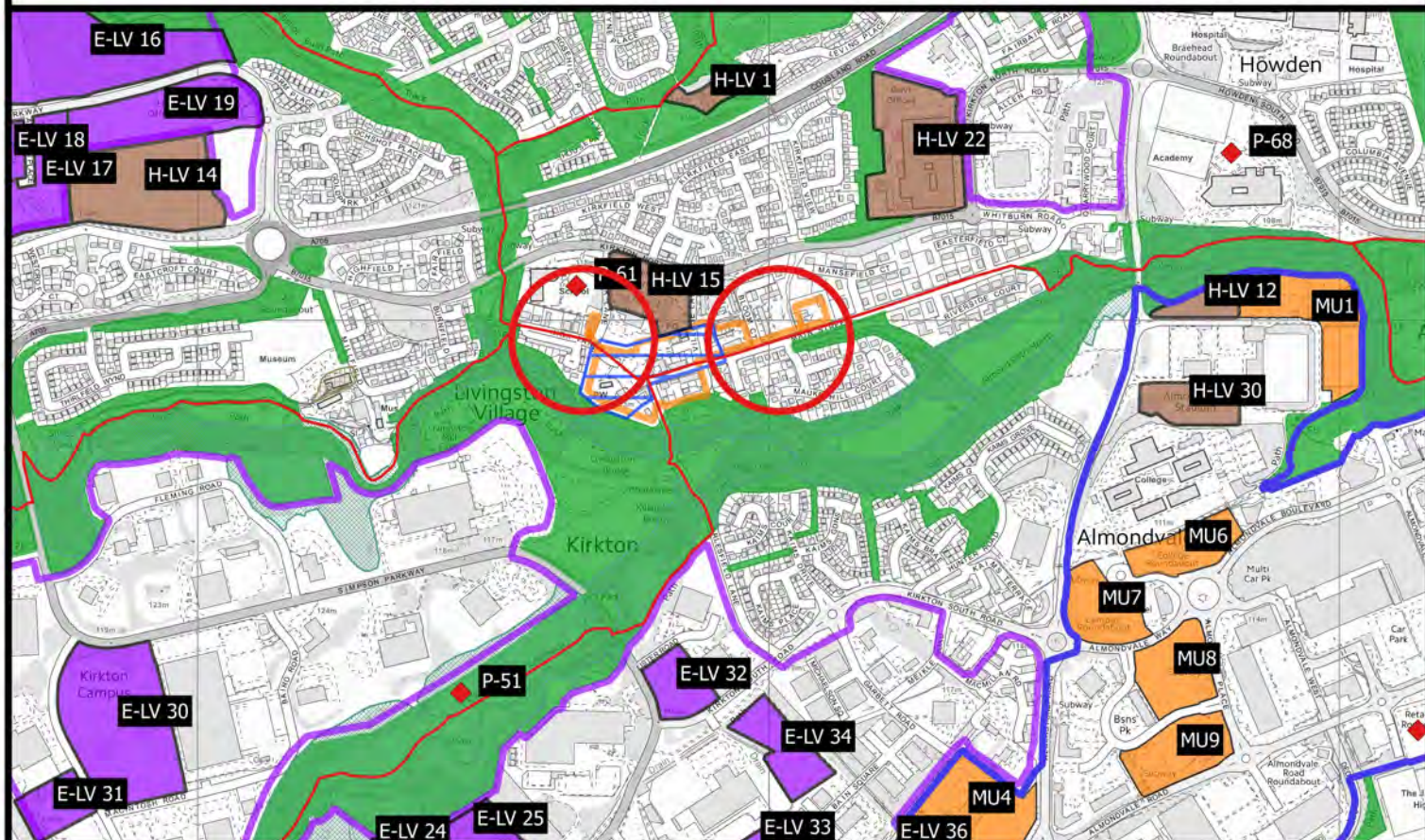
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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016



Change 90

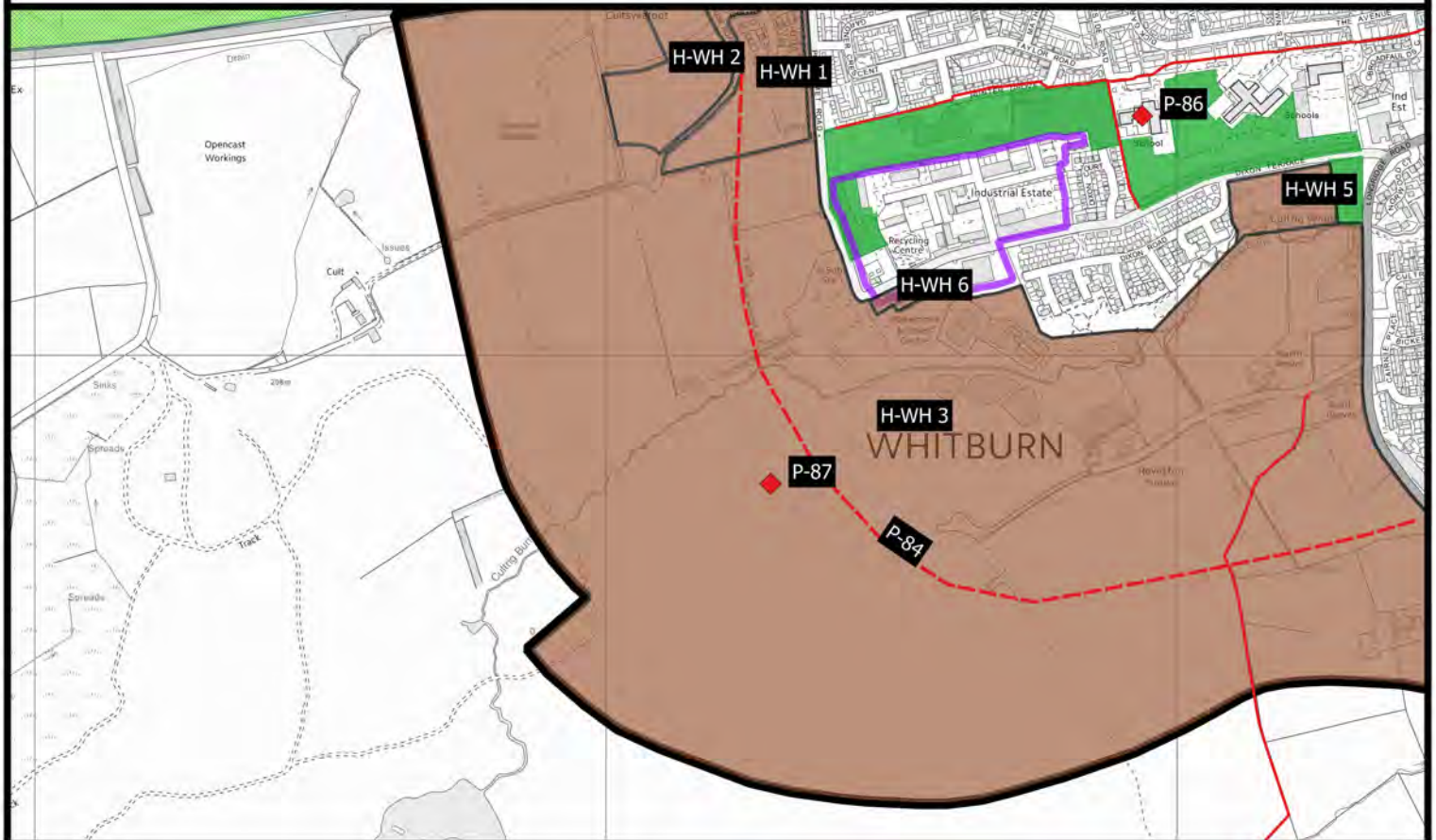
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West Lothian Local Development Plan (Proposed Plan) October 2015



West Lothian Local Development Plan (Proposed Plan) June 2016



Change 91a

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The map shows the Whitburn area with the following features:

- Whitburn Urban Area:** Outlined in black, covering the central and eastern parts of the map.
- Whitburn Local Authority:** Outlined in red, covering a larger area including the urban area and surrounding rural areas.
- Whitburn Water Catchment:** Shaded in green, covering the area around the Whitburn Urban Area.
- Labels:** Various locations are labeled, including Whitburn, Polkemmet Moor, Opencastr Workings, and various roads and landmarks.



Issue: 26A	Employment land policies	
Development plan reference:	EMP1, EMP 2, EMP5 and EMP 7	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0160 (Scottish Enterprise) 21862570-67b827a (Robin Matthew on behalf of Winchburgh Developments Ltd)		
Provision of the development Plan to which the issue relates:	Employment land policies	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0160 (Scottish Enterprise)</p> <p><u>EMP1 - Safeguarding and Developing Existing Employment Land</u></p> <p>SE supports the principles of this policy to protect and safeguard existing employment land. However, due to the extent of land available, advise that there should be greater flexibility within the policy to allow for other 'employment-generating use' besides class 4, 5, 6 and / or to move between uses as appropriate to the site characteristics. Advise that other uses can generate employment numbers equal to or greater than class 4, 5, 6 and of varying employment types and if a site's characteristics are suitable to an alternative use, policy should not presume against such changes. SE acknowledges that retail use, beyond that which is to serve that particular local employment area, should not as a matter of course fall within this flexible approach in principle, due to other good planning reasons.</p> <p>Support in principle point (f) of EMP 1, relating to the requirement that applicants demonstrate their attempts to secure employment development /use. Recommends, however, that Supplementary Guidance (SG) could usefully be prepared, to provide guidance on the matters which applicants will be expected to consider, action and assess to demonstrate that there is no alternative user and/or the employment benefits of different use - for example, length and type of marketing process, the support (or otherwise) of economic agencies for example, the Economic Development Unit of WLC and SE. SE would be happy to contribute to the preparation of the SG, which it considers should be carried out as soon as possible.</p> <p>SE has seen considerable benefit to employment areas when a mix of ancillary uses are developed, which support the main employment use of the area, for example banks (Use Class 2), crèche facilities (Use Class 10) and fitness centres (Use Class 11) all of which provide additional services and facilities to meet the needs of employees. In this respect, whilst SE agrees that larger scale retail development should not be introduced to employment sites, where this conflicts with other policies, it is felt that some employment areas may benefit from small scale retail-type development particularly those uses which can cater for the 'lunch-time trade' of the local businesses within that area. In SE's experience, investors are more likely to be attracted to areas which provide a full range of facilities for employees, as opposed to those areas from which employees will have to travel, most often by car, during the lunch period. An example of the successful development of ancillary retail facilities which has contributed to the successful development of an employment area is Ashtenne in East Kilbride. Seeks amendment to the policy in this regard.</p>		

SE also considers that sub-section j of policy EMP 1 introduces a requirement that may potentially prevent any non-business use from complying with the policy and may be better to be deleted and included with the SG suggested by SE.

Policy EMP 2 and supporting text at paragraph 5.23 page 14

SE supports this policy and, as with EMP1 above, considers that the preparation of SG to support and provide additional guidance to the implementation of the policy would be beneficial. Also considers that residential /mixed use development may be appropriate within /at the edges of these traditional industrial estates, if those estates become surplus to employment land requirements. Policy EMP2 could be amended to include for appropriate non-employment uses, including housing. Amended text suggested to reflect this.

Policy EMP 7 and supporting text paragraphs 5.24 - 5.25, page 17

SE supports the status and emphasis given to Enterprise Areas in the proposed plan but requests that the policy be modified to allow for other potential employment generating uses to be developed on the site by slightly changing the emphasis relating to the food and drink sector and re addressing the balance of material considerations. Amended text suggested to reflect comments.

HOU1 Allocated Housing Sites, page 23, paragraph 5.49

SE supports in principle policy HOU1 in that it supports the delivery of much needed homes. It has some concern, however, that as worded the policy could allow for employment-generating development at the allocated housing sites, which may impinge upon the delivery of other employment land and suggests alternative wording.

Policy TCR 2 Location of New Retail and Commercial Leisure Developments, page 40

SE fully supports this policy which meets the requirements of SPP relating to the town centres first approach, without conflicting with the requirements of other employment policies (particularly regarding Class 4 development). For this reason, SE would not support any future amendment to this policy which may introduce the requirement for sequential testing for office development.

Appendix One: Employment Land Allocations, Core Category D, page 101

Whilst SE supports the intentions of the PP to seek to provide a range of sites for different employment uses, it questions the potential to control offices compared to R&D and some light industrial uses. Advises that the council may wish to give consideration to amending the wording of this category to ensure that it can properly manage development during the duration of the LDP.

Employment Land Allocations (page 101 onwards)

SE supports the proposed plan's identification of employment land, subject to the minor changes to the policies EMP1, EMP 2, EMP5 and EMP 7 detailed above.

H-LV-14 Livingston housing allocation, page 209

SE supports the reallocation of this site to housing to reflect the current 'minded to grant permission' status of this site, as detailed in a separate site specific representation. SE suggests, however, that mechanisms are brought forward in the PP to ensure delivery of housing sites on the ground, rather than just the delivery of housing allocations and permissions. In particular, details of development contributions for infrastructure and schools must be clarified and must relate to that necessary to development proposed.

Appendix 4, page 265 Supplementary Guidance (SG)

SE notes that no SG is suggested for Economic Development. SE refers to its responses to EMP1, 2 and HOU 1 above and suggests that consideration be given to the preparation of SG on releasing sites from employment (and housing) designations where sufficient marketing demonstrates no

demand exists for the allocated use and the SG should include guidance on the necessary processes and timescale to justify the case and which Key Agencies support should be obtained to also justify the proposal.

SE supports the preparation of Residential Development SG, Transportation PG and Education Strategy PG and recommends that the guidance be prepared for consultation as soon as possible particularly relating to the amount and mechanisms for developer contribution, to avoid any delay to delivery of development sites.

Modifications sought by those submitting representations:

WL/LDP/PP/0160 (Scottish Enterprise)

Policy EMP 1

SE requests that the council gives consideration to the following changes (shown in bold) to EMP 1, extract:

The expansion, conversion or re-development of land and premises within these areas will be supported, as will proposals for new development embracing the same use classes, i.e. 4, 5 and 6 **and other land uses which are demonstrated to generate employment opportunities equal to or greater than Class 4,5,6**, subject to the following criteria being satisfied:

.....

e. the proposed land use does not conflict with other policies in this development plan, most notably those relating to retail development.

Advise that Supplementary Guidance (SG) could usefully be prepared, to provide guidance in relation to policy EMP 1 on the matters which applicants will be expected to consider, action and assess to demonstrate that there is no alternative user and / or the employment benefits of different use - for example, length and type of marketing process, the support (or otherwise) of economic agencies for example, the Economic Development Unit of the council and SE.

SE requests that the council gives consideration to amending that part of EMP1 to read "Proposals to introduce retail uses **which are not ancillary to or which will serve a catchment area wider than the immediate employment area** will not be supported".

SE also considers that sub-section j of policy EMP 1 introduces a requirement that may potentially prevent any non-business use from complying with the policy and may be better to be deleted and included with the SG suggested by SE.

Policy EMP 2

In paragraph 5.23 page 14 EMP2 Flexibility of uses within traditional industrial estates - Amend policy EMP 2 to include for appropriate non-employment uses, including housing as follows:

Proposals to introduce retail uses into these areas will not be supported, **unless ancillary to the employment use of the site.**

Policy EMP 7

At policy EMP 7, request that consideration be given to the following (new text in bold):

Developments which contribute towards **employment generation and particularly those which enhancing** the food and drink sectors will be supported in principle, subject to the following criteria being satisfied;

- a. the scale, layout and design of the proposal shall be appropriate to the character of the site and the surrounding area;
- b. the proposal shall have no unacceptable traffic, amenity or environmental impact **any impact on traffic, amenity or the environment is mitigated to acceptable levels or is justified on grounds of overriding economic benefit** and
- c. the necessary local and strategic infrastructure requirements (as set out in Appendix 1) are capable of being satisfactorily addressed

Policy HOU 1

At policy HOU 1 request that consideration be given to the following amendment:

- b. the alternative use facilitates regeneration or offers significant environmental, economic or community benefits that are considered to outweigh the need to maintain the intended housing use **and any development for employment purposes will not affect adversely the potential for the release of land allocated for or safeguarded as employment land which is the subject of other policies within this Plan;** and

Appendix 1

At page 101, Appendix One: Employment Land Allocations, Core Category D the council may wish to give consideration to amending the wording of this category to ensure that it can properly manage development during the duration of the LDP.

H-LV-14 Livingston housing allocation, page 209

Mechanisms are brought forward in the proposed plan to ensure delivery of housing sites on the ground, rather than just the delivery of housing allocations and permissions. In particular, details of development contributions for infrastructure and schools must be clarified and must relate to that necessary to development proposed.

Appendix 4, page 265 Supplementary Guidance (SG)

SE notes that no SG is suggested for Economic Development. SE refers to its responses to EMP1, 2 and HOU 1 above and suggests that consideration be given to the preparation of SG on releasing sites from employment (and housing) designations where sufficient marketing demonstrates no demand exists for the allocated use. The SG should include guidance on the necessary processes and timescale to justify the case and which Key Agencies support should be obtained to also justify the proposal.

21862570-67b827a (Mr Robin Matthew on behalf of Winchburgh Developments Ltd)

A more flexible approach to delivering employment uses must be adopted through Local Development Plan Proposed Plan Policy EMP1.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0160 (Scottish Enterprise)

EMP1 - Safeguarding and Developing Existing Employment Land

If the council accepts these changes to policy, there will be consequential change to the criterion listed in this policy. With regard to proposed changes at sub-section j of policy EMP 1 the council is content with the wording of the policy as set out in the LDP proposed plan and does not support the suggested amendment.

Supplementary Guidance (SG) – the council already has an SPG from December 2011 (CDX) that relates to alternative uses within industrial estates which will be reviewed and updated. However, it is proposed that supplementary guidance/planning guidance is refreshed and updated in support of the LDP. The requirements for this are set out in Appendix 4 of the LDP proposed plan.

Policy EMP 2 and supporting text

The policy approach set out in the LDP proposed plan is to encourage economic growth by providing a range of employment land allocations and a flexible policy approach within which development proposals can be assessed. Whilst retail proposals should follow the sequential approach the council recognises that there may be circumstances where this approach cannot be followed. However, to promote the sequential approach as required by SPP2014, the council does not support amendment to policy EMP 2 to allow for ancillary retail use.

The council already has an SPG from December 2011 (CDX) that relates to alternative uses within industrial estates which will be reviewed and updated. However, it is proposed that supplementary guidance/planning guidance is refreshed and updated in support of the LDP. The requirements for this are set out in Appendix 4 of the LDP proposed plan. The council does not propose to amend policy EMP 2 as a result.

Policy EMP 7 and supporting text paragraphs 5.24 - 5.25, page 17

The wording to policy EMP 7 reflects that the Enterprise Area is specifically designated to support the food and drink industry. The amendment proposed by Scottish Enterprise to include the text **“employment generation and particularly those which enhancing** “adds no value to the policy as currently drafted in the LDP proposed plan. As such the council does not propose to amend the policy in this regard. The council does, however, see merit in the amendment to clause of the policy and would support the Reporter should they be minded to amend the policy as a result.

Policy HOU 1 SE requests that consideration be given to the following amendment

See Schedule 4 number 1A

Page 40, Policy TCR 2 Location of New Retail and Commercial Leisure Developments

See Schedule 4 number 16Q

Page 101, Appendix One: Employment Land Allocations, Core Category D

The council still considers it necessary to retain this category as an option and does not intend to amend the wording.

Employment Land Allocations (page 101 onwards) - support noted.

H-LV-14 Livingston housing allocation page 209

The council's approach to developer contributions is set out in Schedule 4 number 1F. It is proposed that supplementary guidance/planning guidance is prepared to set out the levels of developer contributions required to support delivery of development. The requirements for this are set out in Appendix 4 of the LDP proposed plan. The council does not propose to amend the LDP in relation to this submission.

Appendix 4, page 265 Supplementary Guidance (SG)

Supplementary Guidance (SG) – the council already has an SPG from December 2011 (CDX) that relates to alternative uses within industrial estates which will be reviewed and updated. However, it is proposed that supplementary guidance/planning guidance is refreshed and updated in support of the LDP. The requirements for this are set out in Appendix 4 of the LDP proposed plan.

21862570-67b827a (Mr Robin Matthew on behalf of Winchburgh Developments Ltd)

The council considers that it has struck the correct balance between mainstream employment uses and other uses, in order that the West Lothian employment land supply is adequately protected. The approach is considered flexible enough. No change is proposed to the terms of EMP 1 as a result of this submission.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26C	Telecommunications	
Development plan reference:	Policy INF 2	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0200 (Mobile Operators Association)		
Provision of the development plan to which the issue relates:	Proposed LDP - page 31	
Planning authority's summary of the representation(s):		
<u>Policy support - general</u> WL/LDP/PP/0200 (Mobile Operators Association) - Consider it important that there is a telecommunications policy within the plan.		
<u>Policy revision – locational need</u> WL/LDP/PP/0200 (Mobile Operators Association) - The reference to specific locational need in the policy is inconsistent with the terms of Scottish Planning Policy (SPP) (CDX – para. 300)		
<u>Policy revision – visual impact of sharing facilities</u> WL/LDP/PP/0200 (Mobile Operators Association) - The second criterion of the policy requiring that the sharing of facilities should have no increased visual impact is unduly restrictive and inconsistent with the terms of Scottish Planning Policy (SPP) (CDX) and Planning Advice Note 62: <i>Radio Telecommunications</i> (PAN 62) (CDX).		
Modifications sought by those submitting representations:		
<u>Policy support - general</u> WL/LDP/PP/0200 (Mobile Operators Association) - No modification required.		
<u>Policy revision – locational need</u> WL/LDP/PP/0200 (Mobile Operators Association) - Suggests that the reference to specific locational need is removed from the policy.		
<u>Policy revision – visual impact of sharing facilities</u> WL/LDP/PP/0200 (Mobile Operators Association) - Suggests that the wording of the second criterion is amended to ‘promote site sharing but ensure that visual impact is minimised’.		
Summary of responses (including reasons) by planning authority:		
<u>LDP policy background</u> The policy for telecommunications was brought forward from the adopted West Lothian Local Plan (CDX, pages 220 – 221, para. 12.61, Policy IMP 13). Policy IMP 13 provides for a general presumption in favour of radio telecommunications where a specific locational need can be demonstrated and this approach is updated and carried forward into the LDP and policy INF2. Assessment criterion b) of policy INF 2 requires the taking into account of ‘the possibility of sharing		

existing telecommunications facilities, subject to there being no increase in adverse visual impact' and is caveated by criterion k) which allows for assessment against 'any other relevant policies in the LDP'.

The LDP (CDX, page 30, para 5.81) makes reference to critical infrastructure requirements for the plan area including Information Communication Technology (ICT).

Policy support - general

WL/LDP/PP/0200 (Mobile Operators Association) – General support for the policy is welcomed.

Policy revision – locational need

WL/LDP/PP/0200 (Mobile Operators Association) – SPP (CDX, para 300) relates to Development Management requirements rather than those for Development Planning and appears to be about planning overstepping its jurisdiction and applying legislation beyond its powers. The policy in the LDP continues the principle set out in the adopted local plan (CDX, page 221, policy IMP13) and is not onerous.

Policy revision – visual impact of sharing facilities

WL/LDP/PP/0200 (Mobile Operators Association) – It is agreed that the phrasing of the local plan policy IMP 13 has been slightly amended to read better for the condensed and rationalised approach to the LDP policy framework. Assessment using criterion b) is as a 'consideration to be taken into account' and is considered to provide for a proportionate approach in keeping with contemporary planning in Scotland. Further guidance on assessment of design and siting of proposals is given in LDP Policy DES 1 *Design Principles* (page 11).

Any further plan changes recommended by the planning authority

No changes to the LDP are recommended, however there is a graphics error on page 31 and it is requested that the Reporter permits the revision to the policy title chevron to add the words 'POLICY INF 2'.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26F	Protection of Formal & Informal Open Space.	
Development plan reference:	Policy ENV 21.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0045 (Clare and Ian MacGregor)</p> <p>WL/LDP/PP/0046 (Robert Miles)</p> <p>WL/LDP/PP/0047 and 21306483-747f0ba (Paul Houghtoun, Houghton Planning)</p> <p>WL/LDP/PP/0050 (Nigel and Francine Orr)</p> <p>WL/LDP/PP/0053 (Brenda Bateman)</p> <p>WL/LDP/PP/0054 (Dr Karen Tait)</p> <p>WL/LDP/PP/0055 (Craig and Norma Cameron)</p> <p>WL/LDP/PP/0057 (Nancy and Mark Durrant)</p> <p>WL/LDP/PP/0058 (Laurie and Sandra Boles)</p> <p>WL/LDP/PP/0214 (Colliers International for British Solar Renewables)</p> <p>WL/LDP/PP/0346 (Murieston Community Council c/o Ian Brown)</p> <p>WL/LDP/PP/0361 (Michelle Heron, East Calder Community Council)</p> <p>21685080-8d9b679 (William Cochrane)</p>		
Provision of the development Plan to which the issue relates:	<p>Policy ENV21 (page 54) relating to the protection of formal and informal open space.</p> <p>Proposals Map 2: Linlithgow Area.</p> <p>Proposals Map 3: Livingston Area.</p> <p>Proposals Map 4: Bathgate Area.</p>	
Planning authority's summary of the representation(s):		
<p>Over a dozen representations made reference to Policy ENV 21. However, 8 related to an open space site at Colt Hill, Linlithgow, while 2 related to an open space site in Murieston Valley and the consultant also raised another similar Livingston site (Hunter Gardens). The other reps related to open space sites at Polkemmet, Whitburn and East Calder and Armadale.</p> <p>Open space at Colt Hill, Linlithgow – issues related to auction of land</p> <p>The MacGregors' (WL/LDP/PP/0045) are concerned about the purchase of land in the Clark Avenue / Colt Hill area by Pumpkin Properties. The area in question comprises some 6 acres purchased at auction from The Greenbelt Company, without the residents of neighbouring properties being notified of the sale or given any opportunity to purchase it all/or in part. The land is designated as amenity space and they estimate 80-90% of it as being completely unsuitable for any sort of house and road building. However, the Pumpkin property's website, www.pumpkinproperties.co.uk; presents the land as a development opportunity and sets out a plan for a substantial development of houses and connecting roads.</p> <p>The amenity land is covered in trees, most but no means all of which were planted at the time of the houses in Clark Avenue being built (i.e. 17 years ago). There was a responsibility on The Greenbelt Company to maintain this area which has not been respected properly since the site changed hands.</p>		

In addition, the trees play an important role in absorbing water and holding the hill together that many of them stand on. 17 years ago when the development was built there were issues with mud sliding down the hill and run off flooding properties at its foot. Part of the land also borders a burn running around the edge of Clark Avenue estate and is extremely boggy.

The MacGregors' contend, any construction on the scale proposed by Pumpkin Properties would be highly detrimental environmentally and to neighbouring properties. It would also remove verdant amenity land which plays an unsung but important part in maintaining the pleasant aspect of the immediate area and of Linlithgow as a whole.

Mr Miles (**WL/LDP/PP/0046**) comments that amenity land around Clark Avenue is marked on Proposed Plan Map 2 and noted on the land deeds to his property, and is mainly planted to trees. Recently however the land has been sold by Greenbelt Ltd with no consultation with residents, resulting in a developer advertising building plots.

In Policy DES 1 section a, the council require developers to ensure there is no significant adverse impact on amenity. Also from an environment and visual impact perspective, Policy ENV 21 will not approve developments that impact on open spaces or loss of trees, particularly as elsewhere in the document the council are concerned about air quality and trees are known to improve air quality.

He notes that the provision of secondary education in Linlithgow continues to restrict housing development in the town and this should add weight to continuing to avoid allowing building outside of the approved local development plan.

Development of site H-LL6 at Mill Road provides additional housing in the area, and with this in mind there should be no need to supplement the development plan with further housing near Clark Avenue on designated amenity land.

The council should consider the impact of development H-LL6 on Clark Avenue and possibly Avalon Gardens during design and construction, particularly with regard to potential back flooding due to restricting flows of the Linlithgow loch runoff via the Mill Burn and impact on drainage, water supplies and sewerage.

Traffic management at the staggered junction of the A706 and the High Street is poor, made worse by the siting of bus stops directly opposite the junction. The junction would benefit from a series of mini roundabouts or traffic lights, and relocation of the bus stops.

The traffic from the Mill Road area in Linlithgow Bridge to the A706 to Bo'ness has a difficult junction and traffic travelling from Bo'ness to Linlithgow have to negotiate a blind bend just before the junction, traffic travelling from Mill Road cannot see traffic from either direction unless creeping out into the A706 road, and speed of traffic along the A706 is excessive with risk of collision.

Traffic lights at Linlithgow Bridge are often misunderstood. At peak periods, traffic does not flow well with tailbacks from the lights well past the Bridge Inn and traffic from Polmont, turning in the direction of the leisure centre, blocking traffic travelling toward the high street. The lights and traffic lanes should be redesigned.

Lights and turning lanes at the Stockbridge retail park, and at the Aldi supermarket and Linlithgow Bridge Primary School in conjunction with the nearby bus stop creates traffic delays and gridlock at busy times.

Parking in the town centre has been improved with remodelled parking near the health centre and

Linlithgow Loch, but additional off street parking near the Linlithgow Cross coupled with enforcement of parking restrictions on the High street would reduce traffic delays through the town.

The Orr's (**WL/LDP/PP/0050**) in general, in support of the plan for Linlithgow, but we would like to object in principle to any development of the amenity land surrounding Clark Avenue/Colt Hill in Linlithgow for the same reasons as listed above by the McGregor's (**WL/LDP/PP/0045**) and Mr Miles (**WL/LDP/PP/0046**).

This amenity land was planted and developed as woodland as a planning consent condition when Persimmon Homes built the properties. The land, which is steep and hilly, contains a mix of existing mature woodland and newer existing trees and shrubs, and a pedestrian right of way via a rustic path leading from Clark Avenue to St Ninian's Road.

The houses in Clark Avenue benefit from the maturing trees as drainage of rainfall run off has dramatically improved on the hillside. Special drainage techniques, such as those selected for motorway embankments, were used on the steepest parts of the hillside to protect the properties below, hence our concerns.

Ms Bateman (**WL/LDP/PP/0053**) would not wish to see any development on the open lot within the Clark Ave Estate. Her understanding was that the area was fully developed and no further development would be allowed within the space.

Dr Tait (**WL/LDP/PP/0054**) objects to potential development on the Colt Hill site adjacent to St Ninian's Avenue/Clark Avenue in Linlithgow as this is not a site currently earmarked for development in the plan. She believes that there is sufficient land available for development in the locality under the terms of the proposed development plan and that further building on this land would be detrimental to the area.

Furthermore, development of this land would remove the majority of the trees planted to improve drainage for all the properties located at the bottom of the hill in Clark Avenue and would result in a significant loss of privacy as the land is currently amenity woodland. The land provides an important site to enhance biodiversity and would increase local traffic.

The Cameron's (**WL/LDP/PP/0055**) also objection to the principle of any development of the land purchased as shown on the Pumpkin Properties website or elsewhere in the amenity land in Clark Avenue/Colt Hill area. Last year they were approached by one of the current owners, to ask if we were interested in purchasing the land directly behind our house.

They are concerned about the maintenance and preservation of the old trees that surround Clark Avenue/Colt Hill. When our estate was built, it was sold to the then buyers as a prestigious small development which included substantial high quality amenity land.

They would also like to voice concern about the lack of attention to the green areas around Clark Avenue. According to the paperwork we have, these should be tended to every two weeks during the growing season and as far as we are aware they have been cut once this year by The Greenbelt Company and once by the new owner

The Durrant's (**WL/LDP/PP/0057**) similarly in general support of the plan for Linlithgow, but wish to object in principle to any development of the amenity land surrounding Clark Avenue/Colt Hill in Linlithgow for many of the reasons as already noted above.

The Bole's (**WL/LDP/PP/0058**) note the area surrounding Colt Hill and Clark Avenue is marked as

amenity land. They are concerned the new owners are advertising Colt Hill to housing developers that shows an artist impression on how the housing development would appear for 16 to 20 homes. They object due to:

1. The impact it would have on education within Linlithgow. Both Linlithgow Bridge Primary School and Linlithgow Academy are under continued pressure for capacity levels. Currently, both schools have high class numbers;
2. The impact to the amenity space; and
3. The woodland area is important as it acts in absorbing water from the marshy ground. If the number or coverage of trees was reduced it may adversely affect the drainage on the surrounding properties.

Open space at Murieston Valley and Hunter Road, Livingston – issues related to auction of land (continued)

WL/LDP/PP/0047; Houghton Planning consultants represent RK Property Ltd and wish to object to the designation as open space of all land not shown as currently developed, or allocated, in Livingston. In particular, they object to the designation of land they own at Murieston Valley and Hunter Road, Livingston.

The adopted West Lothian Local Plan designates a number of areas within Livingston as ‘Land Safeguarded as Open Space’, a number of which have also been defined as an ‘Areas of Special Landscape Control’. A further map annotation identifies areas that are subject to Tree Preservation Orders (TPOs). Other areas within the town are left as ‘white land’; albeit that they may have been planted as landscaped buffer areas as the new town expanded.

The Local Plan was adopted after the West Lothian Council (WLC) had originally prepared its Open Space Strategy in 2004/5, although just before this was reviewed in 2010; The Open Space Strategy implements the requirement in Scottish Planning Policy (SPP) for local authorities to undertake an audit of their own open space and to produce an open space strategy.

This approach to open space, which has served WLC well to date and which selects open spaces to safeguard based upon their value, now seems to have been revised in the Proposed Local Development Plan to safeguard all open space in Livingston irrespective of its quality, or importance to the implementation of the Open Space Strategy. The Proposed Plan then seeks to protect those areas through Policy ENV 21 ‘Protection of Formal and Informal Open Space’ from inappropriate development.

The starting point for the examination of this issue is Scottish Planning Policy (SPP). This sets out a requirement at para 222 for local authorities to have *“up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions”*. WLC last did this in 2010, which is not that up-to-date, but is probably fit for purpose. Para. 224 then requires local development plans to *“identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs”*.

Finally, para. 229 states that *“local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised”*.

RK Property own land at Murieston Valley, which extends north east and north west of Moriston Drive, Livingston. At present, about half of this land is ‘white land’ in terms of the West Lothian Local Plan and the remainder is ‘Land Safeguarded as Open Space’. All of the land is also covered by a

blanket TPO that was recently approved by WLC, one of series that the Council has passed in relation to landscaping areas planted with trees as the new town has developed.

RK Property bought the land knowing this Local Plan zoning, and accepting that it was only the 'white land' that had development potential. They have since tried to find a management solution, including the local community, to the existing defined open space area, but without success.

The Proposed Plan now defines all of this land as 'Protection of Formal and Informal Open Space', which means that its ability to be developed is now severely curtailed, if not prevented entirely. This is despite the fact that part of RK Property's land has recently secured support on appeal for a new dwelling (see appeal ref: PPA-400-2053) whilst WLC has separately granted planning permission on the adjoining site, similarly now defined as open space, for a further single dwelling (ref:0264/FUL/14).

WLC have not justified that change. There is no real explanation for this shift in policy in the Proposed Plan, and no supporting document that updates or changes the Open Space Strategy, which should have happened, we suggest, to have justified such a significant policy shift. The consultants suggest that this change is a knee-jerk reaction to applications such as those submitted by RK Property, and the adjoining owner, rather than a considered response, but they await WLC's response to this representation to better understand the basis for it.

The consultants contend, the zoning of land at Murieston Valley should not have changed from that shown in the Local Plan. In fact, there is an argument that even the area defined at Murieston Valley as 'Land Safeguarded as Open Space' should not be shown as such because it is questionable if it is 'valued', 'functional' or 'capable of being brought into use to meet local needs'. It is simply an area of landscape buffer planting, which fills a gap between the existing development at Moriston Drive and the railway line to the north. Indeed, it is interesting to note that the Greenspace Scotland mapping service, which WLC direct you to, defines all of this land with a 'Primary Classification' of 'Open semi-natural' and 'Secondary Classification' of 'Woodland'. It is questionable that such a classification justifies such a high level of protection as open space.

An alternative approach, which would find support in SPP, is that such areas should be seen as the type of area where WLC should "encourage the temporary use of unused or underused land as green infrastructure", which could be included as an aspiration in the Proposed Plan whilst leaving all such areas as 'white land', which is how such areas are, in the main, currently defined and still seems fit for purpose.

Open space at Heartlands and Polkemmet Park, Whitburn – issues

British Solar Renewables (**WL/LDP/PP/0214**) state that the aims of Policy ENV21: Protection of Formal and Informal Open Space and ENV22: Protection of Playing Fields and Outdoor Sports Facilities are to give protection to a wide range of defined types of open space within settlements and to prevent their piecemeal loss to development. However, both policies acknowledge that there may be instances where development of such sites can and should be permitted. This is supported by BSR.

It is the case at "Heartlands", Whitburn that land to the south of defined settlement boundary has planning consent for a golf course/amenity open space, and is included in the proposed LDP as such under proposal P-82. It is no longer considered appropriate to continue with this proposed use at this location.

Polkemmet Park lies to the immediate north/north-west of the site and remains safeguarded for

open space in the proposed Local Development Plan. Swathes of land north of the settlement of Whitburn and to the east are designated in the proposed LDP as countryside belt and open space.

The site is considered to be of value for the new community at Heartlands, in helping to create a sustainable development location via the installation solar energy schemes in this location. The land is considered capable of being dual-use; generating energy for the “Heartlands” development, but also acting as open space for the area. It is not considered that the introduction of a renewable energy development on site will in any way adversely affect the aims of national, strategic or proposed local planning policy.

Open Space at land to east of Robin’s Lane, Murieston Valley, Livingston – support

WL/LDP/PP/0346; Murieston Community Council, among several issues, raised one relating to open space in Murieston Valley to east of Robin’s Lane (i.e.; Policy ENV 10 Protection of Urban Woodland, Page 47, para 269, Map3 - Livingston Area). The Community Council agree with the Local Plan to designate land parallel to the Edinburgh- Glasgow railway line and Murieston Valley limited to the west by Murieston Road and to the east by Robin's Lane as "Land Safeguarded for Open Space".

