

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use BLOCK CAPITALS if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name	MR MALCOLM SNOWIE
		Address	UPHALL BUSINESS PARK, UPHALL, BROXBURN, EH52 5NT
		Postcode	EH52 5NT
		Telephone No. (1)	
		Telephone No. (2)	
		Fax :	
		E-mail :	
	REPRESENTATIVE (if any)	Name	MARK WILLIAMSON
		Address	34 HERMITAGE DRIVE PERTH
		Postcode	PH1 2SY
		Telephone No. (1)	
		Telephone No. (2)	
		Fax :	
		E-mail :	
Please tick this box if you wish all contact to be through your representative.		<input checked="" type="checkbox"/>	
Do you agree to correspondence regarding your review being sent by e-mail? * YES/NO		YES/NO	

PART B	APPLICANT REF. NO.	0694/P/17
	SITE ADDRESS	LAND 250m SOUTHEAST OF CHOTTA CHAR, STATION ROAD, UPHALL STATION WEST LOTHIAN
	DESCRIPTION OF PROPOSED DEVELOPMENT	PLANNING PERMISSION IN PRINCIPLE FOR THE FORMATION OF A PARK AND RIDE CAR PARK INCLUDING ACCESS ROAD & PEDESTRIAN LINK.
	DATE OF APPLICATION	18 AUGUST 2017
	DATE OF DECISION NOTICE (IF ANY)	21 SEPTEMBER 2018

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	
Application for planning permission in principle	✓
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
Application for approval of matters specified in conditions	

PART C	TYPE OF REVIEW CASE	
	Refusal of application by appointed officer	✓
	Failure by appointed officer to determine the application within the period allowed	
	Conditions imposed on consent by appointed officer	

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. **You may also submit additional documentation with this form of which ten copies must be provided.**

* SEE SEPARATE DOCUMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

* ~~YES/NO~~

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **Ten (10)** copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	DOC 1. DECISION LETTER 0694/P/17 21/09/2018
2.	DOC 2. REPORT OF HANDLING 0694/P/17
3.	PHOTOS 1-8 REVIEW SITE DECEMBER 2018
4.	PHOTOS 9-11 UPHALL STATION DECEMBER 2018
5.	MAP 1 SITE LOCATION
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process ask for further information or representations. The procedure adopted will be one or a combination of meetings; adjourned meetings; written submissions; hearing sessions and inspecting the land which is the subject of the review.

Please indicate what procedure (or combination of procedures) you think is most appropriate. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

✓
✓

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* ~~YES~~/NO

Is it possible for the site to be accessed safely, and without barriers to entry?

* ~~YES~~/NO

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

PART E

CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form



Statement of your reasons for requiring a review and matters to be raised



Statement of your preferred procedure



All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.

Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.

*****DECLARATION*****

I, the ~~applicant~~/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed



Date

18/12/2018

* Delete as appropriate

Please return this completed form to :-

Val Johnston
Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Statement

Notice of Review

Planning permission in principle for the formation of a park and ride car park including access road and pedestrian link land 250 Metres Southeast of Chotta Ghar, Station Road, Uphall Station, West Lothian (0694/P/17)

Mr Malcolm Snowie, Uphall Business Park, Uphall, Broxburn, EH52 5NT

Introduction

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 21 September 2018 for a Park & Ride facility in principle close to Uphall Station for the provision of 250 spaces. The reason for refusal is in relation to development in the countryside belt and the impact of the application on local landscape character. (Doc 1)

Background to the review proposal

An application in principle was submitted to West Lothian Council on 18 August 2017 for a Park and Ride facility for Uphall Railway Station, reference 0694/P/17. (Map 1) The context for this application was that at the time of submission this location was allocated in the adopted West Lothian Local Plan 2009 as a Park and Ride facility within an area of white land and that the submission would be in accordance with the adopted local plan. The Review site sits within a parcel of land which is physically screened by an existing landscape framework providing visual containment from the wider surrounding landscape. The Review site was formerly part of land used for the extraction of shale oil which was processed at Uphall Oil Works and which closed in the early 1940's. The wider area was also used for shale oil extraction and the remnants of this industry are still visible today.