Open space at The Muddies and Raw Holdings West, East Calder – protection clarification

While, **WL/LDP/PP/0361;** East Calder Community Council stress, in the absence of a masterplan for the Raw Holdings area of East Calder, it is very difficult to respond specifically to potential changes to East Calder Park and the immediate surrounding area with related improvements. However, they believe that the area known locally as ‘The Muddies’ and the areas within Raw Holdings West which are used recreationally, should be covered by the policy ‘ENV 21’.

21685080-8d9b679 (William Cochrane) - objects to the proposed re-designation of the Armadale Stadium site as protected open space; policy HOU2 in the adopted West Lothian local plan should remain in relation to the site; objects to safeguarded open space policy ENV21 in the LDP as it relates to the stadium site.

Modifications sought by those submitting representations:

Open space at Colt Hill, Linlithgow – issues related to auction of land

Eight Residents of Clark Avenue, Linlithgow (**WL/LDP/PP/0045; WL/LDP/PP/0046; WL/LDP/PP/0050; WL/LDP/PP/0053; WL/LDP/PP/0054; WL/LDP/PP/0055; WL/LDP/PP/0057; & WL/LDP/PP/0058**) wish the Proposed Plan to retain the open space protection for the existing amenity space in this area.

Designation of Formal and Informal Open Space, Livingston – issues regarding process

Houghton Planning for RK Property (**WL/LDP/PP/0047**) seek the removal of the blanket designation of ‘Protection of Formal and Informal Open Space’ in relation to Livingston, and a return to the more structured approach favoured in the Local Plan whereby only open space that can be justified as valued and functional is so defined.

In addition, they seek the removal of the ‘Protection of Formal and Informal Open Space’ designation in as much as it relates to land owned by RK Property at Murieston Valley and Hunter Road, Livingston.

Open space at Heartlands and Polkemmet Park, Whitburn - issues

The new owners of the “Heartlands” site at Whitburn, British Solar Renewables (**WL/LDP/PP/0214**)

indicate they will no longer pursue the approved golf course on the south part of the site and proposal P-82 should be removed.

Open space at The Muddies and Raw Holdings West, East Calder – protection clarification

WL/LDP/PP/0361; East Calder Community Council indicate the area known locally as ‘The Muddies’ and the areas within Raw Holdings West which are used recreationally, should be covered by Policy ENV 21.

21685080-8d9b679 (William Cochrane) – seeks removal of site from area of open space and for the site to be restored back to White space within settlement boundary.

Summary of responses (including reasons) by planning authority:

Open space at Colt Hill, Linlithgow – issues related to auction of land

This former vacant area on the edge of Linlithgow was developed in the late 1990’s for a residential home at the top of the hill and an adjacent residential estate that became Clark Avenue.

In the Linlithgow Area Local Plan (**CDX**) adopted in 1994 the wider Colt Hill area is identified under Section 3.3.5 (page 18) as a Possible New Housing Site. It states

*“Colt Hill – this area covers 6,3ha of undulating ground to the northwest of the town between Listloaning , Jock’s Hill and Lochmill in the south , and the M9 in the north. Two neighbouring areas at Lochmill and Mill Road area allocated for housing In order to protect and enhance the green wedge on land between the town and the motorway , it has been agreed that a limited development will be acceptable at Colt Hill. This will comprise no more than 30 houses **with associated landscape improvements** and a 1 ha site for a nursing home on the hilltop in the south eastern part of the site.*

*A Brief has been prepared with **the objective of minimising the impact any development may have on the landscape and securing the dedication of the bulk of the site as a green buffer between the town and the motorway.** This is consistent with the protection on the landscape setting of Linlithgow provided by Policy R1 Development in the Countryside.*

*Policy H11 At Colt Hill, two small areas totalling 3.0ha are allocated for housing on condition that the development is limited to 30 houses **and the remaining area (apart from the nursing home site) is dedicated as a green buffer between the town and the motorway.**”*

The site abuts the north west edge of the Linlithgow Conservation Area.

The West Lothian Local Plan, adopted in 2009, shows the central area between the nursing home and Clark Avenue as Land Safeguarded for Open Space by Policy COM2 (**CDX**).

The issue raised by Mr Miles (**WL/LDP/PP/0046**) in connection with flooding of Clark Avenue and nearby Avalon Gardens in relation to flooding on the Mill Burn is not a major issue for SEPA, nor the Council’s Flood Risk Officer.

Mr Miles raises various point related to traffic issues in Linlithgow Bridge. The Transportation Services views are that traffic levels through the town are high and as part of the LDP process looking at development impacts in Linlithgow micro-simulation modelling work was specifically carried out for the town. One of the conclusions was that improvements to the signals through Linlithgow Bridge would improve the through movement of traffic (**CDX**).

Improvements at the staggered junction of High Street with St Ninian’s Road and Preston Road were

considered during the modelling process. However, it was identified that improving signals would increase delay for all vehicles through the junction and therefore would be detrimental compared to the existing layout. The side road junctions are too far apart for a single roundabout and there is restricted road space for 2 small roundabouts.

The council will be investigating possible solutions to traffic management in Linlithgow High Street as part of the air quality assessment procedure.

The new owner of the land at Colt Hill has not made any representations to the Proposed Plan.

Designation of Formal and Informal Open Space, Livingston

With regard to the objection relating to two open spaces at Murieston Valley and Hunter Road in Livingston (**WL/LDP/PP/0047 - 21306483-747f0ba**)

The original West Lothian Space strategy was produced in 2005 for a 10 year period to 2015. It was reviewed in 2010 given the multi-million pound investment the council had made in numerous open spaces over the first 5 years. This is in the context of auditing over 2,200 open spaces.

The consultant's claim that the 2010 review is not up to date, but are obviously unaware of the resources and timescale required to undertake such an exercise over the whole authority area and the council consider it more than adequate for continued protection and investment in improving open spaces across West Lothian. Indeed, the consultants later acknowledge the open space strategy is "fit for purpose".

As the new town has developed and the landscape framework matured, there are numerous small, former "white land" areas across the town where development would now not be appropriate. In these areas the council has advanced TPO's to offer some degree of planning protection, often in response to issues and requests raised by local residents and communities who consider these areas have "value" and are "functional" as claimed by the consultant when referring to SPP.

Indeed Murieston Community Council (**WL/LDP/PP/0346**) agree with the Local Plan to designate land parallel to the Edinburgh - Glasgow railway line and Murieston Valley limited to the west by Murieston Road and to the east by Robin's Lane as "Land Safeguarded for Open Space".

Murieston Valley open space site

With regard to the background to the open space in Murieston Valley, the long linear strip of undeveloped land, between the rail line and the rear of development along the north side of Murieston Valley Road, westwards from Murieston Road to what is now the east side of Moriston Road, was identified in the Livingston Local Plan as "Areas of amenity open space / greenways" and protected by Policy R13. This land included the recreational walkway and bridleway; known as the Murieston Trail that was a long standing proposal from the former Development Corporation that set out through various Stage A plans on how Murieston was to develop.

The narrow strip of land east from what became Moriston Road was not designated as the east end of Murieston Valley Road had not been constructed yet and its exact alignment had not been fixed. When LDC wound up in 1996, the majority of the narrow strip was transferred to the Woodland Trust Scotland and the east end, slightly larger triangular shaped site by the turning circle transferred to the council. A review of its development potential of this very narrow strip of land at the east end of the Valley and also next to the turning circle, in view of its proximity to the raised rail line, concluded that it should remain as open space.

A general review of Livingston "white land" after the 2009 West Lothian Local Plan adoption and as

the 2005 Open Space Strategy was updated in 2010, together with issues of inappropriate uses being promoted on green space areas coming to the fore, ensured that the Proposed Plan sought to extend the general “Land safeguarded as open space” protection policy to areas such as Murieston Valley and Hunter Road.

However, there is a Development Management background to this Murieston Valley area. A planning application submitted in January 2013 (Ref: 0020/P/13) (CDX) sought approval in principle for a housing development on land immediately to the east of and extending, north, behind Moriston Drive.

The planning application was refused on the grounds that the development of this site would result in the loss of a substantial number of trees to the detriment of the environmental quality and visual amenity of the area and that it would have a detrimental impact on the spatial character of the area.

The applicant sought a review of this decision at the council’s Local Review Body (LRB) in August 2013. The review was dismissed in November 2013 and the LRB refused planning permission (CDX).

The land to the east of Moriston Drive towards the turning circle at the end of Murieston Valley Road and westwards, to the north of Moriston Drive up Ossian Drive was TPO’d by the council in early 2014 (CDX).

A planning application (Ref 0264/FUL/14) for the construction of a detached house with associated parking and access at Murieston Valley Livingston; i.e. to the east of Moriston Drive was recommended for refusal, but granted approval by the Development Management Committee in November 2014 (CDX).

Another application (Ref 0064/P/15) was submitted for the single house on the south part of the site (0020/P/13) refused permission in 2013. Again, this application was refused in April 2015 for similar reasons (CDX).

However, the application was subsequently granted on Appeal (appeal ref: PPA-400-2053) in January 2016 as the reporter considered it as an infill development with the earlier single plot application that had been granted contrary to recommendation to the east (CDX).

While the Local Plan focuses on residential sites with 4 or more units to tie up with the Housing Land Audit, when the Proposed Plan “Proposals Map 3: Livingston Area” comes to be published, it will exclude these 2 recently granted plots east of Moriston Drive from the open space designation.

Hunter Road Kirkton South

With regard to the similar site at Hunter Road, Kirkton South promoted by the consultant. The Livingston Local Plan allocated 2 housing sites at Kirkton South (KS 1B and KS 1C) that became Kaims Brae/ Walk (site 1B) & Kaims Grove (site 1C). Both were separated by a proposed north / south “woodland planting” strip i.e. Policies EN 11 & EN 12 as this had been identified in the earlier Stage A Plan’s assessment of the development potential of the area to separate out the 2 phases of development. The mature woodland copse, on what became the bend of Hunter Road, was left out of the two housing allocations as a mature feature that was to be protected rather than included within the “Sites for Housing use” allocation.

The Livingston Local Plan Policy EN 11 stated; *“Existing and new woodlands will be protected from development and their proper management encourage. Where loss of trees can be justified it should be minimised and trees removed should be replaced in alternative locations but preferably in the vicinity of the original trees”.*

This was (Section 8.5.9; page 61) *“in order to retain and improve the quality of the environment and landscape in Livingston, it is essential that the extensive existing woodland areas throughout the town should be protected and enhanced through effective maintenance and management and that new areas of woodland should be planted, using native species where possible to reflect the traditional landscape character of the area”*.

This site was in the care of the former Livingston Development Corporation before being passed to the Scottish Greenbelt Company at reorganisation and then sold on at auction to the present owner.

Again, in relation to the West Lothian Open Space Strategy 2005 - 15, the initial focus was on parks and open space rather than other types of open space such as amenity woodland that were not a priority for survey and were numerous such sites in Livingston, let alone across West Lothian. By the time of the 2009 West Lothian Local Plan, both housing sites had been developed out, as well as the employment site at the north end of Hunter Road and the flats to the south at Kaims Terrace (originally LVLP site KS2B). The mature copse of woodland on the corner of Hunter Road became part of the urban fabric of Livingston.

The council undertook to designate the area with a Tree Preservation Order in 2011.

The LDP Proposed Plan, picking up on the green network linkages with the greenway along the south side of the River Almond to the north of the Kaims housing estate and Livingston Village neighbourhood park across the river, identified mature woodland on the corner of Hunter Road along with the woodland strips between the various phases of residential development in the Kaims area that had been identified on the earlier Livingston Local Plan Proposals Map.

A small part of the frontage area now has a major electrical substation adjacent to the kerbside. It is clearly not a suitable site for infill residential development.

In relation to the final point raised by the consultant about Greenspace Scotland classification of the area, the consultant misunderstands that open space can be “open and semi- natural” and also contain “woodland” as defined in PAN 63: Open Space, and that open space does not need to be formal, highly maintained cut grass to achieve its intended purpose.

Open space at Heartlands and Polkemmet Park, Whitburn - issues

For Whitburn, (WL/LDP/PP/0214), it is acknowledged that the new owners of “Heartlands” support Policy ENV 21 and the nearby Polkemmet Country Park, although they now indicated they no longer considered it appropriate to continue with the approved golf course use to the south of Whitburn.

Open space at The Muddies and Raw Holdings West, East Calder – protection clarification

In relation to (WL/LDP/PP/0361) East Calder Community Council’s concerns about East Calder Park / “The Muddies”, the adopted West Lothian Local Plan (2009) allocated the area as part of the wider Calderwood CDA. Para 7.96 states *“Additional requirements at Calderwood are: land for an extension to Mansefield Park..... ”* (i.e.; East Calder Park).

The Proposed Plan clearly allocates East Calder Park / “The Muddies” at Raw Holdings West as covered by Policy ENV 21 that relates to “Protection of Formal and Informal Open Space”. The proposal “P26” (page 86) indicates for *“Mansefield Park – Park improvements at ‘The Muddies’ in association with Calderwood CDA”*.

To conclude, no modification to the LDP is proposed by the council, other than to correct that the proposal referenced as “P-82”, relating to the golf course to the south of Heartlands, Whitburn; that

was inadvertently missed off Map 5 Bathgate Area, should now not be reinstated within the LDP as the new owner state they do not intend to pursue that use.

21685080-8d9b679 (William Cochrane) –

The stadium is shown as white land within the Armadale settlement envelope in the West Lothian Local Plan (WLLP). White land is defined in the WLLP as "A general expression used to mean land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered." Under the terms of the WLLP any proposals for development of the stadium would be considered under the terms of policy COM2 of the WLLP which relates to urban sports, recreational facilities, formal or informal open space. Land allocations and policies in the WLLP were reviewed for the West Lothian Local Development Plan (LDP). In the LDP the stadium is shown as being within the settlement envelope as land safeguarded for open space with policy ENV 21 applicable relating to the protection of formal and informal open space. Policy COM2 in the current West Lothian Local Plan and Policy ENV 21 in the LDP are broadly the same, the latter essentially being a refresh of the earlier policy. Policy ENV21 is the principle policy in the LDP that would be used to assess any development proposal for the site. Policy HOU2 only applies where there is not enough housing land identified in the LDP to maintain the supply. Policy COM2 and policy ENV21 are broadly the same, the latter essentially being a refresh of the earlier policy. In effect, very little has actually changed in terms of policy against which development of the Armadale Stadium site would be assessed. The application of a "green wash" to designate the site as open space is designed reflect the policy position which applies under the terms of the WLLP and reflected in the emerging development plan. Should alternative uses be sought for the stadium site, residential use may be considered appropriate given that residential use abuts the site on three sides. However, such a proposal would require to be assessed under a policy approach relating to open space/recreational use as per proposed policy ENV 21 of the LDP proposed plan as the council would seek a justification to support the loss of the facility. No proposals have been lodged with the council for alternative use and the stadium remains open for recreational use. The policy approach in the LDP proposed plan reflects this. The council does not propose to modify the plan to reflect the terms of this submission, however, should the Reporter see merit in the submission it would seek to remove the open space zoning and revert to white land within the settlement envelope.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 26G	Policy HOU 3 – Infill/Windfall Housing Development with Settlements	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy HOU 3	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0214 (British Solar Renewables c/o Colliers International)</p> <p>WL/LDP/PP/0446 (Wallace Land Investment & Management c/o Geddes Consulting)</p> <p>21504629-f325bbb (Stirling Developments)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 5 – The Spatial Strategy</p> <p>Housing Growth, Delivery and Sustainable Housing Locations</p> <p>Policy HOU 3 (page 24)</p>	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0214 (British Solar Renewables c/o Colliers International)</p> <p>Supports the policy and is particularly welcoming of the flexibility provided by criterion (c) which addresses the development of amenity or open space.</p> <p>WL/LDP/PP/0446 (Wallace Land Investment & Management c/o Geddes Consulting)</p> <p>Starts from the premise that the Proposed Plan does not identify sufficient housing land to meet SESplan requirements and ensure an effective 5-year housing land supply will be maintained, and therefore anticipates that additional sites being required in the short term to 2019.</p> <p>Observes that the LDP as drafted makes reference to the potential for windfall sites to assist in maintaining an effective supply of housing land (paragraph 5.56) in the context of sites <u>within</u> settlements and proposes that the scope of policy HOU 3 should be expanded to provide a policy context for the assessment of proposals <u>outwith</u> settlements where there is a need for additional land consistent with Policy HOU2, the Strategic Development Plan (SDP) and SPP para 29.</p> <p>Notes that in the event of a failure in the 5-year effective housing land supply a presumption in favour of development that contributes to sustainable development will apply through the development management process as set out in SPP paragraphs 29 and 32 to 35 and that this should be reflected in the Plan.</p> <p>21504629-f325bbb (Stirling Developments)</p> <p>Supports the LDP and in particular the continued encouragement given to CDAs. Suggests that an amendment to the text of HOU 3 could further assist deliver much needed housing by making a minor amendment to the windfall site criteria. Proposes that the requirement for windfall sites to lie within the settlement boundary is revised to also include areas within approved CDA boundaries. Argues that this will ensure that the most effective use is made of existing land allocations and will also assist in funding the infrastructure costs associated with CDAs.</p>		
Modifications sought by those submitting representations:		

WL/LDP/PP/0446 (Wallace Land Investment & Management c/o Geddes Consulting)

The following amendments to the policy text as set out in the LDP are requested; highlighted text reflects additions to the policy.

POLICY HOU 3 Infill/Windfall Housing Development within or adjacent to Settlements

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries or, in the event of a failure in the housing land supply, on sites on the edge of settlements where the sustainability of the proposal accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with SESplan, provided:

- a. the development will be in keeping with the character of the settlement and local area;*
- b. the site is not identified for an alternative use in the LDP;*
- c. the site does not form an area of maintained amenity or open space unless the proposal conforms with the terms of policy ENV 21 – Protection of formal and informal Open Space and is acceptable in landscape and townscape terms;*
- d. the proposed housing use is compatible with nearby uses, there is no adverse effect on the character of the local area and a satisfactory residential environment can be achieved;*
- e. the site benefits from good accessibility by public transport and active travel to shopping, education, recreational and other community facilities;*
- f. existing physical infrastructure, including roads, drainage, sewage capacity, and education have the capacity to accommodate the proposed development, or capacity can be made available;*
- g. any additional infrastructure required as a result of the development is either committed or to be funded by the developer as required by policies INF 1 – Infrastructure Provision and Developer Obligations and TRAN 2 - Transportation contributions and associated works;*
- h. the site is not at significant risk of flooding in the terms of policy EMG 2 - Flooding; and*
- i. the proposal complies with other LDP policies and relevant Supplementary Guidance.*

Proposals for development within or adjacent to sensitive locations such as Special Landscape Areas (SLAs), Gardens and Designed Landscapes, Historic Battlefields, Conservation Areas or affecting the appearance, character and setting of Listed Buildings and Scheduled Ancient Monuments and any other historic or archaeological asset will be subject to additional scrutiny and may require to be supported by the submission of additional information. In these circumstances, there is an expectation that the standard of design will be higher than in less sensitive locations.

Proposals for the change of use, conversion and reuse of existing buildings in non-residential use to housing will also be supported within the settlement boundaries subject to the above criteria being satisfied.

21504629-f325bbb (Stirling Developments)

The following amendments to the policy text as set out in the LDP are requested; highlighted text reflects additions to the policy.

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries and within approved planning boundaries provided:

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0214 (British Solar Renewables c/o Colliers International)

Support is noted and welcomed.

WL/LDP/PP/0446 (Wallace Land Investment & Management c/o Geddes Consulting)

Housing development to meet the SESplan strategic housing land requirement will be supported on the sites specified as housing allocations in the Settlement Statements and listed in Appendix 2. Ordinarily, development should be contained within the defined settlement boundaries and proposals for new development outwith these boundaries should be refused.

The council rejects the suggestion that the LDP should actively provide (and inadvertently be seen to encourage) new housing development outwith established settlement boundaries. In a plan led system, the LDP is tasked with ensuring that sufficient land is allocated to enable a five year effective land supply to be maintained at all times. Following adoption of the LDP, this position will be monitored through the annual housing audit process and if any shortfall begins to emerge the council will have to consider whether action is required to address the matter through a review of the LDP. Depending on circumstances, this review could occur before the end of the plan's 5 year life time. Only in this way is there a realistic prospect of ensuring that the process of identifying any additional housing sites is undertaken on a planned basis and in a way that supports and is consistent with the development strategy. Conversely, the approach suggested in the representation could give rise to an unplanned and ad hoc release of sites which may not be consistent with agreed programmes for the provision of new or improved infrastructure designed specifically to support the overall development of the area and could fundamentally undermine the Spatial Strategy which the LDP espouses.

The council is of the view that Policy 7 of the Strategic Development Plan (CD114) adequately fulfils any requirement for guidance in relation to the consideration of proposals for development outwith settlement boundaries which are pursuant to maintaining a five years' effective housing land supply.

It is also an important consideration that there is a significant amount of land already allocated for housing development in West Lothian, but should it be necessary to address a deficit in the effective housing land supply, the council would in the first instance be looking to direct new development to the Core Development Areas and other strategic allocations within settlement boundaries where there is capacity to increase the volume of housing planned for.

For these reasons, the council does not agree to modify the plan in response to the representations.

21504629-f325bbb (Stirling Developments)

The council is supportive of the existing CDAs and is favourably disposed to the principle of maximising their housing output, paragraph 5.46 of the LDP refers. The explicit addition of CDAs to the search area for appropriate windfall sites within settlement boundaries is therefore not considered an unreasonable proposition and the Council would not take issue if the Reporter was minded to amend the wording of Policy HOU 3 to reflect this. The title of the policy and the policy itself should however make specific reference to CDAs, eg:

POLICY HOU 3 *Infill/Windfall Housing Development within Settlements and/or Core Development Areas*

In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries and/or Core Development Areas identified in the LDP provided:

Reporter's conclusions:

Reporter's recommendations:

Issue: 26H	Policy HOU 4 – Windfall Housing Development in Linlithgow & Linlithgow Bridge	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy HOU 4	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>21867093-c1389fa (Cala Management Ltd c/o Montagu Evans) WL/LDP/PP/0447 (Wallace Land Investment & Management c/o Geddes Consulting) WL/LDP/PP/0243 (SEPA) WL/LDP/PP/0428 (Linlithgow & Linlithgow Bridge Community Councils)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy Windfall Housing Development in Linlithgow & Linlithgow Bridge Policy HOU 4 (page 26 to 27, paragraphs 5.63 – 5.67)	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0447 (Wallace Land Investment & Management c/o Geddes Consulting) Considers Policy HOU 4 to be unnecessary as the provisions it makes are adequately covered by Policy HOU 3 and others.</p> <p>While recognising the legitimacy of the “sequential testing” of sites described in paragraph 5.6 for the initial selection of sites for inclusion on the LDP, it is argued that this is not appropriate in a development management context. It is stated that it would be unreasonable to apply a sequential approach that prioritised the very sites which had contributed to the failure in the land supply and it is affirmed that the only way to address the shortfall would be to release additional greenfield sites (providing they comply with the sustainability principles of SPP paragraph 29 and accord with SESplan and LDP Policy HOU 2).</p> <p>It is suggested that the proposed sequential approach also contradicts paragraph 5.67 of the LDP which implies the potential for settlement expansion beyond current limits is justified if sites within the town are undeliverable (or if they cannot be delivered without environmental harm).</p> <p>21867093-c1389fa (Cala Management Ltd c/o Montagu Evans) Opposes the sequential approach and regards it as unnecessary as the LDP has already selected housing sites in the LDP using this methodology and has declared that greenfield land releases will be required to meet strategic requirements.</p> <p>WL/LDP/PP/0243 (SEPA) Supports the aims of the policy.</p> <p>WL/LDP/PP/0428 (Linlithgow & Linlithgow Bridge Community Councils) Proposes revisions to the text of Policy HOU 4.</p>		

Modifications sought by those submitting representations:

WL/LDP/PP/0447 (Wallace Land Investment & Management c/o Geddes Consulting)

Seeks the deletion of Policy HOU 4, or, alternatively, revisions to the supporting text to provide greater clarity and to ensure that the policy reflects the requirements of SESplan, Proposed LDP Policy HOU 2 and the principles of sustainable development set out in SPP paragraph 29.

21867093-c1389fa (Cala Management Ltd c/o Montagu Evans)

Make no specific reference to modifications but does oppose the sequential approach to site selection. Notes that if retained, this approach should not preclude or delay development from starting on effective sites in preference to a brownfield site which may not be forthcoming.

WL/LDP/PP/0243 (SEPA)

No modifications to policy sought but intimates a willingness to be involved in drafting Supplementary Guidance in respect of Linlithgow Loch.

WL/LDP/PP/0428 (Linlithgow & Linlithgow Bridge Community Councils)

Seeks to replace the text of Policy HOU 4 as set out below.

Text in Proposed Plan

Linlithgow and Linlithgow Bridge are particularly sensitive to the impact of new infill housing development by virtue of unique historic character, environmental constraints (landscape setting, air quality and drainage), traffic congestion and the availability of education capacity.

Proposals for windfall housing development within the settlement boundary of Linlithgow/Linlithgow Bridge will therefore be subject to additional scrutiny and will only be supported where it can be demonstrated that their impact can be satisfactorily managed and would not singularly or cumulatively exacerbate these matters.

Suggested Text

Proposals for windfall housing development within the settlement boundary of Linlithgow/Linlithgow Bridge will be subject to additional scrutiny and will only be supported where it can be demonstrated that any adverse impact can be mitigated by additional investment and/or satisfactorily managed and would not singularly or cumulatively disadvantageously affect; heritage, environment, free movement of pedestrians and cyclists, traffic flow and parking, and or education capacity.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0447 (Wallace Land Investment & Management c/o Geddes Consulting)

21867093-c1389fa (Cala Management Ltd c/o Montagu Evans)

The council is of the opinion that having set aside the previous 'Area of Restraint' designation a significant policy shift has taken place and the new situation in Linlithgow is therefore deserving of a bespoke policy response relative to proposals for new windfall housing development specifically in Linlithgow/Linlithgow Bridge. The number of representations received in relation to housing allocations in Linlithgow/Linlithgow Bridge post MIR serves to illustrate the considerable local interest there is in housing issues relative to Linlithgow and the action is considered justified.

The council is of the opinion that there needs to be a managed release of housing land in these

circumstances and that it is perfectly entitled to determine how it chooses to appraise windfall development proposals that may be put forward for consideration. A sequential approach is a mechanism for choosing sites for housing development which requires developers to demonstrate that there are no suitable sites within the settlement boundary, before considering out of settlement sites to ensure that urban sites are encouraged to come forward for development and the optimum/most efficient use of land/buildings is achieved. It is the council's view that it is entirely appropriate, reasonable and justifiable to have sequential testing. If there is a shortfall in the 5 year effective land supply, then development should be directed to sustainable locations consistent with generally accepted planning principles. Developers should provide evidence to justify why their site should come forward and the policy provides a framework to do this. It is not appropriate to simply remove the sequential test and direct all development to edge of centre locations.

The respondents interpretation of paragraph 5.67 is incorrect and appears to conflate two separate issues, i.e. windfall development within settlements and development outwith existing settlement boundaries. The LDP does not exclude the possibility that there may be circumstances which provide justification for allowing windfall development beyond the existing settlement boundary, but there is no inconsistency in the council adopting a sequential approach to test the appropriateness of such candidate sites. The two issues are mutually exclusive.

In conclusion, the adoption of a sequential approach to the appraisal of development proposals put forward for consideration is held to be entirely reasonable and the council declines to delete Policy HOU 4.

WL/LDP/PP/0243 (SEPA)

Noted.

WL/LDP/PP/0428 (Linlithgow & Linlithgow Bridge Community Councils)

The council is satisfied with the scope and wording of Policy HOU 4 as drafted in the LDP Proposed Plan and is therefore not minded to modify it in response to these representations. The council would however have no objection in principle to the Reporter making amendments should this be considered helpful in improving the legibility and understanding of the LDP.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26I	Healthcare and Community Facilities	
Development plan reference:	Policy HOU8 (page 30) Healthcare Provision (paragraph 5.93-5.96 page 33)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland) WL/LDP/PP/0448 (Wallace Land c/o Geddes Consulting) 21865046-8dc0d66 (JohnMacFarlane and Colin Macfarlane c/o Clarendon Planning & Development) 21863641-89d0459 9BDW Trading Ltd and H&J Russell c/o Clarendon Planning & Development Limited) 21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance) 20941901-fa014dd (Amanda Denholm, Citizens Panel)		
Provision of the development Plan to which the issue relates:	Policy and sections in the plan that deal with the provision of healthcare and community facilities in new housing development.	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland) Homes for Scotland does not accept the principal of requiring the providers of new homes to contribute to the expansion of healthcare facilities. No detail is provided within the LDP Proposed Plan as to why this is necessary or where this may be applicable. It appears the policy is therefore included only as a hook for the Council to be able to prepare supplementary guidance on should they see a need for it in the future. This is not acceptable and the concerns Homes for Scotland and its members have regarding this policy are:</p> <ul style="list-style-type: none">• The policy is unreasonable and potentially beyond the powers and abilities of a planning authority to implement.• The situation with healthcare provision is not analogous to education. There is no immediate and automatic relationship between new development and the provision of new local healthcare facilities.• Decisions on if and where to provide new facilities are taken by the Health Boards, local bodies such as Primary Healthcare Trusts, and by the PG practices themselves – which are generally private businesses.• Healthcare is a statutory requirement, funded through UK general taxation. <p>Homes for Scotland highlights the English planning appeal (Ref 2157515), in which the Inspectorate determined that, in relation to healthcare facilities, provision is a matter for the healthcare authorities, funded through general taxation, whilst the role of the planning system is simply to ensure that land is available as and when new facilities are brought forward.</p> <p>WL/LDP/PP/0448 (Wallace Land c/o Geddes Consulting) Any developer contribution needs to meet the tests set out in paragraph 14 of Circular 3/2012. Funding of the NHS in Scotland is the statutory</p>		

responsibility of the Scottish Government and it would not therefore be appropriate or consistent with Circular 3/2012 to seek developer contributions for this. As noted at paragraphs 5.93 – 5.96 of the Plan. The proposed policy is at odds with the text in this paragraph. These modifications are necessary to ensure that any planning obligation is in accord with Circular 3/2012 and is not an unreasonable demand by the Council.

21865046-8dc0d66 (John MacFarlane and Colin Macfarlane c/o Clarendon Planning & Development) Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding.

21863641-89d0459 (BDW Trading Ltd and H&J Russell c/o Clarendon Planning & Development Limited) Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance) Very pleased to see recognition of the need to consider impact of developments on needs for healthcare facilities (policy HOU8), and seek developer contributions to these where appropriate. Suggest that there should be a separate policy that requires consideration of the need for other community facilities beyond healthcare, education and sports centres – for example neighbourhood or community centres. These can provide shared spaces which are important to facilitate social interaction and integration of communities. These facilities should be in central locations in the neighbourhood with safe, attractive, walking and cycling routes.

20941901-fa014dd (Amanda Denholm, Citizens Panel) West Lothian needs more capacity at doctor's dentist's school and hospitals for the existing houses and population; developers should fulfil requirements for health and community facilities where these have been part of the grant of planning permission.

Modifications sought by those submitting representations:

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland) request this policy is removed from the LDP Proposed Plan.

WLLDP/PP/0448 (Wallace Land c/o Geddes Consulting) recommend that references to the NHS and healthcare are removed from the policy and suggest revised wording within their representation.

21865046-8dc0d66 (JohnMacFarlane and Colin Macfarlane c/o Clarendon Planning & Development) Do not accept the policy in the LDP Proposed Plan.

21863641-89d0459 (BDW Trading Ltd and H&J Russell c/o Clarendon Planning & Development Limited) Do not accept the policy in the LDP Proposed Plan.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance) Seeks a separate policy for other community facilities e.g. neighbourhood or community centres.

20941901-fa014dd (Amanda Denholm, Citizens Panel) No specific modification has been outlined.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0239 and WL/LDP/PP/0422 (Homes for Scotland), **WL/LDP/PP0448** (Wallace Land c/o Geddes Consulting), **21865046-8dc0d66** (JohnMacFarlane and Colin Macfarlane c/o Clarendon Planning & Development), **21863641-89d0459** (BDW Trading Ltd and H&J Russell c/o Clarendon Planning & Development Limited), **21798318-76d26d2** (West Lothian Health Improvement and

Health Inequalities Alliance) and **20941901-fa014dd** (Amanda Denholm, Citizens Panel)

In responding to the plan at MIR stage comments from West Lothian Health Improvement Health Inequalities Alliance (HIHIA) suggested that “Although many GP practices will continue as small businesses, the relationship between NHS and West Lothian Council services will be significantly changed due to the Public Bodies (Joint Working) (Scotland) Act 2014. This Act has established that health and social care will be delivered by integrated NHS and council partnerships from 2015; these new partnerships will have responsibility for funding and providing primary and community based care facilities and services. The Community Empowerment (Scotland) Bill 2014 also places a greater onus on community planning and responsive local services. Health and social care infrastructure should be included as a Developer Contribution because new housing and new residents create demands on health and social care infrastructure in just the same way as they create demands on schools, traffic management, transport improvements and green space” (MIRQ 0216 HIHIA Martin Higgins CDxxx).

Similarly the response at MIR stage from NHS Lothian advised that “The premises issues, resulting from the LDP, are being addressed through a ten year premises strategy. However, capacity issues also create a challenge for the teams delivering services (GP Practices, District Nurses etc). The scale of housing developments presents significant challenges for growth of health care provision and will likely lead to the requirement for additional GP practices (This is already evident in Armadale CDA). Consideration needs to be given to developer contributions to assist in the required increase in services and facilities linked to the population growth. Recognising this pressure within the MIR would oblige developers to positively engage in the provision of health and social care as part of their proposals” (MIRQ 0221 NHS Iain Graham CDxxx).

Following MIR stage the council updated the LDP to reflect advice from NHS Lothian and HIHIA through Policy HOU8 (page 30 WLLDP). However, it is noted that this change is at odds with text within paragraphs 5.93-5.95 of the plan (page 33 WLLDP).

The council does not propose to change the LDP in relation to this submission, however, should the Reporter see merit in the suggested change requested by **WL/LDP/PP/0448** (Wallace Land c/o Geddes Consulting) this would be acceptable to the council. No other modifications to the LDP in relation to the submissions made are proposed.

Reporter's conclusions:

Reporter's recommendations:



Issue: 26J	Landscape character and special landscape areas	
Development plan reference:	Policy ENV 1	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)</p> <p>WL/LDP/PP/0454 (Wallace Land Investment & Management c/o Geddes Consulting)</p> <p>21803202-5e7a5f5 (Peter Buck)</p> <p>21903259-eae8db8 (Andrew Dodds)</p>		
Provision of the development plan to which the issue relates:	<p>Proposed LDP – p. 41</p> <p>Proposals Maps 1 – 5</p> <p>Proposed LDP supporting document: West Lothian Local Landscape Designation Review (LLDR) (CD103)</p> <p>Proposed LDP supporting document: West Lothian Landscape Character Classification (WLLCC) (CD102)</p>	
Planning authority's summary of the representation(s):		
<p><u>Policy ENV 1 wording – addition</u></p> <p>WL/LDP/PP/0454 (Wallace Land Investment & Management c/o Geddes Consulting) - an additional phrase is recommended: <i>‘and this impact cannot be appropriately mitigated’</i> to bring the policy in line with Policy DES1: <i>Design Principles</i> which refers to <i>‘significant adverse unmitigated impact on landscape character’</i>.</p> <p><u>Policy ENV 1 preamble wording – revision</u></p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – changes are requested to wording of paragraph 5.142 to reflect SNH’s partnership with the council.</p> <p><u>Status of supporting documents</u></p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – the status of the supporting documents [West Lothian Local Landscape Designation Review (LLDR) (CD103) & West Lothian Landscape Character Classification (WLLCC) (CD102)] arising from partnership work on landscape character work is queried.</p> <p><u>Housing allocation conflicts with terms of Policy ENV 1</u></p> <p>21803202-5e7a5f5 (Peter Buck) – the allocation of housing site H-LL 12 Preston Farm in Linlithgow is objected to because it conflicts with policy ENV1 which protects landscape character.</p> <p><u>West Lothian Local Landscape Designation Review – omission of landscape protection from areas adjacent to Westfield and Bridgecastle</u></p>		

21903259-eae8db8 (Andrew Dodds) – areas adjacent to Westfield and Bridge Castle (or Bridgecastle) along with Barbauchlaw Glen should not be omitted from protection through the new Blackridge Heights Special Landscape Area (SLA). The peatbog to the southeast of Bridgecastle and the Area of Great Landscape Value (AGLV) which forms a dog leg to the north of the historic village of Bridgecastle should be protected from development through designation as Special Landscape Area. The results of the West Lothian Local Landscape Designation Review (LLDR) (CD103) are not agreed with on this point.

West Lothian Local Landscape Designation Review – omission of landscape protection from woodland in Barbauchlaw Glen

21903259-eae8db8 (Andrew Dodds) – the woodland area in Barbauchlaw Glen requires ongoing protection as an Area of Special Landscape Control. The results of the West Lothian Local Landscape Designation Review (LLDR) (CD103) are not agreed with on this point.

Modifications sought by those submitting representations:

Policy wording – addition

WL/LDP/PP/0454 (Wallace Land Investment & Management c/o Geddes Consulting) - an amendment is sought as highlighted below.

Policy ENV 1 Landscape character and special landscape areas

Development will not be permitted where it may significantly and adversely affect local landscape character and this impact cannot be appropriately mitigated. Where development is acceptable it should respect this landscape character and be compatible in terms of scale, siting and design. New rural development will be required to incorporate design elements to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.

Within the Special Landscape Areas (SLAs) shown on the proposals map there is a presumption against development which would undermine the landscape and visual qualities for which the areas were designated. Development proposals 'outwith' these areas which would affect its setting from strategic viewpoints will be subject to detailed visual appraisal and will not be supported if it adversely affects the designated area.

Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual impact assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit can be achieved.

The council will seek to protect and enhance landscape character and local landscape designations in accordance with Supplementary Guidance 'Landscape character and local landscape designations' and 'Green Networks'.

Policy ENV 1 preamble wording - addition

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – while no specific wording is suggested it is clear and understandable that Scottish Natural Heritage (SNH) seek acknowledgement of their support both in an advisory role and as a funder.

Status of supporting documents

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) - Clarification of the status of the Proposed LDP supporting documents is sought.

Housing allocation conflicts with terms of Policy ENV 1

21803202-5e7a5f5 (Peter Buck) – the removal of site H-LL 12 Preston Farm is sought.

West Lothian Local Landscape Designation Review (CD103) - omission of landscape protection from areas adjacent to Westfield and Bridgecastle

21903259-eae8db8 (Andrew Dodds) – while a specific modification has not been stated it is intimated that the respondent would like the areas adjacent to Westfield and Bridgecastle reinstated for landscape protection through inclusion in the Blackridge Heights Special Landscape Area (SLA). This proposed reinstatement of protection is justified through challenge to the results of the LLDR.

West Lothian Local Landscape Designation Review (CD103) – omission of landscape protection from woodland in Barbauchlaw Glen

21903259-eae8db8 (Andrew Dodds) – while a specific modification has not been stated it is intimated that the respondent would like ongoing protection through local landscape designation of the woodland area in Barbauchlaw Glen. This proposed reinstatement of protection is justified through challenge to the results of the LLDR.

Summary of responses (including reasons) by planning authority:LDP policy background

The background to Policy ENV 1 *Landscape character and special landscape areas* is well explained in the proposed plan at paragraph 5.143:

The council undertook a 'Local Landscape Designation Review' (LLDR) in 2013 which identified 'Candidate' Special Landscape Character Areas (cSLA's). The review was consistent with the terms of SDP policy 13: 'Other Countryside Designations' and has informed the selection and identification of the SLAs which are shown on the proposals maps and which contribute to the development and extension of landscape components of the West Lothian green network, in accordance with SDP policy 11: 'Green Networks'.

Policy wording – addition

WL/LDP/PP/0454 (Wallace Land Investment & Management c/o Geddes Consulting) – the council does not agree that wording within the policy should be changed as it already appropriately balances development against potential impacts. The policy reflects the requirements of SPP. The wording changes proposed are semantic and not substantive; therefore no amendment is suggested to the text of Policy ENV 1.

The council does not therefore agree to modify the Plan in response to this representation.

Policy ENV 1 preamble wording – addition

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – while reference is made to support the active role which SNH had in preparing and updating landscape character assessment work in the West Lothian Landscape Character Classification (CD102), a more fulsome recognition will be offered in Planning Guidance *Landscape Character and Local Landscape Designations* subsequent to finalisation of the LDP.

The council does not therefore agree to modify the Plan in response to this representation.

Status of supporting documents

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – West Lothian Local Landscape Designation Review (LLDR) (CD103) & West Lothian Landscape Character Classification (WLLCC) (CD102) are technical supporting documents which informed the Proposed LDP and will in due course inform Planning Guidance *Landscape Character and Local Landscape Designations* to be produced subsequent to finalisation of the LDP.

Council Executive at its meeting of 15 September 2015 considered Item 17 West Lothian Local Development Plan and approved recommendation 9: Approve the proposed amendments to the West Lothian Local Landscape Designation Review. From thence onward the LDP Proposed Plan has been a material consideration in the determination of any planning applications for development in West Lothian.

The council does not therefore agree to modify the Plan in response to this representation.

Housing allocation conflicts with terms of Policy ENV 1

21803202-5e7a5f5 (Peter Buck) – it is true that the land surrounding the Linlithgow area scored very highly in terms of the landscape character as evidenced by **Table xx** (CD103, p. xx). Underlying landscape character is one of a range of factors which is used in scoring potential sites for allocation as housing. For a town like Linlithgow which is encircled by high quality landscape it is inevitable that any expansion however restrained will extend into such areas thus other factors such as proximity to infrastructure, utilities and site access become more important factors to be balanced when weighing up site selection.

Further, much of the expansion of demand for Linlithgow has been shifted to Winchburgh where landscape character is more conducive to supporting the spatial strategy for West Lothian and greater land take and considerably larger housing numbers are allocated in the Proposed LDP. Incidentally, it is likely that much of the landscape around the historic town of Linlithgow before the modern commuter housing estates were built was likely to be situated on areas of highly valued landscape character.

At planning application stage, a high quality of landscape design will be requested and reviewed as part of the assessment of an application for site H-LL 12 Preston Farm.

The allocation of housing site H-LL 12 Preston Farm in Linlithgow does not conflict with Policy ENV 1 due to the reasons given above. Further information can be found in the Position Statement on “*Local Landscape Designation*”.

The council does not therefore agree to modify the Plan in response to this representation.

West Lothian Local Landscape Designation Review (CD103) – omission of landscape protection from areas adjacent to Westfield and Bridgecastle

21903259-eae8db8 (Andrew Dodds) - Scottish Planning Policy (SPP, 2014) (CD078) requires that the ‘landscape character’ approach as defined by the European Landscape Convention (2000) and set out in SNH guidance is followed when reviewing local landscape designations. Landscape character assessment is a process which classifies, evaluates and analyses landscape as a basis for decision making. The aim of SPP2014 is for a consistent, methodical and robust approach yielding a single-tier of local landscape designation across Scotland i.e. Special Landscape Areas (SLA).

The current set of local landscape designations in West Lothian evolved over many decades. They

lack clearly defined boundaries and justification for selection of areas, nor do they provide clarity for the landscape qualities and values which they protect. These weaknesses leave potential for challenges to the integrity of the landscape designations in the adopted West Lothian Local Plan (CD107): Areas of Great Landscape Value (AGLV) and Areas of Special Landscape Control (ASLC).

The West Lothian Local Landscape Designation Review (CD0186, LLDR) was undertaken in 2014 by Land Use Consultants to address these issues and produce viable landscape protection designations going forward. It is considered that the methodology for the selection of SLAs is robust and defensible

The findings of the West Lothian Local Landscape Designation Review (CD0186, LLDR) are largely taken forward in the West Lothian LDP. Some adjustments to the Blackridge Heights AGLV boundaries have been required due to the underlying landscape character areas ranked only in the middle third against LLDR criteria – below the cut-off line for designation - thus a reduction in the size of the area for landscape protection was seen as acceptable. Blackridge Heights is the weakest of the SLA in scoring terms. Hence the Blackridge Heights SLA focuses on the highest scoring areas within it in landscape character terms being the core Heights area and Blawhorn Moss National Nature Reserve and Special Area of Conservation.

The loss of landscape protection at and near Gowanbank / Muckraw and west of Bridgehouse / Bridgecastle while regretted is considered acceptable as there is little development pressure in this area as evidenced at the Expression Of Interest and Main Issues Report (MIR, CD094) stage in the LDP's preparation.

The council does not therefore agree to modify the Plan in response to this representation.

West Lothian Local Landscape Designation Review (CD103) – omission of landscape protection from woodland in Barbauchlaw Glen

21903259-eae8db8 (Andrew Dodds) – Why the Blackridge Heights SLA does not extend further east into Barbauchlaw Glen is explained by the need to focus the designation (explained immediately above), and define a firm boundary along the disused railway line.

None of the ASLCs including the one for Barbauchlaw Glen survived the Local Landscape Designation Review and this is largely because they were designed as vehicles to prevent intrusive development, principally along riparian corridors and encourage environmental improvement i.e. tree planting and access works along these relatively narrow linear landscape features that had largely not been affected by development. Landscape quality was not an important feature in these designations and therefore they do not merit the protection of a local landscape designation, however many of the ASLC's are protected through overlapping designations and policy constraints such as the general restraint on development in the countryside: Proposed LDP policies ENV 1 and 2.

In the case of loss of landscape protection for the Barbauchlaw Glen ASLC it was thought that policy framework in the Proposed LDP would offer a more appropriate mechanism for support through such policies as:

Policy ENV 9 *Woodlands, forestry, trees and hedgerows*

Policy ENV 11 *Protection of Water Environment/ Coastline and Riparian Corridors*

The Barbauchlaw Glen and the woodland along it sit within such a riparian corridor. Further, the sides of the Barbauchlaw Burn to the west of Armadale are steep and thus topography is a significant constraint on development.

The council does not therefore agree to modify the Plan in response to this representation.

Summary

The council does not agree to any modifications of Policy ENV 1 in response to the above representations.

The Landscape Position Statement (CDxxx) sets out the council's approach to local landscape designation, including policy provision and identification of Special Landscape Areas, as set out the in the West Lothian Local Development Plan – *Proposed Plan* (CD093: Pages 41, 42, 268 and Maps 1 - 5).

Any further plan changes recommended by the planning authority

No further plan changes are proposed to Policy ENV 1 *Landscape character and special landscape areas*.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 26K	Loss of prime agricultural land	
Development plan reference:	Policy ENV 4	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<div>21910234-bbc3f45 (Fraser McCluskey)</div> <div>21909794-H-LL4 (Matt Wallace)</div> <div>21908747-H-LL4 (James Boyd)</div> <div>21906511-H-LL4 (James Jamieson)</div> <div>21906311-e06a2ce (Moirra Tweedie)</div> <div>21905608-81f701a (Andrew McIntosh)</div> <div>21903174-43ae9a7 (Ian Brownell)</div> <div>21899011-3dc08d4 (Gordon Cameron)</div> <div>21898420-19ee71a (John Watson)</div> <div>21890779-ab465d4 (Iain Macleod)</div> <div>21890279-41a02dc (Allan Melling)</div> <div>21886028-21516a8 (Louise Clements)</div> <div>21872575-b7677f8 (Elizabeth Halliday)</div> <div>21870675-da390eb (Jim Hannan)</div> <div>21832880-cf92730 (Douglas Hanley)</div> <div>21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)</div> <div>21772368-19ac58a (Heather Adam)</div> <div>21770063-66ceb8b (Irene Fortune)</div> <div>21755712-ac97478 (Paul Buchanan-Smith)</div> <div>21749350-78d18dc (Robert McMillan)</div> <div>21495743-09927a1 (Emma Gordon)</div> <div>20972986-ed82b5b (Iain Mclean)</div> <div>WL/LDP/PP/0363 (Transition Linlithgow)</div> <div>WL/LDP/PP/0437 (Wallace Land Investment & Management)</div>		
Provision of the development Plan to which the issue relates:	Chapter 5 – Vision Statement & Aims (page 43) Policy ENV 4 that deals with the loss of prime agricultural land.	
Planning authority's summary of the representation(s):		
<div>21910234-bbc3f45 (Fraser McCluskey)</div> <div>21909794-H-LL4 (Matt Wallace)</div> <div>21908747-H-LL4 (James Boyd)</div> <div>21906511-H-LL4 (James Jamieson)</div> <div>21906311-e06a2ce (Moirra Tweedie)</div> <div>21905608-81f701a (Andrew McIntosh)</div> <div>21899011-3dc08d4 (Gordon Cameron)</div> <div>21890279-41a02dc (Allan Melling)</div> <div>21872575-b7677f8 (Elizabeth Halliday)</div> <div>21870675-da390eb (Jim Hannan)</div> <div>21832880-cf92730 (Douglas Hanley)</div> <div>21770063-66ceb8b (Irene Fortune)</div>		

21755712-ac97478 (Paul Buchanan-Smith)

Objects to housing allocation site H-LL4 (Land east of Manse Road) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

21903174-43ae9a7 (Ian Brownell)

Objects to the continual urbanisation of Linlithgow on the grounds that development of these sites are contrary to the terms of policy ENV 4.

21898420-19ee71a (John Watson)

Objects to housing allocation site H-LL 10 (Clarendon Farm) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

21749350-78d18dc (Robert McMillan)

20972986-ed82b5b (Iain Mclean)

Objects to housing allocation site H-LL 11 (Wilcoxholm Farm / Pilgrims Hill) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

21890779-ab465d4 (Iain Macleod)

21495743-09927al (Emma Gordon)

Objects to housing allocation site H-LL 12 (Preston Farm) in Linlithgow on the grounds that development of the site is contrary to the terms of policy ENV 4.

21772368-19ac58a (Heather Adam)

Objects to housing allocation sites H-LL 4 (Land east of Manse Road), H-LL 7 (Clarendon House, 30 Manse Road) and H-LL 10 (Clarendon Farm) in Linlithgow on the grounds that development of these sites is contrary to the terms of policy ENV 4.

21886028-21516a8 (Louise Clements)

Objects to the housing allocation site H-WI 2 (East Coxydene Farm) in Wilkieston on the grounds that this land is of significant agricultural importance and would therefore is contrary to the terms of policy ENV 4.

The council's response to the housing allocations in Wilkieston is set out in a separate Schedule 4 number **(23 A)**

WL/LDP/PP/0363 (Transition Linlithgow)

Transition Linlithgow is deeply concerned about the sustainability and security of future food supplies across Scotland, and the need to protect Prime Agricultural Soils in West Lothian and around Linlithgow. Transition Linlithgow state that policy ENV 4 only addresses this concern in-part, however. Where agricultural land is not formally identified as 'prime', all efforts should be made to avoid using arable land for housing or employment sites. This better ensures the food security, resilience and sustainability of West Lothian and Scotland.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Support this policy that seeks to protect prime agricultural land.

WL/LDP/PP/0437 (Wallace Land Investment & Management)

Proposes modification of Policy ENV 4.

Assumes the 'and's in the policy are included in error and the majority should read 'or', otherwise the effect of the policy would be to allow almost no development as all of the policy criteria would have to be satisfied simultaneously.

There is a requirement from SPP and SESplan to ensure that the policy framework in a Local Development Plan will continue to maintain a 5 year effective housing land supply over the LDP period.

In the event of a failing housing land supply, there are unlikely to be enough suitable brownfield sites available that could be used to address the shortfall. Therefore, the development of greenfield sites is acceptable in principle. It is a fact that most of the land adjacent to West Lothian's settlements is of prime agricultural quality.

Therefore it is inevitable that some prime quality land will be required to address any shortfall in the effective housing land supply.

The Plan's SEA Environmental Report (August 2014) notes the lack of brownfield/non-prime sites available in the West Lothian area (para 4.4.7). Indeed, many of the proposed allocations in the LDP are also prime agricultural land, reflecting the lack of available alternatives in meeting housing requirements.

SPP (para 80) notes that where it is necessary to use good quality land for development, the layout and design should minimise the amount of land that is required. This could be included within the policy.

This approach and modification is in accord with the policy requirements of SESplan and SPP.

Modifications sought by those submitting representations:

21910234-bbc3f45 (Fraser McCluskey)

21909794-H-LL4 (Matt Wallace)

21908747-H-LL4 (James Boyd)

21906511-H-LL4 (James Jamieson)

21906311-e06a2ce (Moiria Tweedie)

21905608-81f701a (Andrew McIntosh)

21899011-3dc08d4 (Gordon Cameron)

21890279-41a02dc (Allan Melling)

21872575-b7677f8 (Elizabeth Halliday)

21870675-da390eb (Jim Hannan)

21832880-cf92730 (Douglas Hanley)

21770063-66ceb8b (Irene Fortune)

21755712-ac97478 (Paul Buchanan-Smith)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation H-LL4 (Land east of Manse Road) is set out in a separate Schedule 4 number **(15 A)**.

21903174-43ae9a7 (Ian Brownell)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocations in Linlithgow are set out in a separate Schedule 4 number **(15 A)**.

21898420-19ee71a (John Watson)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-LL 10 (Clarendon Farm) is set out in a separate Schedule 4 number **(15 A)**.

21749350-78d18dc (Robert McMillan)

20972986-ed82b5b (Iain Mclean)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill) is set out in a separate Schedule 4 number **(15 A)**.

21890779-ab465d4 (Iain Macleod)

21495743-09927al (Emma Gordon)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-LL 12 (Preston Farm) is set out in a separate Schedule 4 number **(15 A)**.

21772368-19ac58a (Heather Adam)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation sites H-LL 4 (Land east of Manse Road), H-LL 7 (Clarendon House, 30 Manse Road) and H-LL 10 (Clarendon Farm) H-LL 12 (Preston Farm) are set out in a separate Schedule 4 number **(15 A)**.

21886028-21516a8 (Louise Clements)

No specific modification of policy ENV 4 has been sought.

The council's response to the housing allocation site H-WI 2 (East Coxydene Farm) in Wilkieston is set out in a separate Schedule 4 number **(23 A)**.

WL/LDP/PP/0363 (Transition Linlithgow)

No specific modification of policy ENV 4 has been sought.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

No specific modification of policy ENV 4 has been sought.

WL/LDP/PP/0437 (Wallace Land Investment & Management)

Proposes modification of Policy ENV 4.

Recommend the policy reads as set out below (changes in ***bold italic***).

POLICY ENV 4 Loss of prime agricultural land

Development will not be permitted where it results in the permanent loss of prime agricultural land as defined by the James Hutton Institute Land Capability Classes 1, 2, and 3.1 unless it can be demonstrated that:

- a. the development forms a key component of the spatial strategy set out in the LDP, or the site benefits from planning permission, ***or the site's development is justified on the basis of a shortfall in the 5-year effective housing land supply and accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with Policy HOU3; and or***
- b. the proposal is necessary to meet locational need, for example for essential infrastructure; and
- c. there are no other suitable sites available; ~~and or~~
- d. the proposal is for small-scale development directly linked to a rural business; ~~and or~~
- e. the proposal provides for the generation of electricity from a renewable source or the extraction

of minerals where this accords with other LDP policies.

The layout and design of proposals should minimise the amount of prime agricultural land required.

Summary of responses (including reasons) by planning authority:

21910234-bbc3f45 (Fraser McCluskey)

21909794-H-LL4 (Matt Wallace)

21908747-H-LL4 (James Boyd)

21906511-H-LL4 (James Jamieson)

21906311-e06a2ce (Moiria Tweedie)

21905608-81f701a (Andrew McIntosh)

21899011-3dc08d4 (Gordon Cameron)

21890279-41a02dc (Allan Melling)

21872575-b7677f8 (Elizabeth Halliday)

21870675-da390eb (Jim Hannan)

21832880-cf92730 (Douglas Hanley)

21770063-66ceb8b (Irene Fortune)

21755712-ac97478 (Paul Buchanan-Smith)

No modification proposed.

The council's response to the housing allocation H-LL4 (Land east of Manse Road) is set out in a separate Schedule 4 number **(15 A)**.

21903174-43ae9a7 (Ian Brownell)

No modification proposed.

The council's response to the housing allocations in Linlithgow are set out in a separate Schedule 4 number **(15 A)**.

21898420-19ee71a (John Watson)

No modification proposed.

The council's response to the housing allocation site H-LL 10 (Clarendon Farm) is set out in a separate Schedule 4 number **(15 A)**.

21749350-78d18dc (Robert McMillan)

20972986-ed82b5b (Iain Mclean)

No modification proposed.

The council's response to the housing allocation site H-LL 11 (Wilcoxholm Farm/ Pilgrims Hill) is set out in a separate Schedule 4 number **(15 A)**.

21890779-ab465d4 (Iain Macleod)

21495743-09927a1 (Emma Gordon)

No modification proposed.

The council's response to the housing allocation site H-LL 12 (Preston Farm) is set out in a separate Schedule 4 number **(15 A)**.

21772368-19ac58a (Heather Adam)

No modification proposed.

The council's response to the housing allocation sites H-LL 4 (Land east of Manse Road), H-LL 7 (Clarendon House, 30 Manse Road) and H-LL 10 (Clarendon Farm) H-LL 12 (Preston Farm) are set out in a separate Schedule 4 number (15 A).

21886028-21516a8 (Louise Clements)

No modification proposed.

The council's response to the housing allocation site H-WI 2 (East Coxydene Farm) in Wilkieston is set out in a separate Schedule 4 number (23 A).

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

No modification proposed.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Support of this policy is noted.

WL/LDP/PP/0437 (Wallace Land Investment & Management)

The Council has carefully considered the arguments put forward in support of modifying the wording of Policy ENV 4.

The council does not agree with the modifying this policy with respect to effective housing land supply as this is dealt with through policies HOU 1 and HOU 2 in the proposed plan.

The council's response to the housing land supply is set out in a separate Schedule 4 number (1 A).

With respect to the addition of wording in relation to design, this is covered by policy DES 1, however the council does see merit in a cross reference within policy ENV 4 to policy DES 1 and should the reporter find favour in this change, the council would not be opposed.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 26L	Countryside Belts and settlement setting.	
Development plan reference:	Policy ENV 7	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0438; Wallace Land Investment and Management c/o Geddes Planning.</p> <p>21863641-89d0459; BDW Trading Limited and H & J Russell c/o David Howell.</p>		
Provision of the development plan to which the issue relates:	Proposed LDP - pages 42, 44. Proposals Maps: 1-5.	
Planning authority's summary of the representation(s):		
<p><u>Policy wording – additional justification for designations and provision of supplementary guidance</u></p> <p>WL/LDP/PP/0438 (Wallace Land Investment and Management c/o Geddes Planning) – additional text is requested to be added as paragraph 3 to Policy ENV 7 requiring justification of supplementary guidance for Countryside Belts because:</p> <ul style="list-style-type: none">▪ there is no justification provided for Countryside Belts, although they are partly included on landscape grounds;▪ the purpose of each designated Countryside Belt is not clarified hence the exceptions criteria at a specific location are not made apparent ;▪ supplementary guidance should be provided and consulted upon to justify and explain designated Countryside Belts;▪ not compliant with SESplan Policy 13 requirement to ‘justify additions or deletions’ to countryside designations though it is noted that some designated previously; and▪ proposed <i>Linlithgow / Philpstoun & Bridgend Countryside Belt</i> is entirely new. It does not feature in the previous Local Plan and has been introduced without any justification, contrary to SESplan policy 13. <p><u>Policy wording – additional wording for exceptions criteria to facilitate greenfield residential development</u></p> <p>WL/LDP/PP/0438 (Wallace Land Investment and Management c/o Geddes Planning) - additional wording to exception criteria (d) would allow for greenfield residential development where a shortfall in the 5- year effective housing land supply can be proven and is consistent with the guiding principles of sustainable development based on the following rationale:</p> <ul style="list-style-type: none">▪ requirement from SPP and SESplan to ensure that the policy framework in a Local Development Plan will continue to maintain a 5 year effective housing land supply over the LDP period;		

- not consistent with SPP para. 29 (presumption in favour of sustainable development), nor Proposed LDP Policy HOU 3: *Infill / Windfall Housing Development within settlements*;
- Countryside Belts should not be drawn too tightly to avoid constraining the ability to take action to address any shortfall in the supply by releasing additional housing sites particularly when considered alongside other designations including proposed Special Landscape Areas;
- conflicts with the aims of Proposed LDP Policy HOU 2: *Maintaining an Effective Housing Land Supply* by constraining the potential to address any housing land supply shortfall through the release of additional greenfield sites on the edge of settlements; and
- not consistent with SPP para 50 (spatial strategy) which expects green belts, or Countryside Belts in this instance, to have regard to sustainable locations for development in the longer-term, in other words not to be drawn too tightly so that they are of only short-term relevance.

Livingston Countryside Belt at Murieston – not consistent with ‘green belt’ criteria for SESplan Policy 7: *Maintaining a Five Year Housing Supply*

21863641-89d0459 (BDW Trading Limited and H & J Russell c/o David Howell) - object to the non-inclusion of land west of Murieston Road as a housing allocation because it is not consistent with the Strategic Development Plan’s (SDP 2013) (CD114) Policy 7: *Maintaining a Five Year Housing Land Supply* criteria (b) which requires that development will not undermine green belt objectives, and therefore those of the Livingston Countryside Belt.

Policy ENV 7 is not robust due to inclusion of key infrastructure sites within designated area - Linlithgow / Philpstoun & Bridgend Countryside Belt -

WL/LDP/PP/0363 (Transition Linlithgow) – Countryside Belts have been a key planning policy mechanism for decades. The policy is no longer robust due to inclusion of proposals P-43 (Burghmuir high amenity employment site) and P-45 (Coach park and ride facility) within Linlithgow’s defined Countryside Belt.

Modifications sought by those submitting representations:

Policy wording – additional justification for designations and provision of supplementary guidance

WL/LDP/PP/0438 (Wallace Land Investment and Management c/o Geddes Planning) – the following additional text is requested to be added as paragraph 3 to Policy ENV 7:

Justification for designation of each area, including the strategic purposes of each, is set out in detailed Supplementary Guidance.

It is intimated in the suggested additional policy text that further ‘Supplementary Guidance’ should be tabled in LDP Appendix Five – *Supplementary Guidance (SG) and Planning Guidance (PG)*.

Policy wording – additional wording for exceptions criteria to facilitate greenfield residential development

WL/LDP/PP/0438 (Wallace Land Investment and Management c/o Geddes Planning) – additional wording to exception criteria (d) is requested as highlighted below:

(d) there is a specific locational need which cannot be met elsewhere and need for incursion into

Countryside Belt can be demonstrated. This may include a site that is justified on the basis of a shortfall in the 5-year effective housing land supply and which accords with the guiding principles of sustainable development set out in SPP paragraph 29, and with Policy HOU3.

Livingston Countryside Belt at Murieston – not consistent with ‘green belt’ criteria for SESplan Policy 7: Maintaining a Five Year Housing Supply

21863641-89d0459 (BDW Trading Limited and H & J Russell c/o David Howell) - the objector seeks the inclusion of land west of Murieston Rd as a housing allocation ([linked to EO1-0110, MIRQ-0126 Murieston Castle Farm](#)) on the basis that it is consistent with policy in SDP13 (CD114) and would not undermine the objectives of the Countryside Belt.

Policy ENV 7 not robust due to inclusion of key infrastructure sites within designated area - Linlithgow / Philpstoun & Bridgend Countryside Belt -

WL/LDP/PP/0363 (Transition Linlithgow) – no specific amendment to the policy is intimated.

Summary of responses (including reasons) by planning authority:

LDP policy background

Green belts come under the ‘Placemaking’ section of Scottish Planning Policy 2014 (CD078, paras. 49 - 52).

The Strategic Development Plan (SDP 2013, CD 114, p. 54) for the SESplan area includes policy which expands the green belt definition as below.

Policy 13: OTHER COUNTRYSIDE DESIGNATIONS

Local Development Plans should review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the Green Belt as appropriate. Opportunities for contributing to the Green Network proposals should also be identified in these areas.

As has been established, the principles for development planning approach to green belts applies to Countryside Belts in West Lothian.

There are no green belts in West Lothian and the council is not involved in the multi-authority green belt for Edinburgh. Instead, West Lothian has promoted Countryside Belts (CBs) in relation to its smaller communities.

Policy ENV7 *Countryside Belts and settlement setting* has three elements – declaration of designations, strategic purposes and exceptions criteria – as reproduced below.

Policy ENV 7 Countryside Belts and settlement setting

“The following areas, as indicated generally on the Proposals Map are designated as Countryside Belt:

- *Livingston;*
- *Bathgate/Whitburn;*
- *Winchburgh/Broxburn;*
- *East Calder/Kirknewton; and*
- *Linlithgow/ Philpstoun & Bridgend*

The strategic purposes of Countryside Belts are to:

- *maintain the separate identity and visual separation of settlements;*
- *protect the landscape setting of settlements;*
- *promote public access to green space for informal recreation; and*
- *enhance landscape and wildlife habitat.*

Protection and enhancement of the landscape of these Countryside Belts will be sought and encouraged as part of the Central Scotland Green Network and other opportunities, through woodland planting and managed access.

Within designated Countryside Belts, development will not be permitted unless it can be demonstrated that the proposal satisfies following criteria:

- a. a proposal is environmentally acceptable and the criteria set out in the policies ENV 1 – ENV 6 of the LDP can be met;*
- b. the proposal will not undermine any of the strategic purposes as set out above;*
- c. the proposal will not give rise to visual or physical coalescence between settlements, sporadic development, or the expansion of existing clusters of houses (existing groups of houses in the countryside but not within a town or a village) by more than 20% of the number of houses within that group; and*
- d. there is a specific locational need which cannot be met elsewhere and need for incursion into Countryside Belt can be demonstrated.”*

The policy combines the two pronged policy approach and the principles from the adopted local plan thereby conforming to the slimmer and rationalised policy approach in SPP. No supplementary guidance is proposed in Appendix Five of the Proposed LDP for Countryside Belts.

Policy wording – additional justification for designations and provision of supplementary guidance

WL/LDP/PP/0438 (Wallace Land Investment and Management c/o Geddes Planning) – a consistent policy to apply across all Countryside Belts in West Lothian is set out in Policy ENV 7 rather than setting out specifics for each individual Countryside Belt. They are not justified on an individual basis which could lead to inconsistencies. Countryside Belts support the Spatial Strategy as part of the strategic, forward plan for West Lothian in that they act as a mechanism to promote containment and protection of settlements and foster place-making through resisting urban sprawl.

With the exception of the proposed Linlithgow/ Philpstoun & Bridgend Countryside Belt, all those countryside belts in the LDP are brought forward from the adopted local plan.

Scottish Government Circular 6/2013 *Development Planning* (CDxxx, Figure 2, p. 42) sets out the parameters for LDP preparation which requires the publishing of two documents leading up to the adoption of a Local Development Plan: Main Issues Report (MIR, CD094) and Proposed Plan. It does not include a draft plan stage, which would require greater clarification of an LDP’s Spatial Strategy approach and the green belt or similar designations which indicate the limits of proposed growth. Therefore council resources were put into preparing an MIR and the technical work for the review of Countryside Belts, whilst undertaken, was undertaken later as part of the preparation for the Proposed Plan in compliance with SDP2013 Policy 13.

Due to resource constraints this information has not been published until now, though a comprehensive background to and review of Countryside Belts in West Lothian is set out and published as a Position Statement: *Countryside Belts* which is submitted as part of the LDP examination.

To overcome this shortcoming of the Proposed Plan in terms of background information to make transparent where and why changes have been made to the Countryside Belts in West Lothian, the

council is keen to publish its Position Statement *Countryside Belts* as Planning Guidance. Such a move would not require a change to the wording of Policy ENV 7 as the council is at liberty to publish Non-Statutory Planning Guidance without going through the more rigorous requirements for Supplementary Guidance as indicated on page 36 of Circular 6/2013 (CDxxx).

Policy wording – additional wording for exceptions criteria to facilitate greenfield residential development

WL/LDP/PP/0438 (Wallace Land Investment and Management c/o Geddes Planning) – the exceptions approach suggested for allowing incursions into Countryside Belts based on ‘maintaining a 5 year effective housing land supply’ and ‘accordance with the guiding principles of sustainable development’ would appear to be an approach to promoting the development of greenfield land over more challenging brownfield sites and those within settlement boundaries. Such an approach would undermine the spatial basis for the designation of Countryside Belts. Greenfield sites in general tend to score more poorly than proximate site to urban areas and require greater investment in completely new physical infrastructure – roads, water, gas, electricity etc. – and are therefore expensive to resource for infrastructure delivery particularly where such residential development is low density.

In summary, Countryside Belts support higher density development within settlement boundaries thus meeting the aims of ‘Sustainable Housing Locations’ and ‘Infrastructure Requirements and Delivery’ as set out on pages 8-9 in the Vision Statement and Aims of the proposed plan.

It is the council’s view that no change is required to Policy ENV 7.

Livingston Countryside Belt at Murieston – not consistent with ‘green belt’ criteria for SESplan Policy 7: *Maintaining a Five Year Housing Supply*

21863641-89d0459 (BDW Trading Limited and H & J Russell c/o David Howell) – this site has been assessed at EOI and MIR stages and was not taken forward as a credible development site.

The argument that inclusion of the site would be consistent with SDP2013 (CD114, p. 44) Policy 7 *Maintaining a Five Year Housing Land Supply* and the policies exception criteria (b) which requires that development will not undermine green belt objectives is incorrect.

One windfall site does not satisfy the Five-year Housing Land Supply This site is not included in the LDP Spatial Strategy. The proposed greenfield site would make a significant incursion into the Livingston Countryside Belt. The council stands by its Spatial Strategy and its approach to the retention of the Livingston Countryside Belt at this point that is a long standing planning policy from earlier local plans e.g. Calders Area Local plan (1995).

It is the council’s view that no change is required to Policy ENV 7.

Policy ENV 7 is not robust due to inclusion of key infrastructure sites within designated area - Linlithgow / Philpstoun & Bridgend Countryside Belt -

WL/LDP/PP/0363 (Transition Linlithgow) – no change to the plan is required. See Schedule 4: 1B on spatial designations for landscape and countryside for further information.

Any further plan changes recommended by the planning

No further plan changes are proposed to Policy ENV 7: *Countryside Belts and settlement setting*.

Notwithstanding the above, it would be desirable to publish the Position Statement: *Countryside Belts* as non-statutory planning guidance to elucidate the process behind the review and establishment of Countryside Belts for the LDP. The council invites the reporter to make an appropriate recommendation on this issue.

Reporter's conclusions:**Reporter's recommendations:**

Issue: 26M	Green Network Policy	
Development plan reference:	Policy ENV 8	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0209 (Mike Fraser Royal Society for Protection of Birds (RSPB)) WL/LDP/PP/0236 (Scottish Government (Development Plan Team)) WL/LDP/PP/0238 (Viv Gray on behalf of Scottish Natural Heritage (SNH)) WL/LDP/PP/0243 (SEPA) WL/LDP/PP/0439 (Geddes Consulting on behalf of Wallace Land Investment & Management)</p>		
Provision of the development Plan to which the issue relates:	Green Network Policy ENV 8 (page 46) and alterations to enhance the policy.	
Planning authority's summary of the representation(s):		
<p><u>Policy Support</u></p> <p>WL/LDP/PP/0209 (RSPB) commend the council's aim to deliver a green network in accordance with the Green Network Plan; at para 5.157, RSPB commend the aim to retain and conserve existing natural and semi-natural woodland. Management of such should include the removal of non-native (and especially invasive non-native) species. This will enhance the biodiversity value of woodlands. Similarly, new woodlands planted for non-commercial use should be exclusively native species.</p> <p>WL/LDP/PP/0243 (SEPA) In respect of SEPA's interests, the associated multiple benefits that the Green Network can deliver is fundamental to the successful implementation of the river basin management plan and sustainable flood risk management. The promotion of multi-functional green networks will therefore ensure that complimentary environmental benefits will be considered and delivered as part of the network. This accords with SPP paragraph 220 which states that planning should 'protect, enhance and promote green infrastructure, including open space and green networks as an integral component of successful placemaking'. SEPA also support the supporting text at section 5.156 which highlights that the council will encourage the inclusion of SUDS, swales, wetlands, rivers and canals and their banks as part of the green network.</p> <p><u>Policy Change</u></p> <p>WL/LDP/PP/0236 (Scottish Government) - suggests a change to policy ENV 8 and paragraph 5.103 to reflect fully the requirements of NPF3. i.e. insert additional text to the second paragraph of policy ENV 8, to reflect additional priorities as set out in National Planning Framework 3 (NPF3) for the Central Scotland Green Network in relation to active travel; addressing vacant and derelict land; and focusing action in disadvantaged areas.</p> <p>WL/LDP/PP/0238 (SNH) - welcome and support the work carried out to develop West Lothian's green network through the Proposed Plan. However, recommend that to align with the emerging direction of SESplan 2, Policy ENV8 is amended to include 'areas of significant change' as priority areas for the green network.</p>		

WL/LDP/PP/0439 (Geddes Consulting on behalf of Wallace Land Investment and Management) - seek an amendment to policy ENV8 to reflect requirements of paragraph 2 of Circular 4/1998 and paragraph 14 of Circular 3/2012; advise that paragraph 3.4 of the LDP states that a Green Network Plan is published alongside the Proposed Plan but this does not appear to be the case and the Supplementary Guidance is not yet available; advise that there is a need for development requirements to be justified and detailed in this SG, which should be the subject to consultation with landowners and other stakeholders to ensure requirements are reasonable and justified in terms of the Circulars, and are deliverable.

Modifications sought by those submitting representations:

WL/LDP/PP/0236 (Scottish Government) seek additional text to Policy ENV 8, second paragraph, line 1 (page 46) as follows with proposed new text highlighted in grey:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council), the development will be expected to contribute wholly, or in part, to their delivery.

The priority areas will be active travel, addressing vacant and derelict land, and focusing action in disadvantaged areas along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities."

WL/LDP/PP/0238 (SNH) – seek additional text to Policy ENV 8 as follows with proposed new text highlighted in grey:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council), the development will be expected to contribute wholly, or in part, to their delivery.

The priority areas will be along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts and areas of significant change. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities."

WL/LDP/PP/0439 Wallace Land Investment & Management seek additions to Policy ENV 8 ,first para, line 2 with proposed new text highlighted in grey:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council in consultation with landowners and other stakeholders, and detailed in adopted Supplementary Guidance), the development will be expected to contribute wholly, or in part, to their delivery, while meeting the tests of Circular 4/1998 and 3/2012, as appropriate.

The priority areas will be along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities."

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0209 (Mike Fraser Royal Society for Protection of Birds (RSPB))

Support for the Green Network policy (ENV 8) from RSPB is welcomed. Much of the tree management work the council has undertaken on its own land, via the West Lothian Open Space Strategy and delivered through the Central Scotland Green Network Trust, has seen the replacement of non-native tree species with native woodland.

WL/LDP/PP/0236 (Scottish Government (Development Plan Team))

With the Scottish Government response, the minor clarification to Policy ENV 8 to highlight the priorities of NPF3, in relation to the CSGN, is considered acceptable. The change sought by Scottish Government is considered to be acceptable and the council would support the Reporter should they be minded to amend policy ENV 8 to reflect the changes sought.

WL/LDP/PP/0238 (Viv Gray on behalf of Scottish Natural Heritage (SNH))

The change sought by SNH is considered to be acceptable and the council would support the Reporter should he be minded to amend policy ENV 8 to reflect the changes sought.

WL/LDP/PP/0439 (Geddes Consulting on behalf of Wallace Land Investment & Management) In regard to the comments by consultants for Wallace Land Investment & Management, the reference to consultation with landowners and stakeholders is acceptable as this is the council's intention through the publication of the Green Network Supplementary Guidance mentioned at paragraph 3.4 of the LDP. The insertion of reference to the green networks as detailed in the supplementary guidance is also acceptable.

The council's Green Network Plan was presented to the council's Policy Development & Scrutiny Panel in October 2015 as proposed Supplementary Guidance (CDX). It will be consulted upon, along with a number of other SG, in Summer 2016. Appendix 4 on "Supplementary Guidance & Planning Guidance" clearly notes (page 268) that the timeframe for preparation and delivery of the Green Network Supplementary Guidance is "subsequent" to the Proposed Plan i.e. after preparation of the LDP.