The Review site would give short and easy pedestrian access to Uphall Station via the existing public pavement on the B8046 and also via the existing public path and subway to the east of the Review site. The land is made up ground and is not agricultural land. It was noted in the application letter that there was a parking issue in the vicinity of Uphall Station and that this had been highlighted by local councillors. Importantly the Review site for the Park and Ride would be accessed directly off Station Road via the A89 and would contribute towards improving residential amenity in the area around the Station. (Photos 9-11)

Reasons for Refusal and Grounds of the Review

The reasons for the review and matters to be taken into account in the determination of the review refer to the reason for refusal, which states that the proposed Park & Ride would be contrary to countryside policy and would impact detrimentally on local landscape character and settlement setting. The reason for refusal is re-stated below along with the applicant's statement and argument against this reason in support of the review.

“The site is situated outwith the settlement envelopes of Uphall and Uphall Station/Livingston and within the designated Livingston Countryside Belt, as identified in the adopted West Lothian Local Development Plan, 2018 (WLLDP). The WLLDP does not identify a need, in terms of its transport infrastructure requirements, for a park and ride facility at this location. The council is satisfied that the parking requirements for Uphall train station are met by the car parks that are provided at the station itself. Any future requirements would need to be met by extensions in closer proximity to the existing car parks than can be provided for by the application site or by other measures, such as drop-off facilities.

The proposal therefore constitutes unjustified development in the countryside belt which would have a detrimental impact on local landscape character and settlement setting, and a significant adverse impact on the integrity and strategic purposes for which the area was designated.

There is no locational justification for a car park to be situated within the countryside belt and the supporting information submitted by the applicant is not sufficient to justify a departure from the development plan presumption against development in the countryside.

The proposal is therefore contrary to the provisions of both the strategic and local countryside and transportation policies of the development plan, as set out below:

Policy 1B (Development Principles) of the Strategic Development Plan for Edinburgh and South East Scotland 2013 (SESplan);

Policy 8 (Transportation) of SESplan;

Policy ENV1 (Landscape Character) of the West Lothian Local Development Plan 2018 (WLLDP);

Policy ENV3 (Development in the Countryside) of the WLLDP;

Policy ENV7 (Countryside Belts);

Policy TRAN1 (Transport Infrastructure). “

Response to Reason for Refusal

- I It is considered that the Review proposal is a justifiable development within the designated countryside where the context of the site is within a historic mining landscape which is currently characterised by surrounding industrial/employment use and transport corridors running west to east. Transport infrastructure is an acceptable use in the countryside, it needs to be for obvious reasons and Park and Ride facilities are not unusual in edge of town/city locations. In this case the surrounding landscape is not exclusively rural in character and there is a mixture of land uses. As considered previously in the superseded local plan, the Review site was an acceptable location for this type of Park and Ride development being close to existing rail and road transport infrastructure, housing and employment uses. The Review site is physically contained and screened on all sides with tree belts (Photos 1-8)

Transportation

It is noted that the adopted local plan does not identify any requirement for a Park and Ride facility anywhere within West Lothian. This however, does not mean that there is no need for such a facility as suggested. In the refusal reason it is stated that *the council is satisfied that the parking requirements for Uphall train station are met by the car parks that are provided at the station itself*. However as intimated in the Delegated Report WLC Transportation has had discussions with Network Rail regarding improvements and expansion of car parking at the Station itself. It is apparent therefore that WLC Transportation do think it is worthwhile to provide more parking for the Station. (Doc 2)

Improvements in sustainability and efforts to reduce car usage need to be proactive and requires investment to encourage change in attitudes towards continued car usage and provide suitable efficient alternatives, which is in accordance with the policy aims of Policy TRAN1 of the West Lothian Local Development Plan 2018. It is contended here that the Review proposal provides this type of proactive facility which is encouraged by this policy. Comments on the need for the facility are indicated below.