Finally reference to the both circulars 4/1998 and 3/2012 is acceptable to the council and the council would support the Reporter should he be minded to amend policy ENV 8 to reflect the changes sought.

Summary - while no major change is proposed to policy ENV 8 as a result of the submissions made, the council does see merit in the minor clarifications cited above should the Reporter be minded to amend the LDP in relation to this matter.

The proposed amended policy would read as follows:

POLICY ENV 8 Green Network

The council will support proposals which help to deliver the green network as set out in the Green Network Plan and Supplementary Guidance. Where green network opportunities are relevant to a proposed development (as determined by the council in consultation with landowners and other stakeholders, and detailed in adopted Supplementary Guidance), the development will be expected to contribute wholly, or in part, to their delivery, while meeting the tests of Circular 4/1998 and 3/2012, as appropriate.

The priority areas will be active travel, addressing vacant and derelict land, and focusing action in disadvantaged areas along strategic road corridors and in areas of development restraint and landscape protection including Special Landscape Areas and Countryside Belts and areas of significant change. New woodland planting should be planned and designed to meet the criteria set out in the Edinburgh and Lothians Forestry and Woodland Strategy (2012).

New woodlands for community use and planting for bio fuels will be supported where there is landscape and design integration, biodiversity enhancement and multi-use benefits including, where appropriate, public recreational access particularly near to communities."

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 26N	Policy on Protection of the water environment / coastline and riparian corridors	
Development plan reference:	ENV 11: Protection of the water environment / coastline and riparian corridors.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0209 (Mike Fraser for RSPB)</p> <p>WL/LDP/PP/0236 (Scottish Government (Development Plan Team))</p> <p>WL/LDP/PP/0243 (SEPA)</p> <p>WL/LDP/PP/0440 (Geddes Consulting for Wallace Land Investment & Management)</p>		
Provision of the development Plan to which the issue relates:	Policy ENV 11 “Protection of the water environment / coastline and riparian corridors” (page 48)	
Planning authority’s summary of the representation(s):		
<p><u>Policy Support</u></p> <p>WL/LDP/PP/0209 (Mike Fraser for RSPB) - commend the proposals in Policy ENV 11. The value of the aquatic environment from many perspectives is clearly appreciated and understood; note the intention (d), to restore natural watercourses wherever possible and commend this aim.</p> <p>WL/LDP/PP/0243 (SEPA) - SEPA support the intention of this policy and in particular the clear policy position that development proposals which would lead to deterioration of the ecological status of any element of the water environment will not be supported. SEPA also support the inclusion of the specific policy requirements in terms of: protection of Groundwater Dependent Terrestrial Ecosystems (GWDTE); a presumption against unnecessary engineering works in the water environment; improvements to the water environment where possible and the development of measures identified within the Forth Area River Basin Management Plan. The application of this policy will ensure that all development proposals must minimise and mitigate impacts on the water environment. This is supportive of the Water Framework Directive (WFD) “protect” objective, reflected in your Authority’s duties under the Water and Environment and Water Services (Scotland) Act 2003. (paras 2(1) and 2(2) refer).</p> <p><u>Change to policy sought</u></p> <p>WL/LDP/PP/0236 (Scottish Government (Development Plan Team)) - suggest four changes in section h) of the policy: the term ‘coastal zone’ should be replaced with the term “<u>marine area from mean high water springs (MHWS)</u>”, or alternatively define the coastal zone and clarify the jurisdiction of the National Marine Plan (NMP).</p> <p>This is to reflect that the NMP applies from MHWS out to 200 nautical miles. The use of the phrase ‘coastal zone’ does not provide the clarity relating to the jurisdiction of the NMP, especially as</p>		

'coastal zone' is not defined. It may be that the Local Authority is promoting alignment between marine and terrestrial planning by referring to coastal zone – if so this would be most welcomed, however final wording should be used which reflects the importance of alignment but which does not confuse responsibilities or jurisdictions.

Seek change to section h) of the policy , should be amended to read:

'... proposals can satisfactorily demonstrate that they are compliant with the objectives and policies of the National Marine Plan (2015) and forthcoming regional marine plans.

It is pointed out that the policies of the NMP are considered necessary to achieve sustainable development and use in the marine environment and to achieve its objectives, therefore use of policies should be reflected in wording. While recognising a Regional Marine Plan for this area will not be in place in the immediate future, reference to forthcoming Plans would be useful in the event that one is adopted within the lifespan of the LDP.

The section h) policy text goes on to state:

'This principle is applicable to all marine activities, but is especially relevant to aquaculture, oil and gas, renewable energy activities and tourism.' A change is sought to this section of the policy to read:

'This principle is applicable to all marine activity' as the National Marine Plan is applicable to all marine activity and use, current and emerging and it is not useful to suggest its application is more relevant to some activity over others, although a development plan may wish to bring attention to activity which is relevant to a particular Development Plan area such as offshore renewable energy which may have onshore infrastructure associated or anticipated in an area.

Finally in section h); parts i. to iv. should be removed or amended to accurately convey the content of NMP policy as the bullet points (i) to (iv) of section h) do not correctly reflect the policies of the national marine plan. Suggest that the council may be wishing to paraphrase policies, but the wording chosen misrepresents the policies.

WL/LDP/PP/0440 (Geddes Consulting for Wallace Land Investment & Management) - make several representations about Policy ENV 11 and recommend that the policy reads as set out below.

POLICY ENV 11 Protection of the water environment / coastline and riparian corridors

The council recognises the importance of the water environment in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

a. there will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should comply with SEPA's Guidance on buffer strips adjacent to water bodies, provide for a substantial undeveloped and suitably landscaped corridor to avoid such impacts;

b. there will be a general presumption against development which would have a detrimental effect significant adverse impact on Groundwater Dependent Terrestrial Ecosystems (GWDTE);

c. there will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourses diversions, bank modifications or dams;

d. opportunities to improve the water environment by opening out previously culverted water course, removing redundant water engineering installations, and restoring the natural course of

watercourses should be (*exploited*) considered where these are within the site boundary (*possible*);

e. there is a presumption against proposals which would undermine, through intrusive development, the landscape character and amenity of river valleys and other significant water courses. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated;

f. the council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment and coastal areas;

g. the water environment will be promoted as a recreational resource (subject to the requirements of Natura 2000 sites) with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.

h. there is a general presumption in favour of sustainable development and use of the marine environment in the coastal zone where the proposals can satisfactorily demonstrate that they are compliant with the objectives of the National Marine Plan (2015). This principle is applicable to all marine activities, but is especially relevant to aquaculture, oil and gas, renewable energy activities and tourism. Generally:

- i. proposals must not have a significant impact, either individually or cumulatively, on the natural, built environment and cultural heritage resources either in the sea or on land;
- ii. the location, scale and design are such that proposals will not have a significant adverse impact;
- iii. proposals must not result in any deterioration in ecological status or potential for any water body or prevent it from achieving good ecological status in the future;
- iv. there will be no significant adverse impact on other users of marine resources and/or neighbouring land.

These changes are justified as any planning condition needs to meet the tests set out in paragraph 2 of Circular 4/1998 and paragraph 14 of Circular 3/2012.

The proposed wording regarding ... substantial undeveloped and suitably landscaped corridor ... is not precise and reasonable and does not meet the tests of the above Circulars. Including reference to SEPA's guidance on this matter in the policy would ensure that requirements for buffer strips are proportionate and justified. The presumption against works such as bridges conflicts with place-making and design principles in terms of delivering ... connected places (SPP para 38).

Improvements to the water environment should only be sought where feasible and appropriate, including that the relevant opportunity is within the site boundary.

Landscape character is covered by policy ENV1 and its inclusion in this policy represents unnecessary duplication.

Modifications sought by those submitting representations:

WL/LDP/PP/0236 (Scottish Government (Development Plan Team)) - suggest 4 changes within Policy ENV 11 that relate to sub-section h) covering the marine environment. Sub-section h) would read:

h) there is a general presumption in favour of sustainable development and use of the marine

environment in the marine area from mean high water springs where the proposals can satisfactorily demonstrate that they are compliant with the objectives and policies of the National Marine Plan 2015 and forthcoming regional marine plans. This principle is applicable to all marine activity.

While with **WL/LDP/PP/0440** - Wallace Land suggested alterations; the first relating to criteria:

*a. there will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should **comply with SEPA's Guidance on buffer strips adjacent to water bodies**, provide for a substantial undeveloped and suitably landscaped corridor to avoid such impacts;*

is acceptable as it clarifies the policy in relation to accepted national guidance. Other proposed changes are not acceptable. See section below.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0209 (Mike Fraser for RSPB)

RSPB support "to restore natural watercourses wherever possible", highlighted in Policy ENV 11 criteria d), is acknowledged.

WL/LDP/PP/0236 (Scottish Government (Development Plan Team)) - suggest 4 changes within Policy ENV 11 that relate to sub-section h covering the marine environment. The proposed changes are all acceptable to the council as they add clarification to the policy.

WL/LDP/PP/0440 (Geddes Consulting for Wallace Land Investment & Management) - while it is accepted that reference to SEPA Guidelines is helpful, it is not accepted that all improvements to the water environment can always be carried out "within the site boundary" as the nature of water bodies may mean that the issue to be addressed is upstream or downstream and while outwith the (red line) application boundary, may be within the (blue line) ownership boundary of the applicant or, if not, then require a Section 75 agreement to mitigate impact on the wider water environment from the proposed development.

In addition, it is not accepted that the reference to "bridges" within the list of engineering works is contradictory. The list of items expands upon and clarifies what may be deemed as potentially unnecessary engineering works in a water environment context, but does not specifically rule them out.

Similarly, it is not accepted that the reference to landscape character is duplication after being covered in Policy ENV1 that looks after wider landscape character of extensive special landscape areas. The riparian corridors in West Lothian are among the most undamaged environments and require protection as is highlighted in policy ENV 11 particularly focusing on the water environment associated with riparian corridors. The council does not propose to amend the policy in relation to this submission other than to change section a) to refer to SEPA guidance.

For clarity the amended policy would read as follows:

POLICY ENV 11 Protection of the water environment / coastline and riparian corridors

The council recognises the importance of the water environment in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

- a. there will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should **comply with SEPA's Guidance on buffer strips adjacent to water bodies**, provide for a substantial undeveloped and suitably landscaped corridor to avoid such impacts;
- b. there will be a general presumption against development which would have a detrimental effect on Groundwater Dependent Terrestrial Ecosystems (GWDTE);
- c. there will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourses diversions, bank modifications or dams;
- d. opportunities to improve the water environment by opening out previously culverted water course, removing redundant water engineering installations, and restoring the natural course of watercourses should be exploited where possible;
- e. there is a presumption against proposals which would undermine, through intrusive development, the landscape character and amenity of river valleys and other significant water courses. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated;
- f. the council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment and coastal areas;
- g. the water environment will be promoted as a recreational resource (subject to the requirements of Natura 2000 sites) with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.
- h. there is a general presumption in favour of sustainable development and use of the marine environment in the coastal zone marine area from mean high water springs(MHWS) where the proposals can satisfactorily demonstrate that they are compliant with the objectives and policies of the National Marine Plan (2015) and forthcoming regional marine plans. This principle is applicable to all marine activities activity, but is especially relevant to aquaculture, oil and gas, renewable energy activities and tourism. Generally:
- i. ~~proposals must not have a significant impact, either individually or cumulatively, on the natural, built environment and cultural heritage resources either in the sea or on land;~~
- ii. ~~the location, scale and design are such that proposals will not have a significant adverse impact;~~
- iii. ~~proposals must not result in any deterioration in ecological status or potential for any water body or prevent it from achieving good ecological status in the future;~~
- iv. ~~there will be no significant adverse impact on other users of marine resources and/or neighbouring land.~~

Reporter's conclusions:

Reporter's recommendations:

Issue: 260	Community Growing and Allotments.	
Development plan reference:	Policy ENV 15 (page 51).	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>21140481-d0dd0ef (Linlithgow and District Allotment Society).</p> <p>21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance).</p> <p>WL/LDP/PP/0236 (Scottish Government).</p> <p>WL/LDP/PP/0240 (Livingston Village Community Council c/o Brian Johnstone).</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 4 – Vision Statement & Aims.</p> <p>Chapter 5 The Spatial Strategy (page 51).</p> <p>Policy ENV 15 that deals with Community Growing and Allotments.</p>	
Planning authority's summary of the representation(s):		
<p>21140481-d0dd0ef (Linlithgow and District Allotment Society)</p> <p>Supports the statement in paragraph 5.171 (page 51) where private allotment sites across West Lothian are safeguarded for allotment / private growing use. This should be a legitimate reason in determining planning applications.</p> <p>21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)</p> <p>Supports the policy with amendments.</p> <p>WL/LDP/PP/0236 (Scottish Government)</p> <p>As currently worded Policy ENV15 is more negatively framed, the second line leads with "Community Growing spaces will only be supported where....". The removal of the word 'only' would make the policy read more positively, and be more in line with the spirit of SPP.</p> <p>SPP (2014) states at paragraph 227 that "Plans should also encourage opportunities for a range of community growing spaces." SPP is looking for positive support for community growing. Community growing can offer multiple benefits including access to fresh healthy food, community spirit and connections and health and well-being.</p> <p>WL/LDP/PP/0240 (Livingston Village Community Council c/o Brian Johnstone)</p> <p>Following the resounding success of the Killandean Allotment site, this sort of development should find space in the forward plan. This is a growing interest activity in West Lothian and should be encouraged either as Killandean a private enterprise leasing council land, or by West Lothian Council running similar sites.</p>		
Modifications sought by those submitting representations:		
<p>21140481-d0dd0ef (Linlithgow and District Allotment Society)</p> <p>No specific modification of policy ENV 15 has been sought.</p> <p>21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)</p> <p>This policy states that community growing will only be supported with specific conditions. Given the benefits of community growing to health and to communities, the respondent suggests that this</p>		

should be rephrased to say that community growing will be supported in principle unless these conditions are breached.

WL/LDP/PP/0236 (Scottish Government)

Remove the word 'only' from the first sentence of the second paragraph of the policy.

WL/LDP/PP/0240 (Livingston Village Community Council c/o Brian Johnstone)

No specific modification of policy ENV 15 has been sought.

Summary of responses (including reasons) by planning authority:

21140481-d0dd0ef (Linlithgow and District Allotment Society)

No modification proposed.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

No change is proposed to policy ENV 15, however, the council does see merit in the representation should the Reporter be minded to amend the LDP in relation to this matter.

WL/LDP/PP/0236 (Scottish Government)

No change is proposed to policy ENV 15, however, the council does see merit in the representation should the Reporter be minded to amend the LDP in relation to this matter.

WL/LDP/PP/0240 (Livingston Village Community Council c/o Brian Johnstone)

No modification proposed.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26P	Protection of National & Local Nature Conservation Sites	
Development plan reference:	ENV 18	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0209 (Mike Fraser for Royal Society for Protection of Birds (RSPB))</p> <p>WL/LDP/PP/0236 (Scottish Government (Development Plan Team))</p> <p>WL/LDP/PP/0441 (Geddes Consulting for Wallace Land Investment & Management)</p>		
Provision of the development Plan to which the issue relates:	National & Local Conservation Sites relating to policy ENV 18 (page 52).	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0209 (RSPB) - urge in relation to para 5.180 that the council expedite the ecological survey work required to assess potential local biodiversity sites. They note such sites will become of increasing value as the pressure for residential and industrial development, agricultural intensification and commercial forestry increases.</p> <p>WL/LDP/PP/0236 (Scottish Government Development Plan Team) - makes a suggested change for the first paragraph in policy ENV 18 i.e. delete the words: ‘, and locally designated nature conservation sites’. Beneath the third paragraph new text should be inserted to address how the locally identified sites would receive a level of protection commensurate with their status as set out in paragraph 169 of Scottish Planning Policy. In this regard, advise that an approach similar to that taken in policy ‘NE1: Environmental and Conservation Policies’ of the Perth and Kinross Council adopted Local Development Plan may be workable for West Lothian Council. Their reasoning is that clearer separation of the extent of protection is required for nationally and locally designated nature conservation sites to comply with SPP (2014) paragraph 196, which is clear that the level of protection given to local designations should not be as high as that given to international or national designations.</p> <p>WL/LDP/PP/0441 (Geddes Consulting for Wallace Land Investment & Management) recommends the policy reads as set out below.</p> <p><i>“Policy ENV 18 Protection of Local and National Nature Conservation Sites: Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), and locally designated nature conservation sites will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts. In the case of national designations, development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest. Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment will (EIA) be considered against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.”</i></p> <p>Their reasoning is that the policy should reflect the potential for mitigation and the reference to the</p>		

EIA regulations is incorrect.

Modifications sought by those submitting representations:

WL/LDP/PP/0236 - Scottish Government Development Plan Team suggest amend ENV 18 policy title and insert new policy (new policy in highlighted box)

“Policy ENV 18a Protection of National Nature Conservation Sites”

Policy ENV 18b: Local Nature Conservation sites

Development which would affect an area designated by the Planning Authority as being of local conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:

(a) the objectives of designation and the overall integrity of the designated area would not be compromised; or

(b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

OR

Amend policy title to read *“Policy ENV 18 Protection of National Nature Conservation Sites”*

The council consider that slight amendments to policy ENV 18 may be appropriate. The council would therefore have no objection if the Reporter is agreeable to these amendments and considers that a change to Policy ENV 18 is required. Should this be the case then the council suggests that Policy ENV 18 is amended as follows:

Remove reference to *“and locally designated nature conservation sites”* from Policy ENV 18 / para 1 / line 3; as Policy ENV 19 and para 5.180 covers the protection of Local Biodiversity and Local Geodiversity sites.

Overall, following these amendments, the new policy would read:

“Policy ENV 18 Protection of National Nature Conservation Sites:

Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSI), will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts.

Development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment (EIA) will be considered against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.”

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0209 (RSPB) - in response to the comment pressing *“the council to expedite the ecological survey work required to assess potential local biodiversity sites”*, The council acknowledge

that this aspect is vital in the determination of nature conservation sites. While some work can be carried out via the service level agreement the council negotiates annually with The Wildlife Information Centre (TWIC) to assess approximately 8 potential Local Biodiversity Sites per annum, it will rely on developers covering these survey costs if it relates to sites that they bring forward and where it is known that there are local or national nature conservation issues.

WL/LDP/PP/0236 (Scottish Government Development Plan Team) - while it is accepted that the policy should focus on national sites and having reviewed how Perth & Kinross Council set out their nature conservation policies in their LDP, it is considered that local nature conservation sites can be protected in West Lothian under the terms of LDP proposed plan policy ENV 19: Protection of Local Biodiversity and Local Geodiversity Sites". This clearer policy separation of the extent of protection required for nationally and locally designated nature conservation sites complies with SPP (2014) paragraph 196 requirements (CDX).

WL/LDP/PP/0441 (Geddes Consulting for Wallace Land Investment & Management) – the change suggested is acceptable as it adds clarity to the policy and allows for mitigation measures and corrects a reference to a more recent piece of EIA legislation that was an oversight in the LDP Proposed Plan. The council would raise no objection should the Reporter be minded to amend the policy to reflect the terms of this submission.

In summary, while no major changes to policy ENV 18 are proposed by the council , the council does see merit in the minor representations made by Scottish Government and the clarifications requested by Wallace Land Ltd should the Reporter be minded to amend the LDP in relation to this matter. The proposed amended policy would read as follows:

Policy ENV 18 Protection of ~~Local~~ and National Nature Conservation Sites:

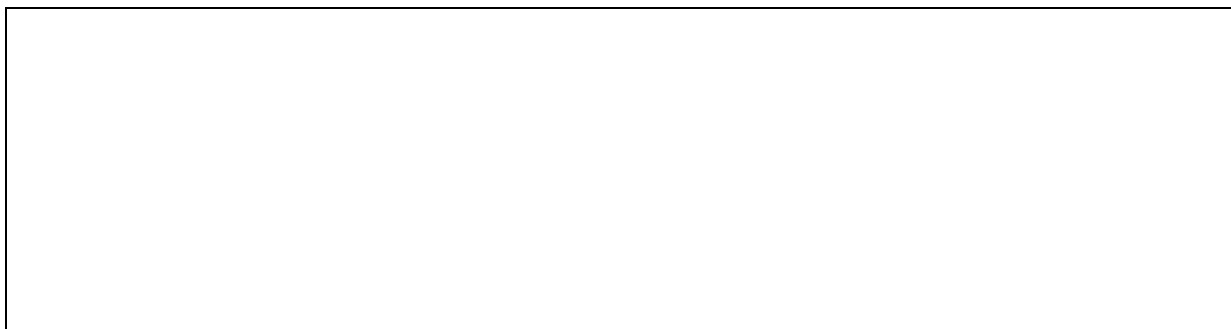
Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR)-and, Sites of Special Scientific Interest (SSSI),-and locally designated nature conservation sites-will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation, taking account of the potential to appropriately mitigate any impacts. ~~In the case of national designations,~~

Development that would have significant adverse impacts that cannot be mitigated will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment will (EIA) be considered against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011."

Reporter's conclusions:

Reporter's recommendations:



Issue: 26Q	Historic Battlefields: Battle of Linlithgow Bridge (1526)	
Development plan reference:	Policy ENV 31	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0442 (Wallace Land Investment and Management)		
Provision of the development Plan to which the issue relates:	LDP Proposed Plan - page 60; map 2	
Planning authority's summary of the representation(s):		
<p><u>Policy wording</u></p> <p>WL/LDP/PP/0442 (Wallace Land Investment and Management) – It is recommended that the wording of the policy is changed to <i>‘better reflect the importance of battlefields in terms of them being the locations of past events’</i>.</p> <p><u>Clarification of the involvement of Historic Environment Scotland</u></p> <p>WL/LDP/PP/0442 (Wallace Land Investment and Management) – The policy should include a reference to Historic Environment Scotland because it <i>‘will normally be a consultee and should be involved in defining appropriate mitigation where relevant.’</i></p> <p><u>Designation of Battlefield at Linlithgow Bridge</u></p> <p>WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – The battlefield site at Linlithgow Bridge would be better protected by ‘not’ being included within the settlement boundary.</p>		
Modifications sought by those submitting representations:		
<p><u>Policy wording</u></p> <p><u>Clarification of the involvement of Historic Environment Scotland</u></p> <p>WL/LDP/PP/0442 (Wallace Land Investment and Management) – The following amendments - highlighted and strike-through - to the policy text as set out in the LDP are requested. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested.</p> <p>Policy ENV 31 Historic Battlefields: Battle of Linlithgow Bridge (1526)</p> <p><i>Proposals for the sensitive management and interpretation of battlefield sites such as Linlithgow Bridge will be supported in principle.</i></p> <p><i>There is a presumption against development within a site listed in the Inventory of Historic Battlefields where it would have a significant adverse effect upon battlefield relationships established through the archaeology, character, appearance, setting or and the key landscape features of the battlefield.</i></p> <p><i>Where it can be demonstrated that the overall integrity of the battlefield will not be compromised and there will be no adverse impact on the archaeology, character, appearance, setting or the key landscape features of the battlefield, proposals and developments affecting battlefield sites will may require an appropriate level of mitigation, and measures (to be agreed with the Planning Authority, and Historic Environment Scotland where it raises issues of national importance). The siting, scale and design of any new development, or extensions to existing buildings, must preserve, conserve or enhance the key characteristics of the battlefield. These may include landscape characteristics, key viewpoints that assist in the understanding of the battle and</i></p>		

historic assets (particularly archaeological deposits found in-situ). However, minor developments such as household extensions will in most cases be exempt.

Designation of Battlefield at Linlithgow Bridge

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – while not explicitly stated it is intimated that the designations for the Historic Battlefield at Linlithgow Bridge should be de-allocated within the settlement boundary.

Summary of responses (including reasons) by planning authority:

LDP policy background

Policy ENV 31 is a new policy for the Proposed LDP in response to the designation and inclusion of the battlefield at Linlithgow Bridge on the Historic Environment Scotland's *Inventory of Historic Battlefields* in November 2011 (CD0xx – to be added to CD list).

Within the 'Valuing the Historic Context' section of Scottish Planning Policy (SPP 2014) (CD078, p. 35, para. 149) there is one specific line on battlefields which is copied below:

"Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields."

Historic Environment Scotland has raised no challenges to Policy ENV 31.

Policy wording

WL/LDP/PP/0442 (Wallace Land Investment and Management) – The changes proposed are semantic and not substantive; therefore no amendment is suggested to the text of Policy ENV 31.

Clarification of the involvement of Historic Environment Scotland

WL/LDP/PP/0442 (Wallace Land Investment and Management) – It is standard practice for Development Management officers to assess and refer planning proposals to Historic Environment Scotland for consultation as required. As an Inventory Battlefield, where a development proposal is considered likely to have potential impacts on the identified boundary area and setting of the Inventory Battlefield, consultation would be undertaken.

It is noted that the respondent does not have a development interest in the vicinity of the designated Historic Battlefield at Linlithgow Bridge.

Designation of Battlefield at Linlithgow Bridge

WL/LDP/PP/0428 (Linlithgow and Linlithgow Bridge Council) – historic battlefields are designated by Historic Environment Scotland through its inventory. Therefore the council is not at liberty to alter a designation which appears on the Inventory of Historic Battlefields such as that at Linlithgow Bridge.

Any further plan changes suggested by the planning authority

None. The policy is effective and complies with SPP 2014; no issues have been raised by Historic Environment Scotland.

Reporter's conclusions:

Reporter's recommendations:



Issue: 26R	Policy ENV 32 Archaeology.	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 32.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0443 (Wallace Land Investment & Management c/o Geddes Consulting).		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy. Archaeology. Policy ENV 32 (page 60).	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0443 (Wallace Land Investment & Management c/o Geddes Consulting)</p> <p>It is proposed that Policy ENV 32 is more measured and should distinguish between the differing levels of effect a development may have on the archaeology of a site. It references SESplan Policy 1B (CD?) and SPP 2014 (CD?) and argues that that the word 'significantly' is introduced to qualify the impact and that the period for carrying out any archaeological investigation need not be prior to the commencement of development but also during it.</p> <p>Reference is also made to PAN 2/2011 (CD?) as a reminder that in determining planning applications that may impact on archaeological features or their setting, planning authorities may have to balance the benefits of development against the importance of archaeological features and that the weight that should be given to archaeological considerations will depend on a number of factors.</p>		
Modifications sought by those submitting representations:		
<p>WL/LDP/PP/0443 (Wallace Land Investment & Management c/o Geddes Consulting)</p> <p>The following amendments to the policy text as set out in the LDP are requested; (highlighted text reflects suggested additions to the policy).</p> <p>POLICY ENV 32 Archaeology</p> <p><i>"Development will not be permitted where it would significantly adversely affect an identified regionally or locally important archaeological or historic site or its setting unless it can be demonstrated that:</i></p> <ul style="list-style-type: none"> <i>a. the proposal has been sited and designed to minimise damage to items or sites of archaeological and historic interest; and</i> <i>b. there is no alternative location for the proposal.</i> <p><i>Archaeological remains should be preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required and must be to the highest professional standards. These investigations will be carried out at the developer's expense, prior to or during the implementation of the development, as appropriate, to include archaeological excavation, recording, analysis and publication of findings."</i></p>		

Summary of responses (including reasons) by planning authority:**WL/LDP/PP/0443** (Wallace Land Investment & Management c/o Geddes Consulting)

The council is satisfied that the policy as worded balances the benefits of development against the importance of archaeological features and is compliant with SPP 2014 and PAN 2/2011.

The proposed amendments are considered to have the effect of diluting the policy from what the council had intended. In particular, the suggested wording introduces an unnecessary element of uncertainty and changes the council's emphasis and preferred timeline for carrying out site investigations, i.e., before development commences. Reference to SESplan Policy 1B is also not deemed to be wholly relevant given that it does not explicitly address archaeology.

For these reasons, the council does not agree to modify the plan in response to this representation. However, if the Reporter is minded to recommend that the plan be amended the council would request that;

- (a) the suggested term '*would significantly adversely affect*' be substituted with '*have a significant adverse affect*';
- (b) the suggested term '*wherever possible*' is not incorporated at all; and
- (c) the suggested term '*prior to or during*' is substituted with '*before and / or during*'.

Reporter's conclusions:**Reporter's recommendations:**

Issue: 26U	The Water Environment – improvement, flooding, drainage	
Development plan reference:	Policy EMG 1 - Water Environment Improvement Policy EMG 2 - Flooding Policy EMG 3 - Sustainable Drainage	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0236 (Scottish Government – Development Planning Team) WL/LDP/PP/0243 (SEPA) WL/LDP/PP/0360 (Geddes Consulting on behalf of Wallace Land Investment & Management) 21716490-c057327 (John Orr) 21660154-0fee94e (Helen MacKenzie) 21648848-8eaccff (Jonathan Moss)		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy (Including Policy Framework) The Water Environment and Flood Risk and Management (pages 67-70)	
Planning authority's summary of the representation(s):		
<u>EMG 1 Water Environment Improvement - support and requirement for modification</u>		
WL/LDP/PP/0243 (SEPA) SEPA supports the inclusion of this policy which will help the council meet its legal obligations under the Water Framework Directive and will ensure that the LDP helps to protect, improve and promote the sustainable use of our water environment. However it is suggested that paragraph three should include a caveat to require a Flood Risk Assessment (FRA)		
<u>EMG 2 Flooding (para. 5) - policy wording regarding potential flood risk / resilient design</u>		
WL/LDP/PP/0236 (Scottish Government – Development Planning Team) Proposes text changes to the fifth paragraph on potential flood risk/resilient design to indicate limits regarding 'flood storage capacity', as well as, indicating that 'land raising should only be considered in exceptional circumstances' to accord with paragraph 265 of Scottish Planning Policy 2014 (SPP 2014) (CDX).		
<u>EMG 2 Flooding (para. 6) – policy wording regarding flood protection schemes / regulation of development in flood protection scheme areas</u>		
WL/LDP/PP/0236 (Scottish Government – Development Planning Team) Suggests that the provisions on the types of appropriate development for the location should be applied and clarified in accordance with the flood risk framework as set out SPP 2014, paragraph 263, pages 58-59 (CDX). Furthermore, the requirement that construction of protected developments cannot be initiated until SEPA has confirmed that flood protection defences are operational should be removed, again to be in accordance with SPP 2014 paragraph 263.		
<u>EMG 2 Flooding – additional provision regarding new development requiring defences against coastal erosion or flooding</u>		

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Additional provision should be provided in policy EMG 2 for the policy position: ‘that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk’ to be consistent with SPP 2014, paragraph 88 (CDX).

EMG 2 Flooding – inclusion of a map on flood risk areas

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Suggests that the Plan should include a map indicating areas of medium to high flood risk to provide more clarity to developers.

EMG 2 Flooding - support and requirement for modifications

WL/LDP/PP/0243 (SEPA)

Supports inclusion of this policy and while welcoming changes that have already been incorporated following consultation in 2015, seeks some further minor amendments, namely;-

:

- Para. 5 – ‘and not increase flood risk elsewhere’ added at the end.
- Para. 6 – amend wording after formal flood protection scheme to ‘that is designed to an appropriate standard and is an acceptable land use for the location’
- Para. 8 – ‘and not increase the number of persons at risk’ at end add.

EMG 3 Sustainable Drainage – Additional text on for flood risk framework / text amendments

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

The policy should include provision for that section of the flood risk framework applicable to surface water flooding and for the standard set out to be used as a basis for decision making, to accord with paragraph 263, pages 58-59 of SPP 2014 (CDX).

WL/LDP/PP/0360 (Geddes Consulting on behalf of Wallace Land Investment & Management)

It is recommended that the wording of the policy regarding the requirement for Water Impact Assessments (WIA) and Drainage Impact Assessments (DIA) should be amended to indicate that WIA and DIA should not be a council requirement for planning stages because it is only requested by Scottish Water when necessary to ensure development will not cause detriment to its assets.

EMG 3 Sustainable Drainage – support for policy

WL/LDP/PP/0243 (SEPA)

Supports the policy and in particular the comprehensive approach to SUDS and cross-references to other policies in the Proposed Plan.

Objections to allocation of sites on the basis of flooding, flood risk

21648848-8eaccff (Jonathan Moss)

Objects to the allocation of housing at Preston Farm, Linlithgow (H-LL 12) on the grounds that there are flooding issues (amongst other points and which are addressed in a separate Schedule 4 (15A).

21660154-0fee94e (Helen MacKenzie)

Objects to the allocation of housing at Wilcoxholm, Linlithgow (H-LL 11) on the grounds that there are flooding issues (amongst other points and which are addressed in a separate Schedule 4 (15A).

21716490-c057327 (John Orr)

Objects to the allocation of housing at Balmuir Road, Bathgate (H-BA 1) on the grounds that there

are flooding issues (amongst other points and which are addressed in a separate Schedule 4 (1A)).

Modifications sought by those submitting representations:

EMG 1 Water Environment Improvement - support and requirement for modification

WL/LDP/PP/0243 (SEPA)

Seeks the addition of a caveat at end of the last sentence of Policy EMG 1 which reads;- *'provided these activities are informed by a Flood Risk Assessment'*

EMG 2 Flooding (para. 5) - policy wording regarding potential flood risk / resilient design

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Seeks – the following changes to the wording of policy EMG 2 are requested to the paragraph on 'resilient design to limit the impact of flood risk' and that the policy should state that:

- *where built development is permitted in medium to high risk areas any loss of flood storage capacity should be mitigated to achieve a neutral or better outcome;*
- *land raising should only be considered in exceptional circumstances in accordance with paragraph 265 of the SPP.*

EMG 2 Flooding (para. 6) – policy wording regarding flood protection schemes / regulation of development in flood protection scheme areas

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Requests that the relevant terms of the flood risk framework set out in paragraph 263, pages 58 – 59 of SPP should be included in the policy. (CDX)

In addition, the policy requirement that *'development.....must not be constructed until confirmed operational by SEPA'* should be amended to state that *'development may be suitable provided flood protection measures already exist are under construction or are a planned measure in a current flood risk management plan'*.

EMG 2 Flooding – additional provision regarding new development requiring defences against coastal erosion or flooding

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Seeks the addition of text to state that: *'new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to avoid development in areas at risk'*.

EMG 2 Flooding – inclusion of a map on flood risk areas

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Proposes that the SEPA map for medium to high flood risk areas is appended to the policy.

EMG 2 Flooding - support and requirement for modifications

WL/LDP/PP/0243 (SEPA)

Seeks three further amendments to the wording of Policy EMG 2 as detailed below. Additional text is highlighted.

Policy EMG 2 - Flooding

Flooding can seriously impact on people, businesses and the environment and the council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding.

When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted impacts of climate change.

Development will specifically not be supported in:

(a) locations identified as being at medium to high flood risk, unless it accords with the flood risk framework set out in SPP 2014; or

(b) where it would lead to an increase in the probability of flooding elsewhere.

Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses). The Flood Risk Assessment should be undertaken in accordance with the relevant and prevailing [SEPA technical guidance](#).

To limit the impact of potential flood risk any development that is subsequently permitted in medium to high risk areas (that accords with the exceptions in the risk framework) or is located in adjacent low to medium risk areas must be built to a water resilient design and not increase flood risk elsewhere.

Development that is proposed in an area that is or will be behind a formal flood protection scheme, that is designed to an appropriate standard and is an acceptable land use for the location, must be an appropriate and acceptable land use for the location, designed to be resilient and must not be constructed until the flood protection scheme is confirmed operational by SEPA.

Appendices 1 & 2 (which respectively list employment and housing land allocations in the plan) identify those sites where there is a known requirement for a FRA, watercourse buffer strips and best practice SuDS treatment. The council nevertheless reserves the right to require the preparation and submission of FRAs for other development sites which present over the plan period where deemed necessary. Guidance will be sought from SEPA and other agencies as appropriate.

Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems. All proposals must comply with the terms of Supplementary Guidance on Flooding and Drainage and not increase the number of persons at risk.

All proposals must comply with the terms of Supplementary Guidance on Flooding and Drainage.

EMG 3 Sustainable Drainage – additional text on flood risk framework / text amendments

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Requests that the relevant terms of the flood risk framework set out in paragraph 263, pages 58 – 59 of SPP 2014 should be included in the policy (CDX).

WL/LDP/PP/0360 (Geddes Consulting on behalf of Wallace Land Investment & Management)

Seeks amendments to the wording of Policy EMG 3 as detailed below. Highlighted text reflects additions to the policy whereas strike-through text reflects deletions requested.

Policy - EMG 3 Sustainable Drainage

Developers ~~may be~~ **are** required to submit ~~a Drainage Impact Assessment (DIA)~~ **proposals** to ensure that surface water flows are properly taken into account in the design of a development. With the exception of single houses, SuDS will be a required part of all proposed development as a means of treating/attenuating surface water and managing flow rates **on site**.

Developers will be required to ensure that adequate land to accommodate SuDS is incorporated within development proposals and that housing densities take into account the physical space for effective SuDS. The design of the system should meet best current practice. It is expected that surface water drainage systems, including sustainable drainage systems, for most will be vested in Scottish Water as drainage authority and will, as a consequence, be designed and constructed in accord with the most up to date edition of Scottish Water's Construction Standards and Vesting Conditions 'Sewers for Scotland' (3rd Edition) and at the same time comply with SEPA's Policy and Supporting Guidance on the provision of Waste Water Drainage in Settlements in promoting connection to the public sewerage system where possible.

~~Where new development (or the change of use of land or buildings) impacts on existing drainage arrangements, the council may require these arrangements to be upgraded and SuDS retrofitted as a condition of planning approval in order to avoid detriment to the water environment.~~

~~Where there are existing issues of capacity or flooding associated with combined drainage systems, developers may be required to invest in off site works to provide additional capacity or reduce loadings on such drainage systems.~~

Private drainage systems for sewered areas will only be considered as a temporary measure where there is no capacity in the existing sewer system;

Development relying on private sewage systems will only be permitted where there is no public system in the locality and where the council is satisfied that the proposal is acceptable in terms of the impacts on the water environment and on public health.

Developments involving private water supplies will only be permitted where there is no public supply in the locality and where the council is satisfied that there is sufficient water and that the proposal is acceptable in terms of the environment and public health.

The council will support in principle the incorporation of water conservation measures in new developments, including rainwater harvesting and systems for the recycling of "greywater".

Regard should also be had to other LDP policies in relation to drainage in new developments, SuDS, flood risk and the treatment of watercourses and proposals will require to contribute to the delivery of green infrastructure and the green network where this is considered appropriate.

EMG 3 Sustainable Drainage – support for policy

WL/LDP/PP/0243 (SEPA)

No policy modifications requested.

Objections to allocation of sites on the basis of flooding, flood risk

21648848-8eaccff (Jonathan Moss)

Seeks the removal of site H-LL 12 Preston Farm, Linlithgow on the basis of flooding issues.

21660154-0fee94e (Helen MacKenzie)

Seeks the removal of site H-LL 11 Wilcoxholm, Linlithgow, on the basis of flooding issues.

21716490-c057327 (John Orr)

Seeks the removal of site H-BA 1 Balmuir Road, Bathgate, on the basis of flooding issues.

Summary of responses (including reasons) by planning authority:

LDP policy background

The Proposed Plan includes three policies to cover a wide range of instances essentially to do with water being in the wrong place – flooding and drainage – and reversing the reversal of the trend to culvert watercourses and other approaches which fight against sustainable management of the water environment in its widest sense largely believed to be best achieved through restoration to and co-opting natural flood and drainage ecosystems. The Proposed Plan policies to address these issues are:

Policy EMG 1 Water Environment Improvement

Policy EMG 2 Flooding

Policy EMG 3 Sustainable Drainage

SPP 2014 (CDX) offers guidance relevant to policies EMG 1-3 under Coastal Planning (paragraphs 87 - 91) where paragraph 91 is most relevant due to the largely unspoiled nature of the short coastline in West Lothian, all of which is under multiple designations including Forth Coast Special Landscape Area, Firth of Forth Special Protection Area, Hopetoun House Gardens and Designed Landscape, biodiversity and geodiversity sites.

The Managing Flood Risk and Drainage section of SPP 2014 (CDX) (paragraphs 254-268) offers extensive guidance for the council's policies EMG 1-3 which have been drawn upon in their formation. Further guidance has been received through consultation and dialogue with key agencies and a range of specialist national level regulations and guidance.

The Strategic Development Plan (CDX) (pages 56-57) provides a bridging policy between SPP 2014 and local planning policy.

Proposed plan policies EMG 1-3 also draw upon a number of policies in the adopted West Lothian Local Plan 2009 (CDX), principally ENV 15, ENV 15a, ENV 16 – as well as professional advice from the council's flood risk officer and examples of best practice.

For the sake of completeness, Policy EMG 1 is reproduced below and policies EMG 2 and 3 are set out in the modifications section above.

Policy EMG 1 - Water Environment Improvement

Proposals for the culverting of a watercourse will be considered with reference to [SEPA's position statement on culverting](#).

Opportunities to improve the water environment and promote natural flood management are supported where it can be demonstrated that these will help to reduce overall flood risk. This could include wetland restoration, riparian planting, flood plain creation, daylighting of culverted watercourses and restoration of heavily modified watercourse.

Proposals that are aligned with measures identified in the River Basin Management Plan will be supported in principle, including the retrofitting of SuDS features to the existing surface drainage system, the restoration of watercourses and the removal of redundant structures.

Policy EMG 2 - Flooding

[See above in modifications section.]

Policy EMG 3 - Sustainable Drainage

[See above in modifications section.]

Appendix Five – Supplementary Guidance (SG) and Planning Guidance (PG) of the Proposed Plan includes Planning Guidance with a working title of *Flooding and Water Environment* which will cover planning issues, policy approaches, various specific topics, regulatory regime requirements including SEPA and Scottish Water requirements as well as best practice.

EMG 1 Water Environment Improvement - support and requirement for modification

WL/LDP/PP/0243 (SEPA)

Further detailed fine tuning of the policy is sought above and beyond previous consultations with this key agency. The council will produce planning guidance on Flooding and Water and it will be possible to include a reference to the need for Flood Risk Assessment (FRA) which can also provide a fuller context for the situations where FRA would apply.

The Council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding (para. 5) - policy wording regarding potential flood risk / resilient design

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

The term ‘water resilient design’ will be more fully explained in subsequent Planning Guidance *Flooding and Water Environment* at which point the outcomes and aims of mitigation sought to prevent flood risk can be set out including the Scottish Government’s ‘flood risk framework’ which, if included in the Plan would render the policy too lengthy to be effective. These details support Policy EMG 2 *Flooding* and are best presented as further guidance to the policy.

The Council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding (para. 6) – policy wording regarding flood protection schemes / regulation of development in flood protection scheme areas

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

It is recognised that inclusion of the Flood Risk Framework, paragraph 263, pages 58-59 of SPP 2014 (CDX) would add clarity, however given its length and the existing length of Policy EMG 2 the council believes that this information is better placed in planning guidance, which accord with the general drive of Scottish Government for more condensed LDPs with detail exported to supplementary guidance. Paragraph 263 of SPP 2104 (CDX) states that ‘local development plans should use the following flood risk framework to guide development’ and it additionally advises at paragraph 266 that Development Management should apply the flood risk framework to decisions but at no point is it made explicit that the flood risk framework (always in lower case unlike Flood Risk Assessment) should be copied into LDP policy. The council proposes to take forward the ‘flood risk framework’ albeit retitled as a ‘Flood Risk Management Framework’ into its subsequent Planning Guidance *Flooding and Water Environment*.

The requirement for SEPA sign-off is standard practice to provide confidence to developers, cover liability and ensure that investment in areas of flood risk is protected. Existing flood defences may or may not be effective - particularly if built to previous, lower specifications – and generally it is advisable for construction works such as flood defences to be vetted to ensure that they meet the design and engineering brief to protect properties from flood risk. SEPA has not challenged this policy requirement.

The Council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding – additional provision regarding new development requiring defences against coastal erosion or flooding

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

The coastal section of West Lothian is approximately 5.5 kilometres long, well wooded, relatively steep in many parts and completely covered in overlapping spatial designations: Firth of Forth Special Protection Area, Forth Coast Special Landscape Area, Hopetoun House Designed Garden and Landscape, Local Biodiversity Sites and British Geodiversity Sites. In addition, there are point designations for scheduled monuments and historic buildings.

Paragraph 88 of SPP 2014 (CDX) under the heading ‘Coastal Planning’ offers guidance to planning authorities as to restrict coastal areas prone to rising sea levels and extreme weather events arising from climate change. Whilst many parts of the Firth of Forth have settlements and development pressure adjacent the sea and near sea level this is not the case for the West Lothian coast line. Given the existing high degree of protected status for this section of coast and the heavy constraints to development the additional text suggested seems redundant and inappropriate to the context.

The Council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding – inclusion of a map on flood risk areas

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

The council agrees to take forward the addition of the SEPA medium to high risk flood into its subsequent Planning Guidance *Flooding and Water Environment*.

The Council does not therefore agree to modify the Plan in response to this representation.

EMG 2 Flooding - support and requirement for modifications

WL/LDP/PP/0243 (SEPA)

As a key agency, SEPA has previously commented on earlier versions of Policy EMG 2. The comments are not substantive changes to the direction of Policy EMG 2. The further iterations of policy amendments are fine-tuning and essentially detail which can be addressed in the council's subsequent Planning Guidance *Flooding and Water Environment*. Policy within an LDP is necessarily a snapshot of best policy practice at a certain point in time with further detail being allowed for through supplementary guidance and indeed future development plans.

The Council does not therefore agree to modify the Plan in response to this representation.

EMG 3 Sustainable Drainage – additional text on flood risk framework / text amendments

WL/LDP/PP/0236 (Scottish Government – Development Planning Team)

Good sustainable drainage is an important component of any flood risk management and mitigation strategy.

It is recognised that inclusion of the Flood Risk Framework, paragraph 263, pages 58-59 of SPP 2014 (CDX) might add clarity, however given its length and the existing length of Policy EMG 3 the council believes that this information is better placed in subsequent planning guidance, which accord with the general drive of Scottish Government for more condensed LDPs with detail exported to supplementary guidance. Paragraph 263 of SPP 2014 states that 'local development plans should use the flood risk framework to guide development' and it additionally advises at paragraph 266 that Development Management should apply the flood risk framework to decisions, but at no point is it made explicit that the flood risk framework should be incorporated into LDP policy. The council proposes to take forward the 'flood risk framework' into its subsequent Planning Guidance *Flooding and Water Environment*.

WL/LDP/PP/0360 (Geddes Consulting on behalf of Wallace Land Investment & Management)
Requests for Water Impact Assessments (WIA) and Drainage Impact Assessments (DIA) are standard practice within the management of planning applications and development proposals. The changes proposed are semantic and not substantive; therefore no amendment is suggested to the text of Policy EMG 3.

The Council does not therefore agree to modify the Plan in response to these representations.

EMG 3 Sustainable Drainage – support for policy

WL/LDP/PP/0243 (SEPA)
SEPA's support for policy EMG 3 is welcomed.

Objections to allocation of sites on the basis of flooding, flood risk

21648848-8eaccff (Jonathan Moss)

In respect of site H-LL 12 Preston Farm, Linlithgow, Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* of the proposed plan indicates that a Flood Risk Assessment and mitigation of surface runoff will be required. These are standard site development requirements which can be imposed through planning conditions in the event of the site being developed. This particular site is addressed more fully in a separate Schedule 4 (15A).

21660154-0fee94e (Helen MacKenzie)

In respect of site H-LL 11 Wilcoxholm, Linlithgow, Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* of the proposed plan indicates that a thorough Flood Risk Assessment will be required including flood risk assessment and mitigation related to risks from the Union Canal and Linlithgow Loch. These are standard site development requirements which can be imposed through planning conditions in the event of the site being developed. This particular site is addressed more fully in a separate Schedule 4 (15A).

21716490-c057327 (John Orr)

In respect of site H-BA 1 Balmuir Road, Bathgate, Appendix Two: *Schedule of Housing Sites / Site Delivery Requirements* of the proposed plan, indicates that a Flood Risk Assessment will be required. This is a standard site development requirement which can be imposed through planning conditions in the event of the site being developed. This particular site is addressed more fully in a separate Schedule 4 (15A).

The Council does not therefore agree to modify the Plan in response to these representations.

Any further plan changes recommended by the planning authority

None. Policies EMG 1 - 3 are effective and comply with the policy framework and the policy approach is compliant with SPP 2014; no outstanding issues have been raised by Scottish

Environment Protection Agency.

However, there have been a number of requests for additional information and detail including SPP 2014 paragraph 263, pages 58-59 'flood risk framework' which can be taken forward in subsequent planning guidance.

Reporter's conclusions:

Reporter's recommendations:



Issue: 26V	West Lothian Transportation matters excluding Linlithgow	
Development plan reference:	Plan wide	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0001 (Isabel Findlay) WL/LDP/PP/0002 (Karen Winters) WL/LDP/PP/0003 (Christine Hodgson) WL/LDP/PP/0005 (Eugene Tomany) WL/LDP/PP/0060 & WL/LDP/PP/0088 (Neil Waddell) WL/LDP/PP/0064 (Mr Geoff Stevens) WL/LDP/PP/0080 (Doreen Carter) WL/LDP/PP/0133 (Mrs Barbara Bowland) WL/LDP/PP/0147 (Gladman Developments Ltd) WL/LDP/PP/0158 (Gladman Developments Ltd) WL/LDP/PP/0195 (Mr David Bowland) WL/LDP/PP/0236 (Scottish Government Development Plan Team) WL/LDP/PP/0238 (Scottish Natural Heritage) WL/LDP/PP/0240 (Livingston Village Community Council) WL/LDP/PP/0247 (Taylor Wimpey Ltd) WL/LDP/PP/0340 (Amie Butchard) WL/LDP/PP/0356 ((Wallace Land Investment & Management) WL/LDP/PP/0361 (East Calder Community Council) WL/LDP/PP/0364 (A & M Thomson) WL/LDP/PP/0373 (Ashleigh Trenzinger) WL/LDP/PP/0455 (Barbara Bowland) WL/LDP/PP/0459 (Gladman Developments Ltd) 21903538-H-LV3 (Mr Neil Harris) 21605856-b6cd6fc (Mr Robert Lemmer) 21097306-f5cb7fa (Mr Alistair Short) 21454872-5acc705 & 21628708-00E5fc6 (Mr Neil Waddell) 21716219-1b06374 (Mr Andrew Dodds) 21768463-17de3f9 (Mr J. Stewart MacGarvie) 21839770-040573b (Mr Alastair Morrison) 21870299-6e33c55 (Mr Rick Fink) 21877215-01ad265 (Mr Keith Irving) 21835156-01ea98d (Mrs Lynn Garvey) 21875788-H-BA-28 (Mr Derek Hope) 21837154-2b9a6dd (Mr John Duff) 21886028-21516a8 (Mrs Louise Clements) 21890399-18ce9b7 (Mrs Shelagh Taylor) 21061517-c7faeb2 (Mr John Henderson) 21369421-17fa2bd (Mr Stuart Livingston) 21462208-44a95af (Dr Monika Foster) 21669441-65242bb (Mr Brian Martin) 21690215-f53d2c1 (Mr Robert Rae)		

21617417-7bfb656 (Drummond Distribution) 21863641-89d0459 (BDW Trading Ltd and H+J Russell) 21871160-08ca39a (Mr Rick Finc) 2871541-ff7b3A (Sandra Hebenton, Network Rail)	
Provision of the development Plan to which the issue relates:	<i>Insert text</i>
Planning authority's summary of the representation(s):	
<p>WL/LDP/PP/0001 (Isabel Findlay) & WL/LDP/PP/0002 (Karen Winters) & WL/LDP/PP/0003 (Christine Hodgson) & WL/LDP/PP/0005 (Eugene Tomany) Increase in traffic during construction and from tenant's vehicles. There will also be parking issues.</p> <p>WL/LDP/PP/0060 & WL/LDP/PP/0088 (Neil Waddell) Housing development around East Calder should only be allowed if there is a commitment to enhance cycling conditions around East Calder and commuter routes into Edinburgh.</p> <p>WL/LDP/PP/0133 (Barbara Bowland) & WL/LDP/PP/0195 (David Bowland) Site H-L31 Murieston Valley Road, Murieston , Livingston 24 units. Objects to an invasion of additional traffic through the community. The effect on the community from removal of any contaminated soil.</p> <p>WL/LDP/PP/0147 (Gladman Developments Ltd) Inclusion of the site at Brotherton Farm, Livingston in the proposed LDP.</p> <p>WL/LDP/PP/0158 (Gladman Developments Ltd) The council should address the provision of infrastructure costs up front before developments are approved. Funding can be clawed back as developments progress.</p> <p>WL/LDP/PP/0236 (Scottish Government Development Plan Team)</p> <ul style="list-style-type: none"> Page 37 – Policy TRAN 3 – Core Paths and Active Travel The policy should be amended or supporting text provided which responds to paragraph 5.14 of National Planning Framework 3 on exemplar walking and cycling friendly settlements. Paragraph 5.14 of National Planning Framework 3 encourages all local authorities to identify at least one exemplar walking and cycling friendly settlement to demonstrate how active travel network scan be significantly improved in line with meeting the Scottish Government's vision for increased cycling. Page 37 – Paragraph 5.128 The statement is not factually correct and should be removed. The station provision is not linked to Edinburgh to Glasgow Improvement Programme (EGIP) and is being provided by developers as part of Winchburgh expansion. The paragraph should be reworded to remove the link and dates of commencement. Action Programme Page 7 & Page 86 ref P-25 Reference to land reservation for parkway rail station south of East Calder / east of Mid Calder junction should be removed. Transport Scotland reviewed the national picture from 2008 to 2032 for potential new stations. This site was not flagged at this time and subsequently not included in policy going forward. Transport Appraisal 	

The Proposed Plan does not recognise or define the impacts and what, if any, mitigation measures are required as a consequence of the LDP spatial strategy on the trunk road network. Additionally, the LDP does not define any cross boundary effects of development to the trunk road network, specifically at Newbridge. In order to do this the Proposed Plan needs to identify the interaction of traffic generated by the Proposed LDP allocations within the West Lothian area and out with the boundary on the trunk road network, specifically looking at Newbridge.

Transport Scotland has two areas of concern in relation to the Transport Appraisal;

1. The Transport Appraisal does not clarify the transport effects of the Proposed Plan spatial strategy within the West Lothian area on the trunk road network or the need for a transport infrastructure to mitigate any effects on this network.
 2. There is also no information provided on the potential impact of West Lothian's LD allocations on the trunk road network out with the Council boundaries, particularly a Newbridge junction located within the City of Edinburgh Council area.
- After reviewing the Transport Appraisal, Transport Scotland is not content that the Council has satisfactorily appraised the potential impact of the LDP traffic on the trunk road network within West Lothian, as the new M9 junction at Winchburgh is not included within the model. The omission of this junction could significantly affect travel patterns resulting in inaccurate information.
 - Cross boundary mitigation measures are of particular concern to Transport Scotland with regard to the M9(T), specifically Newbridge. In the absence of an assessment of the cross boundary impacts of the proposals included in the Proposed Plan, Transport Scotland is currently unable to support the Proposed Plan.

WL/LDP/PP/0238 (Scottish Natural Heritage)

Active travel plan should be an SPG and referenced as such in the plan document.

WL/LDP/PP/0240 (Livingston Village Community Council)

The council should source ways of getting funding for infrastructure costs up front, developers should contribute to the improvements as their development progresses. North south traffic movements should be addressed with improvements to Alderston Road. A71 improvements are required now and should not wait until developers are in a position to provide the improvements. Is there any movement on delivery of A801 Avon Gorge improvement.

WL/LDP/PP/0247 (Taylor Wimpey Ltd)

Request inclusion of site at Kingsfield, Linlithgow

WL/LDP/PP/0356 (Wallace Land Investment & Management)

Request inclusion of site at Wellhead Farm, Muiriston, Livingston

WL/LDP/PP/0361 (East Calder Community Council)

More commitment required within the LDP to provide sustainable transport options in the East Calder area. Better bus provision. Better cycle connections along A71 especially towards Edinburgh. Better connections to rail stations and more car parking at Uphall Station.

WL/LDP/PP/0459 (Gladman Developments Ltd)

Request inclusion of Dykeside Farm, Bathgate

21903538-H-LV3 (Mr Neil Harris) & 21605856-b6cd6fc (Mr Robert Lemmer) & WL/LDP/PP/0064 (Geoff Stevens) & WL/LDP/PP/0080 (Doreen Carter) & WL/LDP/PP/0455 (Barbara Bowland) & WL/LDP/PP/0340 (Amie Butchard) & WL/LDP/PP/0364 (A & M Thomson) & WL/LDP/PP/0373 (Ashleigh Trenzinger)

Site H-LV3 Tarbert Drive, Murieston , Livingston 9 units. Land is contaminated resulting concern is that by disturbing the ground there may be health issues. This will extend as far as the material has to be taken off site. There will also be increased traffic in the town centre from this development.

21097306-f5cb7fa (Mr Alistair Short)

Comments on Spatial Strategy supporting various council initiatives

21454872-5acc705 & 21628708-00E5fc6 (Mr Neil Waddell)

Lack of acknowledgement within the plan that cycling is part of any development. Especially at East Calder there should be no further development due to difficulties in health centre provision and traffic infrastructure.

21716219-1b06374 (Mr Andrew Dodds)

Why are cycleways and footways over engineered?

21768463-17de3f9 (Mr J. Stuart MacGarvie)

Supports planning application 0840/P/15. The objection to the LDP is that the site is not recognised in the plan process and that it should be a site for housing as there are also employment benefits to the neighbouring business park.

21839770-040573b (Mr Alastair Morrison)

Supports all policies within the plan which relate to cycling. Appendix 6 (page 275) list the following policies being supported 34, 39, 41, 46, 102, 103, 105, 107 to 114 and 117.

21870299-6e33c55 (Mr Rick Fink)

Objects to site EOI-0113 not being included in final document.

21835156-01ea98d (Mrs Lynn Garvey) & 21875788-H-BA-28 (Mr Derek Hope)

Site H-BA28 should be restricted to a maximum of 2 houses to minimise traffic congestion on Mid Street. Effective traffic management should be part of any development assessment.

21837154-2b9a6dd (Mr John Duff)

Delighted that site H-WC5 is included in the plan.

21890399-18ce9b7 (Mrs Shelagh Taylor)

Objects to road P-101 South Murieston / Linhouse Link Road being included in the LDP as it would become a distributor road for deliveries and HGV's through an area that is currently reasonably quiet.

21061517-c7faeb2 (Mr John Henderson)

Objects to any housing to the south of Pumpherston village. The road network will not handle 1200 units that are proposed.

21369421-17fa2bd (Mr Stuart Livingston)

Objects to site H-WC3 being included in the plan. There is no footway connection from Westwood View area to West Calder. The development will add extra traffic to the road network making an unsafe situation worse.

21462208-44a95af (Dr Monika Foster)

Growth should be realistic. At the moment it's just about building homes and no thought to transport infrastructure. Development should cease until sustainable transport infrastructure is

provided.

21669441-65242bb (Mr Brian Martin) & 21886028-21516a8 (Mrs Louise Clements)

Objects to H-WI2 East Coxydean Farm, Wilkieston being promoted. Also if it did go ahead where would the proposed access be located in relation to the site layout. There are no safe turning points on A71 for residents. The B7015 junction should be a roundabout with an extra leg to Bonnington Road.

21690215-f53d2c1 (Mr Robert Rae)

Livingston South rail station requires an upgrade. The car park is full and is thus a disincentive to get a train. It will only get worse following electrification. The wooden platform requires upgrade.

21617417-7bfb656 (Drummond Distribution)

Reallocation of land for site H-AM2 Armadale from housing to employment land. Also land available for a road connection through to sites H-AM5 and H-AM6 and onto North Street.

21863641-89d0459 (BDW Trading Ltd and H+J Russell)

Referring to Murieston Castle site (EOI-110):-

- Developer contributions for transportation infrastructure – this is a fundamental part of the LDP strategy and overall deliverability is at risk until the content of this document is confirmed and agreed.
- The site can be integrated into the surrounding network with minimal upgrade.
- Sustainable transport policy principles can be met.

21871160-08ca39a (Mr Rick Finc)

Referring to land at Balgreen Farm, Murieston, Livingston (EOI-111). Access to road network is off Castleview Lane and Murieston Road giving links to Edinburgh and Glasgow via A71 and M8 respectively.

2871541-ff7b3A (Sandra Hebenton, Network Rail) – encourage preparation of supplementary guidance to include provision for rail infrastructure improvements; encourage early engagement prior to confirming proposals for Kirknewton Railway station (park & ride and bus interchange) and parkway railway station at East Calder; encourage inclusion of policy statement to clarify that no new level crossings will be permitted, proposals which increase the use of level crossings will generally be resisted and alternative crossing will require to be provided where development would prejudice the safe use of a level crossing.

Modifications sought by those submitting representations:

WL/LDP/PP/0001 (Isabel Findlay) & WL/LDP/PP/0002 (Karen Winters) & WL/LDP/PP/0003 (Christine Hodgson) & WL/LDP/PP/0005 (Eugene Tomany)

No modification proposed just object to the site being allocated.

WL/LDP/PP/0060 & WL/LDP/PP/0088 (Neil Waddell)

No modification proposed sought. The LDP should include cycle infrastructure improvement to existing roads and especially as a result of developments which increase traffic levels. Support cycling improvements around East Calder and into Edinburgh.

WL/LDP/PP/0133 (Barbara Bowland) & WL/LDP/PP/0195 (David Bowland)

Removal of site from proposed plan.

WL/LDP/PP/0147 (Gladman Developments Ltd)

Inclusion of the site at Brotherton Farm, Livingston in the plan

WL/LDP/PP/0236 (Scottish Government Development Plan Team)

Core Paths and Active Travel – the plan should include an exemplar settlement.

Paragraph 5.128 statement not factually correct. The station is not linked to EGIP.

Action program – remove reference for land for parkway rail station.

No other modifications asked for.

WL/LDP/PP/0238(Scottish Natural Heritage)

Active travel plan should be an SPG and referenced as such in the plan document.

WL/LDP/PP/0240 (Livingston Village Community Council)

The council should forward fund infrastructure improvements and then recover the cost as developments are built out.

WL/LDP/PP/0247 (Taylor Wimpey Ltd)

Request inclusion of site at Kingsfield, Linlithgow

WL/LDP/PP/0356 (Wallace Land Investment & Management)

Request inclusion of site at Wellhead Farm, Muiriston, Livingston

WL/LDP/PP/0361(East Calder Community Council) A more comprehensive management of the A71 corridor is essential if it is to handle the traffic increase from local developments. Public transport improvements should also compliment any proposed traffic enhancements.

WL/LDP/PP/0459 (Gladman Developments Ltd)

Request inclusion of Dykeside Farm, Bathgate

21903538-H-LV3 (Mr Neil Harris) & 21605856-b6cd6fc (Mr Robert Lemmer) & WL/LDP/PP/0064 (Geoff Stevens) & WL/LDP/PP/0080 (Doreen Carter) & WL/LDP/PP/0455 (Barbara Bowland) & WL/LDP/PP/0340 (Amie Butchard) & WL/LDP/PP/0364 (A & M Thomson) & WL/LDP/PP/0373 (Ashleigh Trenzinger)

Removal of site from proposed plan

21097306-f5cb7fa (Mr Alistair Short)

No modification proposed

21454872-5acc705 & 21628708-00E5fc6 (Mr Neil Waddell)

No modification proposed

21716219-1b06374 (Mr Andrew Dodds) Replace grass verge with hardcore to improve road widths for cyclists and motorists alike.

21768463-17de3f9 (Mr J. Stuart MacGarvie)

The site that forms the application 0840/P/15 is changed to housing supply within the LDP.

21839770-040573b (Mr Alastair Morrison)

No modification proposed

21870299-6e33c55 (Mr Rick Fink)

Would like site EOI-0113 to be included in the final LDP.

21835156-01ea98d (Mrs Lynn Garvey) & 21875788-H-BA-28 (Mr Derek Hope)

Site H-BA28 should be restricted to a maximum of 2 houses

21837154-2b9a6dd (Mr John Duff)

No modification proposed

21886028-21516a8 (Mrs Louise Clements)

Objects to site H-WI2 being included in the LDP

21890399-18ce9b7 (Mrs Shelagh Taylor)

Removal of route P-101 from the LDP.

21061517-c7faeb2 (Mr John Henderson)

No modification proposed.

21369421-17fa2bd (Mr Stuart Livingston)

Objects to site H-WC3 being included in the LDP

21462208-44a95af (Dr Monika Foster)

No modification proposed.

21669441-65242bb (Mr Brian Martin) & 21886028-21516a8 (Mrs Louise Clements)

Objects to H-WI2 being included in the LDP.

21690215-f53d2c1 (Mr Robert Rae)

No modification proposed.

21617417-7bfb656 (Drummond Distribution)

Redetermination of site H-AM2 from housing to employment and land available for a through road.

21863641-89d0459 (BDW Trading Ltd and H+J Russell)

Require the site to be included as a preferred site.

21871160-08ca39a (Mr Rick Finc)

Require the site to be included as a preferred site.

2871541-ff7b3A (Sandra Hebenton, Network Rail) – seek inclusion of policy statement to clarify that no new level crossings will be permitted, proposals which increase the use of level crossings will generally be resisted and alternative crossing will require to be provided where development would prejudice the safe use of a level crossing.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0001 (Isabel Findlay) & WL/LDP/PP/0002 (Karen Winters) & WL/LDP/PP/0003 (Christine Hodgson) & WL/LDP/PP/0005 (Eugene Tomany)

Volume of traffic for 10 housing units would only generate 4 vehicles in the peak hour and about 60 vehicle movements throughout the day. This equates to an average of less than 3 movements an hour and would not cause any traffic issues. If there is contaminated soil that requires to be removed from site then there are recognised methods under Health and Safety that permits the removal of the material. Vehicles would have harps over the trailers to ensure no material became airborne.

WL/LDP/PP/0060 & WL/LDP/PP/0088 (Neil Waddell)

A study has been commissioned in early 2016 into the feasibility of an A71 active travel corridor, funded by SEStran and City of Edinburgh Council and project managed by West Lothian Council. This will identify high level options which will be used to support further detailed design and funding applications in due course (further work is subject to the availability of external funding).

WL/LDP/PP/0133 (Barbara Bowland) & WL/LDP/PP/0195 (David Bowland)

Volume of traffic for 24 housing units would only generate 10 vehicles in the peak hour and about 144 vehicle movements throughout the day. This equates to an average of less than 7 movements an hour and would not cause any traffic issues. If there is contaminated soil that requires to be removed from site then there are recognised methods under Health and Safety that permits the removal of the material. Vehicles would have harps over the trailers to ensure no material became airborne.

WL/LDP/PP/0147 (Gladman Developments Ltd)

From a transportation perspective any new developments not contained in the LDP would follow the same procedure. There would be a requirement for a transportation Assessment which identifies sustainable transport options and addresses the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

WL/LDP/PP/0236 (Scottish Government Development Plan Team)

Core Paths and Active Travel – It is not the intension of the council to have an exemplar walking and cycling friendly settlement. The council will as part of its Active Travel Policy be looking at providing settlements with the best walking and cycling infrastructure that addresses the needs of each local community. This will be an ongoing project when funding is available.

Corrections to the text will be made with regard to Winchburgh rail station and when it is delivered.

Action programme ref P25 – The land reservation for a parkway rail station southeast of East Calder is included in the LDP as the council needs to make the LDP compliant with the SDP where this item of infrastructure is mentioned. The Council considers it unlikely that this station will ever be constructed and would be willing for the removal of the reference if so considered appropriate.

Transport Appraisal – Technical paper on modelling methodology to support modelling results for LDP describes the impacts of Winchburgh motorway junction and why it was not included in the model and the small impact at Newbridge as a result of the cross boundary travel from the proposed developments. Also, see attached supporting paper.

WL/LDP/PP/0238(Scottish Natural Heritage)

The Active Travel Plan (ATP) is referred to in the LDP as Planning Guidance rather than Supplementary Planning Guidance. By referring to the ATP as Planning Guidance this allows the ATP to be updated quickly and/or during the lifetime of the LDP. By taking forward the ATP as Planning Guidance it won't form part of the development plan however, if adopted by the council it will have some status and could be considered as a material consideration in the determination of planning applications.

WL/LDP/PP/0240 (Livingston Village Community Council)

There is a small local infrastructure fund that the council is able to use to forward finance infrastructure projects, however it is not large enough to fund road infrastructure. Priorities for this fund are more towards education provision. The continued expectations that developers have to fund improvements will continue. It is the developments themselves that can create network issues that require to be addressed. Without development it is the council's responsibility to deal with existing network issues. Either they find the budget to solve the network problem or have to accept the situation as it is.

WL/LDP/PP/0247 (Taylor Wimpey Ltd)

From the transportation scoring assessment (Table 1 Call for Sites) document which was a supporting paper for the MIR stage this site was well below average as a sustainable housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

WL/LDP/PP/0356 (Wallace Land Investment & Management)

From the transportation scoring assessment (Table 1 Call for Sites) document which was a supporting paper for the MIR stage this site was above average as being a good location for a housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

WL/LDP/PP/0361(East Calder Community Council)

The council has an active travel plan that will be part of supplementary guidance to the SDP. Also a study has been commissioned in early 2016 into the feasibility of an A71 active travel corridor, funded by SEStran and City of Edinburgh Council and project managed by West Lothian Council. This will identify high level options which will be used to support further detailed design and funding applications in due course (further work is subject to the availability of external funding).

There is an existing SPG covering bus route provision which developers from both the Calderwood area and Mossend area have to contribute towards.

WL/LDP/PP/0459 (Gladman Developments Ltd)

From the transportation scoring assessment (Table 1 Call for Sites) document which was a supporting paper for the MIR stage this site was below average for a housing site allocation. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

21903538-H-LV3 (Mr Neil Harris) & 21605856-b6cd6fc (Mr Robert Lemmer) & WL/LDP/PP/0064 (Geoff Stevens) & WL/LDP/PP/0080 (Doreen Carter) & WL/LDP/PP/0455 (Barbara Bowland) & WL/LDP/PP/0340 (Amie Butchard) & WL/LDP/PP/0364 (A & M Thomson) & WL/LDP/PP/0373 (Ashleigh Trenzinger)

The transportation impact of this site is so small that due to daily variations in traffic flows there would be no obvious traffic flow increases. Removal of any contaminated soil via a safe approved method would have to be agreed with the developer prior to any work commencing.

21097306-f5cb7fa (Mr Alistair Short)

No issue has been raised.

21454872-5acc705 & 21628708-00E5fc6 (Mr Neil Waddell)

A study has been commissioned in early 2016 into the feasibility of an A71 active travel corridor, funded by SEStran and City of Edinburgh Council and project managed by West Lothian Council. This will identify high level options which will be used to support further detailed design and funding applications in due course (further work is subject to the availability of external funding).

21716219-1b06374 (Mr Andrew Dodds)

National design standards specify suitable materials that should be used depending on the location

and usage of the footway or cycleway. It is not possible where there are potential large numbers of pedestrians to lower standards.

21768463-17de3f9 (Mr J. Stewart MacGarvie)

From the transportation scoring assessment (Table 1 Call for Sites) document which was a supporting paper for the MIR stage this site was above average as being a good location for a housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

21839770-040573b (Mr Alastair Morrison)

Transportation agrees with the comments in support of the specified sections of the proposals relating to provision of cycling infrastructure and have nothing further to add.

21870299-6e33c55 (Mr Rick Fink)

From the transportation scoring assessment (Table 1 Call for Sites) document which was a supporting paper for the MIR stage this site was above average as being a good location for a housing site. However to be able to address the transportation impact of the site on the surrounding network there would be a requirement for a transportation assessment. Until the production of this document it is not possible to give an accurate assessment that the site has from a transportation perspective.

21835156-01ea98d (Mrs Lynn Garvey) & 21875788-H-BA-28 (Mr Derek Hope)

This is a small infill site within the Bathgate area. Traffic generated from the site would not be noticed when compared to daily traffic flow variations on the road network. The site is located within easy walking distance of the town centre and public transport so from a sustainable transport perspective is well suited as a housing site. It will depend on any developer to come forward with the most appropriate number of housing units for the site.

21837154-2b9a6dd (Mr John Duff)

No issue has been raised.

21890399-18ce9b7 (Mrs Shelagh Taylor)

The provision of the distributor road would be developer led and may only come forward when site E-LV46 is developed. The design of the road would be to appropriate standards.

21061517-c7faeb2 (Mr John Henderson)

This site has not been included in the preferred Local Development Plan. And therefore the Council position is correct, there is no housing proposed for this area.

21369421-17fa2bd (Mr Stuart Livingston)

Site H-WC3 forms part of the Mossend core development area of which a masterplan has been prepared. As part of the overall strategy for walking and cycling from the development, appropriate footpaths and cycleways will be provided which will link the development to West Calder. If any development did come forward for this site then there would be a requirement for a transportation assessment which identifies sustainable transport options and addresses the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

21462208-44a95af (Dr Monika Foster)

The SDP aims to set out levels of economic growth in the south-east Scotland area based on national

trends. To be able to provide employment and housing areas, appropriate transport infrastructure levels are required where there may well be a necessity for infrastructure improvements. At a local level these development targets are incorporated in the LDP which details appropriate development areas. The impact of each development area on the surrounding network requires to be addressed through a transport assessment. Sustainable transport options for new developments are incorporated within each assessment. It is correct that growth should be realistic, however the provision of active travel options should be reasonable and introduced at the appropriate time of house or employment completions. It can be difficult to include public transport options at locations where there is no existing service in the area. The council will endeavour to ensure that an accessible route is provided to link with existing services for all developments. Transport infrastructure is always a requirement of new developments and the council can ensure that the developer provides the improvements when the network requires.

21669441-65242bb (Mr Brian Martin) & 21886028-21516a8 (Mrs Louise Clements)

A requirement of the Calderwood core development area in East Calder is the provision of a bypass to the north side of Wilkieston linking the A71 with the B7030. There is an allocation in the LDP for housing to the south of the bypass road. An access to this site shall be from this new bypass however its location is a detailed matter for a future application. Details are yet to be determined where the access shall be from. This will only be confirmed when a planning application is submitted to the council and assessed for junction spacing. The proposed junction on A71 for the bypass to B7030 will be a signalised layout. Residents wanting to turn around on A71 could use the new circular route around Wilkieston as a safer option. Turning difficulties for current A71 residents are not new and exist at present. However the bypass will allow an opportunity to turn around without manoeuvring on the A71.

21690215-f53d2c1 (Mr Robert Rae)

As part of the Shotts line electrification currently being undertaken by Network Rail, there are proposed improvements to Livingston South rail station. The council will be assessing use of all train stations to see what can be achieved through active travel opportunities. This is expected to take the form of improvements to cycling and walking routes.

21617417-7bfb656 (Drummond Distribution)

Armadale forms one of the council's core development areas and a fundamental part of the development of the area is the provision of a northern link road from North Street to A89 East Main Street. From a transportation perspective the allocation of a link road is a requirement and therefore should the land be re-determined then a link road through the site shall be required.

21863641-89d0459 (BDW Trading Ltd and H+J Russell)

This site has not been included in the preferred Local Development Plan. And therefore the Council position is correct, there is no housing proposed for this area. There would be a requirement for a transportation assessment which identifies sustainable transport options and addresses the impact of the development on the surrounding network. This would be assessed accordingly and any impacts identified would be attributed to the development in question.

21871160-08ca39a (Mr Rick Finc)

This site has not been included in the preferred Local Development Plan, therefore the Council position is correct, there is no housing proposed for this area.

2871541-ff7b3A (Sandra Hebenton, Network Rail) – developers and the council would consult with Network Rail on any development proposals affecting the rail network. Appendix 4 of the LDP (page 266) advises of the council's intention to prepare planning guidance in relation to rail infrastructure, this could include reference to rail infrastructure. Policy TRAN 1 (LDP page 36) includes reference to

development only being permitted where transport impacts are acceptable and requirements where appropriate, for a Transport Assessment which covers all modes of transport and has been approved by the council. As such the council does not propose a policy specific to level crossings. No modification is proposed by the council in response to this submission.

Reporter's conclusions:

Insert text

Reporter's recommendations:

West Lothian Council response to Transport Scotland on the West Lothian Local Development Plan Proposed Plan

Background

This paper has been prepared in response to Transport Scotland's comments on the transport modelling work carried out by the council in support of the West Lothian Local Development Plan (LDP).