In the response to the Council's Transport Section comments on the application (indicated in italics below) the applicant's Transport Consultant has commented in support of the Review proposal:-

"If we were to accept the first reason which is increased patronage as a reason to increase car park provision then all rail stations require to have increased car parking. This is not going to happen. Alternative options need to be considered, promote walking and cycling infrastructure to the station and consider better local bus provision around the catchment area to and from the station." (WLC)

This comment seems to imply that if additional car parking is provided at one station then it should be provided at them all. Not all stations experience the same parking issues as Uphall, nor have they all experienced the same level of growth in patronage as Uphall. Data from the Office of Road and Rail showed that Uphall was estimated to have had 608,576 passengers in the year 2016/17, compared to 431,242 in the year 2012/13, growth of 41%. That was the second highest growth rate over that period in West Lothian, bettered only by Armadale at 69%. So, given the growth in patronage at Uphall and the lack of parking, it has more of a case for additional parking provision than other stations in West Lothian. While additional walking and cycling infrastructure would be welcome, it's not going to be able to serve all of the potential catchment for the Station. Additional bus links, while also welcome, relies on a bus operator initiating a service (or WLC supporting one) which cannot be guaranteed.

"Capacity on the rail network will restrict passenger numbers and hence people bringing their vehicles to the station. The council will need to consider impacts of alternative methods of taking on the commute to work journey. Promotion of drop off and pick up facilities helps with the need to find parking."(WLC)

Scotrail publish 'how busy is my train' information for some stations. They don't for Uphall but do for Edinburgh Park. All eastbound trains from Uphall call at Edinburgh Park as it's the next station to the east after leaving Uphall. The 'how busy is my train' information for

Edinburgh Park is here

(https://www.scotrail.co.uk/sites/default/files/assets/download_ct/sr1711_edinburgh_park.pdf) and shows that on only three AM peak departures is there “Likely to be limited empty seats” and on all of the remaining trains there are “Likely to be many empty seats”. Of the three where there are “Likely to be limited empty seats” only the 0819 calls at Uphall (the 0853 and 0923 come from Dunblane so don’t call at Uphall). Hence, capacity on the eastbound AM peak trains serving Uphall is not likely to prove a constraint to continued growth of usage of Uphall station.

“Transportation is not convinced that existing parking issues in surrounding streets would be resolved with provision of a new car park due to its location. The distance from the new location to the rail station is further than parking in the housing streets. It is also not something that would be in favour with Police Scotland for the council to consider promoting parking restrictions.” (WLC)

Continued growth in patronage at Uphall station would likely increase the occurrence of parking on the surrounding streets, with vehicles having to seek spare spaces further away from the Station car park than at present. The proposed car park may therefore be closer to the station than future on-street parking and hence more attractive.

“The WLLP Tran 19 required a halt for express coach services with associated park and ride at various points off the motorway network. One of these sites was Uphall Station which was to be used as an interchange for bus, rail and car. However economic circumstances have changed over the years and now the LDP does not have a requirement for such a facility at this location.” (WLC)

Regarding the economic circumstances point, it’s not clear what’s changed in the interim to mean that a Park & Ride is no longer required. As mentioned, patronage data for Uphall Station shows its passenger numbers increasing, so ‘economic circumstances’ therefore are not having too much of an effect there. Also, as noted above WLC Transportation have been in discussion with Network Rail to look at expansion of car parking at the Station.

Development Plan Policy

The reason for refusal concluded that the Review proposal was considered to be contrary to the following policies. Policy 1B and Policy 8 of the SESplan and policies TRAN1, ENV1, ENV3 and ENV7 of the recently adopted West Lothian Development Plan 2018. (Doc 1)

With regard to Policy 1B of SESplan, the Review site is not within or close to any international, national or local designations and classifications such as National Scenic Areas, Special Protection Areas, Special Areas of Conservation or Sites of Special Scientific Interest. It is also not within or close to any international or national built or cultural heritage sites. The Review proposal will improve the quality of life in local communities by providing an opportunity to reduce car usage and pollution through these communities and therefore helping to create a more healthy and attractive place to live. Also, by reducing car travel this will contribute positively to climate change by reducing car emissions.

For these reasons it is considered that the Review proposal is not contrary to the development principles of Policy 1B of SESplan.