The housing requirement for the LDP has been set by the approved Strategic Development Plan (SDP1). Housing land requirements for West Lothian over the period 2009-2024 require the council to provide land for 18,010 new homes.

Transport modelling work was undertaken at the LDP Main Issues Report (MIR) stage using the version of the SEStran Regional Transport Model (SRM) developed for the assessment of SDP1. The findings of the report are contained in the background paper to the LDP entitled Transport Appraisal and Modelling, West Lothian Local Development Plan. . http://www.westlothian.gov.uk/media/4778/Transport-appraisal-and-modelling-background-paper/pdf/TransportAppraisalandModelling-August_2014.pdf hereafter referred to as the LDP Transport Background Paper.

The housing allocation data for West Lothian was updated to produce a base case option which is fully explained in LDP Transport Background Paper. The base case tests a total of 14,367 houses including ongoing West Lothian Local Plan (WLLP) allocations, approved planning permissions and windfall sites. The MIR identified three development scenarios setting out varying levels of further additional development which translated into preferred and alternative development options. The preferred option was scenario 3.

The three options, as set out in the MIR were then tested with the increased housing levels. These were:-

- Scenario 1 base case plus additionally 2147 houses;
- Scenario 2 base case plus additionally 2678 houses; and
- Scenario 3 base case plus additionally 3492 houses.

Impacts

Modelling was carried out for the AM peak period as the SRM model was only required to assess this period. Furthermore, AM is the more critical of the peak periods in terms of the impact on the network. The results indicated that there are some significant impacts locally where the developments feed onto the strategic network. The SRM network is congested by 2024 meaning small increases in traffic can lead to a disproportionate increase in congestion.

The LDP Transport Background Paper which included the Systra modelling results for the LDP was issued in May 2014 and identified some key pressure points on the network where problems were identified associated with each of the three development scenarios set out above. The results were diagrammatically presented in the LDP Transport Background paper.

The findings are as follows:

Scenario 1

- M8 Junction 3 Deer Park: more queuing at the A899 / M8 merge eastbound due to increases in through and merging traffic. The through traffic queue increases by 7 vehicles from Heartlands while the merging traffic queue increases from the A899 was 5 vehicles from all sites in Livingston heading towards Edinburgh.
- A89 from Kilpunt roundabout towards Edinburgh queue increases by 2 vehicles.
- A89 Bathgate town centre had a small queue increase by 2 vehicles.
- A706 Whitburn Cross northbound had a small queue increase by 5 vehicles.
- A71 Murieston / Lizzie Bryce roundabout queue increases by 7 vehicles.
- A803 Linlithgow Low Port roundabout eastbound queue increases by 2 vehicles.

Scenario 2

- Exactly the same as Scenario 1 apart from A803 Linlithgow.
- A803 Linlithgow Low Port roundabout eastbound queue increases by 7 vehicles

Scenario 3

- M8 Junction 3 Deer Park: more queuing at the A899 / M8 merge eastbound due to increases in through and merging traffic. The through traffic queue increases by 10 vehicles from Heartlands while the merging traffic queue increases from A899 was 5 vehicles from all sites in Livingston heading towards Edinburgh.
- A89 from Kilpunt roundabout towards Edinburgh queue increases by 2 vehicles.
- A89 Bathgate town centre had a small queue increases by 2 vehicles.
- A706 Whitburn Cross northbound had a small queue increase by 5 vehicles.
- A71 Murieston / Lizzie Bryce roundabout queue increases by 7 vehicles.
- A803 Linlithgow Low Port roundabout eastbound queue increases by 2 vehicles
- A800 at A801 junction north of Bathgate queue of 2 vehicles.
- Greendykes Road, Broxburn at Main Street junction a queue of 2 vehicles

The above results show that when the additional traffic from the proposed developments within the LDP are added to the network queuing only increases marginally at specific pressure junctions. It is clear that the impact of the proposed developments can be accommodated within the mitigation measures identified for each site.

West Lothian Local Development Plan Main Issues Report (MIR) Adjustments

Throughout the LDP process there has been a continuing refinement of the preferred sites. Following publication of the MIR further refinement of the sites was required to address and accommodate the comments received. This resulted in some changes to the location of some of the preferred sites. Therefore, a manual check was carried out to identify what effects there could be to the transport model following replacement of some of the sites previously tested.

As the LDP moved forward from MIR to Proposed Plan stage, this resulted in the deletion of a number of proposed development sites and a firming up of the development strategy and scale of development proposed. The deleted sites are set out in table one below.

Table One: Sites Deleted Post Main Issues Report Stage

Site Identification	No. of Housing Units	Location
BRO 3	18	Broxburn
LIV24 / COU35	20	James Young High School, Livingston
EOI 0149	10	Dunn Place, Winchburgh
EOI 0103	350	Burghmuir East
EOI 0165	150	Kingsfield Farm
EOI 0043	50	Kirkton Business Centre
LATE 0008	5	Muirhousedykes, Loganlea
EOI 0215	30	Blackhill Farm, Breich
EOI 0161	30	West Calder
EOI 0138 + EOI 0175	200	Strathbrock Estate, Uphall
EOI 0151	40	Hunter Grove, Whitburn
EOI 0118	30	Bentswood Inn, Stoneyburn
	Total = 933	

The removal of sites EOI 0103 and EOI 165 from Linlithgow and their replacement with other sites in the town are described in the Linlithgow Town Centre – Development Testing report prepared by Systra on behalf of the council and published as a background paper for the Proposed Plan in October 2015. http://www.westlothian.gov.uk/media/9856/Transport-appraisal/pdf/Transport_appraisal_update_October_2015_FULL.pdf.

Despite the change to site allocations in Linlithgow, the overall strategic impact of development in the town on the network has not changed.

The other notable change was the relocation of the proposed housing site from Strathbrock Estate, Uphall (EOI-0138/0175) to the former Vion site in Broxburn (H-BU 14). This change altered local traffic movements but does not alter the strategic impact identified in the modelling work already carried out in May 2014.

The removal of the remaining sites listed above, which are spread throughout the council area, and their subsequent replacement with new sites in different locations, resulted in no significant difference to strategic network impacts and the local road network can accommodate these small number of relocated allocations.

Having tested the scenarios at MIR stage as set out above it is not envisaged that the allocations set out in the Proposed Plan will have any additional impact than that already consented through the current WLLP and tested in the modelling work undertaken for the LDP such that allocations can be managed through mitigation measures where required and developer contributions.

Winchburgh Core Development Area (CDA) and Impacts at Newbridge

The road network used in the SRM developed for the assessment of SDP1 did not include the proposed M9 Winchburgh junction. It is the council's understanding, that Transport Scotland only sought network improvements which were either being constructed or were committed developments to be included in the SRM for SDP1. Therefore, the modelling of the new motorway junction was not carried out as it was considered that within the lifetime of SDP 1 that it was unlikely to be constructed. Therefore, to ensure a consistent base between the SDP1 SRM transport assessment and the LDP transport assessment, the LDP modelling was undertaken using the SDP1 model as the base for testing.

However, the impact from the Winchburgh CDA on the local and strategic road network has already been tested and its impact considered through the transport assessment at outline planning application stage for the Winchburgh Development Core Development Area. The planning application number is 1012/P/05.

The transport assessment for the Winchburgh CDA tests 3450 units. The planning approval and associated Section 75 Agreement states that no more than 1000 housing units shall be constructed until the new M9 junction is operational. The planning conditions also require that the developer shall commence construction work to service a minimum of 10ha of serviced employment land. This serviced land shall be made available for use prior to the opening of the motorway junction.

The emerging LDP proposes 500 new houses in Linlithgow over the period 2009 – 2024. It is not anticipated that these will come forward to any great extent given education constraints at Linlithgow Academy which will not be addressed until the provision of a new secondary school at Winchburgh. However, the impact of 500 units on the road network has been tested in scenario 3 of the proposed LDP traffic assessment. Also, a further 318 units have been identified in the Winchburgh Core Development Area since the LDP MIR was published. The scale of development identified within the lifetime of the LDP is consistent with the traffic assessment undertaken for the outline planning application for the Winchburgh CDA and the traffic assessment undertaken for SDP1 and using the SRM.

Therefore, mitigation measures to address the impact of traffic on the trunk road network for the outline planning approval at Winchburgh are appropriate to the Proposed LDP.

As part of the outline planning approval for the Winchburgh CDA, the developer has agreed with Transport Scotland a financial contribution in lieu of traffic works that are needed at Newbridge. The proposed works would have seen the lengthening of the acceleration lane on the A8 Edinburgh Road from the southbound M9 off slip. This improvement could handle more trips than that predicted from the Winchburgh CDA development. The Winchburgh CDA is the subject of a Section 75 Agreement where the developer shall pay the council £515,000 by either the 750th unit or the opening of the motorway junction on the M9, whichever is the earliest.

Trunk Road Impacts

The modelling work carried out as part of the LDP Transport Background Paper for the MIR identifies small impacts on the trunk road network. The main location is M8 Junction 3 at Livingston.

With the proposed developments in Livingston the predicted traffic flows result in a small increase in queuing eastbound towards Edinburgh in the AM testing. There is predicted to be an increase of between 50 and 75 vehicles which equates to an increased queue of between 7 and 10 vehicles. This is not considered to be excessive and therefore no further action is required at this stage. A select link analysis was done at this junction. The results are shown on pages 15 – 17 of the appendix for the LDP Transport Background Paper.

Newbridge roundabout will not have a large traffic increase as a result of development from West Lothian. Modelling results show that even with the proposed housing increases, principally as a result of the CDA development, the A89 queue will only increase between 1 and 2 vehicles. This equates to between a 5 and 10% increase in flows for this leg. It was therefore considered not to have a detrimental impact on the roundabout.

Since the production of the updated LDP Transport Background Paper to sit alongside the LDP Proposed Plan which was published for consultation in October 2015, the A89/ A8

Corridor – Public Transport Improvement Study published January 2016 identified that immediate improvements to the existing traffic signals on the Newbridge roundabout could be gained by the introduction of a MOVA system to the operational control of the traffic lights. This work has been completed and is operational.

Cross Boundary Impacts

The LDP has been prepared within the context of SDP1 which was prepared within the context of Scottish Planning Policy 2010 (SPP2010). SDP1 and SPP2010 do not have a direct link to impacts on the trunk road further afield other than what would be expected to be assessed through the standard Transportation Assessment. The impacts outwith the council area are limited with only Newbridge roundabout having an impact as a result of development from West Lothian. However, the impact of development and the mitigation needed to support the proposed LDP has been addressed through the Winchburgh development mitigations and the LDP modelling work..

The cross boundary issues and trunk road strategic impacts continue to be assessed as part of the SESplan Cross-boundary Transport and Land Use Appraisal Study which will be reporting in September 2016. Following the production of the document, it is understood that Transport Scotland is expecting that for future planning permissions for large housing and employment developments, local councils could include a requirement for a contribution towards a strategic fund for trunk road issues. Further discussion as to how this will operate will follow after the SESplan Cross-boundary Transport and Land Use Appraisal Study is published.

Conclusion

The West Lothian LDP increase of 4,106 units over the base supply has no significant additional impact on the trunk road network. The testing done to support the LDP to date, plus the information confirmed within this paper relating to the development testing for the Winchburgh CDA and the ongoing SESplan Cross-boundary Transport and Land Use Appraisal Study, are considered sufficient to identify to Transport Scotland the development impacts of the proposed LDP

May 2016
West Lothian Council

Issue: 26W	Peatlands and carbon rich soils.	
Development plan reference:	Policy ENV 6	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)</p> <p>WL/LDP/PP/0243 (Scottish Environment Protection Agency c/o Alasdair Milne)</p> <p>21859513-7f4cd71 (Craig Holden)</p>		
Provision of the development Plan to which the issue relates:	LDP Proposed Plan - page 43	
Planning authority's summary of the representation(s):		
<p><u>Policy wording</u></p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – the introductory words to Policy ENV 6, are remarked upon as not being consistent with Scottish Planning Policy (SPP, CD078). It is recommended that this phrase is removed and replaced with other wording to align the policy with the requirements of Scotland's National Peatland Plan (CDxxx).</p> <p><u>Support for ENV 6 / environmental policies</u></p> <p>WL/LDP/PP/0243 (Scottish Environment Protection Agency c/o Alasdair Milne) – support the policy because 'soil is a key part of our environment and soil degradation can have major implications for air and water quality as well as our climate, biodiversity and economy'. SEPA states that the policy will assist in achieving management and protection of carbon rich soils as part of Scotland's approach to tackling Climate Change at source.</p> <p>21859513-7f4cd71 (Craig Holden) - Supports environmental policies (i.e. ENV 5 – 20) within the Proposed LDP (CD093), especially those that aim to conserve habitats and biodiversity such as Policy ENV 6 for the protection of peatland and carbon rich soils.</p>		
Modifications sought by those submitting representations:		
<p><u>Policy wording</u></p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – it is recommended that the opening words '<i>Within or adjacent to ecologically significant areas protected in this LDP</i>' are removed and replaced with the following phrase: <i>in all cases where peat and other carbon rich soils are present</i>. [The proposed plan phrase is highlighted in blue in the policy re-print below.]</p> <p><u>Support for ENV 6 / environmental policies</u></p>		

WL/LDP/PP/0243 (Scottish Environment Protection Agency c/o Alasdair Milne); and **21859513-7f4cd71** (Craig Holden) – no modifications requested.

Summary of responses (including reasons) by planning authority:

LDP policy background

The adopted West Lothian Local Plan (CD107) has a range of policies, ENV 1 – 6, in support of biodiversity and protection of identified areas of international, European, national, regional and local importance.

With the lead up to and publication in June 2015 of Scotland's National Peat Plan (SNPP) (CD0xx) by Scottish Natural Heritage, the council developed a specialised policy for the proposed plan in support of the protection of peatlands and carbon rich soils as below.

The main guidance within Scottish Planning Policy (CD078) regarding the protection of areas of peat and carbon rich soils features in para. 205 under Development Management and also appears as a requirement of Spatial Frameworks for wind energy on page 39 as '*Other nationally important mapped environmental interests:....carbon rich soils, deep peat and priority peatland habitat*', as well as passing references such as paragraph 241 under subject policy Promoting Responsible Extraction of Resources. The paucity of explicit guidance on this subject for Development Plans within the Valuing the Natural Environment subject policies is likely to arise from the fact that SPP predates the release of Scotland's National Peat Plan by almost a year and consequently does not reference it.

Thus the policy approach for the proposed plan takes forward and rationalises the council's adopted policies whilst following best practice models.

Policy ENV 6 Peatlands and carbon rich soils

Within or adjacent to ecologically significant areas protected in this LDP (identified in policies ENV 18, ENV 19 and ENV 20) peat extraction and development likely to have an adverse effect on peatland and/or carbon rich soils will not be supported. Elsewhere commercial peat extraction and other development likely to have an adverse effect on peatland and/or carbon rich soils, will only be permitted in areas suffering historic, significant damage through human action and where conservation value is low and restoration is impossible. Where peat and other carbon rich soils may be affected by proposals, an assessment of the developments potential effects on CO2 emissions will be required.

Where this is not possible development should be informed by an appropriate peat survey and management plan, any disturbance or excavation should be minimised and suitable mitigation measures should be implemented to abate carbon emissions.

Policy wording

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – As SNH is the publisher and charged with ensuring the protection of peatlands through raising the levels of conservation and active restoration via the recently published SNPP and associated activities it is understandable that a policy change is sought on this matter. However, the timing is not conducive to its full representation within the council's proposed plan which was going through committee approvals process in the summer of 2015 leading up to publication for consultation in early autumn of 2015, similar to timing difficulties for other LDPs across Scotland nearing final draft or adoption stage.

The phrasing '*Within or adjacent to ecologically significant areas protected in this LDP*' is not specifically proscribed by SPP and follows established and adopted nomenclature in the adopted plan as well as giving applicants an indication where peat and carbon rich soils are to be found in the

council area. The policy mentions peat and carbon rich soils three times so SNH's request could be viewed as fine tuning or adding repetition.

However, given the subsequent publication of the Scotland National Peat Plan (CDxxx) the council is pleased to support this important land use initiative and suggests that it is referenced in subsequent planning guidance '*Development in the Countryside – residential and various other uses*' which has yet to be produced.

The Council does not therefore agree to modify the Plan in response to this representation.

Support for ENV 6 / environmental policies

WL/LDP/PP/0243 (Scottish Environment Protection Agency c/o Alasdair Milne) – support for Policy ENV 6 from this key agency is welcomed.

21859513-7f4cd71 (Craig Holden) – Support for the Proposed LDPs environmental policies including Policy ENV 6 *Peatlands and carbon rich soils* is welcomed.

Any further plan changes recommended by the planning authority

None.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 26X	Woodland, forestry, trees and hedgerows.	
Development plan reference:	Policy ENV 9	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>21383913-b8837f (Jessie Kerr)</p> <p>21605856-b6cd6fc (Robert Lemmer)</p> <p>21669570-795c9f (Richard Nairn)</p> <p>21768313-f03859e (Penni Brown)</p> <p>2176933-H-LV 3 (Irene Whitelaw)</p> <p>21859513-7f4cd71 (Craig Holden)</p> <p>21903538-H-LV 3 (Neil Harris)</p>		
Provision of the development plan to which the issue relates:	<p>LDP Proposed Plan - pages 46, 47.</p> <p>Proposed LDP Map 2: Linlithgow and Broxburn Area.</p> <p>Proposed LDP Map 3: Livingston Area.</p> <p>Proposed LDP Map 4: Bathgate Area.</p>	
Planning authority's summary of the representation(s):		
<p><u>Objection to allocation / development of site on the grounds of loss of woodland - Armadale</u></p> <p>21383913-b8837f (Jessie Kerr) – objects to allocation of housing site H-AM 17 Drove Rd, Armadale, due to potential loss of woodland.</p> <p><u>Objection to allocation / development on the grounds of loss of woodland – Murieston, Livingston</u></p> <p>21605856-b6cd6fc (Robert Lemmer) – objects to the development and the loss of natural wildlife at Housing site H-LV 3 Tarbert Drive.</p> <p>2176933-H-LV 3 (Irene Whitelaw) – objects to allocation / development of site H-LV 3 Tarbert Drive and understands a Tree Preservation Order in place.</p> <p>21903538-H-LV 3 (Neil Harris) – objects to site allocation due to contravention of existing Tree Preservation Order; removal of the trees would ruin the setting and aesthetics of the area which is adjacent to the Murieston Trail and is enjoyed by residents and visitors alike.</p> <p><u>Objection to allocation / development of site on the grounds that a Tree Preservation Order (TPO) is warranted - Winchburgh</u></p> <p>21669570-795c9f (Richard Nairn); 21768313-f03859e (Penni Brown) – objects to allocation for development of site H-WB 17: Site west of Niddry Castle; seeks protection of trees and promotion of Tree Preservation Order (TPO).</p> <p><u>Objection to Development of site on grounds that contrary to Policy ENV 9 - Winchburgh</u></p> <p>21669570-795c9f (Richard Nairn); 21768313-f03859e (Penni Brown) – objects to allocation of site H</p>		

WB 17, Site west of Niddry Castle for development because contrary to policy ENV 9 criteria (a) *“there will be a presumption against development proposals which involve the loss of, or damage to, woodland, groups of trees (including [...] veteran trees or areas forming part of designated and designed landscapes)”*. The oaks, sycamores and ashes which grow on what is now Niddry Castle golf course are of significant historic origin as well as providing visual evidence to the designed landscape for the castle’s setting.

Support for environmental policies

21859513-7f4cd71 (Craig Holden) - Supports the environmental policies (i.e. ENV 5 – 20) within the Proposed LDP (CD093) especially those that aim to conserve habitats and biodiversity such as Policy ENV 9 for the protection of woodlands, forests, trees and hedgerows.

Modifications sought by those submitting representations:

Objection to allocation / development of site on the grounds of loss of woodland - Armadale

21383913-b8837f (Jessie Kerr) – it is intimated that site H-AM 17 Drove Rd, Armadale should be removed from the Proposed Plan

Objection to allocation / development on the grounds of loss of woodland – Murieston, Livingston

21605856-b6cd6fc (Robert Lemmer); **2176933-H-LV 3** (Irene Whitelaw); **21903538-H-LV 3** (Neil Harris) – it is intimated that the housing site H-LV 3 Tarbert Drive should be de-allocated.

Objection to allocation / development of site on the grounds that a Tree Preservation Order (TPO) is warranted - Winchburgh

21669570-795c9f (Richard Nairn); **21768313-f03859e** (Penni Brown) – it is intimated that for housing site H-WB 17: Site west of Niddry Castle, a TPO should be promoted.

Objection to Development of site on grounds that contrary to Policy ENV 9 - Winchburgh

21669570-795c9f (Richard Nairn); **21768313-f03859e** (Penni Brown) – it is intimated that housing site H-WB 17, Site west of Niddry Castle, should be removed from the Proposed Plan .

Support for environmental policies

21859513-7f4cd71 (Craig Holden) – no modification requested.

Summary of responses (including reasons) by planning authority:

LDP policy background

Policy ENV 9: *Woodland, forestry, trees and hedgerows*; draws on policy in the adopted West Lothian Local Plan (CD107); guidance in Scottish Planning Policy (SPP, CD078) within subject policy *“Valuing the Natural Environment”* section (SPP, pp. 45 – 49) and notionally on section *“Maximising the Benefits of Green Infrastructure”* (SPP, pp. 50 – 52); as well as models of best practice. The Strategic Development Plan 2013 (SDP, CD114) as a focused, strategic document does not directly inform Policy ENV 9.

The main clauses of Policy ENV 9 are copied below. The policy then sets out criterion (a) – (i) which in the interests of brevity and because the relevant text from the criteria (a) has been copied in the summaries section above the full text is not re-produced here, but is of course available in the

proposed plan (CD093, p. 47).

Policy ENV 9 Woodland, forestry, trees and hedgerows

There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government "Control of Woodland Removal" policy (2009) and the Forestry Commission Scotland's policy "The right tree in the right place" (2010).

Where the removal of woodlands or forestry is sanctioned, the practical implications of timber removal from the site will require to be considered and thereafter managed in order to minimise damage to the road network. Details must be provided to and agreed with the council prior to the commencement of the works. The council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value.

Scottish Planning Policy (SPP2014) encourages Local Development Plan policies to protect and enhance areas of woodland which are of high nature conservation and/or landscape character value. Accordingly:

As a wide-ranging policy, non-statutory planning guidance is to be prepared to provide further detail for a number of areas such as Tree Preservations Orders, Conservation Area constraints, relevant British Standards, Forestry Commission Licences, best practice etc.

Objection to allocation / development of site on the grounds of loss of woodland - Armadale

21383913-b8837f (Jessie Kerr) – site H-AM 17 Drove Rd is identified in 'Appendix Two: Schedule of Housing Sites/Site Delivery Requirements' of the Proposed LDP (CD093, p. 135) as a new allocation of 3.3 hectares with a capacity of 26 units for potential council housing. The site falls entirely to the south of the Armadale Round Town Walk (public right of way and core path) which also forms the northern boundary of the site. The site comprises the southeast quadrant of the local park at Drove Road; and whilst not an established site, development potential for residential use was indicated by a 'brown star' on this area of local park on Map 4: Bathgate Area of the West Lothian Local Plan (CD107). There is negligible tree cover and the site is largely grassed.

The local park to the north of the walkway is coloured dark green on LDP Map 4 indicating a 'safeguard for open space': this area includes established shelter belt woodland and scrub. However, there may be concern regarding mature beech amongst other woodland species clinging to the steep sides of in the Barbauchlaw Glen to the north. Trees in this area are protected through the wider LDP policy framework.

Development of the site will not cause significant loss of woodland, though there are tree interests nearby. No change is required to the proposed plan.

Objection to allocation / development on the grounds of loss of woodland – Murieston, Livingston

21605856-b6cd6fc (Robert Lemmer); **2176933-H-LV 3** (Irene Whitelaw); **21903538-H-LV 3** (Neil Harris) – site H-LV 3 Murieston South (8), Tarbert Drive is identified in 'Appendix Two: Schedule of Housing Sites/Site Delivery Requirements' of the Proposed LDP (CD093, p. 202) as a site which has been carried forward from the adopted local plan of half an acre for with an estimated capacity of 9 housing units.

A range of mid-sized to large trees are established in the south-west of the site where the Local Biodiversity Site: Murieston Water overlaps the TPO.

TPO Easter Murieston, which was confirmed in 1998, covers the site and is a blanket TPO. It is usual for TPOs to be undertaken to protect trees on a site from proposed development, however since Scottish Government's issue of Planning Circular 2011/1 *Tree Preservation Order* (CDxxx, para. 9 – TBC to snagging) greater emphasis has been placed on the need to accurately define and map trees included within TPOs. West Lothian has commenced the process of reviewing TPOs on its register and given the long-term resourcing required to undertake this task, prioritisation of sites to be reviewed is based on need. TPOs and tree protection issues within allocated sites in the proposed plan are a priority for review. (CDxxx – include for DPEA?).

There is capacity within site H-LV 3 for the estimated nine units and a revised TPO focussing on mapped trees within the southwest of the site. Planning conditions placed on any grant of planning permission would protect identified trees from damage at construction stage.

No change is required to the proposed plan.

Objection to allocation / development of site on the grounds that a Tree Preservation Order (TPO) is warranted - Winchburgh

21669570-795c9f (Richard Nairn); **21768313-f03859e** (Penni Brown) – the site contains a number of feature trees of significant size to consider a feasibility survey with a view to promoting a TPO. It is usual for TPOs to be undertaken to protect worthy trees on a site for proposed development. There is a standard Tree Evaluation Method for Preservation Orders (TEMPO) survey which is the first step to assess the appropriateness and viability of a potential TPO.

The council is already aware and is reviewing need for surveys to determine potential TPOs for the most advanced Core Development Areas such as Winchburgh. The site was added to the Priority TPO List at MIR stage.

No change is required to the proposed plan.

Objection to Development of site on grounds that contrary to Policy ENV 9 - Winchburgh

21669570-795c9f (Richard Nairn); **21768313-f03859e** (Penni Brown) – site H-WB 17, Site west of Niddry Castle, is identified in 'Appendix Two: Schedule of Housing Sites/Site Delivery Requirements' of the Proposed LDP (CD093, p. 253) as a new mixed use site for an estimated 250 housing units on 9.4 hectares.

The current site use is as part of a golf course therefore fairways, greens and golf course features make up the majority of the soft landscape features on the site. There are a number of extant large stand-alone trees and a group of trees near the middle of the site which require further investigation to determine their validity for tree protection. West Lothian has commenced the process of reviewing TPOs on its register and given the long-term resourcing required to undertake this task, prioritisation of sites to be reviewed is based on need. TPOs and tree protection issues within allocated sites in the proposed plan are a priority for review. It is usual for a planning condition to be applied to planning permissions to protect trees during construction.

No change is required to the proposed plan.

Support for environmental policies

21859513-7f4cd71 (Craig Holden) – Support is welcomed for the Proposed Plan's environmental policies including Policy ENV 9 for the protection of woodlands, forests, trees and hedgerows.

Summary

There have been no challenges to the wording of Policy ENV 9: *Woodland, forestry, trees and hedgerows*.

No changes to the allocation of sites in the proposed plan are recommended on the basis of tree protection. Tree protection objectives, where required, can be achieved through the TPO Register Review and planning application conditions.

The council is already aware of the need to investigate the viability of a TPO at the Winchburgh golf course site.

Any further plan changes recommended by the planning authority

The policy is effective and complies with the policy framework and the policy approach is compliant with SPP; no issues have been raised by key agencies.

No changes to the Proposed LDP are recommended.

However, there is a graphics error on page 47 and it is requested that the Reporter permits the revision to the policy title chevron to correct spelling.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26Y	Protection of Urban Woodland.	
Development plan reference:	Policy ENV 10.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
21294413-a8e14ce (Nancy Durrant) 21859513-7f4cd71 (Craig Holden)		
Provision of the development Plan to which the issue relates:	LDP Proposed Plan - page 47.	
Planning authority's summary of the representation(s):		
<p><u>Amenity woodland at Clark Avenue and Colt Hill, Linlithgow</u></p> <p>21294413-a8e14ce (Nancy Durrant) – raises concerns about the status and protection from development of amenity woodland areas surrounding Clark Avenue and at adjacent Colt Hill in Linlithgow.</p> <p><u>Support for environmental policies</u></p> <p>21859513-7f4cd71 (Craig Holden) - Supports the environmental policies (i.e. ENV 5 – 20) within the Proposed LDP (CD093, p. 47) especially those that aim to conserve habitats and biodiversity such as ENV 10: <i>Protection of Urban Woodland</i>.</p>		
Modifications sought by those submitting representations:		
<p><u>Amenity woodland at Clark Avenue and Colt Hill, Linlithgow</u></p> <p>21294413-a8e14ce (Nancy Durrant) - requests that the amenity woodland areas surrounding Clark Avenue and at adjacent Colt Hill in Linlithgow is maintained as "<i>land safeguarded for open space</i>".</p> <p><u>Support for environmental policies</u></p> <p>21859513-7f4cd71 (Craig Holden) – No modifications requested.</p>		
Summary of responses (including reasons) by planning authority:		
<p><u>LDP policy background</u></p> <p>This is a new policy which is aimed at protecting urban woodlands - particularly those under common ownership - arising from changes to feudal tenure subsequent to implementation of the Land Reform (Scotland) Act 2003 (CD021), resulting in sale of and development pressures on amenity areas within housing estates.</p> <p>LDP Policy ENV 10 <i>Protection of Urban Woodland</i></p>		

Urban woodlands within settlements that contribute to townscape, landscape, amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development.

Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal as set out in Scotland's Control of Woodland Removal Policy document.

Proposals to remove urban woodland must be accompanied by an independent aboricultural report.

N.B. - Forestry Commission Scotland's *Control of Woodland Removal Policy* (2009) is on the 'List of Core Documents' as CD0227.

Due to the legal nature of the issue and the attraction of considerable betterment values from auctioning woodland with intimated potential for residential development, the council takes this matter seriously and will prepare Planning Guidance on "*Protection of Woodland and trees within Settlements*" to protect the landscape framework of Livingston New Town as well as other urban woodlands and trees within settlement boundaries.

The council has received many requests for TPOs by neighbours of such sold amenity woodlands but given the onerous nature of making a TPO they are not suitable to address the potential scale of the threat to amenity woodlands in urban areas involved and in many cases not an appropriate mechanism for protection. Thus a policy approach has been introduced to the Proposed Plan for the protection of urban woodlands being less resource intensive, having wider reach and clarifying the council's intention to support woodland in urban areas.

The council believes that Policy ENV 10 will be effective in stemming the spate of sales of amenity woodland and the arising nuisance issues for neighbours: unauthorised tree cutting, bonfires, loss of security over adjacent woodland thought by residents to be part of the housing estate, and pressure to buy back such land from new owners.

Amenity woodland at Clark Avenue and Colt Hill, Linlithgow

21294413-a8e14ce (Nancy Durrant) – the council is aware of this amenity woodland issue and approaches to neighbours to purchase the woodland and private development proposals not supported by the Proposed Plan. Due to digital mapping of the Proposed Plan maps it has been possible to make visible and extend areas of "Land Safeguarded for Open Space". These areas currently do no benefit from such protection through the adopted plan. In a multi-pronged approach to the protection of urban woodlands, Policy ENV 10 offers an additional level of comfort to the respondent and local residents at Clark Avenue and Colt Hill, Linlithgow.

Support for environmental policies

21859513-7f4cd71 (Craig Holden) – Support for the Proposed LDPs environmental policies including Policy ENV 10: *Protection of Urban Woodland* is welcomed.

Any further plan changes recommended by the planning authority

None. Policy ENV 10 complies with the Proposed LDP policy framework and the policy approach is compliant with Scottish Government policy.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26Z	Pentland Hills Regional Park (PHRP)	
Development plan reference:	Policies ENV 13 and ENV 14	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0209 (Mike Fraser of Royal Society for the Protection of Birds (RSPB))</p> <p>WL/LDP/PP/0236 (Scottish Government - Development Plan Team)</p> <p>WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage)</p>		
Provision of the development Plan to which the issue relates:	Pentland Hills Regional Park policies ENV 13 and ENV 14 (PHRP Further protection) (page 50)	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0209 (Mike Fraser of Royal Society for the Protection of Birds (RSPB))</p> <p>In general, RSPB commend the aims within Policy ENV 14: Pentland Hills Regional Park – Further Protection and in particular the conservation of wildlife interests. The maintenance of moorland and grouse moor should not presume against native tree planting to enhance the wildlife interests and contribute to natural flood management, soil stabilisation and biodiversity enhancement. Furthermore, moorland management should also address water quality and peat conservation as well as grouse productivity.</p> <p>WL/LDP/PP/0236 Scottish Government - Development Plan Team)</p> <p>In relation to Policy ENV 13, a change is suggested to the first paragraph to remove the words ‘<i>or in an area which contributes to its landscape setting</i>’ as SPP (2014) (paragraph 196) (CDX) states that buffer zones should not be established around areas designated for their natural heritage importance. Similarly, in Policy ENV 14 – Pentland Hills Regional Park – Further Protection, a change is also suggested to the first paragraph to remove the words‘<i>or in an area which contributes to its landscape setting</i>’ for the same reason.</p> <p>WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage)</p> <p>SNH are unclear whether it is intended that the criteria in Policy ENV 13 will be expanded on in supplementary guidance or not. The nature of these criteria suggests that they may be detailed in proposed supplementary guidance, but for clarity recommend this is clearly stated within the policy.</p>		
Modifications sought by those submitting representations:		
<p>WL/LDP/PP/0209 (Mike Fraser of Royal Society for the Protection of Birds (RSPB))</p> <p>No specific modifications proposed.</p> <p>WL/LDP/PP/0236 (Scottish Government - Development Plan Team)</p> <p>The respondents suggest similar minor amendments to the text of both policies, ENV 13 & 14, specifically removing the words ‘<i>or in an area which contributes to its landscape setting</i>’.</p> <p>WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage)</p> <p>Seeks a modification to be made to the policy to clarify the nature and content of supplementary</p>		

guidance.

Summary of responses (including reasons) by planning authority:

Background

The council have a small part, c10%, of the overall Pentland Hills Regional Park. This is located in the rural south east of West Lothian and covered Harperrig Reservoir and West Cairns forestry plantation. A Habitat Management Plan for Harperrig Reservoir was adopted by the council in 2009 and is under review.

The council approved the designation of the area surrounding Harperrig Reservoir i.e.; the publically owned are under the control of City of Edinburgh Council as part of the Water of Leith flood prevention scheme, as a Local Nature Reserve in 2011.

WL/LDP/PP/0209 (Mike Fraser of Royal Society for the Protection of Birds (RSPB))

The council have been active, through Central Scotland Green Network Trust, in securing grants for woodland amenity planting around Harperrig Reservoir within the Pentland Hills Regional Park Since 2009; five phases of woodland planting have been undertaken in the area.

WL/LDP/PP/0236 (Scottish Government - Development Plan Team)

The council is not opposed to the suggested revisions to Policies ENV 13 and ENV 14, recognising that they accord with SPP 2014, (paragraph 1960 **(CDX)**), and it would therefore not take issue if the Reporter was minded to amend them to accommodate these revisions.

Strike-through text reflects deletions requested.

POLICY ENV 13 - Pentland Hills Regional Park

Development, re-development and the conversion of existing buildings within the Pentland Hills Regional Park,

Development, re-development and the conversion of existing buildings within the Pentland Hills Regional Park, ~~or in an area which contributes to its landscape setting~~, will not be permitted unless essential for the purposes of agriculture (including farm diversification), forestry, outdoor recreation, tourism or other rural activities compatible with the aims of the Regional Park.

Any such proposal will be considered against the following criteria:

- a. the contribution towards the amenity of the park in terms of design and landscaping;*
 - b. it should not be visually obtrusive or necessitate visually obtrusive constructions;*
 - c. it should be compatible with existing adjoining and neighbouring developments and uses;*
 - d. it should be capable of being served by an adequate and appropriate access;*
 - e. it can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and*
 - f. where conversion is proposed this should be possible without substantial rebuilding and with the retention of original character and attractiveness.'*
- rebuilding and with the retention of original character and attractiveness.*

POLICY ENV 14 - Pentland Hills Regional Park – Further Protection

The following policy will apply to land within the Pentland Hills Regional Park ~~or in an areas which contributes to its landscape setting and the aims of the Park:~~

- a. in co-operation with landowners, occupiers and Scottish Natural Heritage; the economic, landscape and nature conservation of the grouse moor will be protected and safeguarded;*
- b. new forestry schemes accord with the approved Edinburgh & Lothian's Forestry and Woodland Strategy;*
- c. there will be a general presumption against waste disposal operations;*
- d. the conservation of the hill landscape and wildlife interests will be sought in all proposals involving the installation of service utilities;*
- e. intrusive tourist developments, including static caravan and camping sites, will not be permitted;*

f. public car parks will only be provided on the periphery of the park and must relate to recreation opportunities. They must be designed to integrate with the landscape and character of the location;
g. there is a general presumption against formal picnic sites in the remote hill areas and managed sites will only be provided in association with existing facilities and car parking; and
h. any proposals will also be required to comply fully with the criteria provided in policies related to development in the countryside and conversions, subdivisions and re-use of existing buildings in the countryside.”

WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage)

The council confirms that it is not intended to provide supplementary guidance as the 6 criteria cover a wide range of issues and the Regional Park has its own Management and Service Plan. The numbers of planning applications that have occurred within the PHRP designated area since its inception over 30 years ago has also been minimal. Consequently, this does not warrant additional supplementary guidance as any future applications can be dealt with by the additional policy ENV 14 looking at further protection for the area and other countryside policies within the plan. It should be noted that Appendix 6 in the Proposed Plan does not record this issue as requiring Supplementary Guidance. For these reasons, the council does not propose to modify the plan in response to these representations.

Reporter's conclusions:

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Reporter's recommendations:

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Issue: 26Aa	Protection of International Nature Conservation Sites.	
Development plan reference:	Policy ENV 17 and ENV 18.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0209 (Mike Fraser for Royal Society for the Protection of Birds (RSPB)) WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage (SNH))		
Provision of the development Plan to which the issue relates:	International Nature Conservation Sites policy ENV 17 and policy ENV 18 Protection of Local and National Nature Conservation Sites (Page 52).	
Planning authority's summary of the representation(s):		
WL/LDP/PP/0209 (Mike Fraser for Royal Society for the Protection of Birds (RSPB)) - In relation to the section on Biodiversity (paras 5.175 - 180) and Policy ENV 17, RSPB simply note the council's recognition of the various national and international nature conservation designations. WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage (SNH)) - points out that the policy caveat " <i>Proposals must also have regard to and be compliant with the requirements of Planning Guidance (Planning for Nature: Development Management & Wildlife)</i> " at the foot of Policy ENV19, should also be added to Policies ENV17 (and ENV18).		
Modifications sought by those submitting representations:		
WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage (SNH)) – seek addition to end of policies ENV 17 and ENV 18 to refer to Planning Guidance (<i>Planning for Nature: Development Management & Wildlife</i>).		
Summary of responses (including reasons) by planning authority:		
WL/LDP/PP/0209 (Mike Fraser for Royal Society for the Protection of Birds (RSPB)) – comments noted. WL/LDP/PP/0238 (Viv Gray for Scottish Natural Heritage (SNH)) - The Planning Guidance " <i>Planning for Nature: Development Management & Wildlife</i> ", (CDX), was the subject of a project by SNH that used West Lothian as a pilot in 2014/15. SNH used consultants to prepare Planning Guidance that would aid developers with submission of their planning applications in the development management process that could be rolled out across Scottish local authorities and the template used and adapted for each authority. It was "road tested" by some medium scale house builders and a single agent. The council adopted this Planning Guidance in May 2015 after public consultation. It won a commendation at the Scottish Awards for Quality in Planning in November 2015. The council would therefore have no objection if the Reporter is agreeable to this minor addition that is already present in Policy ENV 19 relating to Local Biodiversity and Geodiversity sites and considers that a change to Policy ENV 17 and ENV 18 is required.		

Should this be the case then the council suggests that Policy ENV 17 and Policy ENV 18 are amended as follows, new text highlighted in text box:

“POLICY ENV 17 Protection of International Nature Conservation Sites

Development proposals within or affecting areas classified as existing or candidate sites of international importance, under European Directives (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)), or affecting the habitats and species listed in the Habitat Directives Annexes I and II and Birds Directive Annex 1, will not be permitted unless it can be ascertained that it will not adversely affect the integrity of a European site, or

- a. there are no alternative solutions;*
- b. there are imperative reasons, of over-riding national public interest, including those of a social or economic nature, to allow development; and*
- c. compensatory measures are provided to ensure that the overall coherence of the Natura European site n Network is provided.*

Proposals likely to have a significant effect on a European site will only be approved if it can be ascertained by the council, by means of an Appropriate Assessment, that the integrity of the European site will not be adversely affected. Applicants will be required to provide information to inform the Appropriate Assessment.

Proposals must also have regard to and be compliant with the requirements of Planning Guidance (Planning for Nature: Development Management & Wildlife).

Policy ENV 18

Protection of Local and National Nature Conservation Sites

Development proposals within, or affecting areas classified as sites of national importance, including National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), and locally designated nature conservation sites will not be permitted unless it can be satisfactorily demonstrated that it will not compromise the objectives or integrity of the designation.

In the case of national designations, development will only be supported where there is an over-riding national public interest that outweighs the designation interest.

Proposals for development within such areas will require an appropriate level of environmental or biodiversity assessment. The need for an Environmental Impact Assessment will (EIA) be considered against the EIA (Scotland) Regulations 1999.

Proposals must also have regard to and be compliant with the requirements of Planning Guidance (Planning for Nature: Development Management & Wildlife).

Reporter’s conclusions:

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Reporter’s recommendations:



Issue: 26Ab	Design Principles	
Development plan reference:	Policy DES 1 (page 11) New Housing Sites and Design (page 24, para 5.4-5.56)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0167 (The Coal Authority)</p> <p>WL/LDP/PP/0209 (Mike Fraser on behalf of RSPB Scotland)</p> <p>WL/LDP/PP/0214 (British Solar Renewables)</p> <p>21909371-e30a455 (Ross Morgan)</p> <p>21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)</p>		
Provision of the development Plan to which the issue relates:	Design Principles	
Planning authority's summary of the representation(s):		
<p>Policy DES 1 (page 11)</p> <p>WL/LDP/PP/0167 (The Coal Authority) The Coal Authority is pleased to see the inclusion of Policy DES1 and the requirement for new development proposals to fully assess potential risks in respect of unstable land arising from past mining activities.</p> <p>WL/LDP/PP/0214 (British Solar Renewables) Supports this policy as worded</p> <p>WL/LDP/PP/0209 (Mike Fraser on behalf of RSPB Scotland) Supports this policy as worded</p> <p>21909371-e30a455 (Ross Morgan) The respondent objects to housing allocation H-BA 6 (Easton Road/Balmuir Road, Bathgate) and seeks assurances that the development of the site is in line with Policy DES 1. It is noted that the respondent does not object to Policy DES 1.</p> <p>The council's response to the housing allocation H-BA 6 (Easton Road/Balmuir Road, Bathgate) is set out in a separate Schedule 4 number (4F?)</p> <p>New Housing Sites and Design (page 24, para 5.4-5.56)</p> <p>21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council) The Community Council notes that there are no planning proposals for either the village of Newton or the surrounding District and supports this situation.</p>		

Modifications sought by those submitting representations:
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Policy DES 1 (page 11)

WL/LDP/PP/0167 (The Coal Authority)

WL/LDP/PP/0214 (British Solar Renewables)

WL/LDP/PP/0209 (Mike Fraser on behalf of RSPB Scotland)

No modification proposed.

21909371-e30a455 (Ross Morgan)

No specific modification of policy DES 1 has been sought.

New Housing Sites and Design (page 24, para 5.4-5.56)

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

No modification proposed.

Summary of responses (including reasons) by planning authority:
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Policy DES 1 (page 11)

WL/LDP/PP/0167 (The Coal Authority)

WL/LDP/PP/0214 (British Solar Renewables)

WL/LDP/PP/0209 (Mike Fraser on behalf of RSPB Scotland)

The council notes the comments made, and no modifications are necessary

21909371-e30a455 (Ross Morgan)

No specific modification of policy DES 1 has been sought.

New Housing Sites and Design (page 24, para 5.4-5.56)

21902291-41e09f9 (Professor Rupert Ormond on behalf of Newton Community Council)

The council notes the comments made, and no modifications are necessary

Reporter's conclusions:

Reporter's recommendations:



Issue: 26Ac	Policy CDA 1 Development in the previously identified Core Development Areas	
Development plan reference:	Policy CDA 1	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0214 and 21116167-568db87 (British Solar Renewables) WL/LDP/PP/0238 (Scottish Natural Heritage) 21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd) WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)</p>		
Part of the Local Development Plan to which the issue relates		
Policy CDA 1 (page 26)		
Planning Authority's Summary of representation(s):		
<p>WL/LDP/PP/0214 and 21116167-568db87 (British Solar Renewables)</p> <p>The wording of policy CDA 1 should also refer to strategic housing allocations such as Heartlands.</p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage)</p> <p>General support of the inclusion of open space, green networks and active travel infrastructure within the infrastructure requirements.</p> <p>21862570-67b27a (PPCA Ltd on behalf of Winchburgh Developments Ltd)</p> <p>General support for the principle of policy CDA 1.</p> <p>WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)</p> <p>Argues for greater flexibility to address changing circumstances and suggests that Policy CDA 1 should be relaxed to allow for modifications to masterplans to be made.</p>		
Modifications sought by those submitting representations:		
<p>WL/LDP/PP/0214 and 21116167-568db87 (British Solar Renewables)</p> <p>The wording of policy CDA1 should also refer to strategic housing allocations such as Heartlands.</p> <p>WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property Company Limited)</p> <p>The wording of policy CDA should allow for modifications to masterplans to be made.</p>		

Planning authority's summary of representations:
<p>WL/LDP/PP/0214 and 21116167-568db87 (British Solar Renewables)</p> <p>The CDAs originated from the now superseded Edinburgh & The Lothians Structure Plan (CDXXX) and were intended to be the main focus of development over the lifespan of the subsequent West Lothian Local Plan 2009 (CDXXX). While slow to establish, and due in large part to the challenging economic climate, they are mostly now delivering substantial year on year completions and are an important catalyst for new development across West Lothian.</p> <p>Policy CDA 1 was intentionally designed to apply to the CDA areas only, and while recognising that there are some shared features and parallels between the Core Development Areas (CDAs) and strategic development sites, CDAs are distinctive areas of mixed use development whereas the strategic development sites (Drumshoreland, Bangour and Heartlands) are predominantly for housing. No change is proposed to the policy to include reference to strategic allocations.</p> <p>WL/LDP/PP/0415 (Andrew Bennie Planning Limited on behalf of Ashdale Land & Property)</p> <p>The council does not consider there to be any requirement for the LDP to make a specific reference to dealing with modifications to masterplans. It has been and should remain a matter for the development management process to deal with on a case by case basis, taking account of site specific circumstances and dealing with any resultant consequences for the associated legal agreements. No change is proposed to the policy to allow for modifications to masterplans to be made.</p>
Reporter's Conclusions
Reporter's Recommendations

Issue: 26Ad	Protection of Playing Fields and Outdoor Sports facilities	
Development plan reference:	Policy ENV 22 (Protection of Playing Fields and Outdoor Sports Facilities)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0214 (Colliers International for British Solar Renewables (BSR)) WL/LDP/PP/0236 (Scottish Government Development Plan Team)		
Provision of the development Plan to which the issue relates:	Chapter 5 - The Spatial Strategy (including Policy Framework) (Protection of Playing Fields and Outdoor Sports facilities) (page 54) Policy ENV 22 (page 54)	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0214 (Colliers International for British Solar Renewables (BSR))</p> <p>The respondents state the aims of Policy ENV 21: Protection of Formal and Informal Open Space and Policy ENV 22: Protection of Playing Fields and Outdoor Sports Facilities are to give protection to a wide range of defined types of open space within settlements and to prevent their piecemeal loss to development. However, both policies acknowledge that there may be instances where development of such sites can and should be permitted. This is supported by BSR.</p> <p>Referencing “Heartlands”, Whitburn, it is observed that land to the south of the defined settlement boundary has planning consent for a golf course/amenity open space, and is included in the proposed LDP as such under proposal P-82. However it is intimated that it is no longer considered appropriate to continue with this proposed use at this location.</p> <p>Polkemmet Park lies to the immediate north/north-west of the site and remains safeguarded for open space in the proposed Local Development Plan. Swathes of land north of the settlement of Whitburn and to the east are designated in the pLDP as countryside belt and open space and this is considered sufficient.</p> <p>The residual land is considered by the respondents as being of particular value to the new community at “Heartlands” in helping to create a sustainable development location for the installation of solar energy schemes in this location. The land is considered by BSR to be capable of being dual-use; generating energy for the “Heartlands” development, but also acting as open space for the area. It is not considered by the respondents that the introduction of a renewable energy development on site will adversely affect the aims of national, strategic or proposed local planning policy.</p>		
<p>WL/LDP/PP/0236 (Scottish Government Development Plan Team)</p> <p>The respondents suggest that the text of Policy ENV 22 should be amended to more accurately reflect paragraph 226 of SPP (2014). (CDX) Policy ENV 22 could be changed to adopt the wording of the SPP whilst being amended to reflect West Lothian’s separation of school playing fields and outdoor sports facilities. It is contended that the policy is not consistent with SPP (2014) which only allows development of playing fields (without compensation) where there is a clear excess of provision. (CDX) Policy ENV 22 dilutes this protection by referring to an “adequacy” of provision.</p>		

The policy is regarded as confusing since it is worded in a manner which could read that all parts (a) to (d) need to be complied with before the development of playing fields etc. may be permitted. SPP paragraph 226 on the other hand sets out 4 caveats, and requires that only one is complied with.

On the one hand Policy ENV 22 appears less stringent than SPP (2014) since it suggests playing fields etc. may be lost where there is adequate provision as opposed to a clear excess; but on the other – close reading suggests that, in addition to there being adequate provision; replacement provision should be provided (bullet b); and that bullet points c) and d) should be complied with. There is potential that the net result could be that no compensation would be provided. This would be inconsistent with SPP, unless there was in fact a clear excess of provision.

Modifications sought by those submitting representations:

WL/LDP/PP/0214 (Colliers International for British Solar Renewables (BSR))

British Solar Renewables seek to have land to the south of the defined settlement boundary for “Heartlands” Whitburn allocated for a solar energy scheme as it is considered to no longer be appropriate to continue with the golf course/amenity open space use that has planning permission.

WL/LDP/PP/0236 (Scottish Government Development Plan Team)

The respondents seek an amendment to the text of Policy ENV 22. They contend that as currently proposed, it does not comply with (paragraph 226) of SPP (2014) as it dilutes the protection of playing fields by referring to an “adequacy” of provision, whereas it should only allow development of playing fields (without compensation) where there is a clear excess of pitch provision.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0214 (Colliers International for British Solar Renewables (BSR))

The council is of the view that proposals for a “solar energy scheme” on land to the south of defined settlement boundary for “Heartlands” are more appropriately dealt with by policy NRG 4: Other Renewable Energy Technologies (page 65). This states that , while *“the council supports the development of renewable energy schemes in principle”*, they must be *“assessed against the detailed spatial framework and with regard to other policies set out in the LDP, specifically Policy ENV 5, ENV 11 & EMG 1.....”* Policy NRG 5 on Energy and heat networks also applies.

Under the circumstances, the council does not propose to modify the plan in response to this representation.

WL/LDP/PP/0236 (Scottish Government Development Plan Team)

While it had been the intention that all four criteria set out in Policy ENV 22 should be met when considering proposals that affect school playing fields and / or outdoor sports facilities it is recognised that this does not fully align with national policy. Consequently, the council is not opposed to the suggested revisions to Policy ENV 22 and would therefore not take issue if the Reporter was minded to amend Policy ENV 22 to accommodate these revisions

Suggested revised text is set out below.

Policy ENV 22 Protection of Playing Fields and Outdoor Sports Facilities

Development of school playing fields and outdoor sports facilities will not be permitted unless it can be clearly

demonstrated that:

- a) the proposed development is ancillary to the principal use of the site as an outdoor sports facility;*
- b) the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;*
- c) the outdoor sports facility which would be lost would be replaced either by a new facility of comparable, or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site, or at another location that is convenient for users and maintains, or improves the overall playing capacity in the area; or*
- d) the West Lothian Open Space Strategy (2005-15) and Interim Review (2010) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.*

Reporter's conclusions:

Reporter's recommendations:

Issue: 26Ae	Vacant, Derelict and Contaminated Land	
Development plan reference:	Policy EMG 6 - Vacant, Derelict and Contaminated Land	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)</p> <p>WL/LDP/PP/0236 (Scottish Government Development Plan Team)</p> <p>21716490-c057327 (John Orr)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 - The Spatial Strategy (including Policy Framework) (Vacant, Derelict and Contaminated Land) (page 72) Policy EMG 6 (page 72)	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables)</p> <p>The respondents support Policy EMG 6 in principle, subject to it being compatible with other policies in the LDP.</p> <p>WL/LDP/PP/0236 (Scottish Government Development Plan Team)</p> <p>Proposes a change to the first paragraph of Policy EMG 6 with the insertion of additional text as follows:</p> <p><i>"The greening of vacant and derelict land is encouraged by this plan. A wide range of environmental measures to green and enhance vacant and derelict land will be promoted and supported. In addition development of or exceeding 2 hectares on vacant and derelict land for sustainable drainage systems or allotments, will be treated as national development and supported."</i></p> <p>Seeks to justify on the basis of the National Planning Framework 3 (NPF3) (CDX) continuing the designation of the Central Scotland Green Network (CSGN) as a national development. NPF3 (paragraph 4.13) has reprioritised the national development towards three priorities including remediation of derelict land.</p> <p>Notes that West Lothian is within the CSGN area, and whilst the supporting text in paragraph 5.249 of the Proposed Plan does highlight that one of the objectives of the CSGN is to address vacant and derelict land, believes it would be helpful for Policy EMG 6 to specifically refer to the greening of such land in order to provide greater support for this type of project and ensure a link to the Action Programme to help realise the step change on the ground which the CSGN project envisages.</p> <p>21716490-c057327 (John Orr)</p> <p>Claims that Easton Road Bathgate is undevelopable due to contamination when reviewing various allocated sites as opposed to his own proposed site at Dykeside Farm which he is promoting and which is addressed by a separate Schedule 4 (4M).</p>		

<p>Modifications sought by those submitting representations:</p> <p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables) No modification of Policy EMG 6 has been sought.</p> <p>WL/LDP/PP/0236 (Scottish Government Development Plan Team) The respondents seek an amendment to the text of Policy EMG 6 to encourage the ‘greening’ of vacant and derelict land.</p> <p>21716490-c057327 (John Orr) No modification has been sought, although it is assumed that the respondent does not wish the site at Easton Road, Bathgate allocated in the Proposed Plan because of the alleged contamination.</p> <p>Summary of responses (including reasons) by planning authority:</p> <p>WL/LDP/PP/0214 (Colliers International on behalf of British Solar Renewables) Support from British Solar Renewables towards policy EMG 6 with regard to Vacant, Derelict and Contaminated Land is welcomed by the council.</p> <p>WL/LDP/PP/0236 (Scottish Government Development Plan Team) The council is not opposed to the suggested revisions to Policy EMG 6, recognising that it would accord with NPF3 in relation to the CSGN and tie the supporting text of both the NPF3 and local plan into the policy. The council would therefore not take issue if the Reporter was minded to amend Policy EMG 3 to accommodate these revisions</p> <p>Highlighted text reflects additions to the text.</p> <p>POLICY EMG 6 - Vacant, Derelict and Contaminated Land</p> <p><i>The redevelopment of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the LDP.</i></p> <p>The greening of vacant and derelict land is encouraged by this plan. A wide range of environmental measures to green and enhance vacant and derelict land will be promoted and supported. In addition development of or exceeding 2 hectares on vacant and derelict land for sustainable drainage systems or allotments, will be treated as national development and supported.</p> <p><i>Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council. Where contamination is found, and prior to the granting of any planning permission, the developer must submit a programme of remedial works to be agreed with the council which should also address any adverse impact on controlled waters.</i></p> <p><i>The developer must appoint an accredited site investigator to identify the specifications and monitor compliance to the works. Appropriate planning conditions will be applied to secure the remedial works. Any proposal requiring remediation will require to accord with Supplementary Guidance entitled “Development on Contaminated Land.”</i></p> <p>21716490-c057327 (John Orr) The site at Easton Road (Sibcas) Bathgate was carried forward from the adopted local plan and has a valid planning permission. It is known that the site as part of the former Hopetoun Iron and Steel Works may be affected by contamination and an assessment and remediation may well be required. This was however addressed in consideration of the planning application. The company</p>

that occupied the majority of the site moved to a new factory on the outskirts on Bathgate and this has delayed the brownfield site being brought forward for redevelopment.

Reporter's conclusions:**Reporter's recommendations:**



Issue: 26Ag	Policy ENV 24.	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 24.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0351 Historic Environment Scotland		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy. Conservation Areas (Demolitions). Policy ENV 24 (page 55). Sets the policy context for development or demolition within a conservation area or affecting its setting.	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0351 Historic Environment Scotland</p> <p>This policy sets out five criteria, all of which are required to be satisfied in order to permit demolition of buildings which are of value to the character of a Conservation Area. It is observed that this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (CD 087), or national guidance which suggests that conservation area demolition proposals are usually considered in the same way as listed building demolitions, by assessing against a series of criteria, requiring as a minimum that one of the criteria is met. Additionally, whilst SHEP requires that planning authorities have regard to the desirability to preserve or enhance the conservation area in considering demolition applications, it is noted that the proposed policy requires proposals for replacement development to specifically sustain or enhance the conservation area.</p> <p>The proposed policy therefore goes beyond the requirements set out in SHEP. Whilst it may be the council's intention to establish a more rigorous regime, it should be satisfied that the proposed policy will be workable in practice, and will not be likely to lead to frequent deviation from policy in decision making, which may introduce uncertainty and inconsistency into the decision making process. In such circumstances, consistent adherence to a more flexible, practicable policy approach may be of more benefit.</p> <p>Advises that Historic Scotland and RCAHMS were replaced on 1st October 2015 with Historic Environment Scotland and suggests that references to the former bodies should be replaced by reference to "Historic Environment Scotland". For example, paragraph 5.194, the Buildings at Risk register is now maintained by Historic Environment Scotland.</p>		
Modifications sought by those submitting representations:		
<p>WL/LDP/PP/0351 Historic Environment Scotland</p> <p>No specific modification requested in terms of Policy ENV 24, but nevertheless invites the Council to consider revisions aligning it with national policy which is less stringent.</p> <p>Indicates that as Historic Scotland and RCAHMS have since been superseded by Historic Environment Scotland it would be appropriate to update the text where necessary.</p>		

Summary of responses (including reasons) by planning authority:**WL/LDP/PP/0351** Historic Environment Scotland

The council is of the view that Policy ENV 24 satisfies the requirements of SPP 2014 and the SHEP and provides necessary safeguards allied to demolitions within conservation areas. For this reason, the council does not propose to modify the plan in response to this representation.

However, the council does acknowledge that the policy is more demanding than the SHEP and in the event that the Reporter considers that a change to Policy ENV 24 is required to align it more closely with national policy, the council suggests the following amendments where highlighted text reflects additions to the policy and “strike-through” text reflects deletions.

Policy ENV 24

Within Conservation Areas new development will not be permitted which would have any adverse effect on its character and appearance. Proposals must ~~contribute~~ have regard to the desirability of ~~to the preservation or enhancement of~~ preserving or enhancing the character and appearance of the Conservation Area ~~area~~ and will require appropriate high standards of design, materials, siting and implementation

When assessing applications for the demolition of unlisted buildings in Conservation Areas, the council will give careful consideration to the merits of the building and its contribution to the character and appearance of the Conservation Area.

*In circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area, demolition would not ordinarily be resisted. However, where a building is considered to be of value, either in itself or as part of a group, there will be a presumption in favour of its retention, restoration for the current or another appropriate use. In these circumstances demolition to facilitate new development will only be permitted where it can be shown that ~~at~~ **one or more** of the following criteria can be satisfied:*

- a. the condition of the existing building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit; evidence of marketing for a period of five years must be submitted to the council as planning authority; **or***
- b. to accommodate the proposal, the building cannot be adapted without material loss to its character; **or***
- c. demolition and replacement will result in significant economic benefit for the community and the conservation area will be enhanced as a result of the development; **or***
- d. there is no alternative location for the development; **or***
- e. it can be demonstrated that the proposals allow for the immediate future use of the site which ~~enhance~~ **enhances** the character or appearance of the Conservation Area.*

Where planning permission and conservation area consent is granted, appropriate conditions will be applied to ensure that demolition does not take place in advance of the letting of a contract for the construction of a replacement building or alternative means of treating the cleared site having been agreed.

The council recognises that references throughout the LDP to Historic Scotland and RCAHMS are no longer accurate. It is assumed the Reporter will be minded to recommend amending the LDP to reflect the new agency (Historic Environment Scotland) and the council would obviously support this update.

Reporter's Conclusions:

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Reporter's Recommendations:

Issue: 26Ah	Policy ENV 28.	
Development plan reference:	Chapter 5 – The Spatial Strategy and Policy ENV 28.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0351 Historic Environment Scotland		
Provision of the development Plan to which the issue relates:	Chapter 5 – The Spatial Strategy. Listed Buildings. Policy ENV 28 (page 58). Sets the policy context for the r demolition of listed buildings.	
Planning authority's summary of the representation(s):		
<p>WL/LDP/PP/0351 Historic Environment Scotland</p> <p>Policy ENV 28 sets out four criteria, <u>all</u> of which are required to be satisfied in order to permit demolition of listed buildings. It is observed that this aspect of the policy is more stringent than that set out in the Scottish Historic Environment Policy (SHEP) (CD 087), or national guidance which set out four assessment criteria, requiring as a minimum that one of the four criteria to be met, and it is commented that it would be very rare that an application for demolition would be able to satisfy all four criteria set out in Policy ENV 28.</p> <p>The proposed policy therefore goes beyond the requirements set out in SHEP. Whilst it may be the council's intention to establish a more rigorous regime, it should be satisfied that the proposed policy will be workable in practice.</p> <p>If it is proposed to amend the policy to require one or more criteria to be met, it is recommended that criteria (c) is omitted ("<i>the building cannot be adapted without material loss to its character</i>") as it would not be sufficiently robust as a stand-alone criteria. It is noted that whilst there may be instances where the only viable option for re-use of a listed building will require adaptation which will result in a 'material loss' to the character of the listed building, this is unlikely to outweigh the impact of complete loss through demolition.</p> <p>This policy states a presumption against enabling development and it is noted that this has been carried through from the Adopted West Lothian Local Plan (CD 107). While supporting the application of robust criteria to assess the acceptability of enabling development, it is also recognised that in some cases it may be essential to secure a viable long term future for a listed building at risk. In view of this, it is suggested that the council may wish to retain the criteria for enabling development, but omit the first sentence of this section, to present a more positive approach to this issue.</p>		
Modifications sought by those submitting representations		
<p>WL/LDP/PP/0351 Historic Environment Scotland</p> <p>Several minor modifications are requested in terms of policy ENV 28 (e.g.; if it is proposed to amend the policy to require one or more criteria to be met, it is recommended that criteria (c) is omitted and retain the criteria for enabling development, but omit the first sentence of this section) the council is invited to consider revisions aligning it with national policy which is less</p>		

stringent.

Summary of responses (including reasons) by planning authority:

WL/LDP/PP/0351 Historic Environment Scotland

The council is of the view that Policy ENV 28 satisfies the requirements of SPP 2014 and the SHEP and provides necessary safeguards allied to the demolition of listed buildings. For this reason, the council does not propose to modify the plan in response to this representation.

The council does however acknowledge that the policy is more demanding than the SHEP and in the event that the Reporter considers that a change to Policy ENV 28 is required to align it more closely with national policy, the council suggests the following amendments where highlighted text reflects additions to the policy and “strike-through” text reflects deletions.

Policy ENV 28

The council will protect listed buildings and will have particular regard for their special architectural, historic features and, where appropriate, archaeological interest in considering proposals for their alteration, extension or change of use.

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building’s beneficial use should not adversely affect its special interest.

Demolition of a listed building will only be permitted where it can be shown that all of the following criteria can be satisfied:

- a. the building is no longer of special interest;*
- b. the condition of the building is such that its repair and re-use is not economically viable. Supporting evidence, including a full economic appraisal, evidence that grant aid is not able to meet any funding deficit and evidence of marketing for a period of 5 years must be submitted to the council as planning authority;*
- c. ~~the building cannot be adapted without material loss to its character;~~*
- d. ~~c.~~ demolition is essential to delivering significant economic benefit for the community.*

In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.

The preservation of buildings of architectural or historic interest will be promoted through partnership working with interested parties and the use of powers including Compulsory Purchase Orders, Repair Notices, Building Preservation Notices or other statutory procedures.

*~~There is a presumption against~~ Enabling development, ~~to cross subsidise works to a historic building,~~ where essential to secure a viable long term future for a listed building at risk. ~~Such works will only~~ **may** be considered favourably where the character or setting of the building is not adversely affected; where there are sound conservation or design reasons for the new development (such as the re-instatement of a missing wing or courtyard building); where the works are economically justified to ensure the survival of the building; and, on balance, the benefits clearly outweigh any dis-benefits to the historic asset or its setting. In determining applications for planning permission and listed building consent relating to a listed building, the council will specify and require the fullest supporting information. Prior to the implementation of an approved alteration, recording shall be required in accordance with a schedule to be issued. Owners of major heritage assets will be encouraged to prepare and adopt management or conservation plans based on current best practice for their long-term guardianship. Additional controls (such as Article 4 Directions*

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removing permitted development rights) will be introduced to protect the setting of listed buildings where such buildings are under threat from development.

Reporter's Conclusions:

Reporter's Recommendations

Issue: 26Ai	Town Centres and Retailing	
Development plan reference:	Town Centres and Retailing (Page 9 - Vision Statement) Town Centres and Retailing (page 39 para 5.133-5.138) Policy TCR 1 – Town Centres (page 40) Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40) Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
WL/LDP/PP/0236 (Scottish Government) WL/LDP/PP/0238 (Viv Gray on behalf of SNH) 21863501-0bd8a41 (Facilities Engineering and Design Solutions Limited, Ian Findlay) 21817641-28bbd5b (Michael Vickers) 21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)		
Provision of the development Plan to which the issue relates:	Town Centres and Retailing	
Planning authority's summary of the representation(s):		
<u>Town Centres and Retailing (Page 9 Vision Statement)</u> 21863501-0bd8a41 (Facilities Engineering and Design Solutions Limited, Ian Findlay) Supports the statement 21817641-28bbd5b (Michael Vickers) Supports the general aim of the vision, however there is too much concentration on Livingston as a 'sub-regional centre' <u>Town Centres and Retailing (page 39 para 5.133-5.138)</u> WL/LDP/PP/0238 (Viv Gray on behalf of SNH) Supports multi-functional green network links to town centres from residential areas. Where new town centres are proposed, e.g. Calderwood, theLDP could be clearer that these links are to be delivered in these proposals as they are in existing settlements. <u>Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40)</u> WL/LDP/PP/0236 (Scottish Government) Seek a change to the name of policy TCR 2 to more clearly reflect the range of uses to which the policy applies. Seek a change to the first sentence of the policy to ensure the town centre first sequential approach		

applies to the full range of uses set out in SPP 2014. SPP (2014) widened out the approach to the town centres first approach to apply it also to offices, community and cultural facilities and uses which attract significant numbers of people. This is set out at paragraphs 60 and 68 of SPP (2014).

The section on Local Neighbourhood Centres should be moved up the sequential order set out in the policy, to be on par with Town Centres to ensure the sequential town centres first order is consistent with that set out in SPP 2014.

SPP (2014) places local centres alongside town centres in the sequential approach. The proposed policy TCR 2 sets out a policy approach where local neighbourhood centres are after out-of-centre locations. This is contrary to SPP. The LDP policy should be changed to ensure compliance with national policy.

Policy TCR2 sets out the requirement for Retail Impact Assessments, as set out in SPP2014 paragraph 71, but it does not set out the other requirement in para 71 of SPP2014 that “ Where a new **public building or office with a gross floorspace over 2,500m²** is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out.”

In order to provide consistency of approach, and give certainty to applicants and developers as to the information requirements, request policy TCR2 be changed to add in the requirement for these assessments, as set out in SPP.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

While supportive of the need to protect the viability of town centres, LDP policy is considered too restrictive in relation to local neighbourhood centres. Developments that are solely residential with no other amenities are unlikely to facilitate social interaction or active travel.. The respondent suggests the policy should actively support the development of very small scale retail and local services to promote mixed use areas within neighbourhoods.

Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

Suggest inclusion of a policy that permits restrictions on the numbers of hot fast food and alcohol outlets in town centres and near to schools.

Modifications sought by those submitting representations:

Town Centres and Retailing (Page 9 Vision Statement)

21863501-0bd8a41 (Facilities Engineering and Design Solutions Limited, Ian Findlay) - no modification is proposed

21817641-28bbd5b (Michael Vickers) - no modification is proposed

Town Centres and Retailing (page 39 para 5.133-5.138)

WL/LDP/PP/0238 (Viv Gray on behalf of SNH) - no modification is proposed

Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40)

WL/LDP/PP/0236 (Scottish Government)

Suggested Changes

- Change the name of the policy TCR 2 to 'Town Centres First Sequential Approach'
- The first sentence of the policy should be changed to read:

"New retail, commercial leisure, visitor attractions, offices, community and cultural facilities and other developments appropriate to town centres should be located in accordance with the following sequential approach..."
- The section on Local Neighbourhood Centres should be moved up the sequential order set out in the policy, to be on par with Town Centres.
- After the final paragraph of the policy add in the following ...

"Proposals for a new public building or office with a gross floorspace over 2,500m2 outwith a town centre and contrary to the development plan will require an assessment of the impact on the town centres."

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance) - no modification is proposed

Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance) - no modification is proposed.

Summary of responses (including reasons) by planning authority:Town Centres and Retailing (Page 9 Vision Statement)

21863501-0bd8a41 (Facilities Engineering and Design Solutions Limited, Ian Findlay) - the council notes the comments made, and no modifications are necessary.

21817641-28bbd5b (Michael Vickers) - the council notes the comments made, and no modifications are necessary.

Town Centres and Retailing (page 39 para 5.133-5.138)

WL/LDP/PP/0238 (Viv Gray on behalf of SNH) - the council notes the comments made, and no modifications are necessary.

Policy TCR 2 – Location of New Retail and Commercial Leisure Developments (page 40)

WL/LDP/PP/0236 (Scottish Government) - the council notes the comments and suggested changes and would not object should the Reporter be minded to amend policy TCR 2 as set in this representation. The council proposes to change the title to this policy to reflect the comments made.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

The council notes the comments made. No modifications are necessary.

Policy TCR 3 – Commercial Entertainment and Hot Food Premises (page 11)

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

The council notes the comments made. Whilst the council can introduce a policy aimed at controlling the number of fast food outlets such a policy, this potentially would run contrary to the promotion of town centre activities. Currently no thresholds have been identified which would lead the council introduce such a policy. As such no modifications are necessary.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26Aj	Policy ENV 2 - Housing Development in the Countryside Policy ENV 3 - Other Development in the Countryside	
Development plan reference:	Policy ENV 2 Policy ENV 3	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0209 (RSPB)</p> <p>WL/LDP/PP/0236 (Scottish Government – Development Plan Team)</p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray)</p> <p>WL/LDP/PP/0359 (Wallace Land Investment & Management c/o Geddes Planning)</p>		
Provision of the development Plan to which the issue relates:	<p>Chapter 5 – The Spatial Strategy. Development in the Countryside. Policy ENV 2 (page 42) sets out the circumstances where housing development in the countryside may be permitted.</p>	
Planning authority's summary of the representation(s):		
<p><u>ENV 2 Housing development in the countryside</u></p> <p>WL/LDP/PP/0236 (Scottish Government – Development Plan Team) In accordance with Scottish Planning Policy (SPP2014, CD078, para. 81) and Circular 3/2012 <i>Planning Obligations and Good Neighbour Agreements</i> (CD034) criteria related to occupancy restrictions should be avoided in rural areas.</p> <p><u>ENV 3 Other development in the countryside</u></p> <p>WL/LDP/PP/0359 (Wallace Land Investment & Management c/o Geddes Planning) Suggests that the policy conflicts with proposed LDP Policy HOU 2, Policy 7 of the approved SDP (CD114), and with SPP (paragraph 29) (CD078), which recognise that greenfield sites outwith existing defined settlement boundaries (i.e. in the countryside) may need to be released in the event of a shortfall in the 5-year effective housing land supply. Proposes that the list of circumstances which identify when new housing in the countryside would be permitted is augmented to allow for housing development on unallocated sites in order to avoid creating a barrier to maintaining an effective 5 year housing land supply.</p> <p>WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) Recommend additional text to further clarify the relationship between landscape character and quality / amenity of place.</p> <p>WL/LDP/PP/0209 (RSPB) Notes that the policy includes provision for the redevelopment of brownfield sites and cautions that brownfield sites often support a greater range of biodiversity, especially invertebrates and plants, than undeveloped agricultural land. In this knowledge, it is suggested that any development proposed for brownfield should be required to take into account existing biodiversity features and mitigate against their potential loss.</p>		
Modifications sought by those submitting representations:		

ENV 2 Housing development in the countryside

WL/LDP/PP/0236 (Scottish Government – Development Plan Team)

Criteria 'a' and 'b' should be deleted as highlighted in grey below. In addition, it is requested that Policy ENV 2 should be re-drafted based on Circular 3/2012 where paragraphs 49-51 deal with occupancy restrictions in more detail.

Policy ENV 2 *Housing development in the countryside*

Housing development in the countryside will only be permitted where:

- a. the house is required for a full-time worker in agriculture, horticulture, forestry, countryside recreation or tourism or other rural business; or*
- b. the house is required for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor; or*
- c. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or*
- d. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or*
- e. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or*
- f. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or*
- g. the proposal is supported by the council's lowland crofting policy.*

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character.

The detailed of Supplementary Guidance on "[Development in the Countryside](#)" and "[Lowland Crofting](#)" will apply.

ENV 3 Other development in the countryside

WL/LDP/PP/0359 (Wallace Land Investment & Management c/o Geddes Planning)

The following amendments to the policy text as set out in the LDP are requested; highlighted text reflects additions to the policy.

- g. the proposal is supported by the council's lowland crofting policy. or*
- h. it is a suitable site on the edge of a settlement and the development will contribute to the maintenance of a 5 year effective housing land supply, consistent with Policy HOU 2.*

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed of Supplementary Guidance on "[Development in the Countryside](#)" and "[Lowland Crofting](#)" will apply where relevant.

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) - recommends additional text on 'local amenity' to further clarify the relationship between landscape character and quality/amenity of place.

WL/LDP/PP/0209 (RSPB)

It is suggested that the policy is worded to include a requirement for developers of brownfield sites to take account existing biodiversity features and mitigate their loss.

Summary of responses (including reasons) by planning authority:

LDP policy background

The adopted West Lothian Local Plan (WLLP2009, CD107) has a number of policies which relate directly to proposals for development in the countryside:

WLLP Policy ENV31: *Development in the countryside*

WLLP Policy ENV32: *Particularly strong presumption against proposals for new build development in the countryside*

WLLP Policy ENV33: *Design and development criteria for any conforming proposals*

WLLP Policy ENV34: *Proposals for conversion, sub-division and re-use of existing buildings in the countryside*

WLLP Policy ENV35: *Lowland Crofting*

WLLP Policy ENV36: *Leisure and tourist development rural areas*

These six policies were subsumed into two policies – Policies ENV 2 and 3 - in the Proposed LDP based on a review of policy usage for refusals of planning applications (CDX) which showed that the majority of applications were for residential development in the countryside (most often on greenfield sites). There was also an overall need to reduce and rationalise the number of policies in the Proposed Plan. Hence, the above policies were amalgamated, updated and made more rigorous following best practice and policy guidance.

In addition, Proposed LDP Policy EMP 8: *Tourism* gives additional policy direction for that topic along with other specific policy interests which can be applied and used to assess proposals at the planning application stage in the development process.