Policy 8 of SESplan on Transportation looks in particular to encourage public transport and a more sustainable transport network with reductions in car traffic and encouraging access to public transport. It is considered that the Review proposal for a Park and Ride facility at Uphall Station is in accordance with this policy, by reducing car usage, improving access to public transport and the social and environmental benefits this brings in facilitating a more integrated transport network. In complying with this policy of SESplan it is considered that the Review proposal is also in accordance with Policy TRAN1 of the West Lothian Local Development Plan 2018 which seeks to enhance the environment by active investment in travel infrastructure, public transport facilities and traffic and parking management in its towns and villages.

The Review proposal is not contrary to the policy aims of Policy 8 of SESplan or the policy criteria of Policy TRAN1 of the West Lothian Local Development Plan 2018.

Policy ENV1 of the West Lothian Local Development Plan 2018 discourages development which will significantly and adversely affect local landscape character. As stated previously the landscape context of the Review proposal is characterised by its surroundings which are a mixture of employment uses, transport corridors and housing and it is not 'open countryside' in terms of its surrounding character. The proposed Park and Ride facility will not involve any significant built development in terms of elevations which would be visually apparent, but areas of hardstanding which will be screened from the main public views of it because of the existing tree screening around the site. The Review site is not subject to any special landscape designation and given the character of the Review proposal and the surrounding landscape character there will be no adverse impact on local landscape character as a result of it.

The Review proposal as an example of transportation infrastructure is an acceptable development use in the countryside. As stated previously the Review proposal will not have any significantly adverse impact on the character or appearance of the surrounding area at Uphall, in accordance with Policy ENV3 of the West Lothian Local Development Plan 2018.

Policy ENV7 of the adopted local plan Countryside Belts and Settlements Setting looks to maintain the separate identity and visual separation of settlements and protect their settings. The Review site is situated in an area which is characterised by a mixture of land uses including existing built development, and it is adjacent to busy transport corridors, with the railway and motorway, industrial estates and housing development. The Review site is naturally self-contained and screened and therefore the proposed development will not be visually prominent within the landscape or contribute towards any coalescence of built development which will prejudice the separate identity or visual separation of any settlements in the vicinity of the Review site. The location of the Review proposal is justified being adjacent and therefore in close proximity to the Station. As such, it is considered that the Review proposal will not be contrary to Policy ENV7 of the West Lothian Local Development Plan 2018.

Other issues raised

In the Delegated Report it was stated that a Phase 1 Site Investigation Report and a Drainage Assessment would be required for the site should a consent be forthcoming. Given

that the principle of a Park & Ride facility was acceptable on the Review site under the previous West Lothian Local Plan 2009 designation and that this Review proposal is in principle, it is considered that any site investigation work required to identify possible contamination and a drainage assessment can be conditioned at the in- principle stage and this information can be submitted with a subsequent detailed application.

Conclusions

Contrary to the reason for refusal it is considered that the Review proposal for a Park and Ride Facility is an acceptable use within this area of 'countryside' recently designated in the new West Lothian Local Development Plan 2018. The Review proposal is an acceptable use on this land whether it is land designated as countryside or not, given it's location in relation to existing road and rail transport infrastructure, population and employment. This would have been one of the main reasons for it's designation in the previous local plan.

It is not accepted that there is not a need for the proposal and proactive development projects of this kind are urgently required to encourage more sustainable public transport use which is fully supported both by strategic and local transport planning policy. Furthermore, West Lothian Council Transportation consider that there is a requirement for additional parking at Uphall Station. Importantly, the reduction in car emissions will also contribute positively towards climate change mitigation.

It is considered that the Review proposal is not contrary to Policies 1B and 8 of SESplan or West Lothian Local Development Plan 2018 Policies TRAN1, ENV1, ENV3 and ENV7 and it will not have any significantly adverse impact on the appearance or character of the local landscape.

For these reasons it is requested that the Local Review Body uphold the Review.























McGregor / McMahon
& ASSOCIATES
CONSULTING ENGINEERS

Uphall Industrial Estate

Ref: 133676

Title: Site Location Plan : PROPOSED PARK/RIDE

Scale: Originally drawn at 1:25,000 scale