WLLP Policy ENV35: *Lowland Crofting* is a particular policy adopted by West Lothian several decades ago to attract development to 'west' West Lothian in response to the lack of development and difficulties for many farms in that area. 'Very low density housing plots', known as Lowland Crofting, which were not available elsewhere in West Lothian with other incentives were established to support the rural economy. It is believed that this policy has largely run its course as there have been no whole farm applications for lowland crofts for over 5 years and has now been brought into the general policy approach to development in the countryside proposals as set out in Policy ENV 2. However, specialist planning guidance on this subject will be updated after a comprehensive survey of all 13 lowland crofting sites is completed and re-issued if the need continues in West Lothian, whilst as a lower priority in the past. The success of this policy is indicative of this part of rural central Scotland's up and coming attractiveness as a place to live and work.

Policy ENV 2 Housing development in the countryside

[See text above in modifications section.]

Policy ENV 3 Other development in the countryside

Development in the countryside will only be permitted where the following guiding principles are taken into account: or

- a. the development is justified for agriculture, horticulture, forestry, countryside recreation or tourism or other rural business use; or*
- b. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or*
- c. the proposal is for the replacement of a building in the countryside which is of a poor design or in a poor structural condition; or*
- d. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing buildings in the countryside; or*
- e. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit.*

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character.

Appendix Five – Supplementary Guidance (SG) and Planning Guidance (PG) of the proposed plan indicates further guidance is to be produced:

Planning Guidance *Development in the Countryside – residential land and various other uses*
Planning Guidance *Lowland Crofting*

ENV 2 Housing development in the countryside

WL/LDP/PP/0236 (Scottish Government – Development Plan Team)

Paragraph 81 of SPP is within the Promoting Rural Development section and gives guidance on the policy approach for ‘accessible and pressurised rural areas’ including a bullet for development plans to:

- *‘set out the circumstances in which new housing outwith settlements may be appropriate avoiding use of occupancy restrictions.’*

Paragraphs 49-51 of Circular 3/2012 *Planning Obligations and Good Neighbour Agreements* (CD034) offers rationale for the avoidance of occupancy restrictions as a mechanism for control of development in the countryside as:

Such restrictions have historically been used particularly in respect of housing in rural areas. Imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. (Circular 3/2012 para. 50)

Circular 3/2012 paragraph 50 further advises that it may be appropriate for planning authorities to ‘consider the need for the development in that location, especially where there is the potential for adverse impacts’ and then to balance ‘the justification against the potential impacts’ based on land management and / or a business case to be assessed against such suggested criteria as:

- *road safety,*
- *landscape quality or*

- *natural heritage etc.*

The council accepts that criteria 'a' and 'b' relating to occupancy restrictions should be removed and suggest replacement with the following criteria:

Revised (a): *the proposal can demonstrate that road safety requirements can be met; public transport access is viable or a strong rationale is provided why this is not feasible; and sustainable and active transport objectives can be achieved as set out in Policies TRAN 1 – 4;*

Revised (b): *the proposal in its entirety offers benefits to landscape quality and character as well as to natural heritage whilst any potential dis-benefits can be shown through assessment to be negligible.*

In addition, a final paragraph needs to be added to emphasise the desirability and efficacy of the submission of evidence to support any case to be made for proposed '*development in the countryside*'.

Additional final paragraph: *It is advised that applications for proposals for the development of housing in the countryside are accompanied by supporting information and documentation such as a business case, land management strategy and other documentation to demonstrate reasons for the relaxation of this policy.*

Despite the closeness of the two policies the council intends to pursue a specialised policy for '*housing development in the countryside*' because this is a very common and often speculative type of planning application received in West Lothian due to proximity to Edinburgh and the attraction of lower land prices. Thus, it is important to control the potential suburbanisation of the countryside as set out in both SPP para. 81 and paragraphs 49-51 of Circular 3/2012.

The council believes that the amendments to Policy ENV 2: *Housing development in the countryside* as set out above will ensure compliance with SPP para. 81 and paragraphs 49-51 of Circular 3/2012.

ENV 3 Other development in the countryside

WL/LDP/PP/0359 (Wallace Land Investment & Management c/o Geddes Planning)

In the event of a shortfall in the 5 year effective housing land supply the council recognises that it may be necessary to give planning permission to proposals for housing development on sites outwith the defined settlement boundaries and it does not therefore object to the principle of amending Policy ENV 2 to reflect this. The council would however, suggest an alternative form of wording to that proposed by the respondent if the Reporter is minded to make a modification:

h. a shortfall has been identified by the council through the housing land audit with regard to the provision of an effective 5 year housing land supply and it has been satisfactorily demonstrated that there are no alternative allocated or unallocated sites within the settlement boundary. Any additional infrastructure required as a result of the development must either be committed or will be funded by the developer.

WL/LDP/PP/0238 (Scottish Natural Heritage c/o Viv Gray) – Policy ENV 3 is unlikely to be applied in isolation and other LDP policies such as Policies DES 1: *Design Principles* and ENV 1: *Landscape Character and Special Landscape Areas*, which when taken together establish the importance of local amenity including the relationship between landscape character and quality and the amenity of place / place-making.

Further iteration and detail for Policy ENV 3 - as well as for Policy ENV 2 - will be forthcoming in planning guidance for the LDP with the working title of "*Development in the Countryside – residential land and various other uses*".

WL/LDP/PP/0209 (RSPB)

The RSPB's comments are essentially a minor refinement of the policy and the council would not take issue if the Reporter was minded to amend it with the addition of text at (c) that introduced a requirement for developers of brownfield sites to take account existing biodiversity features and mitigate their loss.

None other than the changes as set out above in response to Scottish Government representation to the Proposed Plan are suggested.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26AI	Minerals and Waste	
Development plan reference:	Policies MRW 1, MRW 2, MRW 3, MRW 4, MRW 5, MRW 7, MRW 8 & MRW 9 – Minerals and Waste	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>WL/LDP/PP/0167 (The Coal Authority)</p> <p>WL/LDP/PP/0236 (The Scottish Government)</p> <p>WL/LDP/PP/0238 (SNH)</p> <p>WL/LDP/PP/0242 and 21861031-41073c7 (Felsham Planning and Development on behalf of Ineos Upstream Limited)</p> <p>WL/LDP/PP/0243 (SEPA)</p> <p>WL/LDP/PP/0249 and 21867235-e07302f (Ross MacDonald on behalf of Hargreaves Surface Mining Limited)</p> <p>WL/LDP/PP/0214 and 21116167 568db87 (Colliers International on behalf of British Solar Renewables)</p>		
Provision of the development Plan to which the issue relates:	Pages 73 – 78, including policies MRW 1, MRW 2, MRW 3, MRW 4, MRW 5, Proposals Map – search area for open casting Paragraph 5.255	
Planning authority’s summary of the representation(s):		
<p>WL/LDP/PP/0167 (The Coal Authority) - (paragraph 5.255) would have preferred to see the area of search extended to include the whole plan area, however, would assume that the inclusion of the search areas identified has been informed by the views of the mineral industry in this respect and therefore do not object to this matter; support policy MRW 1; seek change to policies MRW2 and MRW 3; supports policies MRW 4 and MRW 5.</p> <p>WL/LDP/PP/0236 (The Scottish Government) – seek a change to policies MRW 1 and MRW 3 in relation to mineral extraction; seek change to policy MRW 8 in relation to waste management facilities and policy MRW 9 in relation to landfill sites to reflect that there is no legal basis for the monitoring of planning conditions which is a statutory function of local authorities.</p> <p>WL/LDP/PP/0238 (SNH) - seek an amendment to clause (f) of policy MRW3 by way of insertion of additional text; advise that it is not clear from clause (f) whether this refers to designated sites or sensitive habitats in the wider countryside. Advise that as it may refer to Natura 2000 sites, with consequent requirements for Habitats Regulations Appraisal at project stage, the recommendation is that the terms used in part f) are clarified.</p> <p>WL/LDP/PP/0242 and 21861031-41073c7 (Felsham Planning and Development on behalf of Ineos Upstream Limited) – seek amendments to policies MRW 2 and MRW 5 to give more positive policy support for onshore hydrocarbons; seeks change to policy MRW 3 to delete reference to onshore oil and gas have a single revised policy MRW 5 to cover onshore hydrocarbons with associated supporting text; support plan led approach however, suggest that the issues and impacts of development proposals should be identified in pre-application discussions with the applicant rather than scrutinising an application against a generic set of criteria that may not be relevant; the</p>		

proposals map should promote such opportunities and should be extended to safeguard PEDL areas; seek additional text to the Glossary to define Onshore oil and gas extraction.

WL/LDP/PP/0243 (SEPA)

Policy MRW 2 – Supporting Principles for Mineral Extraction (page 74) - Policies relating to mineral workings should be consistent with SEPA's guidance relating to air, water and soils ensuring that there are no significant negative impacts on such issues insofar as they relate to our interests. For minerals proposals the development plan should require the submission of a restoration and aftercare plan. As the policy requires this by way of bullet point b, SEPA support its inclusion.

Policy MRW 3 – Impediments to Mineral Extraction (page 74) - SEPA support the specific reference within this policy to the presumption against mineral extraction proposals for peat extraction of where there would be irreversible damage to a peat habitat.

Policy MRW 7 – Waste Management on Construction Sites (page 76) - SEPA support this policy which both incorporates waste minimisation principles within the Plan to ensure that waste generation is minimised during construction, but also ensures that adequate space for waste and recycling facilities within new developments is provided. This will assist the Council in meeting the Scottish Government's Zero Waste goal by maximising the opportunities for waste recycling.

Policy MRW 8 – Waste Management Facilities (page 77) - There is a pressing need to move waste management away from landfill and towards sustainable waste management. Positive planning guidance needs to be in place to help deliver new facilities and infrastructure required to facilitate this move, as well as to support the new methods of waste collection. SEPA support the inclusion of this policy as it will assist the Council in their pivotal role in helping to deliver the national waste targets reflected in the Zero Waste Plan (ZWP) through the provision of a positive policy framework for new infrastructure.

Specifically, SEPA support the following aspects of the policy:

- Identification (and safeguarding of these from inappropriate adjacent development) of existing waste management sites on the proposals maps;
- The clear reference to the waste hierarchy and the associated policy framework which will ensure that applications for new waste management facilities will be assessed against this as well as the Zero Waste Plan, PAN 63 and SPP.
- The policy statement that sites generally considered suitable for waste management facilities include existing or allocated industrial land (specifically Class 5 or 6) and the re-use and extension of existing waste management sites.

SEPA does not comment individually on the proximity of waste sources to waste management facilities nor the need for such waste facilities within a Plan area. Notwithstanding this, it is important that development plans are not restrictive on the source of the waste being managed within waste facilities. As a result, when considering the potential for new waste management facilities SEPA require that LDPs do not restrict the movement of waste to/from respective Plan areas whilst there remains a national shortage in waste infrastructure. As such SEPA require that the Plan be modified to reflect this.

SEPA support the requirement within this policy for the promotion of the recovery of energy from waste, whereby sites are to be designed to enable links to be made to potential users of the heat and/or power generated at such sites.

Policy MRW 9 – Landfill Sites (page 78) - SEPA support the inclusion of this policy which states clearly that new landfills will only be supported where they are required in specific circumstances including where there is a requirement to meet the need for a 10 year rolling landfill capacity as identified in the Zero Waste Plan Regional Capacity Table.

WL/LDP/PP/0249 and 21867235-e07302f (Ross MacDonald on behalf of Hargreaves Surface Mining Ltd) - supports the council's recognition of the importance of coal to the local and national economy, energy security, and of their continued support for the industry; seeks change to policy MRW 3 clause (d) in relation to rail transport opportunities and clause (h) in relation to proposals affecting peat habitat; provides comments on the council's supplementary guidance for minerals.

WL/LDP/PP/0214 and 21116167 568db87 (Colliers International on behalf of British Solar Renewables)

Policy MRW 1 (Minerals, Resources and Safeguarding) and Policy MRW 2(Supporting Principles for Mineral Extraction) are relevant to the entire area at Heartland's as it is designated within the Proposed Plan as an area of search for opencasting. While the policies are not in themselves objected to, the associated designation on proposals Map 4 is.

The Heartland's site benefits from planning consent for a mixed-use development and development at the site is ongoing. In addition, the site is included in the extant and emerging Local Development Plan as a strategic development location. Consequently it is considered that the designation as an area of search is wholly inappropriate. Proposals Map 4 therefore requires to be amended to remove the allocation for opencasting on the site. It is held that to designate land at Heartlands, which already benefits from planning consent for mixed use development, for an area of search for opencasting goes against the Council's own aims set out at Paragraph 5.25 – *"to minimise the impacts on local communities, the environment and the built and natural heritage and ensure the sustainable restoration of sites and their beneficial afteruse."*

Modifications sought by those submitting representations:

WL/LDP/PP/0167 (The Coal Authority) – seek change to policy MRW 2 as follows:

Proposed deleted text shown as strike through text, new text shown in highlighted box

Policy MRW 2 Supporting Principles for Mineral Extraction

Development proposals for ~~open-cast~~ **surface** coal mining, the extraction of minerals, construction minerals, silica sandstone, building stone and onshore gas and oil, (including associated infrastructure), will only be supported where they:

- a. can be demonstrated not to have a unacceptable detrimental impact on communities, the environment, or the economy;
- b. provide for restoration and aftercare to a high standard (including the provision of an appropriate guarantee, such as bonds or other financial guarantees - Policy MRW 3 refers);
- c. provide an appropriate buffer zone between site boundaries and settlements to protect the amenity of houses and occupied properties;
- d. result in the restoration of previously worked areas where the earlier restoration has not been completed to a high standard, or which have left a legacy of ground instability;

e. meet the relevant requirements set out in Supplementary Guidance “Minerals” and

f. satisfactorily address the attendant implications for haulage, including road safety, road cleanliness and the need to minimise nuisance

WL/LDP/PP/0167 (The Coal Authority) Seek change to Policy MRW3 – Impediments to Mineral Extraction as follows:

Proposed deleted text shown as strike through text, new text shown in highlighted box

Policy MRW 3 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

a. where ~~an open cast coal~~ a surface coal mining site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;

b. where there is conflict with any requirement of SPP2014, PAN 50 and its annexes in relation to such sites or other mineral working sites;

c. where there would be an unacceptable environmental impact on individual properties;

d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity or where available rail transport facilities are not utilised;

e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;

f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development;

g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;

h. for peat extraction, or where there would be irreversible damage to a peat habitat;

i. where the development of the site when assessed against other additional workings, ~~opencast coal~~ surface coal mining sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and

j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the LDP.

WL/LDP/PP/0236 - (The Scottish Government) – seek a change to policy MRW 1 to allow the policy to be more consistent with Scottish Planning Policy paragraph 237. The proposed change is as follows:

Proposed deleted text shown as strike through text, new text shown in highlighted box.

Policy MRW 1 Minerals Resources and Safeguarding

Minerals that are, or may be, of economic or conservation value will be protected from development which could prevent or jeopardise their extraction ~~provided~~ **unless** it can be demonstrated:

- by means of an independent assessment, that surface development would neither sterilise the mineral, or be a serious hindrance to its extraction; and that,
- the minerals are otherwise capable of being won in an environmentally sensitive manner.

Prior extraction of minerals should be facilitated and encouraged for any substantial new development sites, in line with national policy, with the aim of preventing sterilisation of minerals.

The prevention of the sterilisation of a particular mineral does not imply a presumption in favour of its working.

There is a presumption in favour of new proposals for construction aggregate extraction which support and maintain a ten year council landbank of permitted reserves required under national policy guidance provided it can be demonstrated that they do not conflict with the terms of other policies set out in this LDP.

There is a presumption in favour of new proposals which support and encourage uptake of secondary and recycled aggregates as part of the overall mineral supply.

WL/LDP/PP/0236 - (The Scottish Government) - seek a change to policy MRW 2 Impediments to Mineral Extraction at criterion (h) to comply with paragraph 241 of SPP, which seeks the protection of areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. NB Policy MRW 2 of the LDP relates to “Supporting Principles for Mineral Extraction” and does not have a criterion h. The council has assumed that the change relates to policy MRW 3 of the LDP which is entitled “Impediments to Mineral Extraction.”

Proposed deleted text shown as strike through text, new text shown in highlighted box.

Policy MRW 2 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

a. where an open cast coal site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;

b. where there is conflict with any requirement of SPP2014, PAN 50 and its annexes in relation to

such sites or other mineral working sites;

c. where there would be an unacceptable environmental impact on individual properties;

d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity or where available rail transport facilities are not utilised;

e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;

f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development;

g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;

~~h. for peat extraction, or where there would be irreversible damage to a peat habitat for peat extraction, in areas that have not suffered historic, significant damage through human activity or where restoration is possible of peatland areas of otherwise low conservation value;~~

i. where the development of the site when assessed against other additional workings, opencast coal sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and

j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the LDP.

WL/LDP/PP/0236 (The Scottish Government) – seek a change to Policy MRW 8 to recognise that there is no legal basis for charging for the monitoring of planning conditions, which is a statutory function of Local Authorities.

Proposed deleted text shown as strike through text, new text shown in highlighted box.

MRW 8 Waste Management Facilities

Existing waste management sites as identified on the proposals map shall be safeguarded from alternative development, except where demonstrated to be surplus or no longer suitable to meet future requirements, or where they have been allocated in the development plan for redevelopment.

Development that is proposed adjacent to or in the vicinity of an existing waste management facility and that would be likely to adversely affect the present or future operation of the facility will not be supported.

Development that is proposed on, adjacent to, or in the vicinity of a site that is identified for provision of a new waste management facility and that would be likely to make the site unavailable

or unsuitable for the provision of the new facility will not be supported.

Applications for new waste management facilities will be assessed against the criteria set out below and against SPP2014, the Zero Waste Plan, Planning Advice Note 63: *Waste Management Planning* with the overall aim being to help deliver infrastructure at appropriate locations and prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal sites. Considered generally suitable for waste management facilities include existing or allocated industrial land, specifically Classes 5: General Industrial and Class 6: Storage or distribution, provided they meet the specified criteria below; and the re-use /extension of existing waste management sites.

- a. the visual and landscape impact of the development including the screening capability from existing and proposed features;
- b. the proximity of adjacent sensitive premises or land uses. In general terms distances should be:
 - 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant; and
 - 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
 - greater than 250m between sensitive receptors and landfill sites.
- c. the hours of operation and the length of the period for which planning permission is sought;
- d. the implications for haulage, including road safety, road cleanliness and the need to minimise nuisance to communities around the site and on the preferred haul routes;
- e. the environmental impact of traffic and any cumulative impact from sites on other road users and communities;
- f. the impact on ground and surface water, the adequacy of site drainage and the treatment of site water to avoid pollution of water courses or ground water;
- g. the protection of infrastructure such as roads, pipelines, cables and drains;
- h. the protection of landscape features;
- i. the steps to be taken to prevent nuisance or environmental deterioration generally, including an assessment of existing and introduced noise, air quality, odour, visual impact, litter, vermin, dust deposition and ground vibration;
- j. the adequacy of the proposed working method to enable the progressive restoration of the site to take place at the earliest opportunity, where appropriate;
- k. compatibility of surrounding land uses;
- l. airport safeguarding;
- m. the opportunity to remediate derelict or contaminated land or abandoned or disused waste management facilities;
- n. the opportunity to recover energy from waste, i.e. sites designed to enable links to be made to potential users of the heat and/or power generated at the site. Proposals will be assessed against

SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum that sets out policy on thermal treatment plants;

o. after-care and restoration where necessary; and

p. there has been an appropriate level of pre-application consultation undertaken with local communities to the satisfaction of the council in accordance with SPP2014 and the Zero Waste Plan for Scotland.

Occasionally, and depending on the particular circumstances of the operations, ~~the council may require an operator to finance the appointment (by the council) of a compliance officer to monitor the site during the currency of the planning permission.~~ The developer or landowner of a landfill site may also be required to lodge a bond to cover performance, restoration and aftercare.

In such circumstances, the council will have regard to and be guided by the Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites Produced by Heads of Planning Scotland.

The developer must appoint an independent assessor, agreed by the council, to advise the council at set stages during the lifetime of the development of the estimate of outstanding liabilities at the site, and the amount of finance to be secured for the sole use of the council. The developer will be required to provide the necessary financial security to address the outstanding liabilities.

WL/LDP/PP/0236 (The Scottish Government)

MRW 9 Landfill Sites

Proposals for new landfill sites for the final disposal of general waste will not ordinarily be supported. An exception would only be supported in specific circumstances where:

a. there is a requirement to meet the need for a 10 year rolling landfill capacity identified within the Zero Waste Plan Regional Capacity Table;

b. it is clearly demonstrated that the proposed operation results in significant environmental benefits to the site or its area;

c. where there are no alternative measures for dealing with the waste;

d. where the waste has been pre-treated; and

e. where the proposal conforms to all other policies of this LDP and the objectives of the Zero Waste Plan for Scotland and SPP2014.

~~The council may require the operators of a site for waste management to finance the appointment, by the council, of a compliance officer to monitor the site during the currency of the planning permission and~~ The council will require either the developer or landowner of a waste management site, and in particular a landfill site, to lodge a bond to cover performance, restoration and aftercare.

The developer must appoint an independent assessor, agreed by the council, to advise the council at set stages during the lifetime of the development of the estimate of outstanding liabilities at the site, and the amount of finance to be secured for the sole use of the council. The developer will be required to provide the necessary financial security to address the outstanding liabilities.

WL/LDP/PP/0238 (SNH) seek a change to (f) of Policy MRW 3

Proposed deleted text shown as strike through text, new text shown in highlighted box.

Policy MRW 3 – Impediments to Mineral Extraction

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

- a. where an open cast coal site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;
- b. where there is conflict with any requirement of SPP2014, PAN 50 and its annexes in relation to such sites or other mineral working sites;
- c. where there would be an unacceptable environmental impact on individual properties;
- d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity or where available rail transport facilities are not utilised;
- e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;
- f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development **Planning permission will only be granted if it can be demonstrated that there would be no adverse effect on the integrity of European site(s), either alone or in combination with other plans or projects. Developers will be required to submit information to support the council in carrying out appropriate assessment;**
- g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;
- h. for peat extraction, or where there would be irreversible damage to a peat habitat;
- i. where the development of the site when assessed against other additional workings, opencast coal sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and
- j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the LDP.

(WL/LDP/PP/0242 and 21861031-41073c7) Felsham Planning and Development on behalf of Ineos Upstream Limited seek insertion of text in the LDP in relation onshore hydro carbons and reference

on the proposals map as follows:

Supporting text - The Department of Energy and Climate Change has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Council's area.

Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.

The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling techniques, these sites can be up to 1km apart.

Exploration and development rights granted through a PEDL create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.

The PEDL licence does not create automatic development rights and the effects may not apply equally across the PEDL area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the PEDL is identified in the Plan and its consequences explained.

Proposed policy to replace existing policy MRW 3 and MRW 5

New policy highlighted in grey text box

Policy MRW5 – Onshore Hydrocarbons

Proposals for the extraction of onshore hydrocarbons – coal bed methane, shale gas and other forms of onshore oil and gas exploration are in the national interest and will be favourably considered in the Safeguarded Areas indicated on the proposals map.

Applications for individual wells or groups of wells as part of the process of exploration and production for onshore unconventional hydrocarbon exploration, the associated interconnecting pipelines and other essential processing or distribution infrastructure to serve more than one development area will be permitted provided significant adverse environmental impacts do not arise.

Applications should be presented with sufficient information to adequately assess the environmental implications of the proposals including field development plans, where possible. Cumulative environmental impacts should be considered and assessed if necessary. Impacts on Natura 2000 sites or European Protected Species will be considered in accord with existing Policies. Conditions and agreements should be attached to planning permissions to ensure the exploration and production operations have an acceptable impact on the local environment or residents. Permissions for wells will be conditioned for the life of the well.

WL/LDP/PP/0242 and 21861031-41073c7 (Felsham Planning and Development on behalf of Ineos Upstream Limited) – seek insertion of text into the Glossary as follows:

Onshore oil and gas extraction includes the following type of development:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.

- Coal bed methane and gas derived from shale reservoirs.

WL/LDP/PP/0249 and 21867235-e07302f (Ross MacDonald on behalf of Hargreaves Surface Mining Ltd) – seek change to policy MRW 3 at clause (d) and relaxation of wording of clause (h) although do not provide wording although seek a relaxation to allow for extraction in and around areas of peat that would benefit from environmental improvement.

Policy MRW 3 – Impediments to Mineral Extraction

Deleted text shown as strikethrough text

Proposals for mineral extraction are less likely to be given favourable consideration in the following circumstances:

- a. where an open cast coal site is proposed within 500m of a community and/or where the relevant planning issues associated with a mineral extraction which would affect a community cannot be offset by regulation through planning conditions or legal agreements;
- b. where there is conflict with any requirement of SPP2014, PAN 50 and its annexes in relation to such sites or other mineral working sites;
- c. where there would be an unacceptable environmental impact on individual properties;
- d. where the traffic generated would create an unacceptable adverse impact on road safety or amenity ~~or where available rail transport facilities are not utilised;~~
- e. where there are inadequate proposals that do not ensure that the land after mineral working is restored to no less quality than prior to the commencement of the development, and where the integrity of designated landscape areas, countryside belts and other locally important landscape features would be compromised and where a site which is visually intrusive after mitigation and would be inter visible with other similar sites when seen from settlements from main transport corridors;
- f. in ecologically sensitive areas or where the long-term biodiversity value of the site would be reduced by the development;
- g. on sites or settings of archaeological, historical or architectural significance, particularly where work would affect ancient monuments or listed buildings, or the setting of a conservation area;
- h. for peat extraction, or where there would be irreversible damage to a peat habitat;
- i. where the development of the site when assessed against other additional workings, opencast coal sites and landfill sites would lead to adverse cumulative impacts that cannot be mitigated. This will be particularly important if there are already two or more operational, or consented, sites of the type described above that could raise similar impacts within 5 km of any nearby community; and
- j. where a proposal would have an adverse impact on an existing business or industry and would conflict with the objectives and policies contained within the Economic Development and Growth section of the LDP.

WL/LDP/PP/0243 (SEPA) – seek change to policy MRW 8 and advise that when considering the potential for new waste management facilities SEPA require that LDPs do not restrict the movement

of waste to/from respective Plan areas whilst there remains a national shortage in waste infrastructure.

WL/LDP/PP/0214 and 21116167 568db87 (Colliers International on behalf of British Solar Renewables)

The respondents seek to have the Heartland's site removed from the search area for open casting and for Proposals Map 4 to be amended to reflect this.

Summary of responses (including reasons) by planning authority:

(WL/LDP/PP/0167) The Coal Authority

In relation to policy MRW2 the council would not object to the name change should the reporter deem it necessary to introduce 'surface coal mining' to replace the words 'open cast coal mining'.

In relation to policy MRW3 the council would not object to the name change should the reporter deem it necessary to introduce 'surface coal mining' to replace the words 'open cast coal mining'.

WL/LDP/PP/0236 (The Scottish Government)

MRW 1 Minerals Resourcing and Safeguarding

The proposed amendment to policy MRW 1 to be more consistent with Scottish Planning Policy paragraph 237 (CDX) is acceptable is the council should the Reporter be minded to amend the policy to reflect the change requested by Scottish Government.

MRW 2 Supporting Principles for Mineral Extraction and MRW 3 Impediments to Mineral Extraction

The proposed amendment to policy MRW 2 is not accepted by the council as Scottish Government has quoted the wrong policy for change. The change is more appropriate for policy MRW 3 to comply with paragraph 241 of SPP (CDX) and is acceptable is the council should the Reporter be minded to amend the policy to reflect the change requested by Scottish Government.

MRW 8 Waste Management Facilities

The text which Scottish Government has asked to be deleted from the policy does not fully appear in the policy as set out on page 77 of the LDP, although there is similar text which is underlined in the extract of the policy (see underlined below):

"Occasionally, and depending on the particular circumstances of the operations, the council may require an operator to finance the appointment (by the council) of a compliance officer to monitor the site during the currency of the planning permission. The developer or landowner of a landfill site may also be required to lodge a bond to cover performance, restoration and aftercare."

It is assumed that the underlined text is that which the Scottish Government seek to amend. The policy as currently worded advises that it 'may' require an operator to finance the appointment of a compliance officer, in recognition that it cannot compel the operator and insist on this. The policy is also drafted in recognition that it may be mutually beneficial for both the council and the waste operator to have such an independent party to verify the conditions of a planning permission. The council does not propose to modify the LDP in relation to this submission.

Policy MRW 9 Landfill Sites

The council agrees that it cannot insist on the appointment of a compliance officer, however, the council has only stated that it **may** require this and would not necessarily be able to insist on this.

However it may be mutually beneficial for both the council and the waste operator to have such an independent party verifying the conditions of a planning permission. The council does not propose to modify the LDP in relation to this submission.

WL/LDP/PP/0238 (SNH)

MRW 3 Impediments to Mineral Extraction

The proposed amendment to policy MRW 3, to provide clarity in the policy, is acceptable to the council should the Reporter be minded to amend the policy to reflect the change requested by SNH.

(WL/LDP/PP/0242 and 21861031-41073c7) Felsham Planning and Development on behalf of Ineos Upstream Limited

MRW 3 Impediments to Mineral Extraction and MRW 5 Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking))

In drafting policies MRW3 and MRW 5 the council has been consistent with the requirements of SPP2014 particularly in relation to policy MRW 5 (CDX, paragraph 240). The council does not propose to amend the LDP in relation to these matters. The proposed amendment to the Glossary is acceptable to the council should the Reporter be minded to amend the Glossary to reflect the change requested in relation to this submission.

WL/LDP/PP/0249 and 21867235-e07302f (Ross MacDonald on behalf of Hargreaves Surface Mining Limited)

MRW 3 Impediments to Mineral Extraction

The council does not accept the proposed changes to policy MRW 3 relating to rail use and peat extraction. In relation to rail transport SPP2014 (CDX) requires that planning authorities address the transport impacts of development. Paragraph 237 makes specific reference to transport impacts arising from minerals developments. Policy principles set out in page 61 of SPP seek to promote the use of rail. Removal of reference to rail transport would be inconsistent with the requirements of SPP.

In relation to areas of peat extraction, paragraph 241 of SPP2014 (CDX) advises that Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible. The council is satisfied that the terms of clause (h) of the policy are consistent with the requirements of SPP.

The council does not propose to amend the policy in relation to this submission.

Supplementary Guidance for Minerals

The supplementary guidance for Minerals was not the subject of consultation. As advised in the LDP the council intends to prepare supplementary guidance in support of the LDP. Draft SG on Minerals was approved by the in October 2015 for consultation (CDX). It is intended to carry out this consultation over the summer as the LDP goes through the Examination process. All comments would be considered by the council and the supplementary guidance reported to the council's Council Executive for approval in support of the LDP. The council does not propose to amend the LDP in relation to this part of the submission.

WL/LDP/PP/0243 (SEPA) – comments noted in relation to policies MRW 2, MRW3, MRW 7 and MRW 9. In relation to MRW 8 the council does not propose to amend the policy as it considered that these matters are addressed in the policy as currently worded.

WL/LDP/PP/0214 and 21116167 568db87 (Colliers International on behalf of British Solar Renewables)

The council recognises the inconsistency of having a strategic development location which benefits from planning permission also identified as an open cast search area. The council would therefore not take issue if the Reporter was minded to amend the search area to exclude the allocated housing site.

Reporter's conclusions:

Reporter's recommendations:

Issue: 26Am	Air Quality in Linlithgow	
Development plan reference:	Policy EMG 4 (Air Quality) and housing site H-LL 11	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>21829599-04bda7a (Dr Tom Brown)</p> <p>2153061-cdb46ce (Eileen McGhee)</p> <p>21798318-76d226d2 (West Lothian Health Improvement and Health Inequalities Alliance)</p> <p>WL/LDP/PP/0243 (SEPA)</p>		
Provision of the development Plan to which the issue relates:	Chapter 5 - The Spatial Strategy (including Policy Framework) Air Quality and Noise (page 70/71) Policy EMG 4 (page 71)	
Planning authority's summary of the representation(s):		
<p>21829599-04bda7a (Dr Tom Brown)</p> <p>Observes that with a further 200 plus new houses there will be an increase in short car journeys (to shops/schools etc.) and that this is likely to have an adverse effect on air quality in the town. Specifically opposes the development of housing allocation H-LL 11 (Wilcoxholm Farm/Pilgrims Hill, Linlithgow for this reason.</p> <p>21543061-cdb46ce (Eileen McGhee)</p> <p>Considers that air quality in Linlithgow is a significant concern and objects to the development of the proposed sites in Linlithgow as they will have a cumulative and detrimental impact upon air quality.</p> <p>21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)</p> <p>Seeks clarification as to what is meant by 'mitigate the adverse effects of development on air quality 'effectively'. Queries whether this means that mitigation measures will ensure air quality meets EU standards.</p> <p>WL/LDP/PP/0243 (SEPA)</p> <p>SEPA Recognises that Local development plans have an important role to play in protecting and improving air quality in Scotland - they provide an important opportunity to address this issue through supporting sustainable transport infrastructure, the location of new development, promoting sustainable places and green infrastructure</p> <p>SEPA support the inclusion of this policy which states that development will not be supported where it is not possible to mitigate against the adverse effects of development on air quality effectively. SEPA also note and agree that development proposals which cause unacceptable air quality or dust impacts, or would result in sensitive uses being located within or close to uses with the potential to generate such pollution will not be supported.</p> <p>SEPA welcome the recognition within this policy of the air quality issues within Linlithgow and Broxburn/Uphall and the promotion of behavioural changes to facilitate a shift to shorter journeys</p>		

and walking/cycling.

Modifications sought by those submitting representations:

21829599-04bda7a (Dr Tom Brown)

Seeks a modification of the Proposed Plan to remove site H-LL 11.

21543061-cdb46ce (Eileen McGhee)

No specific modification is proposed but it is assumed that the respondent opposes the allocation of sites for housing in Linlithgow.

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

WL/LDP/PP/0243 (SEPA)

No specific modification of policy EMG 4 has been sought.

Summary of responses (including reasons) by planning authority:

21829599-04bda7a (Dr Tom Brown)

21543061-cdb46ce (Eileen McGhee)

21798318-76d26d2 (West Lothian Health Improvement and Health Inequalities Alliance)

WL/LDP/PP/0243 (SEPA)

Poor air quality in Linlithgow is largely due to traffic congestion and the council recognises that it has a role to play in the protection of air quality by ensuring that new development does not have an adverse affect. Air quality is also a factor which is integral to the SEA process and which has been carried out in tandem with the Proposed Plan.

With regard to new house building in Linlithgow, the council has had regard to the likely impacts of development on air quality. From the outset, when appraising the candidate development sites, the council intentionally favoured those sites which were most sustainable in terms of location and access to public transport facilities in order to try and mitigate the use of the private car. Reducing the need to travel and promoting use of sustainable modes of transport are key principles underpinning the LDP Strategy. It was subsequently concluded that the sites which have been allocated in the Proposed Plan should not give rise to a significant diminution of air quality but there are in any event measures in place to deal with this.

The council's responses to individual housing allocations in Linlithgow are set out in a separate Schedule 4 (15A).

The council is required to regularly review and assess air quality. Where exceedances of any air quality objectives are considered likely, it must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

A detailed Assessment of Air Quality in Linlithgow has been carried out. The report has been finalised and encompasses modelling of both PM₁₀ and Nitrogen dioxide. The key purpose of the report is to assess the magnitude of any exceedances of PM₁₀ and Nitrogen Dioxide annual mean objectives at locations relevant human exposure may occur.

In light of the Assessment of Air Quality in Linlithgow using the available monitoring data from 2014, the council concluded that it should declare an Air Quality Management Area for the exceedances of the Scottish PM₁₀ annual mean and Nitrogen dioxide annual mean objectives. A consultation on the proposed AQMA for Linlithgow ran from the 7 March 2016 to 7 April 2016.

The views gathered during this period were considered. An Air Quality Management Order was drafted and finalised on the 25 April 2016 declaring an Air Quality Management Area (AQMA) for Linlithgow due to exceedances of both Nitrogen dioxide (NO₂) and fine particulates (PM₁₀). Air quality monitoring stations will continue to monitor air quality in Linlithgow. More information can be found in the [AQMA Order for Linlithgow. \(CDX\)](#)

The next stage is to carry out an assessment to provide the technical justification for any proposed measures to include in an Air Quality Action Plan (AQAP). This will allow the council to:

- calculate more accurately how much of an improvement in air quality will be needed;
- refine its knowledge of the sources of pollution so that the AQAP can be targeted; and,
- take into account, as far as possible, local developments which are likely to affect air quality that were not fully factored into earlier assessments.

The action plan will focus on effective, feasible, proportionate, and quantifiable measures to reduce air pollution in Linlithgow.

Amongst other environmental factors, air quality is thoroughly considered when assessing applications for planning permission. Policy EMG 4 of the Proposed Plan deals specifically with air quality and states that *‘Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively.* Policy EMG 4 also states that *“Where appropriate, developers will be required to provide additional information on the impact of their proposed development on air quality. Development promoting behaviour change programmes in Linlithgow (and Broxburn/Uphall) to facilitate modal shift of shorter journeys to walking and cycling is supported in principle.*

The council is of the view that it has the necessary tools at its disposal to corporately address the issue of air quality in Linlithgow and elsewhere and it does not therefore propose to modify the Plan to remove allocated sites.

Reporter’s conclusions:

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Reporter’s recommendations:



Issue: 26Ap	Other environmental policies.	
Development plan reference:	Policies ENV 5 - ENV 20.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
21859513- 7f4cd71 (Craig Holden)		
Provision of the development Plan to which the issue relates:	Environmental Policies ENV 5 through to ENV 20.	
Planning authority's summary of the representation(s):		
21859513-7f4cd71 (Craig Holden) - supports the environmental policies of the LDP, especially those that aim to conserve habitats and biodiversity (policies ENV 5-20); advises that from the maps provided, the proposed developments have conserved landscape value and protected high biodiversity habitats such as peatlands and woodlands as set out in the plan.		
Modifications sought by those submitting representations:		
21859513-7f4cd71 (Craig Holden) – no modifications are sought.		
Summary of responses (including reasons) by planning authority:		
21859513-7f4cd71 (Craig Holden) - support for the various environmental policies set out in the Proposed Plan is acknowledged.		
Reporter's conclusions:		
Reporter's recommendations:		